

SNOWDENS MILL HOMEOWNERS ASSOCIATION, INC.

POLICY RESOLUTION NO. 2013- 01

(Policy Relating to Covenant and Rule Enforcement)

WHEREAS, the lots, improvements and common areas within the Snowdens Mill Homeowners Association, Inc. (the “SMHA”) are governed by a Declaration of Covenants, Conditions and Restrictions (the “Declaration”), which has been recorded in the Land Records of Montgomery County, Maryland at Liber 5338, Folio 462 *et seq.*; and

WHEREAS, the Declaration established restrictions upon the use and enjoyment of common areas and lots in the SMHA by its members; and

WHEREAS, the Declaration requires owners and occupants to abide by the Bylaws and Rules and Regulations adopted by the SMHA; and

WHEREAS, the Board of Directors of the SMHA (the “Board”) is authorized to enforce the provisions of the Declaration, Bylaws and Rules and Regulations; and

WHEREAS, the Board of Directors deems it desirable to adopt a policy which establishes a uniform procedure for enforcement of the provisions of the Declaration, Bylaws and Rules and Regulations;

NOW, THEREFORE, the Board hereby adopts the following Covenant and Rule Enforcement Policy (the “Policy”) which shall govern the enforcement of the Declaration, Bylaws and Rules and Regulations of the SMHA.

A. Cease and Desist Letter

1. Whenever the Board becomes aware of a violation of the Declaration, Bylaws or Rules and Regulations, it will send a “Cease and Desist Letter” to the owner (and, if applicable, the tenant residing at such property) who is responsible for the violation. A sample copy of the Cease and Desist Letter is attached to this Policy as Attachment I.
2. The Cease and Desist Letter shall:
 - a. Identify the SMHA and the Board and shall also recite the Board’s authority to enforce the Declaration, Bylaws and Rules and Regulations on behalf of the SMHA.
 - b. Recite the covenant, bylaw or rule and regulation that is currently being violated by the lot owner (or tenant).

- c. Set forth the facts or circumstances, or both, that establish the covenant, bylaw or rule and regulation violation.
- d. Inform the owner of the action required to cure the covenant, bylaw or rule and regulation violation and bring the property into compliance with the Declaration, Bylaws and Rules and Regulations.
- e. Inform the owner that the SMHA may take further enforcement action against the owner if the covenant, bylaw or rule and regulation violation is not cured within a specified number of days from the date of the Cease and Desist Letter.
- f. Inform the owner that he or she has the option of requesting a hearing before the Board concerning the violation(s) cited in the letter at which the owner will have an opportunity to present testimony, witnesses or evidence, as appropriate, on his or her behalf and to cross-examine any witnesses or evidence, as appropriate, presented on behalf of the SMHA.
- g. Inform the owner that he or she has the right to file a complaint with the Montgomery County Commission on Common Ownership Communities within fourteen (14) days of the date of the Cease and Desist Letter if he or she disagrees with the decision of the Board of Directors.
- h. Indicate the name of a Board member or person designated by the Board whom the owner may contact if the owner has any questions or concerns regarding either the violation or compliance.

B. Second Violation Letter

- 1. If a continuing covenant, bylaw, or rule and regulation violation persists after the time allowed in the Cease and Desist letter to cure that violation, or if a non-continuing covenant, bylaw or rule and regulation violation recurs within 12 months, a Second Violation Letter will be sent to the owner who is responsible for the violation. A sample copy of the Second Violation Letter is attached to this Policy as Attachment II.
- 2. The Second Violation Letter shall:
 - a. Recite the covenant, bylaw or rule and regulation that is being violated by the lot owner (or tenant).
 - b. Set forth the facts or circumstances, or both, that have caused the covenant, bylaw or rule and regulation violation to continue or recur.

- c. Inform the owner of the action required to cure the covenant, bylaw or rule and regulation violation and bring the property into compliance with the Declaration, Bylaws and Rules and Regulations.
- d. Inform the owner that if the covenant, bylaw or rule and regulation violation is not cured within a specified number of days from the date of the Second Violation Letter, the SMHA may take further action against the owner without further notice, including suspending the owner's privilege to use and enjoy the common areas and facilities or imposition of a fine in the case of a violation with respect to the common areas and facilities. Additionally, the letter shall inform the owner that the SMHA may file suit to compel compliance with the applicable Declaration, Bylaws or Rules and Regulations.
- e. Inform the owner that he or she has the option of requesting a hearing before the Board concerning the violation(s) cited in the letter at which the owner will have an opportunity to present testimony, witnesses or evidence, as appropriate, on his or her behalf and to cross-examine any witnesses or evidence, as appropriate, presented on behalf of the SMHA.
- f. Indicate the name of a Board member or person designated by the Board whom the owner may contact if the owner has any questions or concerns regarding either the violation or compliance.

C. Hearings

- 1. Upon receipt of a request for hearing from an owner, the SMHA shall schedule a hearing before the Board to address the issues raised in the Cease and Desist Letter sent to the owner.
- 2. The owner shall be notified of the date, time and location of the hearing at least ten (10) days prior to the hearing date.
- 3. The hearing notice shall also inform the owner that he or she may be present at the hearing and present evidence and witnesses and that he or she will also have the right to cross-examine any witnesses or evidence introduced by the SMHA.
- 4. The owner shall be notified after the hearing of any decision made by the Board with regard to the violation(s) cited in the Cease and Desist Letter to the owner.

D. Sanctions

- 1. If the covenant, bylaw or rule and regulation violation is not cured within the time allowed for compliance in the Second Violation Letter sent to the owner, the Board may elect to file a lawsuit against the owner and/or file a complaint with the Montgomery County Commission on Common Ownership Communities

against the owner to compel him or her to comply with the Declaration, Bylaws or Rules and Regulations. In any such action the Board reserves the right to seek an award of attorney's fees and costs against the owner to the extent permitted by law.

2. If the covenant, bylaw or rule and regulation violation pertains to the exterior maintenance or condition of a lot and the buildings and improvements located thereon, and such violation is not cured within the time allowed for compliance in the Second Violation Letter sent to the owner, the Board may elect to exercise the self-help remedies authorized under Article VII of the Declaration. Such self-help rights include the right to enter upon the lot and correct drainage and repair, maintain or restore the lot and the exterior of the buildings and improvements located thereon. As authorized by Article VII of the Declaration, all costs related to such correction, repair or restoration shall become a lien upon the lot and shall be assessed against the owner of the lot. All such costs shall be collectible as an assessment pursuant to the applicable provisions of the Association's Declaration, Bylaws or rules, regulations or policies.
3. If the covenant, bylaw or rule and regulation violation pertains to the common areas or facilities and is not cured within the time allowed for compliance in the Second Violation Letter sent to the owner, the Board may elect to impose a monetary fine upon the owner if and to the extent permitted by law. Fines may be imposed on a one-time only basis for non-continuing violations or on a per day basis for continuing violations if and to the extent permitted by law. Any such fines would be collectible as an assessment pursuant to the applicable provisions of the Association's Declaration, Bylaws or rules, regulations or policies.
4. Where the violation is of a covenant, bylaw or rule or regulation governing conduct in the SMHA common areas or facilities, the Board may elect to suspend the owner's privilege to use and enjoy the common areas and facilities for as long as the violation occurs, but not for longer than sixty (60) days.

This Resolution supersedes all previously adopted Resolutions and practices governing the enforcement of covenants and rules.

The effective date of this Resolution shall be _____, 2013.

Adopted this ____ day of _____, 2013, by the Board of Directors of the Snowdens Mill Homeowners Association, Inc.

**SNOWDENS MILL HOMEOWNERS
ASSOCIATION, INC.**

By: _____
Everett Casey, President

SAMPLE "CEASE AND DESIST LETTER"
(FIRST NOTICE TO HOMEOWNER)

ATTACHMENT I

SNOWDENS MILL HOMEOWNERS ASSOCIATION, INC.

[DATE]

[NAME OF HOMEOWNER/TENANT]
[ADDRESS OF HOMEOWNER/TENANT]

RE: Snowdens Mill Homeowners Association, Inc.
[ADDRESS OF HOMEOWNER]
Violation of [NAME OF DOCUMENT
DECLARATION/BYLAWS/RULES AND REGULATIONS]

Dear [NAME OF HOMEOWNER/TENANT]:

The Board of Directors (the "Board") of the Snowdens Mill Homeowners Association, Inc. (the "SMHA") is responsible for the enforcement of the Declaration of Covenants, Conditions and Restrictions (the "Declaration"), the Bylaws, and the Rules and Regulations that govern our community.

[CITE PROVISION OF DECLARATION, BYLAWS OR RULES AND REGULATIONS BEING VIOLATED. IDENTIFY PROVISION WITH NAME OF DOCUMENT, ARTICLE AND SECTION NUMBER WHEREVER APPLICABLE]

The Board is aware that [DESCRIBE FACTS AND CIRCUMSTANCES THAT ESTABLISH THE COVENANT, BYLAW OR RULE AND REGULATION VIOLATION]. This is a violation of the [CITE PROVISION FROM PARAGRAPH ABOVE}.

The Board seeks your assistance and cooperation in timely resolving the violation. We believe that timely and cooperative resolution of the violation will contribute to the betterment of our community.

Accordingly, kindly take the following corrective action to cure this violation of the [ENTER DECLARATION, BYLAWS OR RULES AND REGULATIONS]. [SPECIFY THE ACTION REQUIRED TO CURE THE VIOLATION AND BRING THE OWNER'S PROPERTY INTO COMPLIANCE WITH THE DECLARATION, BYLAWS OR RULES AND REGULATIONS].

If this corrective action is not taken within [ENTER NUMBER] days of the date of this letter, sanctions to compel you to comply with the [ENTER DECLARATION, BYLAWS OR RULES AND REGULATIONS] could be imposed and further enforcement action could be taken. Possible future enforcement action and sanctions could include [ENTER THE SUSPENSION OF YOUR PRIVILEGES TO USE THE SMHA'S COMMON AREAS (IF

APPLICABLE), THE IMPOSITION OF A FINE OR] the filing of a lawsuit. Please take the specified corrective action to avoid further enforcement action.

You may request a hearing in writing before the Board of Directors to address the violation(s) cited in this letter. Upon receipt of your written request, you will be notified of the date, time and place of the hearing at which you will have the opportunity to present testimony, witnesses or evidence, as appropriate, on your behalf as well as to cross-examine any witnesses or evidence presented on behalf of the SMHA.

In addition, should you disagree with a decision of the Board concerning the violation(s) described, you may file a complaint with the Montgomery County Commission on Common Ownership Communities. Accordingly, no further action will be taken for fourteen (14) days from the date of this letter.

Should you have any questions, please contact _____ at _____.

Your cooperation in this matter is appreciated.

Very cordially yours,

BOARD OF DIRECTORS
SNOWDENS MILL HOMEOWNERS
ASSOCIATION, INC.

By: _____

cc: Board of Directors

SAMPLE "SECOND VIOLATION LETTER"
SECOND NOTICE TO HOMEOWNER

ATTACHMENT II

SNOWDENS MILL HOMEOWNERS ASSOCIATION, INC.

[DATE]

[NAME OF HOMEOWNER/TENANT]
[ADDRESS OF HOMEOWNER/TENANT]

RE: Snowdens Mill Homeowners Association, Inc.
[ADDRESS OF HOMEOWNER]
Violation of [NAME OF DOCUMENT
DECLARATION/BYLAWS/RULES AND REGULATIONS]

Dear [NAME OF HOMEOWNER]:

On [ENTER DATE OF CEASE AND DESIST LETTER], you were informed that you were in violation of [CITE DECLARATION/BYLAW/RULE PROVISION VIOLATED].

That section states as follows:

[CITE PROVISION OF DECLARATION, BYLAWS OR RULES AND REGULATIONS BEING VIOLATED. IDENTIFY PROVISION WITH NAME OF DOCUMENT, ARTICLE AND SECTION NUMBER WHEREVER APPLICABLE].

As of the date of this letter, the Board of Directors is aware that

[IN THE CASE OF A CONTINUING VIOLATION, INSERT: "you have not taken action to cure the violation as directed in the first notice sent to you on [ENTER DATE]].

[IN THE CASE OF A RECURRING VIOLATION, INSERT: "you have again violated [CITE PROVISION OF DECLARATION, BYLAWS OR RULES AND REGULATIONS BEING VIOLATED - IDENTIFY PROVISION WITH NAME OF DOCUMENT, ARTICLE AND SECTION NUMBER WHEREVER APPLICABLE]].

If you do not [CITE SPECIFIC ACTION REQUIRED TO COMPLY WITH DECLARATION/BYLAWS/RULES AND REGULATIONS] within [ENTER NUMBER] days from the date of this letter, further enforcement action may be taken against you without further notice, including [ENTER THE SUSPENSION OF YOUR PRIVILEGES TO USE THE SMHA'S COMMON AREAS AND FACILITIES (IF APPLICABLE), THE IMPOSITION OF A FINE, OR] the filing of a lawsuit to compel you to comply with the SMHA's [DECLARATION/BYLAWS/RULES AND REGULATIONS].

You may request a hearing in writing before the Board of Directors to address the violation(s) cited in this letter. Upon receipt of your written request, you will be notified of the date; time and place of the hearing at which you will have the opportunity to present testimony, witnesses or evidence, as appropriate, on your behalf as well as to cross-examine any witnesses or evidence presented on behalf of the SMHA.

Should you have any questions, please contact _____ at _____.

Your cooperation in this matter is appreciated.

Very cordially yours,

BOARD OF DIRECTORS
SNOWDENS MILL HOMEOWNERS
ASSOCIATION, INC.

By: _____

cc: Board of Directors

SNOWDENS MILL HOMEOWNERS ASSOCIATION, INC.

POLICY RESOLUTION NO. 2013-61

RESOLUTION ACTION RECORD

Duly adopted at a meeting of the Board of Directors held June 18, 2013.

Motion by: PATRICIA BROCKWAY Seconded by: JOSEPH TAHAN

	VOTE:			
	YES	NO	ABSTAIN	ABSENT
<u>Eveet Casey</u> President	✓			
<u>Joseph Tahan</u> Vice President	✓			
<u>Lucille Montello</u> Treasurer	✓			
<u>[Signature]</u> Secretary	✓			
<u>Paulo Echeta</u> Director	✓			
Director <u>Dennis Holderz</u>				✓
Director <u>KASSA KEBEDE</u>				✓

ATTEST:

[Signature] Secretary 6/18/13 Date

Resolution effective: June 18, 2013.