

KING FARM CONDOMINIUM
POLICY RESOLUTION NO. 13-01
ENFORCEMENT PROCEDURE

Recitals

Whereas, Article 2, Section 2.4.10 of the Bylaws assigns to the Board of Directors ("Board") all of the powers and duties necessary for the administration of the affairs of the King Farm Condominium ("Council" or "Association");

Whereas, Article 2, Section 2.4.10(b) of the Bylaws empowers the Board to enact Rules from time to time which govern the use and operation of the Condominium;

Whereas, Article 2, Section 2.4.10(b) of the Bylaws empowers the Board to impose sanctions, including the levying of fines, against Unit Owners for violations of the Maryland Condominium Act ("Act") and/or the Council's Declaration, Bylaws or the Rules and Regulations ("Governing Documents");

Whereas, for the benefit and protection of the Council and of the individual owners, the Board deems it necessary and desirable to establish a procedure to ensure due process in cases involving alleged violations of the provisions of the Governing Documents.

THE BOARD OF DIRECTORS HEREBY RESOLVES that any and all previous enforcement procedures are repealed, and the following enforcement procedure is adopted in accordance with Sections 11-111 and 11-113 of the Act.

I. PROCEDURE

A. Initial Actions.

1. Informal Action. In the interest of cooperation and good relations between neighbors, it is the policy of the Association that residents of the community should try to work together informally and cooperatively to resolve matters which appear to violate the Governing Documents. To that end, any member or resident may request, in a written communication sent to the Board of Directors, that an owner or resident correct any apparent violation of the Governing Documents. The Board of Directors shall inform the party to whom the complaint is directed of the

alleged violation and urge compliance with the Governing Documents prior to a formal violation process being initiated.

2. **Mediation.** At any time prior to a formal hearing is convened as set forth below, the Association, may schedule an informal mediation session to take place before the Board or a committee of members appointed by the Board. The mediation session shall serve as a voluntary and informal approach to resolving any dispute brought before the Council. Either the Board of directors, or the involved parties, may initiate mediation. Any mediation session held will not divest the rights of an owner to subsequent notice of and a hearing before the Board as set forth in Section 11-113 of the Condominium Act.

3. **Written Request.** In the event informal action is not successful in obtaining compliance, Management shall send a written request to the Respondent, in accordance with the following procedure set forth in Section 11-113 of the Act:

(a) The written request shall ask the Respondent to correct the alleged violation and shall specify: (i) the violation; (ii) the provision of the Governing Documents that has been violated; (iii) the action required to correct the violation; and (iv) a time period of not less than 10 days during which the violation may be corrected without further sanctions, or a statement that any further violations of the same provision may result in sanctions after a further notice and a hearing.

(b) The request shall be mailed to the owner at the address on file at the Management Office, and to the resident of the property, if not the owner.

(c) A copy of the request shall be filed in the Management Office, and a copy shall be provided to the Board.

B. Failure to Comply with Request. The following procedures shall be followed when a continuation or a repetition of a violation occurs:

1. **Notice of Hearing.** If a preliminary investigation indicates further action is necessary, and if the violation has not been corrected pursuant to the written request specified above, Management shall serve a Notice of Hearing and a copy of the complaint on the respondent. The Notice shall be served not less than 10 days prior to the date of the hearing. The Notice shall be hand delivered or mailed by first class United States mail

to the respondent at the address or addresses required for notice of meetings and, in the case of non-owner residents, to the resident of the property, at the property address, as well. Service by mailing shall be deemed effective 2 days after such mailing. No order adversely affecting the rights of the respondent may be made in any case unless notice has been given as provided herein.

The Notice of Hearing sent to the respondent shall state the time, date and location of the hearing and shall inform the respondent of his or her right to be present at the hearing, to be represented by counsel and to present any witnesses or evidence. The Notice shall also describe any sanctions which may be imposed on the respondent.

2. Scheduling. If any parties can promptly show good cause as to why they cannot attend the hearing on the scheduled date and can indicate times and dates on which they would be available, Management may reset the time and date of hearing and promptly deliver notice of the new hearing time and date to the Complainant and the Respondent.

C. Hearing. A hearing shall be conducted by the Board, using the following procedure:

1. Proof of Notice, Minutes. Proof of notice and the invitation to be heard shall be placed in the minutes of the meeting. Such proof shall be deemed adequate if a copy of the notice, together with a statement of the date and manner of delivery, is entered by the party who delivered such notice. The notice requirement shall be deemed satisfied if the respondent appears at the meeting. The minutes of the meeting shall contain a written statement of the results of the hearing and the sanction, if any, imposed.

2. Constraints on the Board. Any member incapable of objective consideration of the case shall disclose this fact to the Board and shall not take part in the proceedings or in the Board decision. Any member of the Board has the right to challenge any other member who is unable to function in a disinterested and objective manner. Any such challenge shall be decided by the Board, provided, however, that the challenged member shall not have a vote on the challenge.

3. Hearing Process.

a. The Board shall select a person to serve as hearing officer and preside over the hearing. Such hearing officer need not be an owner or 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 admitted if it is the sort of evidence on which responsible persons are accustomed to rely, 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.

b. Neither the Complainant nor the respondent must be in attendance at the hearing. The hearing shall be conducted in executive session.

c. Each party shall have the right to do the following, but may waive any or all of these rights:

- (1) make an opening statement;
- (2) introduce evidence, testimony, and witnesses;
- (3) cross-examine opposing witnesses by directing questions to the hearing officer;
- (4) rebut evidence and testimony; and
- (5) make a closing statement.

Even if the Complainant or the respondent does not testify in his own behalf, each may still be called and questioned, if in attendance.

4. Decision. After all testimony and documentary evidence has been presented to the Board, the Board shall consider and vote upon the matter. Agreement of a majority of the Board in attendance at the hearing shall be required for a decision. The decision shall be made promptly after the hearing and shall include the Board's decision with respect to any fines or other sanctions or actions to be taken.

The Board shall prepare written findings of fact and a written decision. A copy of the findings and decision of the Board shall be sent to each party in the matter and his/her attorney, if any. 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.

II. INTERPRETATION

This Resolution is intended to serve as a protection to owners and residents 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 Declaration, Bylaws and Rules and Regulations.

The Board may determine the specific manner in which the provisions of this Resolution are to be implemented, provided that reasonable due process is afforded and provided that all applicable statutory requirements are satisfied.

Any inadvertent omission or failure to conduct any proceeding in 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 set forth in this resolution.

III. REMEDIES

Upon reaching a decision, the Board may invoke any sanctions or take any actions legally available to the Council. Such sanctions may include reasonable fines levied pursuant to the Condominium Act, which shall be part of the lien for assessments against the unit.

IV. LEGAL ACTION

Notwithstanding any provision of this Resolution, the Council may initiate legal action at any time without following the procedures set forth herein if, in the judgment of the Board, the interests of the Council so require. In compliance with Section 10B-9(d) of the Code of Montgomery County, any aggrieved party shall have the right to file an action with the Commission on Common Ownership Communities regarding a dispute.

RESOLUTION ACTION SHEET

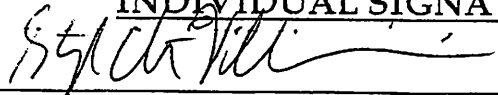
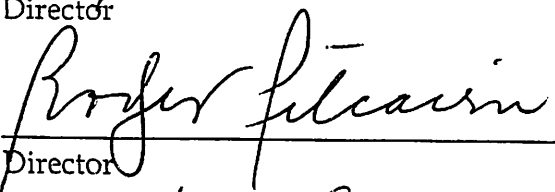
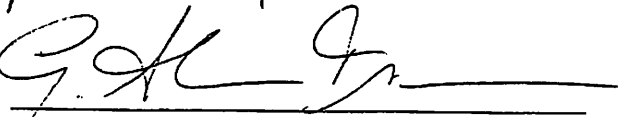
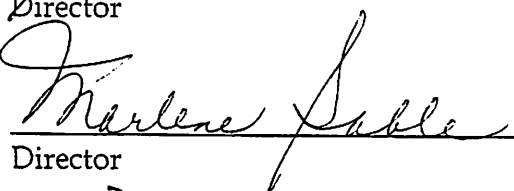
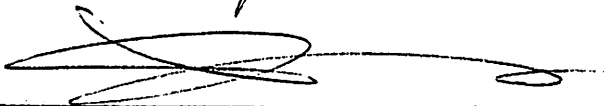
Resolution Number: 13-01
Resolution Title: ENFORCEMENT PROCEDURE
Date of Adoption: January 18, 2013

The above-referenced Resolution was adopted by the Board of Directors as of the date set forth.

Signatures:

Vote: (Y~~es~~)

INDIVIDUAL SIGNATURES ARE ATTACHED

 _____ Director	<u>Y</u>
 _____ Director	<u>Y</u>
 _____ Director	<u>Y</u>
 _____ Director	<u>Y</u>
 _____ Director	<u>Y</u>

ATTEST:



Secretary

01/28/2013
Date

**KING FARM CONDOMINIUM
C/O ABARIS REALTY, INC.
12009 NEBEL STREET
ROCKVILLE, MD 20852**

TO : All Owners of Record, King Farm Condominium
FROM: Board of Directors, King Farm Condominium
RE: Policy Resolution No. 13-01; Enforcement Procedures
DATE: February 5, 2013

It has been felt for some time that the Board of Directors had a need for a policy to address disputes within the Community. Disputes can be of two different types: One is a dispute between unit owners and the other is between a unit owner(s) and the Board of Directors.

The Board consulted an attorney who is an expert in Condominium law and the enclosed Policy Resolution No. 13-01, Enforcement Procedures, was adopted by the Board. You will note that this policy provides a procedure for which disputes will be addressed by the Board of Directors.

Please review the enclosed policy and if you have any questions or concerns please feel free to contact our Management Agent, Bruce Blumberg, Abaris Realty, at 301-468-8919 or by email at Bblumberg@abarisrealty.com.