

RESOLUTION OF THE BOARD OF DIRECTORS OF CHESTNUT GROVE ASSOCIATION, INC. ESTABLISHING MONETARY FINES AND PENALTIES FOR ARCHITECTURAL VIOLATIONS AND DUE PROCESS PROCEDURES

RESOLUTION 2023-01

WHEREAS, the Declaration of Covenants, Conditions and Restrictions of Chestnut Grove Association, Inc, Article VIII, Section 11 indicates that *"The Architectural Committee may adopt and promulgate reasonable rules and regulations regarding the administration, interpretation and enforcement of the provisions of this Article VIII of this Declaration"*, and;

WHEREAS, the Declaration of Covenants, Conditions and Restrictions of Chestnut Grove Association, Inc, Article VII indicates that *"The Owner of each Lot shall keep the Lot, and all improvements thereon, in good order and repair, in a manner and with such frequency as is consistent with good property management and maintenance practices. If, in the reasonable opinion of the Architectural Committee, any Owner fails to perform the duties imposed hereunder, the Association, on affirmative action of a majority of the Board of Directors, after fifteen (15) days written notice to the Owner to remedy the condition, shall have the right (but not the obligation), through its agents and employees, in addition to any other rights or remedies of the Association, to enter upon the Lot in question and to repair, maintain, repaint and/or restore the Lot and the improvements or structures thereon, and the cost thereof shall be a binding, personal obligation of such Owner of the Lot, and an additional assessment on the Lot."*, and;

WHEREAS, the Declaration of Covenants, Conditions and Restrictions of Chestnut Grove Association, Inc, Article VIII, Section 8 indicates that *"If any Structure shall be altered, erected, placed or maintained upon any Lot, or any new use commenced on any Lot, in violation of the provisions hereof, such Structure or new use shall be removed or discontinued, and such use shall be terminated so as to extinguish such violation. If within fifteen (15) days after notice from the Declarant or the Board of Directors of such violation, the Owner of the Lot upon which such violation exists shall not have taken reasonable steps towards the removal or termination of the same, the Declarant and/or the Association, through its or their agents and employees, in addition to any other rights or remedies of the Association, shall have the right to enter upon the Lot and to take such steps as are necessary to extinguish such violation and the cost thereof shall be a binding, personal obligation of the Owner of the Lot, and an additional assessment on the Lot."*, and;

WHEREAS, contracting for maintenance personnel to perform duties on behalf of the Association on privately owned lots & property is problematic and time consuming, as well as creates a liability for the Association, and;

WHEREAS, the Chestnut Grove Association, Inc. adopted an Amendment to the Bylaws at the 2023 Annual Membership meeting which established the Association's authority to impose monetary fines for unresolved architectural violations;

THEREFORE, be it resolved that The Board of Directors of Chestnut Grove Association, Inc. hereby adopts and establishes the following schedule of monetary fines and penalties for violations by the Members, their tenants, guests and invitees.

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FEE SCHEDULE

Amount	Frequency	Description of Violation	Authority of Violation
\$100.00	Monthly	Building Restrictions. No building, fence, wall or other Structure shall be commenced, erected or maintained upon any Lot, nor shall any exterior addition to or change or alteration therein be made, nor shall the natural state of any area of any Lot be disturbed or altered, without HOA approval. *	Declaration of Covenants - Article VIII, Section 1
\$100.00	Monthly	Failure to keep a Lot, and all improvements thereon, in good order and repair, in a manner and with such frequency as is consistent with good property management and maintenance practices	Declaration of Covenants - Article VII

* HOA approval may be evidenced by presenting an application which has been submitted to the HOA and subsequently affixed with signature of approval of an individual duly appointed to the Architecture Committee or elected to the Board of Directors.

Imposition of a fine for failure to comply with good property management and maintenance practices requires the unanimous consent of the Architecture Committee and/or Board of Directors present at any scheduled hearing and/or appeal.

DUE PROCESS PROCEDURES

The Chestnut Grove Board of Directors hereby adopts the following due process procedures in accordance with the Maryland Code Real Property, § 11B-111.10. Dispute settlement mechanisms.

1. Before any fine may be imposed by the HOA will issue a written Notice of Violation (Notice) to the homeowner at their current address of record.
2. The Notice shall state (a) The nature of the alleged violation; (b) The action required to abate the violation; and (c) a fair and reasonable period of time (not less than 15 days) during which the violation may be abated without further sanction.
3. The Notice will, also, include a notice of the homeowners right and procedure to request a fair hearing before the HOA Board of Directors with respect to the claimed violation (including the right to present evidence and witnesses).
4. A homeowner must submit a written request either via electronic mail, first class mail, or certified mail for a hearing before the Board of Directors within ten (10) business days of Notice receipt to prevent fines or penalties from being imposed and accruing during any hearing(s) and/or appeal related to that Notice.

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5. Only after the above procedural safeguards have been satisfied will any fines or penalties be imposed.
6. Any hearing before the Board of Directors shall be held in executive session and afford the violator a reasonable opportunity to be heard, present evidence, and cross-examine witnesses. The HOA Secretary shall record minutes of any hearing to include a statement of the results of the hearing and any sanction imposed.
7. A decision made in accordance with these procedures shall be appealable to the courts of Maryland.

DONE on this 15th day of April 2023 by a majority of the Board of Directors present at a duly called meeting and such provision is to be effective pending filing in the Charles County Homeowners Association Depository Records of the Clerk of the Court, and shall supersede any and all previously adopted policies.

IN WITNESS WHEREOF, the undersigned, being the President and Secretary of the Chestnut Grove Association, Inc., have set their hands and seals on the date first set forth above.


Brendan Moon – Secretary


Bryan Day - President

DOCUMENT VALIDATION

Lisa E. Yates, Clerk
Circuit Court for Charles County
200 Charles Street
La Plata, MD. 20646
301-932-3202