

# **LINKS POND CLUSTER ASSOCIATION**

## **POLICY RESOLUTION NO. 1**

### **(Rules Relating to the Suspension of Parking for Failure to Pay Assessments)**

WHEREAS, the Links Pond Cluster Association (“Cluster Association”) is a Cluster Association subject to the Protective Covenants (Deed of Dedication of Reston), (“Protective Covenants”), as amended; and

WHEREAS, Article VII.1(d) of the Protective Covenants states, in part, that “[t]he Cluster Association Board of Directors shall have all powers needed to carry out the purposes of the Cluster Association which are enabled by law or this Article and which are not specifically reserved to the members or the developer, and

WHEREAS, Article VII.2(b) states, in part, that “[e]very Cluster member shall have the right of enjoyment of the Cluster Common Area, and may delegate such rights to members of his family, tenants or guests subject to the following . . . [t]he right of the Cluster Association Board of Directors, after Notice and hearing, to establish reasonable rules of use, including parking rules”; and

WHEREAS, Section 55-513 of the Virginia Property Owners’ Association Act empowers the Board of Directors to suspend a Member’s right to use the common areas, including parking, if the Member(s) is more than sixty (60) days delinquent in the payment of assessments; and

WHEREAS, the Board of Directors believes it is in the best interest of the Cluster Association to formally adopt a policy regarding the loss of parking privileges for nonpayment of assessments.

NOW, THEREFORE, BE IT RESOLVED that:

The Board of Directors of the Cluster Association may suspend the common area parking privileges of the Member(s), his/her/their tenant(s), and respective family members and guests if the Member’s assessment account is over sixty (60) days delinquent.

At any point after a Member is more than sixty (60) days delinquent in the payment of assessments owed to the Cluster Association, the Board of Directors may act to suspend the parking privileges of the Member(s), his/her/their tenants and respective family members and guests. Such suspension will be conditioned upon a notice having been sent to the Member warning of such suspension and providing the Member with the opportunity to be heard and to request a hearing by a date certain.

If the Member requests a hearing, notice of the hearing date shall be provided to the Member at least fourteen (14) days in advance of the hearing by certified mail, return receipt requested, or hand-delivery.

If the member does not request a hearing or if the Board, after conducting a hearing, determines that suspension is warranted, the Board will arrange to have any vehicles belonging to the member, his/her/their tenants, and respective family members and guests, towed from the common areas. The Board may, but is not required to, post a warning notice on any vehicle before towing. Any return of a towed vehicle to the common area parking lots shall result in immediate towing, without further notice, if assessments remain delinquent for more than sixty (60) days.

Except as specifically provided by the Board, any payments received by delinquent Members will be applied to the most recent balance. Payments made by personal check will not be deemed received until such checks clear the Cluster Association's accounts.

The Board shall reinstate parking privileges when the Member's delinquent assessment account is brought current. An account is considered current when all assessments due, and attorney's fees, interest, and costs incurred as a result of the delinquency, and all costs associated with the suspension or reinstatement of parking privileges have been paid. The Board shall determine when the account has been brought current and shall at that time notify the Member of the reinstatement of his or her parking privileges.

The procedures outlined above governing the suspension of parking for the nonpayment of assessments are separate and independent from the Parking Covenants in Article X of the By-Laws of Links Pond Cluster Association.

This Resolution shall take effect thirty (30) days after adoption by the Board of Directors.

Resolution adopted and approved by the Board of Directors of the Links Pond Cluster Association this 13<sup>th</sup> day of July, 2000.

LINKS POND CLUSTER ASSOCIATION

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/s/  
Jalal Mapar, President