



Fairlington Glen

February 15, 2017

Re: Bylaws Amendment Allowing Monetary Charges for Violations of Article VI Section 6

Dear Co-Owners,

I am writing to you on behalf of the Board of Directors of the Fairlington Glen Condominium regarding the above-reference subject.

On January 10, 2017, the attached Article of Amendment to the Bylaws was adopted by the Board of Directors under Bylaws Article VI, Section 6(r) and recorded in the Arlington County land title records. It was prepared and recommended by legal counsel.

The amendment allows the community to assess monetary penalties against owners for violations of Bylaws Article VI, Section 6 Rules of Conduct, subject to the limits and procedural protections prescribed under Virginia law. Virginia law limits such assessments to \$50 for a single offense, or \$10/day for a period of up to 90 days for a continuous offense. The Amendment will only be applied prospectively.

Until about three years ago, the Glen had always assumed that it could assess monetary penalties to owners for violations of its governing documents, to the extent allowed, and observing due process procedures provided under Virginia law. We sent violations letters warning of our ability to assess monetary penalties and began proceedings to do this when other remedies proved futile. Believing that we had the authority to assess monetary penalties, we adopted Policy Resolution No. 96-1 (attached to the Glen Handbook), which prescribed the statutorily mandated procedures for imposing such penalties and other remedies.

About 3 years ago, however, due to an adverse court decision not involving the Glen and related legislative developments, counsel opined that our ability to assess monetary penalties may be imposed only if they are specifically named in the association's governing documents. Our governing documents are our Bylaws and our Master Deed, and neither specifically referred to, or used words like, "monetary penalties" or "fines."

Fortunately, the Glen's Bylaws provide the opportunity to adopt a remedy that should satisfy the courts. The Glen's Bylaws provide, in Article VI, Section 6(r), that the Glen Board may amend Article VI, Section 6 Rules of Conduct, which prescribes many (but not all) of the Glen rules that might be difficult to enforce without the ability to assess monetary penalties. Citing this provision, counsel recommended that we amend Section 6 to state that we may impose monetary penalties for violation of the rules prescribed in that section, in accordance with the limits and

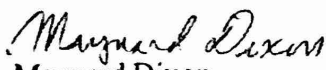
procedures prescribed by Virginia law.

We emphasize that the great majority of Glen residents readily observe Glen rules, and, if they disagree with any of them, pursue the avenues of change that are prescribed therein. For example, variances are frequently granted for good cause, sometimes on a broad-blanket basis.

Occasionally, however, a resident will refuse to observe the same rules observed by everyone else, no matter how gently or repeatedly the resident is asked. For example, trash might be repeatedly left out. Unless the Glen's ability to assess monetary penalties against such scofflaws is reaffirmed, the Glen's only remedies are to sue in court, which can be expensive, and to deprive offending owners of privileges that they may think they can live without. Knowing full well that lawsuits take much time and energy, the offending resident may even dare the Glen to sue. This amendment will restore the community's full ability to remedy this type of behavior.

If you have any questions regarding this letter or the new procedure, please feel free to contact our Community Manager, Candace Lewis, via email at c.lewis@cardinalmanagementgroup.com or at 703.565.5244.

Sincerely,


Maynard Dixon

Treasurer

Glen Board of Directors

Attachment: Read File

20170100002995 Pg. 1 OF 9
02/13/2017 08:44:49 AM
Doc Type: ELRZAMEND;
Paul Ferguson, Clerk
Arlington County Clerk
Grantor Tax: \$.00
State Tax: \$.00
Recording Fee: \$26.00

RPC #s listed on Attachment

Prepared By and Return To:
Rees Broome, PC
1900 Gallows Road, Suite 700
Tysons Corner, Virginia 22182

DEED OF AMENDMENT TO THE BYLAWS OF THE

FAIRLINGTON GLEN CONDOMINIUM COUNCIL OF CO-OWNERS

THIS DEED OF AMENDMENT to the Bylaws of FAIRLINGTON GLEN CONDOMINIUM COUNCIL OF CO-OWNERS is made this 13th day of December, 2016 by Jason Yiaalis President of FAIRLINGTON GLEN CONDOMINIUM COUNCIL OF CO-OWNERS ("Council").

WITNESSETH:

WHEREAS, Article VI, Section 6(r) of the Council's Bylaws recorded among the land records of Arlington County, Virginia, in Deed Book 4222 Page 2520, *et seq.*, states that the Board of Directors shall have the right to add or repeal the Rules of Conduct set forth in the Bylaws; and

WHEREAS, the Board of Directors of the Fairlington Glen Condominium Council of Co-Owners believes that it is in the best interests of the Council to formally adopt the power to impose monetary charges for violations of the rules of conduct as amended; and

WHEREAS, at least a majority of a quorum of Directors approved an addition to the Rules of Conduct; and

WHEREAS, pursuant to the §55-79.71 of the Virginia Condominium Act, the President and Principal Officer of the Fairlington Glen Condominium Council of Co-Owners has executed this amendment certifying that the requisite majority of Directors have ratified the amendments to the Bylaws.

NOW THEREFORE, pursuant to the approval and ratification of Directors representing at least a majority of a quorum at a validly held meeting on Dec 13, 2016 2016 and evidenced by the signature/certification of the President below, the following provisions of the Rules of Conduct in the Bylaws are hereby revised by deleting existing subparagraph (r) and inserting the following:

Article VI, Section 6

(r) The Board of Directors shall have the right to assess monetary charges against co-owners for any violation of these Rules of Conduct by the co-owner and/or his tenant, guest, family member, agent or invitee. Such charges may be assessed to the maximum extent permitted by law and shall be collectible in the same manner as assessments.

(s) These Rules of Conduct may be added to or repealed at any time by the Board of Directors.

IN WITNESS WHEREOF, the President of the Fairlington Glen Condominium Council of Co-Owners has executed this Amendment to the Fairlington Glen Condominium Council of Co-Owners Bylaws this 13th day of December 2016 certifying that these Amendments were approved by the Council of Co-Owners Board.

**FAIRLINGTON GLEN CONDOMINIUM
COUNCIL OF CO-OWNERS**



By: Jason A. Gianfros
President

County/City of Arlington
Commonwealth/State of Virginia
The foregoing instrument was acknowledged
before me this 13th day of December
2016 by
Jason A. Gianfros
(Name of person seeking acknowledgment)
Candace M. Lewis
Candace M. Lewis, Notary Public No. 338303
My Commission Expires July 31, 2018