

CABELL'S MILL COMMUNITY ASSOCIATION
REGULATORY RESOLUTION NO. 5

RULES AND REGULATIONS
GOVERNING LOT OWNERS' MAINTENANCE AND REPAIR RESPONSIBILITIES

WHEREAS, Section 55-513.A. of the Virginia Property Owners Association Act ("Act") grants the Board of Directors of the Cabell's Mill Community Association ("Board") the power to establish, adopt and enforce rules and regulations with respect to such areas of responsibility assigned to the Association by its Declaration of Covenants, Conditions and Restrictions ("Declaration"); and Sections 55-515.A. of the Act charges all lot owners and all those entitled to occupy lots in the Association (collectively "Lot Owners") with compliance with the Act and the Declaration;

WHEREAS, Section 13.1-826.A.15 of the Virginia Nonstock Corporation Act ("Corporation Act") provides the Association, as a nonstock corporation, with the authority to exercise all powers necessary or convenient to effect any or all of the purposes for which the corporation is organized; and numbered paragraph 2 of the Association's Articles of Incorporation states that the Association's specific purposes for which it was formed include providing "for maintenance, preservation and architectural control of residence lots and common areas" within the Cabell's Mill community;

WHEREAS, Article VI of the Declaration, by reference to and incorporation of Exhibit 1 to the Declaration sets for the restrictions on the use of Lots that are subject to the Declaration; and Article IV, Section 2 of the Declaration provides that assessments, as established by the Board, may be used for the improvement and maintenance of the homes situated on the Lots;

WHEREAS, the Board has determined that the failure of Lot Owners to properly maintain their Lots can constitute an annoyance or nuisance to the other members of the Cabell's Mill community, and therefore violates the fourth "protective covenant" against nuisances set forth in Article Vi, Exhibit 1 of the Declaration;

WHEREAS, the Board has determined that there is the need to clarify the responsibilities of Lot Owners in maintaining and repairing their Lots, and to promulgate rules and regulations regarding such maintenance and repair in order to promote the beautification of the Cabell's Mill community and the preservation of its property values;

NOW THEREFORE, BE IT RESOLVED THAT the Board, in accordance with the Act, Declaration, and Bylaws, and this Resolution, duly adopts the following Resolution:

I. General Maintenance Responsibility.

Lot Owners shall at all times keep their Lots, and the buildings and improvements thereon, in good order, condition, and repair. All maintenance, repair or replacement must be completed as soon as reasonably possible. Appropriate maintenance shall include, but not be limited to, the following:

A. Maintenance of Lots.

1. Lot Owners shall maintain their Lots at all times in a safe, clean, neat and sanitary condition. Trash, garbage, yard debris, or other waste shall be kept in appropriate covered refuse containers, and be properly tied and/or bagged in accordance with the disposal company's requirements. Refuse containers, recycling bins, and yard debris should be screened from view from the street at all times other than on trash pickup days.
2. Mailboxes must be upright and in good condition.
3. Broken furniture and appliances may not be stored outside the Lot Owner's house. Porches cannot be used as storage areas.
4. Playground equipment, sheds, and antennae devices must be maintained and kept in good repair, and must be located solely on the Lot Owner's lot.
5. Firewood must be kept neatly stacked and located to minimize its view from the street.
6. Fences and fence gates may not have broken supports, pickets or boards.
7. No cars, boats, campers, trailers, RVs or other vehicles may be parked on the lawn.

B. Maintenance of Lawns/Shrubs/Planted Beds

1. All Lot Owners are responsible for seeding, weeding, watering and mowing of their lawns. All lawn areas and planted beds must be kept in a neat and orderly condition, and must be free from debris, excessive weeds, and dead plants, bushes trees and shrubs. Lawns must be mowed so that the grass length does not exceed six (6) inches in height.
2. Bushes and hedges must be kept trimmed and must not interfere with public or common area sidewalks.

C. Maintenance of House Exteriors.

1. Exterior trim must be kept free of rotten wood and peeling paint.
2. Roof must be maintained so that surface stone is intact. Roof repair or replacement must be performed when the roof has deteriorated to the point that inner layers of asphalt are visible from the street.
3. House siding must be free of excessive mildew and mold. Repairs must match in color and size. No missing siding is allowed.
4. Exterior doors, including screen and storm doors, must be hung properly and maintained in good appearance with no chipping or peeling paint. Garage doors must be kept in good appearance and free of any rotten wood.
5. Broken or missing shutters must be repaired or replaced.
6. Broken or missing glass panes in windows must be replaced.

7. Sagging or missing gutters must be repaired or replaced.
8. All external repairs must be completed in a timely fashion.
9. Address numerals must be maintained.
10. Driveways must be kept in good repair.

II. Enforcement.

- A. These rules and regulations shall be enforceable by the Board or its agent to the fullest extent permitted under the Act, the Declaration and the Bylaws, and under any other rules and regulations adopted by the Association.
- B. Violations of these rules and regulations may result in rules violation charges not to exceed \$50 per violation or, in the case of continuing violations, \$10 per day until the violation is abated, for a period not exceeding 90 days, or the maximum amounts otherwise allowed by law. However, imposition of charges shall not occur until after the Association's due process procedures have been followed, as adopted by the Board in Regulatory Resolution No. 1 or subsequent amendments hereto.
- C. In addition to any other remedy available to the Association, the Board or its agent shall have the right (after 10 days' notice to the Lot Owner involved, setting forth the maintenance action to be taken, and if at the end of such time the Lot Owner has not taken reasonable steps to accomplish such action) to do any and all maintenance work (to include removal, repair and replacement) reasonably necessary in the opinion of the Board to keep such Lot in good order, condition and repair. The Board and its agents are authorized to enter upon Lots for these purposes in accordance with the "blanket easement" provided by Article VIII, Section 1 of the Declaration.
 1. All costs or charges resulting from such maintenance work shall be the sole responsibility and personal obligation of the offending Lot Owner, and shall be treated as an assessment for purposes of collection and for purposes of Section 55-516 of the Act (regarding liens).
- D. All remedies are deemed to be cumulative and the assessment of charges shall not constitute an election of remedies.
- E. It shall be the responsibility of each Lot Owner to advise their tenants, family members or other guests of the regulations in this Resolution. Ignorance of these regulations shall not preclude their enforcement.

This Resolution is effective as of January 1, 2001.

Duly adopted at a meeting of the Board of Directors held December 18, 2000.