

## **Policy Resolution on Complaints Against Owners/Residents**

**WHEREAS**, Article IV, Section 3 of the Bylaws of The Churchill Village So Homeowners Association, Inc. ("Association") states that the Board of Directors ("Board") shall have the power to exercise for the Association all powers, duties and authority vested in or delegated to this Association and not reserved to the membership by other provisions of the By-Laws, the Articles of Incorporation, or the Declaration;

**WHEREAS**, Article VIII, Section 7 of the Association's Declaration of Covenants, Conditions and Restrictions (Declaration) provides that no noxious or offensive activity shall be carried upon any Lot or any portion of the property, nor shall anything be done therein or thereon which may be or become an annoyance or nuisance to the neighborhood;

**WHEREAS**, the Board deems it necessary to establish procedures for the receipt and resolution of written complaints from owners/residents alleging a violation of the Bylaws and/or Rules and Regulations of the Association against other owners/residents.

**NOW THEREFORE**, be it resolved that the following rules and procedures shall govern written complaints against owners/residents.

**I.**

**Written Complaints.**

- A.** Owners/residents should contact the proper authorities (such as police, animal control, code enforcement, or other governmental agency, etc.) as they deem appropriate; however, the following procedures will apply to any complaints received by the Association.
- B.** Owners/residents must attempt to resolve issues with their neighbors before submitting a complaint for the Association's review.
- C.** Complaints must be submitted in writing to the management agent for the Association.
- D.** Complaints to the Association must be, signed, and dated by the owner/resident submitting the complaint. **The Board will not take action based on anonymous complaints.**
- E.** A complaint must specifically allege a violation of the Association's Declaration, Bylaws and/or Rules and Regulations; must include as much detail as possible regarding the alleged violation, such as the date, time, and location of the incident/activity/condition on which the complaint is based; and must propose a resolution within the Board's enforcement authority. If the complaint does not express such an allegation and/or resolution, the Board will take no action on the complaint.
- F.** The complaint must also include an explanation of all attempts made to resolve the matter with the other owner/resident(s) involved or provide an explanation of why such attempts could not be accomplished.
- G.** If the incident/activity/condition giving rise to the alleged violation was not or cannot be independently verified by the Board or the Association's managing agent, the Board will

not take any action on the complaint unless the complaint is signed by two or more lot owners/residents.

H. Owners/residents may use the Complaint Form attached hereto as **Exhibit A**.

**II. Specific Rules Regarding Noise and Noise Complaints.**

- A. "Noise disturbance" shall mean any sound that is loud and disorderly or loud and inappropriate, and unreasonably disturbs the peace and quiet of a reasonable person of ordinary sensibilities.
- B. Owners/residents are prohibited from making or permitting any noise that can be heard outside of the boundary of his/her home during the "Quiet Hours" of 10:00 p.m. to 7:00 a.m.
- C. In making a determination of a noise disturbance complaint, the Board will consider the activity creating the noise, the location of both the activity creating the noise and the areas where the noise can be heard, the time of day, the duration, the noise level/sound decibel measurements (if available), and such other factors and information that the Board deems relevant in their sole discretion.

**III. Enforcement of Violations.**

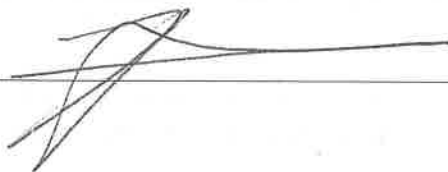
- A. If the Board, in its sole determination, finds that there is an enforceable violation alleged, the Board will initiate enforcement proceedings and consider the imposition of sanctions in accordance with the Article V, Section 1 of the Declaration and/or Article VII, Section 1 (g) of the amended Bylaws.
- B. Notwithstanding this Resolution, the Board reserves the right to pursue any and all actions available at law or in equity to enforce violations of the Bylaws and/or Rules and Regulations as it deems appropriate.

**IV. Miscellaneous.**

- A. This Resolution supersedes all other resolutions to the extent that they conflict.
- B. Any failure to enforce this Resolution will not work as a waiver and will not prohibit or limit the Board's ability to subsequently enforce this Resolution.
- C. The effective date of this Resolution shall be November 5, 2017.

**CHURCHILL VILLAGE SOUTH HOMEOWNERS ASSOCIATION, INC.**

By: \_\_\_\_\_



CHURCHILL VILLAGE SOUTH HOMEOWNERS ASSOCIATION, INC.

EXHIBIT A – COMPLAINT FORM

Owners/residents who wish to submit a complaint against another lot owner/resident, may use this Complaint Form. Please complete, sign and date this form, and mail or email it to the Association at:

Vanguard Management Associates, Inc.  
P.O. Box 39 | Germantown, Maryland 20875-0039  
[www.vanguardmgt.com](http://www.vanguardmgt.com); Contact Us; General Inquiry

1. Name, contact information, and address of Complainant(s) (Your name, etc.): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone (Home/Work/Mobile): \_\_\_\_\_

Email: \_\_\_\_\_

2. Please describe the nature of your complaint. Please include dates, times and locations; the specific provision(s) of the Association's Declaration, Bylaws, or Rules & Regulations that you believe has/have been violated (*please attach all documents and communications supporting your complaint – you may also use additional pages, if needed*):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Name and address of persons who are the subject of your complaint:  
\_\_\_\_\_  
\_\_\_\_\_

4. Please describe all attempts you have made to resolve the matter directly with the other owner(s)/resident(s) involved; or an explanation of why such attempts could not be accomplished.  
\_\_\_\_\_  
\_\_\_\_\_

5. Explain what you desire the Association to do in response to your complaint:  
\_\_\_\_\_  
\_\_\_\_\_

6. Please sign and date this form. ***Anonymous complaints will not be accepted.***

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_