

Beechwood Shores Procedure for Action for Violations of the Bylaws, Covenants, and Restrictions

Responsibility: The property owner is responsible for compliance with the Property Owners' Association Bylaws and Declaration of Restrictive Covenants, and compliance applies to the property owner, property owner's family, guests, and tenants/renters. Perceived violations should be resolved as informally as possible; if that fails, the procedures below should be invoked.

Procedure: When a report of a violation is brought to the attention of the Board of Directors (herein referred to as "Board"), or is perceived by the Board or any member of the Board, the following procedure is acted on:

1. **Validate and Document:** Determine the validity of the perceived violation of the applicable restriction(s), covenant(s) or bylaw(s). Document the nature of the perceived violation in writing, witness as needed. Make reference to the appropriate section(s) of the *Property Owners' Association Bylaws and Declaration of Restrictive Covenants*.
2. **Informal Resolution:** Informally notify the offending property owner of the specifics of the perceived situation and inquire what and when the owner plans to do to correct said situation. Monitor the follow-up action and document it for report at the following Board meeting or sooner if the situation requires. If the violation has not been corrected within 30 days, the property owner will receive formal notification by the Board.
3. **Formal Notification:** If the owner fails to correct the situation, the Board will notify the owner in writing of the perceived violation and invite the owner to a hearing with the Board of Directors to explain his/her position and describe actions to be taken, and by when, to correct the perceived violation. The owner is notified of the subject, time, date and place of the hearing. Notification is hand delivered or sent by certified or registered letter, return receipt, to the address of record with the Association, at least fourteen days prior to the hearing. The owner may be accompanied by counsel if desired. The owner will notify the President of the Property Owners' Association Board of Directors not less than seven days before the hearing if the owner decided to be accompanied by counsel.
4. **Convene Hearing:** At the hearing, the owner is again advised of the violation that precipitated the hearing with the Board and is asked to explain what and when the owner plans to do to correct the situation. After the Board hears the owner, the Board will decide what action it wishes to take and establish a timeline for correction of the violation. In the case of the owner's failing to appear (without notifying the Board), the Board may elect to decide what action it wishes to take.
5. **Board Action:** If the Board decides to assess a financial penalty for the violation, the Board has to determine whether the violation is a one-time offense or is one of continuing nature. The Board shall determine the amount and type (one time or continuous) of the financial assessment to the owner. The amount of any charges so assessed shall not be limited to the expense or damage to the association caused by the violation, but shall not exceed fifty (50) dollars for a single offense or ten (10) dollars per day for any offense of a continuing nature and shall be treated as an assessment against the member's lot for the purposes of Section 55-516 (Virginia Code title 55, Properties and Conveyances, chapter 26, Property Owner's Association Act, Section 55-516 Lien for Assessments).
6. **Documentation and Notification:** The Board will document the action taken and notify the property owner. Notification will include a statement of the findings of the Board, the amount of the assessment, and the legal steps the Board is entitled to take to secure the assessment.
7. **Compliance:** If the violation is not corrected within the established time period, the Board will take whatever legal action they deem necessary to bring the property owner into compliance with the bylaws, covenants, and restrictions.