

**Resolutions & Policies**  
**Indian River Farms Owners Association**

**RESOLUTION 2004-1**  
of  
**THE BOARD OF DIRECTORS**  
of  
**INDIAN RIVER FARMS OWNERS' ASSOCIATION**

(Adoption of Rules and Regulations and Architectural Guidelines;  
Enforcement of the Declaration, Bylaws,  
Rules and Regulations and Architectural Guidelines)

This RESOLUTION 2004-1 is made this 13<sup>th</sup> day of June, 2006, by the Board of Directors (the "Board") of Indian River Farms Owners' Association (the "Association").

**WHEREAS**, Article VII, Section 7.1(o) of the Association's Declaration and Article IV, Section 4.2(f) of the Association's Bylaws authorize the Board to enact and amend rules and regulations governing the use of the Association's Common Areas, to regulate potential problems relating to the use of the Association's properties and the well-being of the Association's Owner-Members, including the personal conduct of the Owners, their tenants, guests, invitees and licensees ("Rules and Regulations"); and

**WHEREAS**, Article VI, Section 6.6, of the Association's Declaration authorizes the Architectural Review Board to establish guidelines and standards governing structures, improvements and landscaping of the Lots in the Association ("Architectural Guidelines"); and

**WHEREAS**, Article IV, Section 4.2(i) of the Association's Bylaws requires the Board to enforce the provisions of the Association's Declaration, Bylaws, Rules and Regulations and Architectural Guidelines; and

**WHEREAS**, Section 55-513.B of the Code of Virginia, 1950, as amended (a provision of the Property Owners' Association Act), empowers the Board to engage in enforcement activities set forth in that Section to the extent to the Association's rules and regulations expressly so provide; and

**WHEREAS**, the Board has determined it is in the best interests of the Association to adopt Section 55-513.B's provisions and to establish the procedures by which the provisions of the Association's Declaration, Bylaws, Rules and Regulations and Architectural Guidelines will be enforced; and

**WHEREAS**, the rules, regulations and procedures adopted pursuant to this Resolution 2004-1 shall be effective three (3) calendar days after the date a copy of this Resolution is mailed to the Association's Owners as set forth in the cover letter accompanying the Resolution.

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**NOW, THEREFORE**, be it resolved that this Resolution 2004-1 shall be adopted to set forth the following:

A. Adoption of Section 55-513.B of the Property Owners' Association Act (POAA): The Board hereby adopts the provisions of Section 55-513.B of the POAA as set forth in Exhibit A attached hereto.

B. Enforcement of the Declaration, Bylaws, Rules and Regulations and Architectural Guidelines:

1. **Collection of Assessments.** Collection of Assessment shall be conducted as set forth in Resolution 2004-2 of the Board of Directors of Indian River Farms Owners' Association, as the same may be amended from time to time.

2. **Violations of the Declaration, Bylaws, Rules and Regulations and Architectural Guidelines:**

a. An Owner will be issued a written warning upon identification of a violation by the Association Manager or by any Owner, and will be given ten (10) days from the date of the written warning to correct the violation.

b. If, upon inspection, the same violation has not been corrected, the Owner will be issued a second written warning and will be given ten (10) days from the date of the second written warning to correct the violation.

c. If, upon inspection, the same violation has not been corrected, the Owner will be issued a notice of the date, time and location of a due process hearing to determine the reason(s) for noncompliance. The notice shall be hand delivered or mailed by registered or certified mail, return receipt requested, and shall contain a statement setting forth the violation and the possible charges or other sanctions that may be imposed.

d. All hearings will be before the Board of Directors in Executive Session. The Owner will be given sufficient time to explain pertinent facts and may have other persons testify on his or her behalf concerning the issues related to the violation. The Owner may be represented by counsel.

e. The Board shall deliberate in Executive Session and shall, based upon the facts known, render a decision concerning the violation.

f. If a charge is to be imposed, that charge will not exceed a maximum of \$50.00 per single violation and up to \$10.00 per day for a violation of a continuing nature, for a maximum of ninety (90) days.

g. The Owner will be notified, in writing, of any charge imposed by the Board and the date such charge is due and payable. The hearing result will be hand delivered

or mailed by registered or certified mail, return receipt requested, to the Owner within seven (7) days of the due process hearing.

h. All charges imposed shall be treated as an assessment against the Lot and shall be collected in accordance with the Collections Procedure set forth in Resolution 2004-2 of the Board of Directors, as the same may be amended from time to time.

INDIAN RIVER FARMS OWNERS' ASSOCIATION

By: George F. Hall, Jr.  
George F. Hall, President

ATTEST:

Sun-Siret Medina  
Sun-Siret Medina, Secretary

Date: 6/13/06

**INDIAN RIVER FARMS OWNERS' ASSOCIATION**  
**Final ARB Appointment Rule**  
**Adopted by the Board of Directors on May 9, 2006**

In accordance with Article VI, Section 6.1, of the Association's Declaration, the Architectural Review Board ("ARB") shall be composed of three (3) persons and may include one (1) alternate, all persons to be appointed by the Association's Board of Directors for such terms as may be determined by the Board. At the first regular Board Meeting following each Annual Meeting, the Board shall review the composition of the current ARB and statements received from interested Owners to serve on the ARB, if any, and shall announce the ARB's appointments at that time.

**INDIAN RIVER FARMS OWNERS' ASSOCIATION**  
**Final Common Area Destruction Rule**  
**Adopted by the Board of Directors on May 9, 2006**

In accordance with Section 4.5 of the Association's Declaration, any Common Area damage, destruction and/or disturbance ("damage") shall be the financial responsibility of the Owner if the damage is, in the sole discretion of the Board of Directors, caused by any Owner, the Owner's family members, tenants, guest, invitees, agents (including but not limited to contractors working on behalf of an Owner). The Board shall determine the manner and method by which such damage shall be repaired, all such costs to be assessed to the Owner if, after notification by the Association of the existence of and manner for repair, the Owner fails to achieve acceptable repair of the damage. Such assessment shall be imposed and collected in accordance with the Association's Declaration, Bylaws and the applicable provisions of Virginia's Property Association Act.

No Owner shall utilize any Common Area by transporting construction equipment and/or materials, or causing the same to occur, without prior written permission of the Association's Architectural Review Board and/or the Board of Directors.

**INDIAN RIVER FARMS OWNERS' ASSOCIATION**  
**Proposed Addition to Architectural Guideline 13**  
**Approved by the Board May 9, 2006**

13. Landscaping. Rule (e), Lake ("BMP") Maintenance Easement Landscaping, shall be amended by adding a new provision regarding mowing, the revised provision to read as follows:

(e) Lake ("BMP") Maintenance Easement Landscaping.

(i) In addition to adherence to all applicable federal, state and local laws regarding BMPs, property owners of deeded BMPs ("Lake Lot Owners") shall be responsible for proper maintenance of BMPs, to include but not limited to, proper establishment and management of plants and vegetation, as well as proper erosion, sediment and conservation controls.

(ii) All Lake Lots Owners must keep the BMPs mowed to a height between four inches (4") to six inches (6"). This height requirement covers the top of the bank down to the waterline or rip rap, whichever is higher. All emergent plants (aquatic plant that is rooted in sediment but has leaves at or above the water) must be removed.

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(Adoption of Rules and Regulations and Architectural Guidelines;  
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Rules and Regulations and Architectural Guidelines)

Exhibit A: Section 55-513.B of the Code of Virginia, 1950, as amended  
(a provision of the Property Owners' Association Act)

B. The board of directors of the association shall also have the power, to the extent the declaration or rules and regulations duly adopted pursuant thereto expressly so provide, to (i) suspend a member's right to use facilities or services, including utility services, provided directly through the association for nonpayment of assessments which are more than sixty days past due, to the extent that access to the lot through the common areas is not precluded and provided that such suspension shall not endanger the health, safety, or property of any owner, tenant, or occupant and (ii) assess charges against any member for any violation of the declaration or rules and regulations for which the member or his family members, tenants, guests, or other invitees are responsible.

Before any such charges or suspension may be imposed, the member shall be given an opportunity to be heard and to be represented by counsel before the board of directors or other tribunal specified in the documents. Notice of a hearing, including the charges or other sanctions that may be imposed, 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 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 dollars for a single offense or ten 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 § 55-516. However, the total charges for any offense of a continuing nature shall not be assessed for a period exceeding ninety days. After the date a lawsuit is filed challenging any such charges, no additional charges shall accrue. If the court rules in favor of the association, it shall be entitled to collect such charges from the date the action was filed as well as all other charges assessed pursuant to this section against the lot owner prior to the action.

The hearing result 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 within seven days of the hearing.

## Indian River Farms Homeowners Association

### Policy for Records Inspections and Cost Schedule

Adopted by the Board of Directors of the Association on June 12, 2012

1. In accordance with §55-510(D) of the Virginia Property Owners Association Act, prior to allowing inspection and/or providing copies of any books and records to a member of the Association who requested the same in accordance with the provisions of §55-510 and §13.1-933 of the Code of Virginia, as amended, the Association shall impose and collect a charge for both of the following:

a. for the labor costs associated with the Association's employees and/or agents complying with such copying and production:

Seventy five dollars (\$75.00) per hour charged by the quarter hour

b. for the costs of materials, 13 cents per page, for the cost of black and white copies, and \$1.00 per page, for the cost of color copies. Copies of documents larger in width and/or length than standard (8 1/2 x 11) copy paper and/or legal-sized paper shall be charged at a rate that shall be determined by the Association in its discretion, but in no case shall the rate be greater than the actual copying cost thereof.

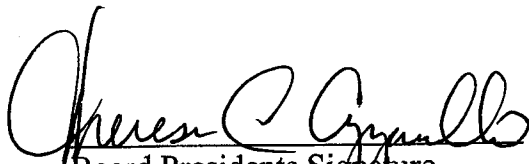
2. This cost schedule shall apply equally to all members of the Association in good standing and this schedule shall be provided to a requesting member at the time a request is made.

3. Inspection and/or copy services shall be commenced only after an owner has complied with the requirement of Section 55-510 B which requires that the request is for a proper purpose related to membership in the Association

4. The right of examination may be exercised only during business hours at the office of the association and upon at least five (5) days written notice reasonably identifying the purpose for the request and the specific books and records requested.

5. The furnishing of records is subject to the right of the Association to withhold certain records pursuant to Section 55-510(C) of the Act. The following records may be withheld from examination or copying by owners and contract purchasers:

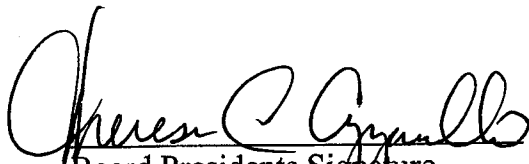
- a. drafts not yet incorporated into the owners' association's books and records or if such books and records concern;
- b. personnel matters relating to specific, identified persons or a person's medical records;
- c. contracts, leases, and other commercial transactions to purchase or provide goods or services, currently in or under negotiation;
- d. Pending or probable litigation where there has been a specific threat of litigation from a party or the legal counsel of a party;
- e. matters involving state or local administrative or other formal proceedings before a government tribunal for enforcement of the Declaration, Bylaws, Articles of Incorporation or rules and regulations;
- f. communications with legal counsel which relates to subdivisions a through d or which is protected by the attorney-client privilege or the attorney work product doctrine;
- g. disclosure of information in violation of law;
- h. meeting minutes or other confidential records of an executive session of the executive organ;
- i. documentation, correspondence or management or executive organ reports compiled for or on behalf of the owners' association or the executive organ by its agents or committees for consideration by the executive organ in executive session; and
- j. individual owner or member files, other than those of the requesting owner, including any individual owner's files kept by or on behalf of the owners' association.

  
Board Presidents Signature

5/12/12  
Date Adopted



- a. drafts not yet incorporated into the owners' association's books and records or if such books and records concern;
- b. personnel matters relating to specific, identified persons or a person's medical records;
- c. contracts, leases, and other commercial transactions to purchase or provide goods or services, currently in or under negotiation;
- d. Pending or probable litigation where there has been a specific threat of litigation from a party or the legal counsel of a party;
- e. matters involving state or local administrative or other formal proceedings before a government tribunal for enforcement of the Declaration, Bylaws, Articles of Incorporation or rules and regulations;
- f. communications with legal counsel which relates to subdivisions a through d or which is protected by the attorney-client privilege or the attorney work product doctrine;
- g. disclosure of information in violation of law;
- h. meeting minutes or other confidential records of an executive session of the executive organ;
- i. documentation, correspondence or management or executive organ reports compiled for or on behalf of the owners' association or the executive organ by its agents or committees for consideration by the executive organ in executive session; and
- j. individual owner or member files, other than those of the requesting owner, including any individual owner's files kept by or on behalf of the owners' association.

  
Board Presidents Signature

5/12/12  
Date Adopted