

SOUTH RIDING PROPRIETARY

POLICY RESOLUTION NO. 2001-3

Assessment from Lots Subject to Subassociations

WHEREAS, Article 4, Section 4.1 (4) of the Bylaws for South Riding Proprietary ("Bylaws") grants the Board of Directors ("Board") of South Riding Proprietary (the "Association") the power to adopt, amend and publish rules and regulations not inconsistent with the Association's governing documents;

WHEREAS, Article 6, Section 6.5 of the Declaration for South Riding Proprietary ("Declaration") grants the Board the power to collect Assessments, as that term is defined in Article 1, Section 1. 1(4) of the Declaration;

WHEREAS, Article 6, Section 6.7 of the Declaration grants the Board the power, upon resolution of the Board, to collect certain Assessments directly from Subassociations, as that term is defined in Article 1, Section 1. 1(6) of the Declaration;

WHEREAS, Section 55-515 of the Virginia Property Owners' Association Act, *Code of Virginia* (1950, as amended) (the "Act") charges all lot owners and their tenants, guests and invitees with compliance with the Declaration, Bylaws, Rules and Regulations (the "Governing Documents") of the Association as amended;

WHEREAS, it is the intent of the Board to adopt this resolution providing that certain Assessments be collected directly from the Subassociations, rather than directly from the individual lot owners who are subject to a Subassociation, in accordance with Article 6, Section 6.7 of the Declaration.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Board, on behalf of the Association and as authorized by the Act, the Governing Documents and this resolution, hereby adopts the ability to, and is hereby empowered to, collect certain Assessments as follows:

1. With respect to any Annual or Additional Assessments provided for in Article 6 of the Declaration that are payable by Owners of Lots who are also members of a Subassociation, the Board shall collect such Assessments directly from the Subassociation that also governs such Lots. The payment and collection of such Assessments shall be governed by the provisions of Article 6, Section 6.7 of the Declaration, as further set forth in the numbered paragraphs below.

2. The payment of such Assessments shall be an obligation of such Subassociation, but each Owner shall remain personally liable for the Assessment against such Owner's Lot and each such Lot shall remain subject to a lien for Assessments. The Subassociation is obligated to timely pay to the Association such Assessments for all Lots within the Subassociation, regardless of any delay or failure in payment by an Owner of a Lot. Failure of a Subassociation to timely pay Assessments for all Lots within the Subassociation shall constitute a default by the Subassociation in its obligations under Article 6 of the Declaration.

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3. All notices regarding Assessments against such Lots shall be sent to such Subassociation, but notices of any intention to file a lien on an Owner's Lot shall also be sent to the Owner of the Lot.

4. This resolution shall not limit or waive any of the Association's remedies for nonpayment of Assessments.

5. Any Owner of a Lot subject to the jurisdiction of a Subassociation that did not pay the Assessment levied against such Subassociation hereunder shall have the right to pay the portion of that Assessment attributable to such Owner's Lot directly to the Association, and such Owner's Lot shall not be subject to further Assessment or Lien by the Association or the Subassociation with respect to such Assessment.

6. The terms "Annual Assessments", "Additional Assessments", "Lot", and "Owner", as referenced in this resolution, shall have those meanings set forth in Article 1, Section 1. 1 of the Declaration.

**SOUTH RIDING PROPRIETARY
RESOLUTIONS ACTION RECORD**

Resolution Type: Policy ~~Regulatory~~ No. 2001-3

Pertaining to: Assessments from Lots Subject to Subassociations

Duly adopted at a meeting of the Board of Directors held JANUARY 3, 20 01

Motion by: MR. PLZAK Seconded by: MR. DEI

	VOTE:			
	YES	NO	ABSTAIN	ABSENT
<u>MR. HARRIS</u> Director	<u>X</u>	_____	_____	_____
<u>MR. PLZAK</u> Director	<u>X</u>	_____	_____	_____
<u>MR. GILLIGAN</u> Director	<u>X</u>	_____	_____	_____
<u>MR. DEI</u> Director	<u>X</u>	_____	_____	_____
<u>MR. MACHERON</u> Director	<u>X</u>	_____	_____	_____

ATTEST:

W. G. D.
Secretary

1-03-01
Date

FILE:

Book of Minutes - 2001

Book of Resolutions:

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Special	_____	_____
General	_____	_____

Resolution effective: 2/1/01