Lake of the Woods Association, Inc.  
Policy Resolution 2015-2  
Authorizing Deactivation of Barcodes for Nonpayment of Annual Assessment and Other Amounts Due the Association after 60 Days

WHEREAS, Article V of the bylaws gives the board of directors the authority to amend and adopt association bylaws; and

WHEREAS, there is a need for regular review of LOWA Bylaws for completeness and clarity; and

WHEREAS, there is a need for clear, concise and consistent Rules and Regulations for admittance to Lake of the Woods, Fees, and Late Fees for Assessment Payments, including the penalty of deactivating barcodes for convenient access to Lake of the Woods; and

WHEREAS, HOAs traditionally prevent members from using amenities and services for nonpayment, and members with suspended bar code privileges still have access to their homes through the Front Gate Visitor Lane; and

WHEREAS, these amendments to LOWA Regulations state LOWA deactivates bar codes for nonpayment after 60 days of annual assessments and “other amounts” due to the Association, which include non payment of fees and fines including summonses for traffic offenses; and

WHEREAS, the Property Owners’ Association Act addresses this authority of associations in § 55-513.B(i) Adoption and enforcement of rules:

“The board of directors shall also have the power, to the extent the declaration or rules and regulations duly adopted pursuant thereto expressly so provide, to (i) suspend a member’s right to use facilities or services, including utility services, provided directly through the association for nonpayment of assessments which are more than 60 days past due, to the extent that access to the lot through the common areas is not precluded and provided that such suspension shall not endanger the health, safety, or property of any owner, tenant, or occupant and (ii) assess charges against any member for any violation of the declaration or rules and regulations for which the member or his family members, tenants, guests, or other invitees are responsible.”

THEREFORE, the Board of Directors adopts the following revised and amended language:

Section II. ADMITANCE TO LAKE OF THE WOODS

A. ACCESS TO LAKE OF THE WOODS

Every member, registered tenant and their family members are provided access to Lake of the Woods through the manned main gate off of Germanna Highway (Route 3) with proper identification. Entrance there is also provided for their non-registered family, guests and
contractors with the member’s or tenant’s authorization. Members in good standing, registered tenants and their registered family members as well as registered contractors are also provided the convenience of using the barcode lanes at the main gate and the back gate off Flat Run Road subject to the Association’s Collection Policy, and after giving a member an opportunity for a hearing, the Board of Directors shall have the right to suspend a members’, tenants’ and their families’ use of the barcode lanes because of nonpayment of assessments, fees, and/or fines owed to the Association that are more than sixty (60) days past due. The member may, at his/her expense, be represented at the hearing by an attorney licensed in Virginia. Deactivation of the barcode, which is considered to be a convenience, shall not in any way prevent a member from entering Lake of the Woods by way of the manned main gate off of Germanna Highway (Route 3) with proper identification. A member for the purposes solely of this section shall include spouses and dependent children.

[Renumber remaining articles.]

Section XV. ESTABLISHMENT OF USERS FEES, ASSESSMENT SETTLEMENT AND OTHER CHARGES

C. ASSESSMENTS

Annual Assessment charges are due and payable on or before May 1, annually. The Board of Directors may, at its discretion, provide other payment options.

D. LATE OR NONPAYMENT OF ASSESSMENTS, FEES, AND/OR FINES DUE THE ASSOCIATION

The Board hereby delegates and directs the General Manager to establish fair yet firm procedures necessary to collect assessments, fees and/or fines due the association. These procedures include any or all of the following:

1. Reminders. Publishing reminders when assessments and other fees are due as described in Sections XV.B and C above.

2. Interest Charges. For those accounts thirty (30) days past due adding interest charge on the amount due will be added to the account.

3. For those accounts sixty (60) days past due adding a late fee of fifty (50) dollars to the account.

4. Deactivating of Member Barcodes. The deactivation will extend to all family members, occupants, tenants or invitees of the delinquent member.

5. Restricting access to and use of recreational amenities.

6. Placing a lien on the property.
7. Turning the account over to a collections attorney.

8. Forcing the sale of the property to recover assessments, fees and fines due the Association.


LAKE OF THE WOODS ASSOCIATION, INC.

By: ____________________________
    J. Michael Rugless, President

ATTEST:

I, as Secretary for Lake of the Woods Association, Inc., hereby attest that the foregoing Policy Resolution 2015-2 was adopted by the Board of Directors at a duly-held and noticed Board of Directors meeting held on the 7th day of March 2015.

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Louisa Rucker, Secretary