

RESOLUTION OF THE BOARD OF DIRECTORS OF
WESTHAVEN HOMEOWNERS ASSOCIATION
REGARDING ASSESSMENT OF CHARGES FOR RULES VIOLATIONS

WHEREAS, Article VII, Section 1(a) of the Bylaws of Westhaven Homeowners Association gives the Board of Directors the authority to "adopt and publish rules and regulations governing the use of the Common Area and facilities, and the personal conduct of the members and their guests thereon" and to establish sanctions for the infraction thereof;

WHEREAS, Article VII, Section 1(b) of the Bylaws of the Association gives the Board of Directors the authority to suspend the voting rights and right to use of the Common Areas and facilities of a member during any period in which such member will be in default, in the payment of any assessment levied by the Association. Such rights may also be suspended after notice and hearing, for a period not to exceed sixty (60) days for infraction of published rules and regulations; and

WHEREAS, Article VII, Section 1(c) of the Bylaws of the Association gives the Board of Directors the authority to exercise for the Association all powers, duties and authority vested in or delegated to this Association and not reserved to the membership by other provisions of these Bylaws, the Articles of Incorporation or the Declaration;

WHEREAS, pursuant to of the Code of Virginia, the Association has the power, to the extent that the governing documents or the rules and regulations duly adopted pursuant thereto expressly so provide, to assess charges against any member for any violation of the Declaration or the rules and regulations for which a member or his family members, tenants, guests or other invitees are responsible, and

WHEREAS, the Board of Directors finds that it is in the best interest of the Association to adopt a regulation allowing the Board to enforce the rules set forth in the governing documents and the rules and regulations duly adopted pursuant thereto, by the assessment of charges as allowed in Section 55-513 for of the Code of Virginia;

IT IS THEREFORE RESOLVED AS FOLLOWS:

1. The Board of Directors shall have the authority to: (a) assess charges against any owner for any violation of the declaration or rules and regulations for which a owner or his family members, tenants, guests or other invitees are responsible; and (b) suspend a unit owner's right to use facilities or services, including utility services, provided directly through the unit owners' association for nonpayment of assessments which are more than sixty days past due, to the extent that access to the unit through the common elements is not precluded and provided that such suspension shall not endanger the health, safety, or property of any unit owner, tenant, or occupant. Any such suspension shall apply to the tenants, guests and invitees of the Unit Owner.

2. Before any such charges can be assessed or any such suspension can take place, the Unit Owner shall be given notice and an opportunity to be heard and to be represented by

counsel at a hearing before the Board of Directors of the Association.

3. Notice of the hearing shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the member at the address of record with the Association, at least fourteen days prior to the hearing. The notice shall state the sanctions that may be imposed.

4. At the hearing, the member shall be given the opportunity to review the evidence against him/her, to cross-examine witnesses, to make arguments and to present evidence and witnesses on his/her behalf, and to be represented by counsel.

5. The Board may determine the manner in which the hearing is conducted, so long as the rights set forth in this Resolution are protected. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Generally, any relevant evidence is admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used to support a finding.

6. The result of the hearing shall be mailed to the owner, by certified mail, within seven days of the hearing.

7. Nothing in this Resolution shall preclude the Association from undertaking whatever additional enforcement action is authorized by the Declaration and Bylaws of the Association for the violations or for the non-payment of assessments.

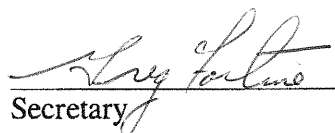
ADOPTED this 22nd day of FEBRUARY, 2007.

WESTHAVEN HOMEOWNERS ASSOCIATION

By:


President

ATTEST:


Secretary