

**RESOLUTION
OF THE BOARD OF DIRECTORS
OF
THE TERN COMMUNITY ASSOCIATION
(Association Complaint Procedures)**

WHEREAS, the Code of Virginia, 1950, as amended (the “Virginia Code”), was amended by statute effective July 1, 2008, to create a Common Interest Community Board (“CIC Board”) and the Office of the Common Interest Ombudsman (“CICO”); and

WHEREAS, Section 54.1-2354.4 states the CIC Board “shall establish by regulation a requirement that each association shall establish reasonable procedures for the resolution of written complaints from the members of the association and other citizens”; and

WHEREAS, for the benefit and protection of the Association and of its individual Members, and with a goal of reducing and resolving conflicts among and/or between the Association and its Members, the Board of Directors hereby establishes these Association Complaint Procedures to meet the requirements of Section 54.1-2354.4 of the Virginia Code and regulations of the Common Interest Community Ombudsman regarding Association Complaint Procedures effective July 1, 2012; 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 packages prepared pursuant to Virginia’s Property Owners’ Association Act, as applicable; and

WHEREAS, this Resolution shall remain in full force and effect until amended by further resolution of the Board.

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NOW THEREFORE, the Board of Directors of The Tern Community Association does hereby adopt this Resolution in order to adopt the following Association Complaint Procedures:

1. Right to Submit Association Complaint. When any Association Member ("Member" or "Complainant") observes or reasonably believes the Board of Directors ("Board"), the Association's Common Interest Community Manager ("Association Manager") or any individual Board Member has or is continuing to violate any provision of the Association's Declaration, Architectural Guidelines, Articles of Incorporation, Bylaws, and/or Rules and Regulations ("Governing Documents"), the Member shall have the right to acquire, complete and submit an Association Complaint Form.

2. Association Complaint Form.
 - a. The Association Complaint Form shall comport substantially with the Association Complaint Form attached to this Resolution as Exhibit A, or with any form required by regulation duly promulgated by Virginia's Common Interest Community Board ("CIC Board").

 - b. The Association Complaint Form shall be submitted to:
The Tern Community Association,
c/o The Select Group, Inc.
2224 Virginia Beach Blvd., Suite 201
Virginia Beach, VA 23454
(757) 486-6000 (Phone); (757) 486-6988 (Fax)
jill.c.albright@theselectgroup.us

The Association Complaint may be submitted to the Association:
 - (i) By U.S. Mail, registered or certified, return receipt requested;
 - (ii) By hand delivery, *provided, however*, the method of hand delivery must provide a means to prove delivery;
 - (iii) By facsimile to the Association's Managing Agent; and/or
 - (iv) By email to the Association's Manager.

 - c. The Association Complaint Form must be submitted at least fourteen (14) days prior to the next scheduled regular Board Meeting to insure review at that meeting. If the Association Complaint Form is received less than fourteen (14) business days prior to the next scheduled regular Board Meeting, the Association Complaint Form shall be reviewed at the next subsequent regular Board Meeting.

3. Association Complaint Receipt.

- a. The Association shall provide written acknowledgment of receipt of the Association Complaint (“Association Complaint Receipt”) to the Complainant within seven (7) days of receipt of the Association Complaint. Such acknowledgment shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided in the Association Complaint, or if consistent with established Association procedure, by electronic means provided the sender retains sufficient proof of the electronic delivery.
- b. Notice of the date, time and location that the Association Complaint will be considered shall be included in the Association Complaint Receipt required by Association Complaint Provision 6 above. If such Notice is not included in the Association Complaint Receipt, such Notice shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided in the Association Complaint, or if consistent with established Association procedure, by electronic means provided the sender retains sufficient proof of the electronic delivery. Such Notice shall be mailed within a reasonable time prior to review of the Association Complaint but shall be mailed not less than three (3) days prior to the date set for review of the Complaint.

4. Review of the Association Complaint.

- a. The Board shall review any Association Complaint Form received and shall, if necessary, consult with the Association’s attorney and/or any other vendor or professional providing services to the Association to provide as complete a review as possible to arrive at its decision.
- b. The Board may, but shall not be required to, consult with the Member who submitted the Association Complaint Form to understand more fully the substance and/or basis of the Member’s Complaint.
- c. In the event the Board determines the Association Complaint is incomplete or contains insufficient information to render a decision, the Board shall cause a written request for additional information that identifies with specificity the information needed to complete the Association Complaint to be sent to the Complainant at the address provided in the Association Complaint. Such written request shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided in the Association Complaint, or if consistent with established Association procedure, by electronic means provided the sender retains sufficient proof of the electronic delivery.

5. Final Determination Letter. The Board shall render a written decision and/or review of the Complaint (“Association Complaint Final Determination Letter” or “Final

Determination Letter”) to the Member within seven (7) days of the regular Board Meeting during which the Association Complaint was reviewed.

The Final Determination Letter shall:

- a. Be hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided in the Association Complaint, or if consistent with established Association procedure, by electronic means provided the sender retains sufficient proof of the electronic delivery.
 - b. Be dated as of the date of issuance and include specific citations to applicable Association Governing Documents, laws or regulations that led to the Final Determination.
 - c. Include the Registration Number of the Association and the name and License Number of the Common Interest Community Association Manager.
 - d. Include the Complainant’s right to file a Notice of Final Adverse Decision with the Common Interest Community Board via the Common Interest Community Ombudsman, along with the applicable contact information.
6. Appeal. The determination of the Board as reflected in the Final Determination Letter shall be the final decision of the Board. The Board has not adopted an appeal process and shall not hear an appeal of the Final Determination Letter.
7. Should any Member need assistance in understanding the Member’s rights and the processes available to common interest community Members, the Member may contact Virginia’s Office of the Common Interest Community Ombudsman (“CICO”) for assistance. The CICO may be reached at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Suite 400, Richmond, Virginia 23233. The CICO’s current telephone number is (804) 367-8510. The CICO’s current email address is cic@dpor.virginia.gov.
8. **Complainant’s Rights Description required by Section 54.1-2354.4 of the Code of Virginia, 1950, as amended**. In accordance with Section 54.1-2354.4 of the Code of Virginia, as amended, an Association Complainant may give notice to Virginia’s Common Interest Community Board (the “Board”) of any final adverse decision in accordance with regulations promulgated by the Board. The notice shall be filed within 30 days of the final adverse decision, shall be in writing on forms prescribed by the Board, shall include copies of all records pertinent to the decision, and shall be accompanied by a \$25 filing fee. The fee shall be collected by the Director of Professional and Occupational Regulation and paid directly into the state treasury and credited to the Common Interest Community Management Information Fund, §54.1-2354.4. The Board may, for good cause shown, waive or refund the filing fee upon a finding that payment of the filing fee will cause undue financial hardship for the member.

The Director shall provide a copy of the written notice to the Association that made the final adverse decision.

9. The Association Complaint Form, all attachments thereto and a copy of the Final Determination Letter ("Complaint File") shall be retained by the Association for not less than one (1) year after the Board renders a decision on the Complaint. The Complaint File shall be eligible for review and duplication solely by the Association's Board of Directors, the Association Manager and the Lot Owner(s) who submitted the original Complaint Form, *provided, however*, the Complaint File shall be produced upon order of an appropriate judicial or administrative body having jurisdiction over the Association.
10. The Board shall amend and restate this Association Complaint Procedures Resolution each time the name, address, telephone number and email address of the Association's Manager changes to remain compliant with Section 54.1-2354.4 of the Virginia Code.

IN WITNESS WHEREOF the undersigned has caused this instrument to be executed pursuant to due authority this 15th day of December, 2019.

EDC Homes – The Tern, LLC,
a Virginia limited liability company,
acting on behalf of the Board of Directors
of The Tern Community Association

By:  (SEAL)
Nicholas S. Jacovides, Manager

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**THE TERN COMMUNITY ASSOCIATION
ASSOCIATION COMPLAINT FORM**

This Form is available to all Association Owners as required by Section 54.1-2354.4 of the Code of Virginia, 1950, as amended ("Virginia Code"). Please complete and return this Form to the Association's Manager at least fourteen (14) days prior to the next scheduled regular Board of Directors Meeting to insure review at that Meeting. The Board will provide a written response to any submitted Association Complaint Form within seven (7) days of the Board Meeting during which the Complaint is reviewed.

Member Name (Printed): _____

Member Name (Signature): _____

Address: _____

Date: _____

Please outline and/or address your specific complaint and attach to this Form. Please include copies of all applicable provisions of the Association's Declaration, Architectural Guidelines, Articles of Incorporation, Bylaws and/or Rules and Regulations to assist the Board in understanding your complaint. Please be sure to identify and/or attach the provisions of all specific provisions of the Virginia Code you believe may apply.

Forward the completed Association Complaint Form and all attachments to:

The Tern Community Association
c/o The Select Group, Inc.
2224 Virginia Beach Blvd., Suite 201
Virginia Beach, VA 23454
(757) 486-6000 (Phone); (757) 486-6988 (Fax)
j.albright@theselectgroup.us

Your signature on this form acknowledges you have received and reviewed the Association's Complaint Procedures Resolution.

Should you need assistance in understanding your rights and the processes available to common interest community Members, you may contact Virginia's Office of the Common Interest Community Ombudsman ("CICO") for assistance. The CICO may be reached:

Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, Virginia 23233
Telephone: (804) 367-8510
Email: cic@dpor.virginia.gov

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This Block for Association Use Only:

Date Complaint Received by the Association’s Manager: _____

Printed Name of Association Manager who received Complaint:

Signature of Association Manager to certify Date Complaint Received:

Date Complaint Reviewed by the Board of Directors: _____

Date Final Determination Letter forwarded to Complainant: _____

Printed Name of Person who prepared Response:

Signature of Person who prepared Response:

Please attach a copy of the Response to this Association Complaint Form.

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Complainant’s Rights Description required by Section 54.1-2354.4 of the Virginia Code

In accordance with Section 54.1-2354.4 of the Code of Virginia, as amended, an Association Complainant may give notice to Virginia’s Common Interest Community Board (the “Board”) of any final adverse decision in accordance with regulations promulgated by the Board. The notice shall be filed within 30 days of the final adverse decision, shall be in writing on forms prescribed by the Board, shall include copies of all records pertinent to the decision, and shall be accompanied by a \$25 filing fee. The fee shall be collected by the Director of Professional and Occupational Regulation and paid directly into the state treasury and credited to the Common Interest Community Management Information Fund, § 54.1-2354.4. The Board may, for good cause shown, waive or refund the filing fee upon a finding that payment of the filing fee will cause undue financial hardship for the member. The Director shall provide a copy of the written notice to the Association that made the final adverse decision.