

**SNOWDENS MILL HOMEOWNERS ASSOCIATION, INC.  
RESOLUTION FOR ENFORCEMENT**

**POLICY RESOLUTION NO. 2020-01**

**WHEREAS**, the Board of Directors of Snowdens Mill Homeowners Association, Inc. (“Association”) has determined that a formal policy setting out a mechanism for addressing and enforcing violations of the Declaration, Bylaws, Articles of Incorporation, and Rules and Regulations (collectively, “Governing Documents”) by an Owner, his guests, residents, relatives, tenants, lessees, and/or invitees is necessary and appropriate;

**NOW, THEREFORE, BE IT RESOLVED** that Policy Resolution No. 2013-01 and any previously adopted rule or policy regarding the enforcement of violations are hereby rescinded and the Board of Directors hereby resolves to promulgate the following policy and procedure for the enforcement of violations in accordance with the Governing Documents:

A. Action by the Board of Directors.

1. The Board of Directors may, in exercising their discretion, act on any information relating to a grievance or violation of the Governing Documents that comes to their attention, with or without a formal complaint. Notwithstanding the foregoing, the Board of Directors may initiate action on its own if it believes such action is warranted.
2. In the event of an alleged violation of the Governing Documents, the Board of Directors may send a written notice of violation to the alleged violator. Each recurrence of the alleged violation(s), or each day during which the violation(s) continues, shall be deemed a separate violation.
3. If the violator is a lessee, renter or other non-member resident, the Owner shall be sent a copy of any written notices or demand letters.

B. Hearing.

1. In the event that the alleged violator fails to comply as provided in the written notice of violation, the Board of Directors may schedule and hold a hearing in connection with the alleged violation and/or complaint.
2. The Board of Directors will provide the alleged violator a written notice of the hearing, which shall state that the alleged violator has the right to present evidence and present and cross-examine witnesses at the hearing, and that the alleged violator may also be represented by counsel.
3. The hearing shall afford the alleged violator a reasonable opportunity to be heard.

4. Proof of notice may be placed in the minutes of the meeting. This proof shall be deemed adequate if a copy of the notice, together with a statement of the date and manner of delivery, are entered. The notice requirement shall be deemed satisfied if the alleged violator appears at the hearing.
5. The alleged violator will be given written notice of the Board of Director's decision, including any sanction(s) that the Board of Directors has decided to impose.
6. The notice of the Board of Director's decision must also include the following statement, or such other notice to the extent required by law:

Upon receipt of the notice of Board of Director's decision, pursuant to Section 10B-9(d) of the Montgomery County Code, the appropriate Owner/resident may file a complaint with the Montgomery County Commission on Common Ownership Communities appealing the Board of Director's decision.

C. Liability for Damages.

If any Owner or violator fails to comply with the Governing Documents or a decision of the Board of Directors rendered pursuant to this policy and procedure, the Board of Directors may seek enforcement by suing for damages that is caused by the Owner or violator's failure to comply or for injunctive relief, or both.

D. Effect of Failure to Enforce Provision.

The failure of the Association to enforce a provision of the Governing Documents on any occasion shall not be considered a waiver of the right to enforce said provisions on any other occasion.

E. Penalties.

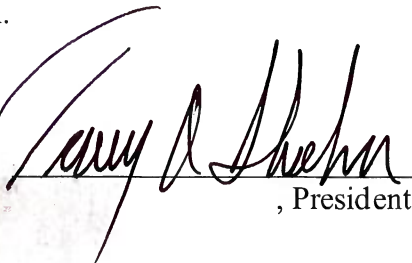
If the Board of Directors finds that a violation has occurred, it may impose sanctions against the appropriate Owner(s), including, but not limited to:

1. Filing an injunction suit against the violator to request a court order compelling abatement of the violation(s) and/or filing an action with the Montgomery County Circuit Court or Montgomery County Commission on Common Ownership Communities seeking relief for the violations noted. Any such actions will include a claim for any and all costs and fees incurred to remedy the violations, as permitted by law. Also, each recurrence of the alleged violation(s), or each day during which the violation(s) continues, shall be deemed a separate violation.

2. In the event an Owner of any Lot fails to maintain the Lot and the improvements situated thereon, the Association may exercise its right under Article VII, Section 1 of the Declaration to enter the Lot to correct drainage and to repair, maintain and restore the Lot and the exterior of the buildings and any other improvements erected thereon. All costs related to such correction, repair or restoration shall become a lien upon the Lot, and such lien may be enforced in the same manner as an annual assessment levied in accordance with Article IV of the Declaration.
3. Pursuant to Article II, Section 1(b) of the Declaration and Article VII, Section 1(b) of the Bylaws, the Association may exercise its right to suspend an Owner's voting rights and right to use the recreational facilities for a period not to exceed 60 days, after notice and a hearing.
4. The Board of Directors may impose additional sanctions as permitted under the law and/or its Governing Documents.
5. The policy and procedure outlined in this Resolution may be applied to all violations of the Association's Governing Documents, but not preclude the Association from exercising other enforcement procedures and remedies authorized by the Governing Documents, including, but not limited to, the initiation of suit or self-help remedies. Consistent with Article IX, Section 1 of the Declaration, the Association shall have the right to enforce, by any proceeding at law and/or in equity, all restrictions, conditions, covenants, reservations, or other obligations imposed by the Governing Documents.
6. Notwithstanding the foregoing, the Board of Directors may forego any of the enforcement procedures set forth herein and proceed directly with legal action through the courts, or otherwise as may be permitted by law.

This Resolution was adopted this 11 day of December, 2020 and shall be effective upon adoption.

Witness:

  
\_\_\_\_\_  
, President

Attest:

  
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, Secretary