

RESOLUTION

of the

Board of Directors

of

GATLING POINTE COMMUNITY ASSOCIATION, INC.

(Due Process Procedures for Enforcement of Covenants and Rules)

WHEREAS, the Board of Directors is empowered by Part IV of the Declaration of Rights, Restrictions, Affirmative Obligations and Conditions Applicable To All Property In Gatling Pointe ("Original Declaration"), June 9, 1988, and recorded on June 9, 1988, in the Clerk's Office of the Circuit Court of the County of Isle of Wight, Virginia ("Clerk's Office"), in Deed Book 342, at Page 139, by Article VII of Declaration of Covenants and Restrictions Of The Gatling Pointe Community Association, Inc. And Tidewater Brandermill Associates, A Virginia General Partnership ("Second Declaration"), and by Article III of the Association's Bylaws, as all of the same may have been amended or supplemented from time to time, to enforce the covenants contained in the Declaration and to enforce any Board Resolutions, Architectural Guidelines and Rules and Regulations adopted pursuant to the Declaration and Bylaws in accordance with Section 55-513 of the Code of Virginia, 1950, as amended (the "Property Owners' Association Act"); and

WHEREAS, for the benefit and protection of the Association and of the individual members, the Board of Directors deems it desirable to establish a procedure to assure due process in cases where there is a question of compliance by a member, his family, his guests or tenants and the tenant's family and guests, with the provisions of the Declaration, the Articles of Incorporation, Bylaws, adopted Board Resolutions, Architectural Guidelines and Rules and Regulations (the "Governing Documents"), thereby attempting to minimize the necessity of seeking action in or through a court of law; and

WHEREAS, it is the intent of the Board to adopt the provisions of Section 55-513 of the Property Owners' Association Act and to establish procedures for the Board and such Committees as may be designated by the Board in the future where they must take action relative to questions of compliance by an Owner with the provisions of the Governing Documents instruments; and

WHEREAS, the Board of Directors will provide notice of this policy to all current owners by mailing a copy of this Resolution to current owners and to all future owners by including the Resolution in resale disclosure packages prepared pursuant to Section 55-512 of the Property Owners' Association Act.

NOW THEREFORE, the Board of Directors of Gatling Pointe Community Association, Inc. does hereby adopt this Resolution in order to adopt the following due process procedures:

1. When a violation of the Declaration, Articles of Incorporation, Bylaws, Board Resolutions, Architectural Guidelines, Rules and Regulations and/or any amendments and supplements thereto ("Governing Documents") is either observed by or reported to the Board of Directors or the Association's Manager, the Owner will be issued a written warning or "cease and desist" letter to notice the Owner of the violation. This notice will state the nature of the violation, the action required to abate or cure the violation, a reasonable time to cure the violation and the Board's authority to impose sanctions for failure to abate or correct the violation, after an opportunity to be heard.
2. In the event the Owner cures or abates the violation within the time frame stated in the written warning, this rule and regulation hereby notifies Owners that the Board of Directors may, in its sole discretion, consider any repeat of the same violation within the next twelve (12) months a continuing violation of the noticed violation and may schedule a due process hearing without further written warnings as provided in Rules 4 and 5 below.
3. If the violation is of a non-continuing, single occurrence, nature, the Board may, in its sole discretion, schedule a due process hearing without any or further written warnings other than the due process hearing notice provided for in Rules 4 and 5 below.
4. If the violation is not cured within the time frame set forth in the written warning, or if the violation is of a non-continuing, single occurrence, nature, notice that a due process hearing has been scheduled will be issued. The hearing notice will contain the time, date and location of the due process hearing and identify the official body to preside over the hearing.
5. Notice of the due process hearing shall, at least fourteen (14) days in advance thereof, be hand delivered or mailed by registered or certified United States mail, return receipt requested, to such Owner at the Unit address as well as any alternate address upon the books and records of the Association and shall be delivered as may otherwise be required for notices of meetings of the Association. The Owner shall be advised that an attorney may be present to represent the Owner at the due process hearing.
6. The due process hearing shall be conducted by at least three (3) Members of the Board of Directors.
7. Failure of an Owner to attend the scheduled due process hearing shall not waive the Board's right to continue to hold the due process hearing and the Board shall have the authority to charge the Owner for an occurrence or continuing occurrence of the noticed violation.

8. If the Board finds the Owner to be in violation, charges may be assessed in an amount not to exceed fifty (\$50.00) dollars for a single offense or ten (\$10.00) dollars per day for a violation of a continuing nature until the violation is cured or, if the violation is not cured, for a period not to exceed ninety (90) days. Such charge(s) shall be treated as a lien against said Owner's Lot and shall have the same force and effect as if the charge was a part of the Common Expense attributable to such Owner.
9. The Board of Directors may, in its sole discretion, consider any repeat of the same violation within the next twelve (12) months a continuing violation of the violation for which the due process hearing was held and may schedule a due process hearing without further written warnings as provided in Rules 4 and 5 above.
10. The due process hearing result shall be mailed by registered or certified mail, return receipt requested, to the Owner at the address of record with the Association within seven (7) days of the due process hearing.
11. Any Owner found to be in violation shall be responsible for all attorney's fees, administrative costs, and court costs that may result in the enforcement of the Association's Governing Documents. Such fees and costs may be adopted, imposed and enforced by Rule and Regulation of the Association.

IN WITNESS WHEREOF the Board of Directors of Gatling Pointe Community Association, Inc. has set their hands on this 22nd day of April, 2008.

David W. Willis

Director

Ree Smith

Director

Jill Lillwater

Director

[Signature]

Director

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Director