

GREENE MILL PRESERVES HOMEOWNERS ASSOCIATION, INC.

Policy Resolution No.1, [5-23-12]
(Regulation of the Clubhouse Facility)

WHEREAS, Article IV, Section 1 of the Bylaws of Greene Mill Preserves Homeowners Association, Inc. states that “the Board of Directors shall have the power to . . . adopt and publish rules and regulations governing the use of the common area, and the personal conduct of the members and their guests thereon, and to establish penalties for the infractions thereof . . .”;

WHEREAS, Article 1, Section 1.10 of the Declaration of Covenants states that “Common Area shall mean and refer to all real property owned, leased or maintained by the Association for the common use and enjoyment of the Owners...”;

WHEREAS, the Board of Directors must formally adopt and publish a written resolution to enact the statutory powers to regulate the Common Area, Clubhouse Facility; and

WHEREAS, use of the Clubhouse Facility is for the enjoyment of all members, and the curtailment of actions by the members and guests that interfere with the enjoyment of the facilities is required, and the Board of Directors deems it necessary to formally adopt a resolution to regulate the use of the Clubhouse Facility from the general common area by the Owners, residents and guests within Greene Mill Preserves Homeowners Association, Inc.; and

NOW, THEREFORE, BE RESOLVED THAT:

I. RULES GOVERNING USE OF THE CLUBHOUSE FACILITY

A. As stated in the Declaration, each owner has the right of quiet enjoyment and ingress and egress through the Common Areas to their lot.

B. No part of the Greene Mill Preserves Homeowners Association, Inc. Common Area shall be used except by Greene Mill Preserves Homeowners Association, Inc. members, their families, tenants and guests, except as further limited by this rule.

C. It is incumbent upon each Owner to use the Common Area in a manner which does not interfere with any other Owner's use of the Clubhouse Facility and it is equally incumbent that the facilities be used in a quiet and respectful manner by all users of the facility.

D. Therefore, no owner, resident, tenant or guest shall undertake any activities, actions or other uses in the Clubhouse Facility Area which shall disrupt the proper use of the Clubhouse Facility by the owners, for their quiet enjoyment.

E. The Clubhouse Facilities open for use from 8:00 AM to 11:00 PM Sunday through Thursday and 8:00 AM to 1:00 AM Friday, Saturday as well as a Sunday that precedes a state or federal holiday except as further indicated herein.

F. Breach of the use of quiet enjoyment will result in the possible immediate ejection from the Clubhouse Facility so to keep the peace, a Notice of Violation or Complaint, Due Process Hearing, Monetary Sanctions, and Criminal Trespass Actions, as appropriate.

G. Access to the Clubhouse Facility is by a keyed entry point only.

H. Only members in good standing or their tenants may obtain a Clubhouse Facility Key or Access Code. Tenants must have the written consent of their owners to obtain a Key or Access Code. Keys may not be duplicated; Access Codes may not be shared. A reasonable fee shall be charged for lost keys.

II. RULE OF USE OF THE CLUBHOUSE FACILITY IS AS FOLLOWS:

1. The use of the Clubhouse Facility is on reserved basis. A copy of a Reservation Application and Agreement attached.
2. Clubhouse Facility use is limited to Greene Mill Preserve homeowners, tenants and guests only.
3. Use of the Clubhouse Facility is at the user's sole risk.
4. Absolutely no foul, obscene, derogatory or loud language is permitted and is grounds for revocation of the privilege to use the Facility and can be cause for an immediate ejection by a Board or Committee member.
5. No loud voices or excessively loud language is permitted on the Clubhouse Facility.
6. Music is allowed either by radio, devices such as MP3/CD/DVD, or DJ. Volume of music or public address shall be at respectful levels, mindful of neighbors in close proximity to the Clubhouse Facility and consistent with applicable sound ordinance of Loudoun County.
7. Littering is prohibited. Each user is responsible to help ensure the cleanliness and safety of the facility and all its equipment.

8. Misuse of the furnishings and equipment, as determined solely at the discretion of a Board or Committee Member shall be grounds for immediate ejection or revocation of the privilege of use of the facility for 60 days.
9. No smoking is permitted in this facility. Beverages must be in a container.
10. All persons on or around the Clubhouse Facility must be properly attired as appropriate for public places. Bare feet are not allowed.
11. No member or guests shall threaten, harass or verbally abuse or in any way cause a breach of the peace and quiet enjoyment of any person using the Clubhouse Facility or the surrounding Common Area.
12. No fence climbing is permitted; in the event persons are on the Clubhouse Facility without a member with an appropriate pass or key, immediate ejection actions may be taken by a member of the Board of Directors, or their designate, including members of the Social Committee.
13. No Member or Guest of members shall permit or allow pets to interfere, threaten or intimidate any owner attempting to use the Clubhouse Facility. No pets are permitted within the Clubhouse Facility.
14. No Member or Guest of members shall interfere, threaten or intimidate any owner attempting to use the Clubhouse Facility.
15. Engaging in offensive, noxious, illegal or immoral activity within the Clubhouse Facility which has the effect of inhibiting the use of the Common Area by others is prohibited.

III. ENFORCEMENT

A. At the discretion of a Board or Committee member to keep and maintain the peace and enjoyment of the Clubhouse Facility, any member or guest may be ejected for the remainder of that calendar day.

B. Initial Citation. On behalf of the Association, the Board of Directors may seek redress against owners whose behavior or use of the Clubhouse Facility, or the behavior of his or her family, tenants, guests, etc., which does not conform to the governing documents, or of these rules.

1. Remedies. The Board of Directors and management will attempt to informally contact the resident and/or owner if a situation involving the Clubhouse Facility is discovered. If the act or actions are not abated or if the act or actions complained of recur, the Board may take additional action, including, but not limited to, the following:

- (i) Seek judicial relief to compel the abatement of the complained of behavior, and seek recovery of the Association's cost and legal fees in so doing.
- (ii) Eject guests of members from the Clubhouse Facility for a violation of the rules for a period of up to 60 days.
- (iii) Seek Criminal Trespass actions against non members using the Clubhouse Facility without a member present during the use.

C. Reservation of Power to Assign. The Board of Directors reserves the power to assign all or part of its powers and responsibilities herein to a standing or special committee of its choice or to its manager or managing agent.

D. Preliminary Investigation. Upon receipt of a written complaint alleging a violation of the regulations, the Board may request the managing agent, if any, or a member of the Board to make a preliminary investigation as to the validity of the complaint and promptly report the findings to the members of the Board. The Board shall receive the report concerning the alleged violation and determine, in the sole and absolute discretion of the Board, the appropriate disposition of the matter. The Board shall, within a reasonable time after making its decision regarding an alleged violation of the regulations, advise the member filing the written complaint of the Board's intended course of action concerning such alleged violation.

E. Request for Abatement or Corrective Action by the Board. In the event that the Board determines that there is reason to believe that a violation of the regulations has occurred and determined that corrective action is necessary, the Board shall comply with the following procedures:

1. Written Request. A written request (the "Notice of Violation") shall be prepared and sent by the Board, or any other designated agent of the Association, to the member alleged to have caused or allowed the occurrence of violation of the regulations by any member, tenant or guest. The Notice of Violation shall set forth the facts the alleged violation and specific provisions of the regulation alleged to have been violated, the action to be ceased or the action required by the Board to be taken to correct the violation, and the time period, not less than ten (10) days after the mailing of the written request, during which the violation may be abated without sanctions or a statement that any further violation of the same provision may result in the imposition of sanctions after notice of hearing.

2. The Notice of Violation shall be mailed to the member, or member of a tenant, alleged to have caused or allowed the occurrence of the violation of the regulation at the address on file with the Board and to the residents of the property, if not a member of the Association.
3. A copy of the Notice of Violation shall be filed in the Association's records.

F. Failure to Comply With Request. If the member to whom a Notice of Violation has been sent does not cease and desist from causing or allowing the violation to occur, and fails to take the action requested by the Board to cure the alleged violation, then the Board, should it determine that further action is necessary, shall follow the following procedures:

1. The Board shall serve a notice ("Notice of Opportunity to Request a Hearing") on the member alleged to have caused or allowed the occurrence of the violation set forth in the Notice of Violation. The Notice shall advise the respondent that the Board believes that the respondent has caused or allowed a violation of the regulations to occur, as set forth in the Notice of Violation, indicate the nature of the sanctions that may be imposed upon the respondent by the Board as result of the alleged violation of the regulations, and indicate that the member may request a hearing concerning the alleged violation. Furthermore, the respondent shall be informed that they have the right to be present at such hearing and may be represented by counsel if the respondent so desires, and that the respondent shall be entitled to deny the allegations set forth in the Notice and present evidence and witnesses in support thereof. Any request by a member for such hearing must be received by the Association within ten (10) days of the date the Notice was mailed to the member.
2. In the event the member requesting a hearing, the Notice of Hearing shall be served on the respondent not less than fourteen (14) days prior to the

date of the hearing. Service of the Notice of Hearing shall be made by hand delivery or by first class, or by United States certified mail, return receipt requested, to the respondent at the address or addresses to which notices of meetings of the Association are to be delivered. In the case of respondents who are not residents, the property address will be used as well. Service by mailing shall be deemed effective three (3) days after such mailing in a regular depository of the United States mail, first class postage prepaid. No order or sanction adversely affecting the rights of the respondent may be enforced unless the respondent has been served as provided herein.

3. If the respondent promptly advises the Board that they cannot, for good cause shown, attend the hearing on the date set and indicates times and dates on which they would be available, the Board shall reset the time and day of the hearing and promptly deliver notice of the new hearing date to the respondent by regular mail, however, the fourteen (14) day notice will be waived by the respondent should any rescheduling be required.

G. Hearing. The hearing shall be conducted in closed session by the Board and shall afford the respondent an opportunity to present a defense against the alleged violation of the regulations. The following procedures shall apply to the hearing:

1. Proof of service of the Notice of Hearing shall be placed in the minutes of the meeting. Such proof shall be deemed adequate if the date and manner of delivery is entered by the party who caused such service to be made on the respondent. Service of the Notice of Hearing shall be deemed by the respondent who appears at the meeting for any purpose other than to contest the proper service of the Notice of Hearing. The minutes of the meeting shall contain a written statement of the results of the hearing and sanctions, if any, imposed.

- (i) The Board may excuse that member from the formal procedures.
All decisions of the Board in this regard shall be final.
2. At the commencement of the hearing, the Board shall select a person to serve as hearing officer and preside over the hearing. Such hearing officer need not be a member of the Board. At the beginning of the hearing, the hearing officer shall explain the rules and procedures by which the hearing is to be conducted. The Board may determine the manner in which the hearing will be conducted so long as the rights set forth in this section are protected. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Generally, any relevant evidence shall be deemed admitted if it is of the sort of evidence on which responsible persons accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions.
3. The respondent shall have the right to do the following but may waive any all of these rights:
 - (i) make an opening statement;
 - (ii) introduce evidence, testimony, and witnesses;
 - (iii) cross-examine opposing witnesses by directing questions to the hearing officer;
 - (iv) rebut evidence in testimony; and
 - (v) make a closing statement.
4. After the testimony and evidence has been presented to the Board, the Board shall vote upon the matter. Agreement of a majority of those voting

shall be required for a decision. The decision shall be made promptly after the hearing. The Board shall prepare written findings of fact and mail, by certified mail, return receipt requested the results of the hearing to the owner within seven (7) days of the hearing. A copy of the finding and decision shall also be mailed by regular mail to the respondent. A summary of the decision, excluding names of persons involved and addressing only the issues and the Board decision shall be included in the Board minutes.

H. Sanctions. The sanction which may be imposed by the Board include, but are not limited to, assessment of special charges not to exceed \$10.00 per day for a continuing offense or \$50.00 per single offense. Such special charges, if not promptly paid, shall continue to affect and shall constitute a lien on the owner's lot and may be subject to collection as set forth in the Declaration and By-Laws of the Association.

1. Sanctions may also include the rescission of some, or all, privileges granted to members of the Association, up to and including rescission of privileges of use of other amenities within the Common Area of the Association.
2. Both monetary sanctions and other sanctions may be imposed concurrently by the Board of Directors.

I. Violations of this Resolution may result in the matter being referred to the Board of Directors. The Board of Directors' may assess charges and suspend privileges for infractions and violations of the Association Documents and the rules contained in this Resolution in accordance with Section 55-513 of the Virginia Property Owners' Association Act and the Association Documents.

J. Notwithstanding the procedures described herein above, nothing is to be construed as preventing or discouraging the Association, Management or any Resident from reporting any violation of this Policy Resolution to the Loudoun County or Loudoun County

Sherriffs Department, or any other appropriate agency of the Commonwealth of Virginia (or an appropriate political subdivision) where such violation may likewise constitute a violation of the laws or ordinances of the Commonwealth of Virginia or those of an appropriate political subdivision. In addition, the Board reserves all rights to pursue legal action, including but not limited to prosecution of criminal trespass charges, for failure to comply with the Association Documents or these regulations.

K. This Resolution is intended to serve as a protection to the members to ensure that their rights are protected and to serve as a guideline for the Board as it carries out its duties to enforce the regulation. The Board may determine the specific manner in which the provisions of this Resolution are to be implemented, provided that due process is afforded. Any inadvertent omission or failure to conduct any proceedings in the exact conformity with this Resolution shall not invalidate the results of such proceeding, so long as a prudent and reasonable attempt has been made to ensure due process according to the general steps as set forth in this Resolution.

L. The Board may delegate the hearing and decision responsibility hereunder to a committee made up of other members. Decision of the committee may be appealed to the Board. If a decision of the committee is appealed to the Board, the respondent will have ten (10) calendar days to note his appeal in writing to the Board of Directors of the decision of the committee.

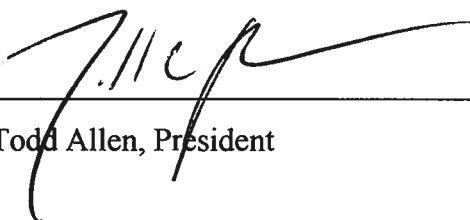
M. Notwithstanding any of the provisions of this Resolution, the Association may initiate legal action at any time without following procedures as set forth herein, if in the judgment of the Board, the interests of the Association so require.

N. This Resolution shall supersede and replace any prior rules or resolutions and regulations adopted that conflict with the terms of this Resolution.

This Resolution is adopted and made part of the minutes of the meeting of May 23, 2012.

I hereby certify that this Policy Resolution was duly adopted by the Board of Directors on May 23, 2012.

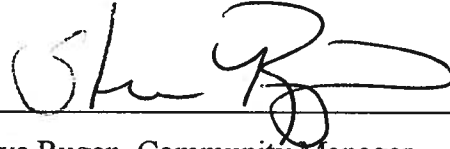
GREENE MILL PRESERVES HOMEOWNERS ASSOCIATION, INC.

By: 

Todd Allen, President

CERTIFICATION

I hereby certify that a copy of the foregoing Policy Resolution was mailed or hand delivered to the owners of the Greene Mill Preserves Homeowners Association, Inc. on this 8 day of August, 2012.

A handwritten signature in black ink, appearing to read "Steve Rugen", written over a horizontal line.

Steve Rugen, Community Manager

GREENE MILL PRESERVES HOMEOWNERS ASSOCIATION, INC.
RESOLUTION ACTION RECORD

Resolution Type: _____ No. ____ (2012-__ - __)

Pertaining to: Policy Resolution No. ____ (2012-__ - __) adopted _____, 2012,
 Regulation of the Clubhouse Facility

Duly adopted at a meeting of the Board of Directors held May 23, 2012.

Motion by: Dan Schriever

Seconded by: Kim Boucher

OFFICER	TITLE	YES	NO	ABSTAIN	ABSENT
Todd Allen	President (Exp 2014)				✓
Scott Bergeron	Co- Vice- President (Exp 2014)	✓			
Kim Boucher	Co- Vice- President (Exp 2013)	✓			
Joseph Bono	Secretary (Exp 2012)	✓			
Dan Schriever	Treasurer (Exp 2013)	✓			

ATTEST:

Joseph P. Bono
 Joseph Bono, Secretary

JUNE 14, 2012
 Date

Resolution effective: Immediately after distribution.

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