THE AMBERLEA AT SOUTH RIDING
CONDOMINIUM UNIT OWNERS ASSOCIATION
Policy Resolution No. 2026-04
(Due Process in Enforcement Cases)

WHEREAS, Article 3, Section 3.1 of the Bylaws of The Amberlea at South Riding Condominium (the "Bylaws") provides that the Board of Directors (the "Board") shall have all of the powers and duties necessary for the administration of the affairs of The Amberlea at South Riding Condominium Unit Owners Association (the "Association") and may do all such acts and things as are not by the Condominium Act (the "Act") or by the Condominium Instruments required to be exercised and done by the Association; and

WHEREAS, §55.1-1959 of the Act provides the Board of Directors with the power to establish, adopt, and enforce rules and regulations with respect to the use of the common elements and with respect to such other areas of responsibility assigned to the unit owners' association by the Condominium Instruments, except where expressly reserved by the condominium instruments to the unit owners; and

WHEREAS, Article 9, Section 9.1(g) of the Bylaws provides that the Board of Directors may levy reasonable charges against unit owners for violations of the Condominium Act, the Condominium Instruments or the rules and regulations by the unit owner, the members of such unit owner's household, or such unit owner's guests, invitees, tenants, agents, or employees; and

WHEREAS, Article 9, Section 9.1(h) of the Bylaws provides that the Board may suspend or revoke a unit owner's privileges for a reasonable period not to exceed the duration of the default or violation if payment of the assessment on the unit is delinquent more than thirty days or for any other violation of the Condominium Instruments or the rules and regulations; and

WHEREAS, §55.1-1959(B) of the Act provides that suspension of facilities or services may only occur once a delinquency in payment of assessments reaches sixty (60) days; and

WHEREAS, §55.1-1959(C) of the Act provides that prior to suspension of services related to a delinquency that a delinquent owner must be provided with due process; and

WHEREAS, for the benefit and protection of all members, the Board of Directors deems it desirable to formally adopt a policy resolution to address and resolve alleged violations of the Condominium Instruments, including failure to pay assessments, via enacting the power to suspend privileges and to establish a procedure for enforcement of the regulations of the Association which are consistent with principles of due process and Virginia law.

NOW, THEREFORE, BE IT RESOLVED THAT the Board hereby adopts the following due process procedures and policies:

I. NOTICE OF VIOLATIONS AND OPPORTUNITY TO CURE

1. On behalf of the Association, the Board and/or Covenants Committee with the assistance of the Management Agent, may issue a violation notice to any Unit Owner whose behavior or use of the common elements or Units violates or appears

to violate any provision of the Condominium Instruments or other duly adopted rules and regulations. Unit Owners are responsible for the actions of their guests, visitors, invitees, tenants and tenant's guests, visitors and invitees.

2. The Board and/or Covenants Committee through the Management Agent shall inform the Unit Owner of a violation through a written first violation notice which may be personally delivered or sent through ordinary first class mail to the Unit Owner's listed address in the Association's records. This first notice shall include: the nature of the offense; cite the specific provision within the Condominium Instruments that has allegedly been violated and, if a continuing violation, state the time period in which the violation must be corrected.

3. If the violation is not corrected within the specified time period as defined in the first violation letter or is repeated, or if the Board and/or Covenants Committee deems expedited proceedings are warranted, the Board and/or Covenants Committee through the Management Agent may send a violation notice advising the Unit Owner that a hearing has been scheduled before the Board and/or Covenants Committee to the Unit Owner's address listed in the Association's records (and the Unit address if different), a minimum of fourteen (14) days prior to the hearing date. If the Unit Owners refuses to sign for the Registered or Certified Mail the mailing is still deemed to have been received. This notice will contain the time and place of the hearing, advise of the right to have counsel attend, as well as the sanctions that may be imposed if the Unit Owner is found in violation such as suspension of privileges, imposition of fines, and/or commencement of a lawsuit for injunctive relief. If a first notice, it shall also contain the nature of the violation, the corrective action required if any which may be taken before the hearing date, and the specific provisions of the Condominium Instruments alleged to have been violated. If the Unit Owner fails to attend the hearing, the Unit Owner will be deemed to have waived his or her right to a hearing.

4. Nothing herein prevents the Board and/or Covenants Committee from issuing multiple violation notices, before a hearing notice is issued.

II. HEARING

1. During the hearing the Board and/or Covenants Committee shall give the Unit Owner a reasonable amount of time to present his or her case. The Unit Owner may have legal counsel at the hearing. If the Unit Owner intends to be represented by legal counsel at the hearing, he or she shall notify the Board and/or Covenants Committee of same at least seven (7) days in advance of hearing date. Failure to do so shall be grounds for the Board of Directors and/or Covenants Committee to postpone the hearing to a future date so that the Association may also arrange for its counsel to be present for the hearing.

2. Following the hearing, the Board and/or Covenants Committee will meet in executive session to discuss the merits of dismissal of the violation or if further action to remedy the situation is necessary. The Board and/or Covenants Committee, through the Management Agent, shall inform the Unit Owner of its

decision by Registered or Certified Mail, Return Receipt Requested to the Unit Owner's address listed in the Association's records (and the Unit address if different) within seven (7) days from the hearing. If the Unit Owner refuses to sign for the Registered or Certified Mail the mailing will still be deemed to have been received.

3. If the outcome of the hearing is not in favor of the Unit Owner, the Board and/or Covenants Committee may suspend membership privileges for so long as an assessment remains unpaid (if the violation pertains to a failure to pay assessments) and/or for such reasonable period in the event of any other violation. The Board and/or Covenants Committee may also impose monetary fines of $10.00 per day for a maximum of 90 days for continuing violations and $50.00 per violation for a single non-continuous violation, or the maximum as set by the Virginia Condominium Act. Finally, the Board and/or Covenants Committee may also pursue a lawsuit seeking injunctive relief in the Circuit or General District Court.

III. MISCELLANEOUS

1. The procedure in this Resolution may be applied to all violations of the Condominium Instruments but does not prevent the Association from using other lawful enforcement procedures and remedies including, without limitation, those contained in the Condominium Instruments.

2. The Association via its Management Agent shall keep written records of all correspondence and actions taken concerning violations of the Condominium Instruments. Such records should include but are not limited to: first violation letters and date sent; response to first violation notice; hearing violation notice with date sent and return receipt; record of hearing proceedings; decision letter with receipt; resolution of violation.

3. Although best efforts will be made to follow the foregoing procedures, any failure of the Board and/or Covenants Committee or the Management Agent to adhere to any of the foregoing requirements shall not constitute a defense nor a waiver of the Association's right to enforce violations of the Condominium Instruments.

4. Nothing set forth herein shall limit or prohibit the Board and/or Covenants Committee from exercising any independent remedies to address non-compliance as set forth in the Condominium Instruments, such as, but not limited to the exercise of self-help remedies pursuant to Article 9, Section 9.1(e) of the Bylaws.

This Resolution shall supersede all other resolutions regarding due process procedures in enforcement cases. The provisions of this Resolution shall become effective October 23, 2026.

THE AMBERLEA AT SOUTH RIDING CONDOMINIUM UNIT OWNERS ASSOCIATION

By: Daniel Vargas
Daniel Vargas, President

RESOLUTION ACTION RECORD
POLICY RESOLUTION NO. 2026-04

Duly adopted at a meeting of the Board of Directors held on October 7, 2026.

Motion by: Daniel Vargas Seconded by: Cypriana McCray

VOTE:	YES	NO	ABSTAIN	ABSENT
Daniel Vargas, President	X			
Robert W. Patton, Vice President	X			
Cypriana McCray, TREASUREL	X			
_____, 7				

ATTEST:

_____ _____
Secretary Date

23rd day of October, 2026

FOR ASSOCIATION RECORDS

This Policy Resolution was sent by first-class United States mail, return receipt requested, to the address of each Member of the Association this 23 day of October, 2026.

THE AMBERLEA AT SOUTH RIDING CONDOMINIUM UNIT OWNERS ASSOCIATION

By: _____
_____, Secretary

Signature: Daniel Vargas
Daniel Vargas (Oct 23, 2026 09:49:19 EDT)
Email:

Signature: Robert W. Patton
Robert W. Patton (Oct 21, 2026 14:30:41 EDT)
Email:

Signature:
Cypriana McCray (Oct 22, 2026 16:04:05 EDT)
Email: