

**Dawson Landing Homeowners Association**  
**Post Office Box 4401/ Woodbridge, Virginia 22194**  
**www.dawsonlanding.com**

March 15, 2002

Dear Dawson Landing Homeowner:

The Board of Directors would like to take this opportunity to share with you our recent efforts to improve the management of our association, provide you with opportunities to meet and greet neighbors, and to assist in maintaining and increasing our property values.

The Board has recently established a process for collecting unpaid assessments. The Board decided to take this action because of the number of homeowners that are currently in arrears and to ensure timely payment of assessments in the future.

The process is described in greater detail in the "Assessment Resolution" (attached). The new process takes effect May 1, 2002. We urge you to become familiar with this resolution.

The process outlined below begins with your receipt of the semi-annual assessment invoice during the first week of January. Homeowners that did not pay at that time received late notices from MJF during the first week of February; other key dates and steps are described below:

**May 1**

The Board will suspend privileges of homeowners that are more than 60 days delinquent. The Board will also "accelerate" the account, requiring the homeowner to pay the annual assessment (for accounts more than 90 days delinquent). The Board will direct outside counsel to issue a *Demand for Payment, Notice of Acceleration of the Assessment, and a Lien Warning Letter* to the homeowner.

**May 10**

The Board will direct outside counsel to send homeowners delinquent more than 100 days, an *Accelerated Memorandum of Lien*.

**June 1**

The Board will direct MJF to add a \$25 late charge and begin charging 10% interest. The Board will direct counsel to initiate a civil suit for the accelerated assessment for homeowners delinquent more than 120 days.

The Board is also developing a *Covenant and Rule Enforcement* process, including rule violation charges, which will be finalized and transmitted to you later this month.

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To help achieve the Board's other two objectives, we have invited outside guests to speak with us at the next three meetings. We are designing these meetings to provide you an opportunity to get informed, and to be heard, on the issues that directly impact you, your family, and our community. These meetings begin at 7:00 p.m. and take place locally. Call us or check our website for additional details on the following:

**March 26**

The Board will host the Prince William County Service Authority representatives to discuss the steps currently being taken next door at the wastewater treatment plant to eliminate the odor, minimize the operational risks, and help beautify our community.

**April 11**

The Board will host Ryan and Sorensen representatives to discuss the status of the build-out, the impacts on our community, and how we might work together to obtain common property, e.g., tot lot, tennis court, etc.

**April 30**

The Board will host County Supervisor Hilda Barg and other transportation officials to discuss the current status of the proposed expansion of Rippon Boulevard and the extension of the road to the VRE Train Station.

Finally, for our children and the young at heart, the Board will be hosting its first Spring event, "**An Easter Egg Hunt**" on Saturday, March 23, from 9:00 to 11:00 a.m. at the Ryan Model Home. A flyer with additional details is attached.

I encourage you to get involved and help make a difference in our community. Follow our efforts on our Internet website ([www.dawsonlanding.com](http://www.dawsonlanding.com)) and return often for in-depth, up-to-the minute, news you can use. Should you have questions or concerns about our community, please do not hesitate to contact me at 202.263.7934 or at [Frank.J.Principi@marsh.com](mailto:Frank.J.Principi@marsh.com). Let's stay in touch!

Sincerely,



Frank J. Principi  
President

Attachments

**DAWSON LANDING HOMEOWNERS ASSOCIATION, INC.**

**REGULATORY RESOLUTION NO. 2002-01**

**ASSESSMENT COLLECTION POLICY**

**WHEREAS** Article II, Section 1(c) of the Declaration, VII, Section 1(a) of the Bylaws of the Dawson Landing Homeowners Association ("Association"), and Section 55-513.A. of the Virginia Property Owners' Association Act ("Act") grant the Board of Directors of the Association the power to establish rules and regulations for the use of the property and the personal conduct of the members and to establish penalties for their infraction;

**WHEREAS** Section 55-515.A. of the Act and the Declaration charge all lot owners and their tenants, guests and invitees with compliance with the Act, the Declaration, Bylaws and Rules and Regulations of the Association, as amended;

**WHEREAS** Article IV(b) of the Articles of Incorporation, Article IV of the Declaration of Covenants, Conditions, and Restrictions ("Declaration"), and Article VII, Sections 1 and 2 of the Bylaws, as amended, empower the Board of Directors of the Association to fix, levy and establish the methods of collecting assessments;

**WHEREAS** Article IV, Section 1 of the Declaration and Article XIV of the Bylaws create an assessment obligation for all lot owners and Article IV, Section 8 of the Declaration and Article XIV of the Bylaws set forth remedies for nonpayment of the assessment and empower the Board to enforce the covenants;

**WHEREAS** Article IV, Sections 1 and 8 of the Declaration and Article XIV of the Bylaws provide that any assessment not paid within thirty (30) days after the due date shall incur a late fee and bear interest from the date of delinquency at the rate of ten (10) percent per annum or such greater amount as may be determined by the Board and that the Board may foreclose the lien and bring an action at law against delinquent lot owners, and recover interest, reasonable attorneys' fees and costs;

**WHEREAS** Section 55-513.B. of the Act, Article II, Section 1(a) and 1(f) of the Declaration, Article IV(b) of the Articles of Incorporation and Article VII, Section 1(b) of the Bylaws empower the Board of Directors to suspend a member's right to use facilities or services offered by the Association and the right to vote for nonpayment of assessments or other charges;

**WHEREAS** it is the intent of the Board of Directors to establish rules and regulations regarding the assessment collection policy of the Association for the benefit and protection of the Association's lot owners and residents by establishing procedures which ensure consistency of enforcement.

**NOW, THEREFORE, IT IS HEREBY RESOLVED THAT** the Board of Directors adopts the following policy to become effective 1, MAY 02

## **I. ROUTINE COLLECTIONS**

A. All annual assessments will be collected on a twice yearly basis and shall be due and payable on the first day of January and July of each year. If a lot owner is in default in payment of any installment of an assessment for more than thirty (30) days, the assessment shall be considered delinquent and the right to vote shall be suspended until the account is brought current.

B. All special assessments shall be due and payable on the first day of the next month after delivery to the lot owner of the notice of special assessment ("Due Date") unless otherwise determined by the Board of Directors.

C. All documents, correspondence, and notices relating to assessments or charges shall be mailed or delivered to the address which appears on the books of the Association or to such other address as is designated in writing by an owner.

D. Non-receipt of an invoice shall in no way relieve the owner of the obligation to pay the amount due by the due date.

E. Charges assessed pursuant to the Association's Declaration, Bylaws and resolutions or for rules violations shall be collected as an assessment or in such manner as shall be determined by the Board of Directors.

## **II. REMEDIES FOR NONPAYMENT OF ASSESSMENTS**

A. If payment of the total assessments or charges due, including special assessments, charges for violations of the Association's governing documents or Rules and Regulations and returned check charges are not received by the managing agent by the thirtieth (30th) day after the due date, the account shall be deemed late, a late fee of twenty-five percent (25%) of the amount due for that installment and interest of ten percent (10%) per annum, or the legal rate of interest (whichever is higher), from the date of delinquency, shall be added to the account and shall be a part of the continuing lien and personal obligation for assessments as provided for in the Declaration, Bylaws and the Property Owners' Association Act, until all sums due and owing shall have been paid in full.

B. If a check is returned and an assessment or charge due and owing is not otherwise received in the applicable time period, as provided in Paragraph II.A. above, the account shall be deemed late and a late fee and interest shall be added in addition to a Twenty-Five Dollar (\$25.00) returned check charge or such other amount as the Board shall determine, if applicable.

C. A "Late Notice" may be sent by the managing agent to lot owners who have not paid assessments or charges, in full, by the thirtieth (30th) day after the due date. The notice shall advise the owners that their right to park in any common area and use recreational facilities or other services and facilities of the Association may be suspended if their account remains delinquent for more than

sixty (60) days. The notice shall offer them the opportunity to have a hearing before the Board to contest that suspension. The notice shall also warn them that their account may be accelerated for the remainder of the fiscal year and referred to legal counsel if it remains more than sixty (60) days delinquent. If a hearing is requested, notice of such hearing shall be sent at least fourteen (14) days in advance of the hearing date by certified mail, return receipt requested. In accordance with Article IX, Section 8, of the Declaration and Article XVII, Section 3, of the Bylaws, the Association shall also notify the Lender holding the first Deed of Trust or mortgage of any installment which remains more than thirty (30) days delinquent.

D. If an assessment or charge due and owing is not otherwise received within sixty (60) days after it is due, the delinquent lot owner's privilege to use the common area parking, recreational facilities or other services and facilities of the Association may be suspended and revoked after an opportunity for a hearing has been provided and until the account is paid in full or a satisfactory payment plan is accepted by the Board.

E. If payment in full, of any assessment or charge, interest, late fee, and returned check charge, is not received by the managing agent by the ninetieth (90th) day after the due date, the account shall be referred to counsel for the Association and shall be accelerated. The managing agent or counsel shall mail a demand for payment, notice of acceleration of the annual and/or special assessment for the balance of the fiscal year and lien warning letter by certified mail to the lot owner at the address listed on the books of the Association.

F. If payment in full, of the amounts due, is not received by counsel or the managing agent within ten (10) days after the lien warning letter has been sent by certified mail, an accelerated memorandum of lien shall be filed. Non-receipt of a notice shall not prevent the Association from filing a lien within the statutory deadline. Reasonable attorneys' fees, interest as provided above from the date of delinquency, late fees, and the costs of collection, including, without limitation, the costs of filing and releasing the memorandum of lien, shall be added to the account and the delinquent lot owner shall be liable for all costs, interest, and attorneys' fees pursuant to Article IV, Section 8 of the Declaration and Article XIV of the Bylaws.

G. If payment in full, of all amounts due, is not received by counsel or the managing agent by the one-hundredth and twentieth (120th) day after a due date, a civil suit for the accelerated assessment may be filed personally against the delinquent lot owners.

H. If an account remains delinquent after the filing of a lien or civil suit or in lieu thereof, counsel for the Association shall take other appropriate legal action to collect the amounts due, except as provided in Paragraph I. and unless directed otherwise by the Board of Directors of the Association.

I. If a lien remains unpaid, a suit to enforce the lien and foreclose on the lot may be filed within twenty-four (24) months of the date the lien is recorded, upon authorization from the Board of Directors. Prior to instituting foreclosure, the Association shall provide at least ten (10) days' notice to the lender holding the first deed of trust of mortgage on the lot in accordance with Article

IX, Section 8 of the Declaration and Article XVII, Section 3 of the Bylaws.

J. If the Association receives from any owner, in any accounting year, two (2) or more returned checks for payment of assessments, the Board may require all future payments to be made by certified check, cashier's check or money order for the remainder of the fiscal year.

K. All costs incurred by the Association as a result of any violation of the Declaration, Bylaws, Rules and Regulations or Resolutions of the Association by a lot owner, his family, employees, agents, lessees or licensees, shall be specially assessed or charged against the lot owner. Such costs include, without limitation, attorneys' fees or administrative expenses (regardless of whether suits or liens are filed) resulting from a lot owner's failure to pay charges or assessments when due or from any other default referred to in this paragraph or in the Declaration, Bylaws and rules.

L. The Board may grant a waiver of any provision herein, except filing of memoranda of liens beyond the statutory deadline, upon petition, in writing, by a lot owner alleging a personal hardship. Such relief granted a lot owner shall be appropriately documented to the files with the name of the person or persons representing the Board granting the relief and the conditions of the relief.

M. The Board hereby authorizes the managing agent to waive the imposition of interest on payments received by the managing agent after the thirtieth (30th) day of the month, if, in the judgment of the managing agent, the delinquent lot owner has owned the lot for less than three (3) months at the time of the delinquency and the managing agent determines the delinquency was the result of a misunderstanding of the correct procedures relative to payment of the assessment.

N. Payments received from a lot owner shall be credited in the following order:

1. Charges for attorneys' fees and court costs.
2. All returned check charges or interest accrued, as applicable.
3. All other charges incurred by the Association as a result of any violation by a lot owner, his family, employees, agents, lessees or licensees of the Declaration, Bylaws, Rules and Regulations or Resolutions.
4. The installment of the annual assessments and any special assessment on each lot, and late fees applied first to the oldest amount due.

**DAWSON LANDING HOMEOWNERS ASSOCIATION, INC.  
RESOLUTION ACTION RECORD**

Resolution Type: Regulatory No. 2002-01

Pertaining to: Assessment Collection Policy

Duly adopted at a meeting of the Board of Directors of the Dawson Landing Homeowners Association held 3/11/02, 2002.

Motion by: Joe Grzecko Seconded by: Bridget Quinn.

		VOTE:			
		YES	NO	ABSTAIN	ABSENT
<u>FRANK J. PRINCIPI</u>	Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Bruce A. Brill</u>	Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Joseph Gygis</u>	Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Bridget Quinn</u>	Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Bill Little</u>	Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
_____	Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST:

Joseph Gygis Secretary      3/11/02 Date

Book of Minutes - 2002

Book Resolutions:	Book No.	Page No.
Policy	_____	_____
Regulatory	_____	_____
Special	_____	_____
General	_____	_____

Resolution effective: 1 MAY, 2002.

