



November 22, 2017

Dear Hiddenbrook Homeowner,

Enclosed is the proposed amendment to the Association's Declaration document. The Hiddenbrook Board is proposing that the community members consider approving this amendment to enable the imposition of charges for violations of the Association's governing documents or the Virginia Property Owner's Act. Although the Virginia Property Owner's act gives Associations the authority to assess fines for violations, recent case law has set the precedent that in addition to the authority given by State Statute, Association's must also have the authority to impose fines as outlined in their Declaration. We'd like to share with you some of the reasons behind the decision to propose this change.

Our community is aging, and with age, comes an increased need to maintain and make improvements on our properties. When maintenance, as outlined in our architectural guidelines document, is determined to be necessary, the Association sends a letter to the lot owner, typically accompanied by a photo for reference. The owner is requested to make the repairs or changes within a reasonable timeframe provided to accomplish the request. Often, the homeowner abides by the request; However, there are times when an owner ignores the request. At this point, the association sends a second letter. Further action is not usually enacted until all other communications have failed. Within the structure of the current Declaration document, the Board has little recourse to uphold Article IV (Purpose and Powers of the Association), should an owner remain out of compliance.

Any uncorrected violations will remain in the lot owner's file and if the home goes up for sale, this information is included in the sale disclosure packet. At this point, the buyer may request that the repairs be made prior to the purchase.

The Association can also take legal action and obtain a court order requiring the owner to come into compliance. This is obviously an expensive and time-consuming endeavor and as such, the Association has preferred to avoid this course of action.

The prior and current Hiddenbrook Board(s) have received feedback from residents requesting to see improved compliance within the neighborhood. Adherence to the Association's established guidelines protects property values and upholds the general rules and regulations put in place for our community at the inception of our homeowner's association.

If the community votes in favor of the amendment, the Board will immediately implement a due process policy as required by Virginia Law. This means that before the assessment of any fines, owners will receive adequate time to correct any violations and would have the opportunity to request a hearing with the Board to present their case and discuss any concerns that they have regarding the violation.

The goal would be to avoid imposing fines but instead to garner compliance. If a violation is corrected in the timeframe allotted, then no fine would be imposed. In other words, just because a violation is noted, does not mean a fine would automatically be assessed without due process.

The ARC committee, along with the Property Manager typically perform bi-annual and community-wide inspections. The intent has always been to avoid being overzealous and to evaluate every lot (including those of Board members) from a fair and equitable perspective. This approach to the property inspections will continue as required by state law.

Once the due process is completed, if the Board determines fines are necessary, the Association would follow the fine structure outlined in the Virginia statutes. The charges would be \$10/day for a single, uncorrected item or \$50/occurrence for any recurring item, with a maximum of \$900.

The primary goal is to provide timely and clear communications as the first tool of resolving any issues and the prospect of assessing any fines is a last resort.

We would like to invite homeowners who have questions about the proposed amendment to attend the Board meeting on December 13, 2017 at 7:30pm or the annual meeting on January 16, 2018 at 7pm, to discuss this proposed change and learn more. Let's work together to maintain our neighborhood and protect our property values!

PROPOSED AMENDMENT TO THE DECLARATION:

ARTICLE IV PROPERTY RIGHTS

Section 1. Members' Easements of Enjoyment. Every member shall a right and easement of enjoyment in and to the Common Area and such easement shall be appurtenant to and shall pass with the title to every assessed Lot, subject to the following provisions:

(a) The right of the Association to limit the number of guests and members;

(b) The right of the Association to charge reasonable admission and other fees for the use of any recreational facility situated upon the Common Area;

(c) The right of the Association, in accordance with its Articles and By-Laws, to borrow money for the purpose of improving the Common Area and facilities and in aid thereof to mortgage said property and to acquire property encumbered by deed of deeds of trust securing improvements on said property;

(d) The right of the Association to assess reasonable fines against any member for any violation of the Virginia Property Owners Association Act ("Act"), Declaration, Bylaws, or the rules and regulations adopted thereto for each separate violation. No fine may be levied unless and until the procedures as required by the Act have been followed. The Board may assess the member for the maximum amount as permitted by the Act and fines imposed pursuant to this subsection shall be treated as an assessment. In addition, the Board may -suspend the voting rights and right to use of the recreational facilities by a member for any period during which any assessment against his Lot remains unpaid; and for a period not to exceed ninety (90) days for any violation of the Act, Declaration, Bylaws, or the rules and regulations adopted thereto~~infraction of its published rules and regulations.~~

Please complete the form below:

I/We, _____, the owner(s) of the Lot located at
Please Print Clearly

_____ Herndon, Virginia hereby;
Please Print Clearly

(_____) **APPROVE** the proposed amendment

OR

(_____) **DISAPPROVE** the proposed amendment

Signature

Date

Signature

Date

Printed Name

Printed Name

By signing this form, you affirm that you have the right to vote on behalf of all owners of record of the lot. Please return this form to:

**Hiddenbrook Homes Association
PO BOX 582
Herndon VA, 20170**