

**ADMINISTRATIVE RESOLUTION OF THE BOARD OF DIRECTORS OF
PEACOCK HILL COMMUNITY ASSOCIATION, INC.**

Collections and Nonpayment of Assessments

WHEREAS, the Amended and Restated Declaration of Covenants and Restrictions (the "Declaration"), the By-Laws of Peacock Hill Community Association (the "By-Laws") and the Articles of Incorporation of Peacock Hill Community Association (the "Articles"), collectively known as the Governing Documents, provide that the Lots are subject to the Governing Documents; and

WHEREAS, Pursuant to Article V of the Declaration, Peacock Hill Community Association (the "Association") is authorized to create a regular annual assessment (the "Dues") and levy special assessments to support the operation of the Association; that the Board of Directors (the "Board") is authorized to determine, in accordance with the Articles and By-Laws, the frequency of each installment of the annual assessment and when it shall be due (the "Due Date"); and that such assessments are considered delinquent if not received within 60 days after the Due Date; and

WHEREAS, Pursuant to Article 2, Section (d) of the Articles, the Association is empowered to make appropriate assessments against members of the Association; and to enforce collection of such assessments to the extent provided in the Declaration; and

WHEREAS, Pursuant to Article VIII of the By-Laws, the Board is charged with, on behalf of the Association, establishing the amount of such annual or regular assessments; and that the Association is entitled to collect such assessments owed it by available legal processes; and

WHEREAS, Pursuant to Article 5.06 of the Declaration, and upon further resolution of the Board, the Association may collect and bring an action at law for delinquent payment of assessments owed it; and that any interest or additional cost of such collection, including reasonable attorney's fees, shall be added to the delinquent assessment; and

WHEREAS, Pursuant to Section 55-513 and Section 55-515 of the Virginia Property Owners' Association Act (the "POAA"), the Board shall have the power to establish, adopt, and enforce rules for areas of responsibility assigned to the Association by the Declaration; and provides that a delinquent Owner shall be responsible for the costs of collection, including court costs, and reasonable attorney fees; and

WHEREAS, the Board of Directors has determined that the Association would benefit from a clear outline of procedures in regards to the collection of unpaid or delinquent assessments;

NOW THEREFORE, it is hereby **RESOLVED THAT** the Board duly adopts the following assessment collection procedures:

I. Routine Collections

- a. The amount of the Regular Annual Assessment shall be established by the Board and collected quarterly, in equal installments, with payment due on the first day of each quarter on January 1, April 1, July 1, and October 1. The fiscal year of the Association shall be the twelve month period beginning January 1 and ending December 31.

- b. Non-receipt of a payment notices, coupon book, or other such documents relating to the payment of Annual Assessments or Special Assessments shall not excuse an Owner from the obligation to pay Annual Assessments or Special Assessments. No Owner may exempt himself from liability for Regular Annual Assessments or Special Assessments by abandoning any Lot or by the abandonment of the use and enjoyment of the Common Area.
- c. All notices shall be sent to the Lot address unless the Lot Owner provides the Board with a different telephone number and address, in writing, where the Owner can be contacted.

II. Remedies for Nonpayment of Assessments

- a. **Statement of Account Past Due.**
If payment is not received by the Managing Agent within 60 (sixty) days of the Due Date, a reminder notice in the form of a Statement of Account Past Due depicting all outstanding assessments, and Late Charges shall be sent by First Class Mail, by the Managing Agent to the delinquent Owner.
- b. **Final Notice.**
If payment is not received by the Managing Agent within 45 days of the Statement of Account Past Due, a Final Notice shall be sent by certified mail, return receipt requested, by the Managing Agent to the delinquent Owner demanding payment of the assessment and late charge. The Final Notice shall place the Owner on notice that if the payment is not made within 30 days from the date of the Final Notice; the delinquent account may be referred to legal counsel for the pursuit of legal action. Owners shall be forewarned in the Final Notice of their responsibility for any attorney fees incurred by the Association for collection services.
- c. **Returned Check Charge.**
If the Association receives a check from an Owner which fails to clear the Owner's personal banking account, the Association shall charge the Owner a returned check charge of \$5.00, or the maximum amount permitted by law, whichever is greater. If the Association receives from any Owner, in any fiscal year, more than one returned check for payment of a Regular Annual Assessment or Special Assessment, the Managing Agent shall require all future payments to be made by certified funds or cashier's check for the remainder of the fiscal year.
- d. **Referral to Legal Counsel, Acceleration and Suspension of Privileges.**
Whenever an Owner fails to pay any portion of the Annual Assessment or Special Assessment, the Managing Agent, following resolution of the Board, shall take the following action:
 - 1)The account shall be referred to legal counsel for immediate action.
 - 2)Legal counsel is authorized, without further action of the Board, to take the following action: upon notice to the Owner, a memorandum of lien for unpaid assessments, the past due balance and any accrued late charges shall be

recorded against the title to the Lot and/or, to institute a civil action for judgment against the Owner for unpaid assessments, late charges, attorney's fees and costs. Legal counsel is authorized to take action to collect the unpaid Regular Annual Assessments or Special Assessments.

- 3)The Board may choose to authorize legal counsel to foreclose the memorandum of lien for unpaid homeowner association assessments, pursuant to the Declaration and in the manner provided by the laws of the Commonwealth of Virginia, including the POAA.
- 4)The Board of Directors may suspend an Owner's rights, privileges and benefits of membership, pursuant to Article III of this Resolution, below. If imposed, the suspension shall continue until payment is received in full by the Association.
- 5)Any right or remedy of the Association provided for may be exercised from time to time and as often as may be deemed expedient by the Association. No delay or omission by the Association to exercise any right or remedy provided for herein shall impair any such right or remedy or shall be construed to be a waiver of any delinquency or acquiescence therein.

e. Method of Crediting Payments.

After an account becomes delinquent, payment received from an Owner will be credited to the account in the following order of priority:

- 1)Charges for attorney's fees and court costs.
- 2)Late charges, any interest charges, and returned check charges.
- 3)All other repair or maintenance assessments or charges (pursuant to Section 55-513 of the POAA) for violation by an Owner, his family, employees, agents, tenants or licensees of the Governing Documents and rules and regulations of the Association.
- 4)Any and all Special Assessments.
- 5)The quarterly installments of the Regular Annual Assessments, oldest outstanding first

III. Suspension of Privileges and Imposition of Charges and Sanctions

Once an account is delinquent for forty-five (45) days past the Due Date, the responsible Owner shall no longer be a Member in good standing of the Association and the Owners right to vote shall be suspended until the delinquency is corrected. Such Owners rights and privileges of membership, including the right to general access to, and use of, the Common Area, recreational facilities or services of the Association shall be subject first to the notice and hearing provisions of the POAA as follows:

- a. Before any suspension, the Owner shall be given an opportunity to be heard, to present witnesses and to be represented by counsel before the Board or other tribunal specified in the Governing Documents and rules and regulations of the Association.
- b. Notice of the hearing shall be mailed by certified mail, return receipt requested to the Owner at the address of record with the Association, at least fourteen (14) days prior to the hearing.
- c. The Notice of the hearing shall contain a description of the amount of the unpaid assessments and the provisions of the Governing Documents and rules and regulations of the Association alleged to have been violated. The notice shall also contain a statement of the charges or sanctions that may be imposed.
- d. The Board decision shall be hand delivered to the Owner or mailed by certified mail, return receipt requested, to the Owner at the address of record with the Association within seven (7) days of the hearing; and

BE IT FURTHER RESOLVED, that this Resolution is effective May 1st, 2011, and that a copy of this resolution shall be distributed to the Owners of the Association.

THIS RESOLUTION WAS ADOPTED BY THE BOARD OF DIRECTORS' AS PART OF THE BOARD MEETING AGENDA ON APRIL 13TH, 2011.

Jeffrey G. Mangum
President

Mary Q. Barnes
Secretary

**POLICY RESOLUTION OF THE BOARD OF DIRECTORS OF
THE PEACOCK HILL COMMUNITY ASSOCIATION, INC.**

Procedures for Enforcement of Governing Documents

WHEREAS, the Amended and Restated Declaration of Covenants and Restrictions (the Declaration"), the By-Laws of Peacock Hill Community Association (the "By-Laws") and the Articles of Incorporation of Peacock Hill Community Association, (the "Articles"), collectively known as the Governing Documents, provide that the Lots are subject to the Governing Documents; and

WHEREAS, Pursuant to Article III, Section 3.01 General, of the Declaration, Peacock Hill Community Association ("The Association") is empowered to administer and enforce the provisions of the Declaration and to perform acts as may be reasonably appropriate to effectuate such enforcement; and

WHEREAS, Pursuant to Article V, Section 5.01 General Powers, of the Bylaws, the Board of Directors ("The Board") is authorized to conduct the affairs of the Association, including all corporate powers, as enabled by law, or the Governing Documents; and

WHEREAS, Pursuant to Article 2. Purposes of the Articles, section (e) authorizes the Association to interpret, apply, administer and enforce through its Board of Directors the Declaration; and

WHEREAS, Section 55-513 of the Virginia Property Owners' Association Act, the Board shall have the power to establish, adopt, and enforce rules assigned to the Association by the Declaration; and

WHEREAS, the board has determined for areas of responsibility for management of violations of the Governing Documents and Rules adopted by the Board of Directors, pursuant to Section 55-513 (hereafter such rules are included within the meaning of Governing Documents) that The Association would benefit from a clear illustration of a process;

NOW THEREFORE, it is hereby **RESOLVED THAT** the Board duly adopts the following policy rules in regards to the enforcement of the Governing Documents when there are violations and the process for managing complaints received from members in regards to such violations:

- I. Violations of the Governing Documents must be presented to the Board of Directors in one or more of the following manner:
 - a. By inspection performed by a member of the Board of Directors.
 - b. By inspection performed by the Managing Agent of the Association.
 - c. Addressed in writing to the attention of the Managing Agent by a member of The Association.
- II. Following receipt of a reported violation of the Governing Documents, the Board of Directors shall:
 - a. Determine either in an openly called meeting of the Board or by written unanimous consent of the Board that there is probably cause to believe that a violation has occurred or is occurring.

- b. If it is determined that there is probable cause that a violation exists, the Board shall send notification of the violation to the offending member by regular mail. The notification may be sent by the Secretary of the Association; or, the Board may direct the Managing Agent to send such notice. Such notice shall contain:
 - i. Identification of the violation and how the violation may be resolved.
 - ii. Notification of a time period to cure the violation.
 - iii. Identification of potential actions or sanctions that may be imposed should the violation remain uncorrected.
 - c. If the violation remains unresolved at the conclusion of the identified time period, or if the violation occurs again prior to the end of the identified time period the Board shall notify such member that a Hearing of the Board of Directors will be held in accordance with the Governing Documents and Section 55-513 of the Property Owners' Association Act of Virginia.
 - d. If such violation remains unresolved prior to the scheduled Hearing of the Board of Directors, the member may become subject to the imposition of sanctions by the Board in accordance with the Governing Documents and Section 55-513 of the Property Owners' Association Act of Virginia at such Hearing.
 - e. If at any time the Board determines any such violation has been resolved by the offending member, the Board shall cease all actions against such member.
- III. All reports of violations and the decision regarding such reported violations by the Board shall be kept in the individual private member files of the Association

BE IT FURTHER RESOLVED, that this Resolution is effective May 1st, 2011, and that a copy of this resolution shall be distributed to the Owners of the Association.

THIS RESOLUTION WAS ADOPTED BY THE BOARD OF DIRECTORS AS PART OF THE BOARD MEETING AGENDA ON APRIL 13TH, 2011.

Jeffery G. Mangum, President

Mary Q. Barnes, Secretary

**POLICY RESOLUTION OF THE BOARD OF DIRECTORS OF
THE PEACOCK HILL COMMUNITY ASSOCIATION, INC.**

Rules & Regulations

WHEREAS, the Amended and Restated Declaration of Covenants and Restrictions (the Declaration"), the By-Laws of Peacock Hill Community Association (the "By-Laws") and the Articles of Incorporation of Peacock Hill Community Association, (the "Articles"), collectively known as the Governing Documents, provide that the Lots are subject to the Governing Documents; and

WHEREAS, Pursuant to Article III, Section 3.01 General, of the Declaration, Peacock Hill Community Association ("The Association") is empowered to administer and enforce the provisions of the Declaration and to perform acts as may be reasonably appropriate to effectuate such enforcement; and

WHEREAS, Pursuant to Article V, Section 5.01 General Powers, of the Bylaws, the Board of Directors ("The Board") is authorized to conduct the affairs of the Association, including all corporate powers, as enabled by law, or the Governing Documents; and

WHEREAS, Pursuant to Article 2. Purposes of the Articles, section (e) authorizes the Association to interpret, apply, administer and enforce through its Board of Directors the Declaration; and

WHEREAS, Article VII of the Declaration identifies certain use restrictions of Lots located within the Association; and

WHEREAS, Pursuant to Section 55-513 of the Virginia Property Owners' Association Act, the Board shall have the power to establish, adopt, and enforce rules for areas of responsibility assigned to the Association by the Declaration; and

WHEREAS, the Board has adopted from time to time rules and regulations regarding the restrictions contained in the Declaration and now desires to centralize, clarify and modify the rules and regulations;

NOW THEREFORE, it is hereby **RESOLVED THAT** the Board duly adopts the following rules and regulations in regards to the maintenance of Lots within the Association:

Rules and Regulations applicable to all Peacock Hill

- I. Lot Maintenance and General Property Management
 - a. Lots shall be routinely mowed during the growing season (typically April – November). No condition shall be allowed to exist where grass or weeds exceed ten inches in height.
 - b. Dead trees, branches/sticks and shrubs shall be removed from the landscaped areas and must not be visible from the street.
 - c. Shrubs are to be maintained with occasional/seasonal trimmings.
 - d. Recreational vehicles, commercial vehicles, boats, lawn mowers, trailers, and similar equipment and machines must be kept garaged or screened so as to not be visible from any roadway, common ground or other Lot while not in use and overnight.
 - e. Cars in a state of disrepair (i.e. – on jack supports and missing tires or wheels; missing significant/visible portion of the body or frame, missing windshields or

windows; missing doors; without current license plates; etc...) must be garaged or removed within 72 hours.

- f. Appliances, pieces of equipment or machinery, or other unsightly personal property shall not be left in the yard or visible from any road, common area or other lot in Peacock Hill.
- g. Tarpaulins and any temporary or permanent cover must be earth tones and neatly placed.
- h. Firewood must be neatly stacked and not in random piles.
- i. Parking of vehicles on grass road verges is prohibited except by temporary guests and in emergencies. Please do not park vehicles along the roadways in preparation of snow storms as this prohibits and hinders the snow removal process.

II. Environmental Preservation Board

- a. Fences and walls may be constructed, where allowed by the EPB, of the same materials suggested for housing. Unobtrusive fences will be allowed along with split rail and natural board fences. Barbed wire and galvanized chain link fences are specifically prohibited. The policy of the EPB will be to allow appropriate fencing on private lots where it does not interfere with scenic easements, wildlife trails, the mowing and maintenance of the properties or create unacceptable visual patterns.
- b. Pools may be constructed where allowed by EPB. All EPB regulations and conditions apply. Note: Peacock Hill Community water may not be used to fill or to maintain pool levels.
- c. Cutting and clearing of trees or large shrubs shall be conducted in accordance with EPB Guidelines.
- d. All exterior improvement projects require prior written approval from the EPB. Projects to replace or repair existing exterior components do not require EPB approval if the project consists of replacement with precisely the same type and color of materials.
- e. All projects – whether they are an exterior improvement project or the replacement/repair of an existing component – must be completed within twelve (12) months of their commencement. The EPB may extend this time restriction in the event of an emergency or unforeseen circumstance, in writing and at their discretion.

III. General Property Covenants & Repairs

- a. Homeowners are responsible for the installation and maintenance of their mailboxes & posts. Any maintenance or repairs to mailboxes or posts shall be the responsibility of the homeowner. All mailboxes should be black in color; size is at the homeowner's desire in accordance with U.S.P.S. regulations.
- b. Firearms and pump air guns may not be discharged within the confines of Peacock Hill.
- c. Firearms and pump air guns are not permitted in the common areas.
- d. Dogs shall not be permitted to run free unsupervised. This is to prevent injury to neighbors pets, messes on neighbors property and disturbance of wildlife. Peacock Hill is covered by the County Leash Law Ordinance.
- e. Tennis Courts may be used for Tennis only and only by residents and their guests. No bicycles, roller skates, or skateboards may be used. Only tennis shoes may be used as footwear on the courts.
- f. Operation of off-road vehicles and dirt bikes is prohibited within the confines of Peacock Hill, including lots, roads and common areas.

BE IT FURTHER RESOLVED, that this Resolution is effective May 1st, 2011, and that a copy of this resolution shall be distributed to the Owners of the Association.

THIS RESOLUTION WAS ADOPTED BY THE BOARD OF DIRECTORS AS PART OF THE BOARD MEETING AGENDA ON APRIL 13TH, 2011.

Jeffery G. Mangum, President

Mary Q. Barnes, Secretary