

**CARRIAGE LAWN AT BARKLEY HOMEOWNERS ASSOCIATION**

**POLICY RESOLUTION NO. 1: BOOK OF RESOLUTIONS**

WHEREAS, Article VIII of the Bylaws states the powers and duties of the Board of Directors, including Article VIII, Section 1(c) that states that the Board of Directors shall have the power “to exercise for the Corporation all powers, duties, and authority vested in or delegated to this Corporation, not reserved to the membership, or other provisions of these Bylaws, the Articles of Incorporation, or the Declaration”; and

WHEREAS, Article I, Section 6 of the Covenants defines the Book of Resolutions as the document used to contain the rules, regulations and policies of the Association as they may from time to time be amended; and

WHEREAS, it is the intent of the Board of Directors to maintain a record of its decisions in addition to the customary meeting minutes;

NOW, THEREFORE, BE IT RESOLVED THAT the Board has created this Book of Resolutions as an orderly and indexed record of the Rules and Regulations of the Association, specifically Policy Resolutions and Administrative Resolutions.

**I. BOOK FORMAT**

The Book of Resolutions shall be composed of Policy Resolutions and Administrative Resolutions classified as follows:

A. “Policy Resolutions” shall mean and refer to resolutions adopted by the Board of Directors which specifically relate to the long-term governance of the Association, including, but not necessarily limited to, actions affecting Owners’ property rights, actions affecting Owners’ obligations, and protection of the equity of the Association and Owners.

B. “Administrative Resolutions” shall mean and refer to those resolutions adopted by the Board which deal with the internal operation and structure of the Association, including but not limited to, financial procedures, committee terms of reference, etc.

## **II. DEFINITIONS**

This Book of Resolutions shall incorporate by reference all definitions contained in the governing legal documents for the Association. The terms defined below are also used in this Book of Regulations:

- A. “Board” or “Board of Directors” shall mean and refer to the governing body of the Association having its normal meaning under Virginia corporate law.
- B. “Association” shall mean the Carriage Lawn at Barkley Homeowners Association.
- C. As the context may require, the terms “Owner” or “Member” shall mean and refer to the record holder of the fee simple title to any Lot, whether one or more persons or entities, the term shall exclude those having interest merely as security for the performance of any obligation.

## **III. FORMAT OF RESOLUTIONS**

The format of resolutions shall conform to the format set out on the attached Exhibit A.

## **IV. RESPONSIBILITY**

The secretary shall be responsible for maintaining the Book of Resolutions and providing to the Owners appropriate and prompt notice of any additions or changes.

## **V. INSPECTION**

The Book of Resolutions shall be made available for inspection by any Owner or representative of one of the project’s Mortgagees upon request, during normal business hours.

## **VI. CONFLICTS**

If the Book of Resolutions conflicts with the Virginia Non-Stock Corporation Act or the Association’s legal documents, those documents shall prevail, according to the following hierarchy; the Non-Stock Act, the Declaration of Covenants, the Articles of Incorporation, the Bylaws, the Book of Resolutions.

## **VII. SEVERABILITY**

The invalidity of any portion of the Book of Resolutions shall not impair or affect in any manner the validity, enforceability, or effect of the balance of the Book of Resolutions.

## **VIII. APPLICABILITY**

Wherever in this Book of Resolutions reference is made to the Association, such reference shall include the Association and the Managing Agent where such authority is delegated by the Association to the Managing Agent. The Policy and Administrative Resolutions approved by the Board of Directors shall be applicable to all Owners and Lots unless otherwise stipulated in a resolution.

## **IX. COMPLIANCE**

All Owners shall comply with the provisions of the Book of Resolutions.

## **X. ENFORCEMENT**

The Association or any Owner shall have the right to enforce, by any proceeding set forth herein or at law or in equity, all provisions of the Book of Resolutions as well as the Association's governing legal documents. Failure by the Association or any Owner to enforce any of the provisions of this Book of Resolutions shall in no event be deemed a waiver of the right to do so thereafter. A waiver of such rights shall be effective only pursuant to an instrument in writing signed by the party to be charged with such waiver and shall be limited to the particular provision contained herein which is expressly set forth as being waived.

## **XI. VIOLATION AND NUISANCE**

Every act or omission whereby any provision of the Book of Resolutions is violated in whole or in part is hereby declared to be a nuisance and may be enjoined or abated, whether or not the relief sought is for negative or affirmative action by the Association or any Owner.

All Owners must observe and abide by all Resolutions posted by the Association and/or local authorities.

If any Owners violate any of these Resolutions, they will hold the Association harmless for any and all damages or losses that may ensue, and waive any and all rights and notices in connection herewith that they may have under the provisions of any applicable governmental laws and ordinances.

## **XII. VIOLATION OF LAW**

Any violation of any applicable governmental law, ordinance or regulations, pertaining to the ownership, occupation, or use of any portion of the Property is hereby declared to be a violation of this Book of Resolutions and is subject, at the discretion of the Board, to any or all of the enforcement procedures set forth herein.

## **XIII. REMEDIES CUMULATIVE**

Each remedy set forth in this Book of Resolutions shall be in addition to all other remedies whether available at law or in equity, and all such remedies, whether or not set forth in this Book of Resolutions shall be cumulative and not exclusive.

## **XIV. REFERENCE OF PRONOUNS**

All pronouns and any variations thereof shall be deemed to refer to the masculine, feminine, neuter, singular and plural as the identity of the person or persons or entities may require.

## **XV. METHOD OF ADOPTION**

All resolutions shall contain an indication of whether they were adopted at a regular or special meeting of the Board, or by written consent, as well as the date of adoption.

**XVI. AMENDMENT**

The Association reserves the right to amend, modify, delete, or replace any provisions set forth in this Book of Resolutions at any time by a two-thirds vote of the Board of Directors and recorded by resolution of the Board of Directors, unless specifically stated otherwise.

**TABLE OF APPROVED RESOLUTIONS**

<b>Resolution Number</b>	<b>Page Number</b>	<b>Resolution Type</b>	<b>Resolution Description</b>	<b>Approval Date</b>	<b>Effective Date</b>
1	6	Policy	Adoption of Book of Resolutions	4 Oct, 2011	1 Nov, 2011
2		Policy	Parking Policy (Approved by previous Board. Approved by current Board for inclusion in Book of Resolutions 4 Oct, 2011)	26 Feb, 2004	1 Apr, 2004

**EXHIBIT A MODEL RESOLUTION FORMAT**

**CARRIAGE LAWN AT BARKLEY HOMEOWNERS ASSOCIATION**

**RESOLUTIONS ACTION RECORD**

Resolution Type: \_\_\_\_\_

Resolution No.: \_\_\_\_\_

Pertaining to: \_\_\_\_\_

Duly adopted at a meeting of the Board of Directors of Carriage Lawn at Barkley Homeowners


Association, held \_\_\_\_\_.

Motion by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

OFFICER	TITLE	YES	NO	ABSTAIN	ABSENT
Gay Ashley	President				
Dave Armstrong	Vice President/Secretary				
G' Ann Zieger	Treasurer				
Jim Ryan	Director				
Mary VanMullekom	Director				

ATTEST: \_\_\_\_\_  
Secretary

\_\_\_\_\_   
Date

Date Resolution Effective: \_\_\_\_\_

**CARRIAGE LAWN AT BARKLEY HOMEOWNERS ASSOCIATION**

**RESOLUTIONS ACTION RECORD**

Resolution Type: Policy

Resolution Number: 1

Pertaining to: Adoption of a Book of Resolutions for determining types of Board Resolutions and manner in which they will be recorded.

Duly adopted: 4 October, 2011 meeting of the Board of Directors of the Carriage Lawn at Barkley Homeowners Association, with the effective date of this resolution to be 1 Nov 2011.

Motion by: Dave Armstrong

Seconded by: G'Ann Zieger

<b>OFFICER</b>	<b>TITLE</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Gay Ashley	President	X			
Dave Armstrong	Vice President/Secretary	X			
G'Ann Zieger	Treasurer	X			
Jim Ryan	Director	X			
Mary VanMullekom	Director				X

ATTEST: \_\_\_\_\_ <signed> \_\_\_\_\_ <4 Oct, 2011>  
Secretary Date

Date Resolution is Effective: 1 November, 2011

**(Policy Resolutions #2. Approved by previous Board on 26 Feb 2004. Approved for inclusion in Carriage Lawn Book of Resolutions on 4 Oct 2011)**

# **CARRIAGE LAWN AT BARKLEY HOMEOWNERS ASSOCIATION**

## **MEMORANDUM**

TO: Carriage Lawn at Barkley – Owners and Residents  
FROM: Rae Brown, Community Manager  
RE: New Parking Policy-Effective 1 April 2004  
DATE: 26 February 2004

Enclosed is a new parking policy that has been approved. This policy becomes effective 1 April 2004.

Please review the information and keep for future use.

CARRIAGE LAWN AT BARKLEY HOMEOWNERS ASSOCIATION,  
INC.

POLICY RESOLUTION

**Parking Regulations**

**WHEREAS**, Article IV, Section 3(f) of the Declaration of Covenants, Conditions and Restrictions for Carriage Lawn at Barkley ("Declaration") provides the Association the right to regulate the use of the Common Area for the benefit of Members;

**WHEREAS**, Article III, Section 3.c.(2) and Article VI, Section 1.h of the Declaration provides that the Board of Directors shall have the authority to establish rules for the use of the Property, and that the use and storage of all vehicles upon the Common Area and Lots or upon any street, public or private, adjacent thereto shall be subject to rules promulgated by the Board of Directors;

**WHEREAS**, Section 55-513 of the Virginia Property Owners' Association Act, as amended, allows the Association, after notice and an opportunity for a hearing, to suspend a lot owner's right to use facilities or services for nonpayment of assessments and to assess charges against any member for violations of the Declaration or Rules and Regulations for which the member or his family members, tenants, guests or other invitees are responsible;

**WHEREAS** the Board of Directors has determined that it is necessary to enact uniform parking rules.

**NOW, THEREFORE, IT IS HEREBY RESOLVED THAT** the Board duly adopts the following parking policy:

1. Parking in and on the areas designated for parking at Carriage Lawn at Barkley shall be restricted to validly licensed and operable vehicles owned or operated by owners/residents and/or their guests. Validly licensed vehicles must have current license plates and tags, current registration stickers, and current inspection stickers.
2. Any vehicles parked in the fire lanes, and/or blocking the right of passage in the streets or on the sidewalks will be towed at the owner's risk and expense.
3. Visitor spaces are reserved only for the short-term use of non-resident guests of lot owners or residents. Anyone who resides at Carriage Lawn at Barkley is not considered a "visitor" or a "guest," and may not use visitor spaces for general parking. Visitors may park in a visitor parking space for no more than five (5) consecutive days, unless there is written Board approval for a longer period of time. Any resident whose

vehicle is parked in a visitor space, if reported, shall be towed at vehicle owner's risk and expense.

4. Only operational vehicles may be parked in the parking spaces. No derelict or disabled vehicles or recreational vehicles shall be parked in the parking spaces or anywhere on the property within public view. No vehicle repairs may be conducted on any portion of the Association's common area (which includes the parking areas).

5. Commercial vehicles owned by members of the Association and/or their tenants shall not be parked in the parking spaces or anywhere on the property within public view. A commercial vehicle is defined as: any vehicle with a gross vehicle weight rating in excess of ten thousand one hundred (10, 100) pounds or more; any vehicle designed to transport sixteen (16) or more passengers including the driver; any vehicle used in the transportation of hazardous materials; any vehicle, regardless of capacity, which displays advertising lettering thereon, or which is licensed as a "for hire" vehicle; or any vehicle, regardless of capacity, which is used for commercial or profit-making purposes.

6. Recreational Vehicles, including boats and boat trailers, shall not be parked in the parking spaces or anywhere on the property within public view. If a truck-mounted camper is to be an Owner's primary means of transportation, it shall not be considered a recreational vehicle, providing it meets the following conditions: (i) the vehicle is moved on a daily basis; (ii) it is parked within a garage or driveway; and (iii) if the camper is removed, it shall be stored in an area screened from all surrounding property.

7. The parking spaces shall not be used as storage for vehicles. If a vehicle has not been moved from an assigned space for a period of more than fifteen consecutive (15) days, it shall be subject to towing at the owner's risk and expense.

8. Vehicles must be parked only within the lines drawn to designate spaces and in the direction and flow of traffic, on the paved area and with due regard for other residents.

9. The foregoing parking regulations become effective on the first day of April 2004 and supersede any previous regulations. Owners of vehicles not complying with these regulations in any respect after this date can be assessed rules violation charges or parking privileges may be suspended after notice and hearing, and/or the vehicle in violation may be immediately towed or booted at the owner's risk and expense.