

**RULES AND REGULATIONS
THE OAKS ON HENRY HOMEOWNERS ASSOCIATION
AMENDED AND RESTATED APRIL 2007**

Section 1. Compliance.

Homeowners, residents and guests shall at all times comply with the Rules and Regulations hereinafter set forth governing this community and any amendments to such Rules and Regulations which shall be adopted from time to time by the Oaks on Henry Homeowners Association ("Association"), provided such rules comply with the Declaration of Covenants, Conditions & Restrictions, the Articles of Incorporation and the Bylaws of the Association.

Section 2. Common Area Landscaping.

Landscaping is provided in the common areas for the enjoyment of all, and no one shall make or cause to be made any damage to nor any theft, destruction or abuse of the property. Changes to the existing landscaping plan may only be made after written approval is granted by the Board. Residents are responsible for any landscaping which they have added on the common grounds near their residence. If such landscaping is left unkempt, it will be forfeited to the Association's jurisdiction and maintenance.

Section 3. Alterations to Unit Exteriors.

No modifications or structural alterations may be made to Unit exteriors without the prior written permission of the Board. Requests for changes to exteriors must be submitted in accordance with the procedures set forth in the Bylaws. No antenna, satellite dish, solar panel, awning or other external fixture may be installed without written approval from the Board. No laundry, clothing, rugs or other items are to be hung upon the exterior of any building.

Section 4. Signs.

- a. An owner may place one "For Sale" or "For Rent" sign per lot in such location within the boundaries of the owner's lot, provided that it be no more than 24" by 30" and that the top of the sign is no more than 48" above the ground.
- b. Real estate signs must be removed within 7 days after the closing of a sale.

Section 5. Parking/Vehicles.

- a. The parking spaces in front of each Unit are the private property of that Unit and are intended for exclusive use by the resident of that Unit. Extra parking, if needed, is available adjacent to Units 1 and 54. Visitor parking is available across from Units 11, 12 and 13 and across from Units 24, 25, and 26.
- b. All motor vehicles should display current licenses and be maintained in proper operating condition.

- c. Oversized, commercial and non-operative vehicles and boats are not permitted to be parked on the property for more than 72 hours without prior permission of the Board. The Board reserves the right to determine what constitutes a commercial vehicle.
- d. Improperly parked vehicles may be subject to removal at the owner's risk and expense.
- e. The speed limit within the community is 10 m.p.h. and shall be observed at all times.
- f. Vehicles shall not be left unattended in any unsafe condition, e.g. on blocks, raised for a tire change, etc. Unit owners are financially responsible for oil leaks or other damage done to parking areas occupied by owner or tenants.
- g. Homeowners shall make sure that bicycles, skateboards and small motorized vehicles are operated in a safe and controlled manner at all times.

Section 6. Pets.

- a. All pets shall be under control at all times, in accordance with Chapter 4 of the Code of the City of Williamsburg, Virginia.
- b. Pet owners are responsible for any property damage, injury, prolonged loud noises and disturbances which their pet may cause or inflict.
- c. Pet owners are responsible for the removal of wastes of their animal. Any waste deposited must immediately be removed and properly disposed of by the pet owner. No disposal of waste into shrubbery or outside drains is permitted.

Section 7. Trash/Garbage Collection.

- a. All residents must use covered garbage cans for regular trash and garbage pickup. On the rare occasions that homeowners have excess trash it should be properly contained in accordance with the City's requirements for curbside trash pickup.
- b. Homeowners are encouraged to participate in the City's curbside recycling program. Containers and information can be obtained by calling the City Manager's office.
- c. Trash and recycling containers should be placed out for pickup no earlier than the night preceding the day of pickup. After pickup, the containers should not be visible from the street.

Section 8. Hazardous/Unlawful Acts.

- a. Homeowners shall comply with all federal, state, and local laws including, without limitation, laws and regulations regarding zoning. Property is zoned by the City of Williamsburg for residential use only.
- b. Homeowners and residents shall not permit on the premises any hazardous act or thing that increases the chance of fire or poses a danger to the person or property of other homeowners or residents or to the property of the

Association. Gasoline and other flammable materials shall be properly stored in legally approved containers and disposed of appropriately.

- c. Neither weapons (such as firearms, air guns, bows and arrows, sling shots, etc.) nor explosives of any kind are permitted to be discharged or fired on the property.

Section 9. Nuisances.

Homeowners and residents shall not permit any act or nuisance, such as unduly loud noise or offensive odors, which will unreasonably interfere with the rights, comforts, or conveniences of any other homeowner.

Section 10. Solicitation.

Homeowners/residents shall request permission from the Board to conduct neighborhood solicitations for specific purposes. Solicitations from non-residents, except non-resident homeowners, are not permitted.

Section 11. Non-resident Homeowners and Tenants.

- a. Any owner who wishes to rent out his or her Unit must complete an application-to-rent form, which is available on request from the Association, and shall comply with all provisions of the Declaration of Covenants, Conditions & Restrictions, Article VI (Occupancy of Lots), Section 5 (Rental Restrictions).
- b. As per the Declaration of Covenants, Conditions & Restrictions, owners of rented properties shall post in a prominent place in the rented Unit a copy of these Rules and Regulations.

Section 12. Rules Enforcement.

- a. Preservation of harmony among residents of The Oaks is paramount. Thus the Board strongly recommends that any perceived violations of rules and regulations first be discussed congenially between the parties affected in an effort to correct misunderstandings or to bring the rule in question to the attention of the offender. If these efforts are not successful, the offended party shall notify the Board of Directors or the Managing Agent, **in writing, of the perceived violation, including the specific rule that is alleged to have been violated**, for disposition in accordance with the terms outlined in paragraph (b).
- b. All written complaints regarding alleged violations of these Rules shall be resolved by the Board in the following manner:
 - i. The Board shall first conduct an investigation of the matter identified in the complaint, including interviews and/or written communication with the owner who is the subject of the complaint and with the writer of the complaint. Such investigation shall be conducted with the goal of achieving a resolution of the alleged violation without the need for further proceedings.
 - ii. If the procedure described in paragraph 12(b)(i) fails to achieve a resolution of the issue identified in the complaint, the Board shall conduct

a hearing on the matter at which the owner shall be given an opportunity to be heard and to be represented by counsel. Notice of such hearing shall be issued at least fourteen (14) days in advance thereof and shall be hand-delivered or mailed by registered or certified U.S. mail, return receipt requested, to the owner at the address appearing on the books of the Association. If a majority of the Board determines, following such hearing, that a violation has occurred, it shall be entitled to assess a fine for such violation consistent with the Schedule of Fines below and in its sole discretion. The Managing Agent may assist the Board in its exercise of any of its powers of enforcement.

Schedule of Fines	
Offense	Penalty
Single offense	Reprimand and up to \$25 fine
Second violation of same rule within one year	Fine up to \$50
Offense of a continuing nature	\$10 per day (90-day maximum)

- c. All fines shall be the personal obligation of the homeowner. A delinquent payment is defined as a fine which is not paid in full within thirty (30) days after the scheduled due date.
- d. The Board is empowered to enforce the rules and regulations by any method normally available to the owner of private property in the state of Virginia including, but not limited to, application for injunctive relief, damages, or collection of delinquent fines. If the Board prevails in any such legal action, the Association shall be entitled to recover its court costs and reasonable attorneys' fees from the homeowner.

Section 13. In-home Businesses.

No in-home business may be conducted in any unit that would involve visitation by associates, clients or potential clients for the purpose of conducting business.

Section 14. Amendments.

- a. As per the Virginia Code, Section 55-513, the Board of Directors has the power to establish, adopt, and enforce rules and regulations in respect to matters not expressly reserved to the members by the Declaration of Covenants, Conditions & Restrictions. A majority of votes cast, in person or by proxy, at a meeting convened in accordance with the provisions of Article I

of the Association Bylaws for that purpose, shall repeal or amend any rule or regulation adopted by the Board.

- b. Suggested amendments by individual homeowners must be submitted in writing to the Board of Directors not less than fourteen (14) days before the annual meeting at which the vote of the Association is to be taken; or in the case of a special meeting called for that purpose, not less than 72 hours beforehand.

Section 15. Residents Forum.

- a. Residents who desire to add an item to the Residents' Forum portion of the agenda of any scheduled meeting of the Board must submit a request to the President in writing describing the agenda item no less than three days before the Board meeting at which the item is to be presented.
- b. Residents who desire to make a statement for the record at any scheduled Board meeting must appear in person no less than five minutes prior to the start of the meeting and request time for this purpose from the President, which request shall not be denied absent extraordinary circumstances. Residents may request up to three minutes of time at any one meeting and shall not exceed the time requested.

Procedure for Resolving Complaints

- 1) All complaints should be in writing and sent to:

The Oaks on Henry
150 Strawberry Plains Road, A-1
Williamsburg, VA 23188-3408

The complaint should contain sufficient information to assist in addressing the matter.

- 2) The Property Management Agent will acknowledge receiving the complaint within 5 working days after receiving the complaint. Additional information may be requested by telephone or in writing.
- 3) The Management Agent will notify the Complainant when the complaint will be considered by the Board. Depending on the nature of the complaint the Board may convene a special board meeting for the sole purpose of considering the complaint.
- 4) After the complaint is considered by the board, the Management Agent will notify the Complainant in writing of the final decision by the Board.
- 5) The Complainant has the right to give notice the Common Interests Board of any final adverse decision in accordance with the regulations of the Common Interest Board. Details of this can be found at the State of Virginia Legislation information web site at <http://leg1.state.va.us/cgi-bin/legp504.exe?000+coh+55-530+700358>.

For more information or to request a complaint form or file a complaint, please contact:

Department of Professional and Occupational Regulation
Compliance and Investigations Division
Complaint Analysis and Resolution
9960 Mayland Drive, Suite 400
Richmond, Virginia 23233-1463
Telephone: (804) 367-8504
TDD: (804) 527-4290
Fax (804) 282-3932
Email: complaintanalysis@dpor.virginia.gov.

RESOLUTION 2011-001
of the
Board of Directors
of
THE OAKS ON HENRY HOMEOWNERS ASSOCIATION, INC.
(Association Complaint Procedures)

WHEREAS, the Code of Virginia, 1950, as amended (the "Virginia Code"), was amended by statute effective July 1, 2008, to create a Common Interest Community Board ("CIC Board") and the Office of the Common Interest Ombudsman ("CICO"); and

WHEREAS, Section 55-530.E states the CIC Board "shall establish by regulation a requirement that each association shall establish reasonable procedures for the resolution of written complaints from the members of the association and other citizens"; and

WHEREAS, for the benefit and protection of the Association and of its individual Members, and with a goal of reducing and resolving conflicts among and/or between the Association and its Members, the Board of Directors deems it desirable to establish such procedures in the interim period between July 1, 2008, and the date any such regulations shall be promulgated by the CIC Board to meet the intent of Section 55-530.E; and

WHEREAS, it is the intent of the Board to establish procedures for the Board that meet the requirements of Section 55-530.E and F of the Virginia Code as the same may be amended and/or supplemented from time to time; and

WHEREAS, the Board of Directors will provide notice of this policy to all current owners by distributing a copy of this Resolution to all current owners, and to all future owners by including the Resolution in resale disclosure packages prepared pursuant to Section 55-509.4 and Section 55-509.5 of Virginia Code; and

WHEREAS, this Resolution shall remain in full force and effect until the CIC Board adopts any applicable regulations pursuant to Section 55-530.E or until amended by further resolution of the Board, whichever first occurs.

NOW, THEREFORE, the Board of Directors of The Oaks on Henry Homeowner Association does hereby adopt this Resolution in order to adopt the following Association Complaint Procedures:

1. When any Association Member ("Member" or "Complainant") observes or reasonably believes the Board of Directors ("Board"), the Association's Common Interest Community Manager ("Association Manager") or any individual Board Member has or is continuing to violate any provision of the Association's Declaration, Architectural Guidelines, Articles of Incorporation, Bylaws, and/or Rules and Regulations ("Governing Documents"), the Member shall have the right to acquire, complete and submit an Association Complaint Form.

2. The Association Complaint Form shall comport substantially with the Association Complaint Form attached to this Resolution as Attachment A, or with any form required by regulation duly promulgated by Virginia's Common Interest Community Board ("CIC Board").
3. The Association Complaint Form shall be submitted to The Oaks on Henry Homeowners Association Inc., c/o Joe Gagliano, Property Manager, Berkeley Realty Property Management Inc., 150 Strawberry Plains Road, A-1, Williamsburg, VA 23188-3408, Fax: 757-229-8208, email: jgagliano@berkeley-realty.com, and will be processed in accordance with the procedures in Attachment B.
4. The Board shall amend and restate this Association Complaint Procedures Resolution each time the name, address, telephone number and email address of the Association's Manager changes to remain compliant with Section 55-530.E.2 of the Virginia Code.
5. Any Association Complaint Form fully completed and submitted to the Association's Manager shall be reviewed at the Board's next scheduled regular Board Meeting, *provided, however* the Association Complaint Form must be submitted at least ten (10) business days prior to the next scheduled regular Board Meeting to insure review at that meeting. If the Association Complaint Form is received fewer than ten (10) business days prior to the next scheduled regular Board Meeting, the Association Complaint Form shall be reviewed at the next subsequent regular Board Meeting. This time is needed in order to assemble any relevant supporting documentation and have it available to the Board and made a part of the Agenda and packet.
6. The Board shall review any Association Complaint Form received and shall, if necessary, consult with the Association's attorney and/or any other vendor or professional providing services to the Association to provide as complete a review as possible to arrive at its decision.
7. The Board may, but shall not be required to, consult with the Member who submitted the Association Complaint Form to understand more fully the substance and/or basis of the Member's Complaint.
8. The Board shall render a written decision and/or review of the Complaint to the Member within fourteen (14) days of the regular Board Meeting during which the Association Complaint Form was reviewed.
9. Should any Member need assistance in understanding the Member's rights and the processes available to common interest community Members, the Member may contact Virginia's Office of the Common Interest Community Ombudsman ("CICO") for assistance. The CICO may be reached at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Suite 400, Richmond, Virginia 23233-1463. The CICO's current telephone number is (804) 367-8504 and email address is: complaintanalysis@dpor.virginia.gov.
10. **Complainant's Rights Description required by Section 55-530-E.2 of the Code of Virginia, 1950, as amended.** In accordance with Section 55-530.F of the Code of Virginia, as amended, an Association Complainant may give notice to Virginia's Common Interest Community Board (the "Board") of any final adverse decision in accordance with regulations

promulgated by the Board. The notice shall be filed within 30 days of the final adverse decision, shall be in writing on forms prescribed by the Board, shall include copies of all records pertinent to the decision, and shall be accompanied by a \$25 filing fee. The fee shall be collected by the Director of Professional and Occupational Regulation and paid directly into the state treasury and credited to the Common Interest Community Management Information Fund, §55-530.1. The Board may, for good cause shown, waive or refund the filing fee upon a finding that payment of the filing fee will cause undue financial hardship for the member. The Director shall provide a copy of the written notice to the Association that made the final adverse decision.

11. The Association Complaint Form, all attachments thereto and a copy of the Complaint Response correspondence ("Complaint File") shall be retained by the Association for not less than one (1) year after the Board renders a decision on the Complaint. The Complaint File shall be eligible for review and duplication solely by the Association's Board of Directors, the Association Manager and the Lot Owner(s) who submitted the original Complaint Form, *provided, however*, the Complaint File shall be produced to the CIC Board, or CIC Ombudsman, or upon order of an appropriate judicial or administrative body having jurisdiction over the Association.

IN WITNESS WHEREOF the Board of Directors of The Oaks on Henry Homeowners Association, Inc has set their hands on this ____ day of _____, 2011.

Director

Director

Director

Director

Director

**ATTACHMENT A
ASSOCIATION COMPLAINT FORM**

This form is available to all Oaks on Henry owners as required by § 55-530.E of the Code of Virginia, 1950, as amended ("Virginia Code"). Please complete and return this form to the Association's Manager at least ten (10) days prior to the next scheduled regular meeting of the Board of Directors in order to ensure review at that meeting. The Board will provide a written response to any submitted Association Complaint Form within fourteen (14) days of the Board meeting at which the complaint is reviewed.

Member Name: _____

Oaks Unit #: _____

Member Mailing Address: _____

Member email address: _____

Member Ph.: (H) _____ (W) _____ (C) _____

Preferred method of communication: Mail: _____ Email: _____

Please describe the nature of your complaint (Attach extra sheets if necessary):

Please state all Governing Document provisions that you believe were violated or are relevant:

Articles of Incorporation Section(s): _____

Declarations Section(s): _____

Bylaws Section(s): _____

Resolution(s): _____

Architectural Guidelines: _____

VA Law Provisions: _____

Please deliver your complaint via United States Postal Service Mail, hand-delivery, electronic mail or facsimile to the Association using the following information:

The Oaks on Henry Homeowners Association, Inc.
c/o Berkeley Realty Property Management, Inc.
150 Strawberry Plains Road, A-1
Williamsburg, VA 23188-3408
FAX: 757-229-8208
PH: 757-229-6810
email: jgagliano@berkeley-realty.com
Joe Gagliano, CMCA®, AMS®
Property Manager

The Association may elect not to take action on any complaint that does not conform to the above-referenced delivery requirements or include the requested information on this form. Upon receipt of your complete, written complaint, the Association will begin investigation of your complaint. **Please do not contact the Association's management or Board of Directors via telephone to submit or check the status of your complaint.** Instead, you may contact the Association in writing via United States Postal Service mail, hand-delivery, electronic mail or facsimile, using the above-referenced contact information.

RIGHT TO REVIEW OF ADVERSE DECISION. Under Virginia Law, a complainant has a right to have any adverse decision on its complaint reviewed by the Office of the Common Interest Community ("CIC") Ombudsman by filing a notice with the CIC Board within 30 days of the final adverse decision on forms prescribed by the Board, including copies of all records pertinent to the decision, and accompanied by a \$25 filing fee. The CIC Ombudsman can assist you in using the complaint procedures. For more information or to submit a Notice of Adverse Decision, please contact the Office of the Common Interest Community Ombudsman at:

Department of Professional and Occupational Regulation
Office of the Common Interest Community Ombudsman
9960 Mayland Drive, Suite 400
Richmond, Virginia 23233-1463
Office – 804-367-2941
Email – cynthiaschrier@dpor.virginia.gov or cicliaison@dpor.virginia.gov

Your Signature: _____

Date: _____

To be completed by Association representative only

Received by: _____

Title: _____

Date: _____

ATTACHMENT B
Association Complaint Resolution Procedures

1. Upon receipt of a complaint filed by a homeowner against the Association or its Board, within one (1) business day the Property Manager shall notify all Board members via email.
2. If the complaint has been received at least ten (10) days prior to the next regular Board meeting, then the complaint shall be added to the agenda for that meeting.
3. The Property Manager shall be prepared to provide relevant documents and records to the Board for its meeting.
4. Inasmuch as 55-530.E complaints are, by definition, against the Association or Board, the merits of the complaint shall be discussed in open session at the next regularly scheduled Board meeting. Discussion of the complaint in Executive Session shall not be allowed unless some other exception justifying Executive Session consideration exists.
5. The Board shall issue a decision on the merits of the homeowner's complaint, in writing, within fourteen (14) days of the Board meeting.
6. If the Board's decision is adverse, then the written decision shall include notice to the complainant that the homeowner has the right to seek review of that adverse decision from the CIC Board by filing a "Notice of Adverse Decision" with the CIC Ombudsman within thirty (30) days of the date of the decision.
7. The Property Manager and the Port Anne Board shall be prepared to provide the CIC Ombudsman any documents requested by the CIC Board in order to assist POA members with using the CIC Board's Complaint process. All association corporate records, e.g. minute books, governing documents, resolutions, procedures, etc., shall be complete (e.g. minutes should include all referenced attachments), easily identifiable and accessible.
8. All complaints and supporting documentation shall be maintained in Association records for at least one (1) year following the date of the decision.

