

THE WOODED GLEN II
Homeowners Association

Establishment of the
Architectural Control Committee and
the Architectural and Environmental
G u i d e l i n e s

March 20, 1990

Dear Members:

We are pleased to announce the establishment of the Architectural Control Committee (ACC) and the appointment of the following three volunteers to serve on it:

Paul Ator (569-6949)
Mark Goodin (455-3231)
Tim Herlihy (455-4076)

The ACC has prepared the attached Guidelines which the Board approves. They set forth certain basic considerations and the minimum rules that we consider necessary to keep our community attractive, safe and a pleasant place to live.

These Guidelines are the result of extensive discussions and generous legal counsel on how we can assure the cooperation of all residents in achieving such common goals as (1) protecting the character, quality and appearance of our community and (2) upholding and defending the rights, interests and tastes of the majority of its members. These Guidelines also serve as a procedural guide to which residents may refer whenever they are considering external alterations or additions.

In the course of their weekly visits to the community to check the condition and maintenance needs of the Common Areas, the contracted property management company (Britt Management, Inc.) will also note any observed violations of these Guidelines and report them to the Board.

We urge each of you to observe these Guidelines conscientiously and to cooperate with your neighbors to assure their orderly implementation.

Sincerely,

The Board of Directors

ARCHITECTURAL AND ENVIRONMENTAL GUIDELINES
OF THE WOODED GLEN II HOMEOWNERS ASSOCIATION

March 20, 1990

WOODED GLEN II IS A COMMUNITY OF TOWNHOUSES WHICH IN ITS DESIGN REFLECTS A TRADITIONAL COLONIAL ATMOSPHERE. IN ORDER TO MAINTAIN THE AESTHETIC INTEGRITY OF ITS ORIGINAL CONCEPT, AND TO ENSURE THE CONTINUATION OF ITS WELL-KEPT APPEARANCE, WE MUST EXERCISE CERTAIN ARCHITECTURAL AND ENVIRONMENTAL CONTROLS.

The ARCHITECTURAL CONTROL COMMITTEE is a standing committee of the Homeowners Association. Its functions include the interpretation and enforcement of those aspects of the Covenants which relate to:

- External modifications and additions to your homes and the
- Protection and maintenance of the overall character and appearance of the community.

WHAT ARE "THE COVENANTS" ?

Each of us received a copy of the Covenants and agreed to abide by them at the time of settlement. These Covenants set forth (1) minimum specifications, standards and rules concerning the architectural design, land use and property maintenance of our development and (2) our individual and collective obligations as residents of this community. As such, the Covenants are legally binding upon us. Anything in these Guidelines which is determined to contradict the Covenants is by definition invalid and (when and if discovered) will be corrected in subsequent amendments to these Guidelines.

WHY DO WE NEED ARCHITECTURAL CONTROLS ?

Architectural controls are mandated by the Covenants. They establish a formal mechanism and framework within which we as a community can (1) assure that each of us retains maximum flexibility to use and enjoy our individual properties as we see fit, (2) protect the rights and the interests of others, (3) discourage excesses and abuses, and (3) promote standards and practices that will safeguard and enhance the physical aspects as well as the appearance, orderliness and safety of our community.

ADDITIONS AND ALTERATIONS THAT REQUIRE APPROVAL (EXAMPLES):

Following are examples of external additions and alterations that require ACC approval in writing before work may begin. (Numbers in parentheses refer to corresponding items listed on the last three pages of these Guidelines, under which further rules and criteria that must be considered in individual cases are specified.)

Windows (19)	Trim (21)
Decks (15)	Roof vents
Sheds (12)	Privacy partitions (8)
Terracing (15)	Sun trellises (8)
Common area plantings	Gutters and downspouts
Re-siding or repainting when changing color, style or material (21).	Antennas and transmitters
	Fireplaces (10)
	Vented heating stoves
Any private pools, aquatic gardens or hot tubs in back or side yards not fully enclosed by a fence(13)	

(NOTE: Residents are cautioned ^{Note} not to undertake, without prior written permission, any External structural changes within any unit that may (1) alter the structural integrity of the building, (2) affect the property, interest or welfare of any other unit holder, (3) materially increase the cost of maintaining the Common Areas, or (4) impair any easement.)

ADDITIONS & ALTERATIONS THAT USUALLY DO NOT REQUIRE APPROVAL

The following additions and alterations normally do not require ACC approval, provided that they conform to the stipulations regarding them that appear under the corresponding items listed on pages 6, 7 and 8 of these Guidelines. (Related item numbers are shown in parentheses.)

- Doors, stormdoors, doorbells and peepholes (18 & 19)
- Planting, terracing and use of yards (1, 9 & 15)
- Patios and patio extensions (6)
- Flag holders and brackets
- Seasonal ornamentations
- External lighting (20)
- Exterior painting (21)
- Fencing (7)

PROCEDURE FOR REQUESTING ADVANCE APPROVAL

When considering external alterations or landscaping changes on your property (alone or jointly with neighbors), please consult these Guidelines first to see whether ACC approval is required. If it is, submit a request to the ACC, including the following detailed information:

INFORMATION TO BE INCLUDED IN EACH REQUEST

- Unit owner's name, address and phone number
- Description of the proposed modification or installation
- Diagrams, plans, pictures and/or sketches.
- A sketch of the plot showing how the modifications will be arranged on the property.
- Complete information on the contractor or a Statement that owner will perform the work.
- Approximate dates for beginning and completing the work.
- Send two copies of the request to the ACC. One will be returned with ACC's reply and one kept in the ACC file.

If the ACC fails to respond to a request within thirty days after it receives the request, it shall be deemed approved.

If a request is rejected, any unit holder may appeal the ACC's decision and be granted a hearing at the next meeting of the HOA Board.

The approval given to any one unit is not to be construed as a blanket approval to other unit holders for similar external modifications or additions. Each request must be considered in its own unique context, with regard to the peculiarities of its particular location and its potential impact on the immediate surrounding area and neighbors.

OBLIGATIONS AND STIPULATIONS FOLLOWING APPROVAL

Any deviation from an approved plan will require the written concurrence of the ACC. (In an emergency, verbal permission may be granted, to be followed by a written request for the record within two weeks.)

Construction materials must be neatly maintained. And all excess materials must be removed promptly upon completion of the work, including all resulting debris.

The unit holder shall be held responsible for the prompt and full repair of any damage that may occur to the surrounding common area as a result of the installation or modification. Approvals by the ACC or the Board are not to be construed as meeting the Fairfax County codes nor as substitutions for any permits the County may require.

By the same token, no approval received from the ACC or the Board may be interpreted as condoning or authorizing variances from existing building codes or zoning laws.

NON-COMPLIANCE WITH THESE GUIDELINES MAY BE RISKY BUSINESS

Here's why: If you start alterations without waiting for formal approval, you do so at your own risk and (in a worst-case scenario) may face the cost of removing the alteration, plus the cost of litigation. The Covenants provide a means for placing a lien against your property for these costs. Furthermore, when the time comes to resell your home, you must certify that no architectural violations against your property exist. In other words, failure to comply with architectural guidelines can result in settlement complications at the time of resale.

QUOTATIONS FROM THE COVENANTS (ARTICLES VIII and IX)

The Association, through its Architectural Control Committee, shall regulate the external design, appearance, location and maintenance of the Property and the improvements erected thereon to preserve a harmonious relationship among structures, natural vegetation and topography.

Guidelines establishing procedures and architectural and environmental standards shall be promulgated by the ACC.

Owners shall not interfere with the quiet enjoyment or comfort of any other owner.

No waste shall be committed to or on the Common Areas.

All trash, garbage or other refuse shall be placed in covered containers and stored out of the public view except on days of collection.

No clothing, laundry or wash shall be aired or dried within view of neighbors on any portion of any Lot. (Note: The underlined portion has been added by the ACC.)

No temporary structure of any kind shall be erected without the prior written consent of the Board of Directors.

No house trailer, commercial or industrial vehicle shall be parked within the Property.

No satellite, receiving system or station shall be maintained, nor any exterior antenna erected, without the prior written consent of the ACC.

Pets shall not be permitted upon the Common Areas unless leashed and accompanied by a responsible person. Pets shall be registered and innoculated as required by law.

HOA/ACC GUIDELINES: RULES, CRITERIA AND SPECIFICATIONS

F o r e w o r d

It is not possible to write guidelines to cover every eventuality. Please consult the ACC if you are contemplating a project or exterior change that is not mentioned in these Guidelines.

Amendments to these Guidelines will be issued from time to time. The Board and the ACC would welcome your views in writing at any time concerning any topic or viewpoint expressed - or overlooked - in these Guidelines that you feel needs to be added, deleted or reworded. Only those rules, standards and criteria that clearly reflect the wishes and interests of the majority need to be retained and enforced. We do not need nor wish to impose any rule (1) that amounts to an unnecessary rigidity, (2) that is perceived as a gratuitous harassment, (3) that imposes an unfair hardship, or (4) that is insensitive to the special needs of any resident.

A d d i t i o n a l G u i d e l i n e s

The following 21 rules and criteria are in addition to those already established above under ADDITIONS AND ALTERATIONS THAT REQUIRE APPROVAL and QUOTATIONS FROM THE COVENANTS. They refer to the use, upkeep and care of your external premises and our Common Areas. They also provide some criteria to be kept in mind when planning or executing certain exterior alterations, modifications and additions.

1. YARDS AND APPURTANCES:

Residents are asked to maintain clean, neat and orderly front and back yards, decks and patio surfaces.

For reasons of safety, hygiene, odors and appearance, residents are requested to keep them free of trash, leaves and dog deposits.

2. DRIVEWAYS, SIDEWALKS AND STEPS:

Owners are required to keep them free of snow and ice to minimize hazards to pedestrians.

Sidewalks are to be kept free for pedestrians at all times and not obstructed by garbage containers or parked vehicles. Accumulation of oil drippings on driveways should be removed in a timely manner.

3. VEHICLES:

Vehicles without current registration, trailers, campers, RVs and inoperable vehicles may not be parked within Wooded Glen Courts.

Routine cleaning and minor maintenance of vehicles is permitted on driveways and in parking spaces.

Maximum speed limits are 25 MPH on Wooded Glen Avenue and 10 MPH within each of the three Courts.

4. TRASH AND GARBAGE:

Trash and garbage should not be put out earlier than 6 PM on the evening before the day of collection.

Garbage must be in securely covered, sturdy containers.

Empty containers are to be retrieved as soon as convenient after garbage collection - and stored out of sight.

Newspapers, securely bundled and tied, are normally picked up very early on the first and third Fridays of each month and must be placed at curbside before 7 AM.

5. DECKS:

Decks require ACC approval. They must (1) be compatible in design with other decks of nearby residents, (2) comply with Fairfax County restrictions, (3) be constructed of durable pressure-treated wood and (4) be left natural in color.

6. PATIOS AND PATIO EXTENSIONS:

Patios may be extended to cover the entire backyard if surrounded by a privacy fence. Care must be taken during and after constructing patios to make sure that water drains freely and fully away from the foundation and that no water can accumulate and stand underneath them.

7. FENCING:

Added fencing and matching gates must be similar in design and material to existing fences and be left natural in color. When new fences are added, they must follow established property lines.

8. SUN TRELLISES AND PRIVACY PARTITIONS ON DECKS:

Trellises/partitions require advance ACC approval. Neighbors on both sides must also agree in writing that they have no objections. They must be compatible in style, color and materials with the visual scale of the house and deck to which they are attached.

9. FLOWER BOXES, POTS AND URNS:

Residents are urged to remove annual flowers in special containers from public view as soon as their main season is over and they begin to wilt.

10. FIREPLACES:

For both safety and health reasons, all residents are urged to read and follow the very precise fireplace use instructions received from the builder. Otherwise, they can become potential fire hazards or generate noxious internal/external air pollutants.

11. FIREPLACE WOOD:

Firewood may not be stacked in the front, outside rear fences or on any portion of the Common Areas. Firewood may be stacked against inside fences if properly supported with enough ground clearance to inhibit termite infestation and if not stacked higher than the fence. It may also be stacked just inside the wooded areas as long as the natural environment is maintained and the stacks are not covered with colored tarps or other unnatural covers.

12. SHEDS:

Sheds that are only minimally visible from outside the fence and that otherwise comply with Fairfax County restrictions may be erected in fenced-in rear yards, subject to advance ACC approval. They must be mounted on a permanent base and not block the natural water drainage of the yard, nor block access to the meters and the heatpump.

13. HOT TUBS:

Hot tubs may be installed at ground level in enclosed back yards. Proper drainage must be maintained.

14. LAWNMOWERS AND LAWN/GARDENING EQUIPMENT:

Equipment of this kind must be neatly and safely stored when not in use.

15. TERRACING:

When constructing terraces on private property, landscape timber or other equally substantial materials must be used and care taken to ensure that proper drainage is maintained.

16. COMMON AREAS:

Unit holders undertaking approved external alterations are responsible for the full and prompt repair of any damage inflicted on the Common Area as a result of their work. No vehicles or trailers of any kind (including bicycles) may cross the lawn of Common Areas except in true emergencies. Residents walking their dogs must restrain them from urinating on planted shrubs and trees and promptly remove any deposits their dogs make along paths that may also be used by other strollers.

17. WOODS:

The woods are an essential component of our natural environment. They exist for the visual and recreational enjoyment of all. They are intended to be kept in their natural state. As such, they are not to be used as a dumping ground for dirt or debris of any kind.

18. STORM DOORS:

Storm doors of the full view type are preferred, with frames painted either to match the color of the front door trim or a dark brown.

Doors with overly ornamental grills or with stained or imitation glass are prohibited.

19. FRONT DOORS, SLIDING GLASS DOORS, WINDOWS AND SHUTTERS:

Whenever any of these are altered or replaced, they must remain consistent with the design prevailing throughout the community.

20. EXTERNAL LIGHTING:

Light fixtures and lamps replaced or added must be consistent with the architectural design of the Court in which located. Special patio, deck or backyard lighting may also be added, provided the lights are not directed to, nor disturb residents of, adjacent townhouses.

21. EXTERIOR PAINTING:

No ACC approval is needed for repainting of doors, eaves, siding and trim as long as the colors and paint types used are identical with those originally used by the builder. Each unit is being provided with a copy of the builder's paint and brick schedule, which indicates the exact paint and brick types used on the exterior surfaces of each unit.

Building # 7

<u>Lot</u>	<u>Brick</u>	<u>Trim</u>	<u>Accent Trim</u>	<u>Siding</u>
7	Dogwood	Amber White	Brush Grey	Buckskin Beige
8	Glen Rose	"	Old Colonial Red	"
9	Old Wine	"	Cobblestone Grey	"
10	Amherst	"	Georgetown Green	"
11	Mason Gold	"	Chadwick Tan	"
12	Old Wine	"	Incense	"

Building # 6

<u>Lot</u>	<u>Brick</u>	<u>Trim</u>	<u>Accent Trim</u>	<u>Siding</u>
13	Old Wine	Amber White	Cobblestone Grey/	Buckskin Beige
14	Glen Rose	"	Chadwick Tan	"
15	^{PHS. 12} Amherst	"	Farm House Red	"
16	Dogwood	"	Brush Grey	"
17	Glen Rose	"	Fox Hall Green	"
18	Old Wine	Amber White	Incense	"

Building # 8

<u>LOT</u>	<u>BRICK</u>	<u>TRIM</u>	<u>ACCENT TRIM</u>	<u>SIDING</u>
1	Dogwood	Amber White	Chadwick Tan	Buckskin Beige
2	Glen Rose	"	Old Colonial Red	"
3	Old Wine	"	Incense	"
4	Mason Gold	"	Cobblestone grey	"
5	Glen Rose	"	Georgetown Green	"
6	Dogwood	"	Brush Grey	"

WOODEN GLEN II

MC CORMACK COLONIAL EXTERIOR COLORS

Paint Brand: Mc Cormick

Building # 4

<u>Lot</u>	<u>Brick</u>	<u>Trim</u>	<u>Accent Trim</u>	<u>Siding</u>
27	Amherst	Amber White/	Old Colonial Red/	Buckskin Beige
28	Phoenix	Amber White/	Brush Grey	Buckskin Beige
29	Dogwood	Amber White/	Heartstone	Buckskin Beige
30	Mason Gold	Amber White/	Incense	Buckskin Beige
31	Dogwood	Amber White/	Cobblestone Grey/	Buckskin Beige
32	Phoenix	Amber White/	Georgetown Green/	Buckskin Beige

Building # 5

<u>Lot</u>	<u>Brick</u>	<u>Trim</u>	<u>Accent Trim</u>	<u>Siding</u>
26	Mason Gold	Amber White	Farm House Red	Buckskin Beige
25	Dogwood	Amber White	Brush Grey	Buckskin Beige
24	Glen Rose	Amber White	Foxhall Green	Buckskin Beige
23	Amherst	Amber White	Incense	Buckskin Beige
22	Glen Rose	Amber White	Cobblestone Grey	Buckskin Beige
21	Mason Gold	Amber White	Cypress	Buckskin Beige
19	Phoenix Blend/	Amber White	Old Colonial Red	Buckskin Beige

Building 9

<u>LOT</u>	<u>Trim</u>	<u>Siding</u>	<u>Brick</u>	<u>Accent Trim</u>
33	Amber White	Buckskin Beige	Old Wine	Farm House Red
34	"	"	Glen Rose	Cobblestone Grey
35	"	"	Dogwood	Chadwicke Tan
36	"	"	Mason Gold	FoxHall Green
37	"	"	Old Wine	Incense
38	"	"	Glen Rose	Georgetown Green
39	"	"	Dogwood	Brush Grey
40	"	"	Mason Gold	Old Colonial Red

Building # 1

<u>Lot</u>	<u>Brick</u>	<u>Trim</u>	<u>Accent Trim</u>	<u>Siding</u>
55	Amherst	Harkness Shop	Tan/Cobble Gray	Buff
56	Dogwood	Harkness Shop	Tan/Chadwick Tan	Buff
57	Mason Gold	Harkness Shop	Tan/ Fairfax Brown ^{Rocky Road?}	Buff
58	Old Wine B.	Harkness Shop	Tan/Sandstone	Buff
59	Amherst	Harkness Shop	Tan/Fox Hall Green	Buff
60	Glen Rose	Harkness Shop	Tan/Old Colonial Red/	Buff

Building # 2

<u>Lot</u>	<u>Brick</u>	<u>Trim</u>	<u>Accent Trim</u>	<u>Siding</u>
46	Glen Rose	Harkness Shop	Tan/Foxhall Green	Buff
45	Mason Gold	Harkness Shop	Tan/Carnel	Buff
44	Dogwood	Harkness Shop	Tan/Heartstone	Buff
43	Amherst	Harkness Shop	Tan/Cobblestone Grey	Buff
42	Old Wine	Harkness Shop	Tan/Woodspice	Buff
41	Amherst	Harkness Shop	Tan/Farm House Red	Buff

Building # 3

<u>Lot</u>	<u>Brick</u>	<u>Trim</u>	<u>Accent Trim</u>	<u>Siding</u>
47	Old Wine	Harkness Shop	Tan/Sandstone	Buff
48	Glen Rose	Harkness Shop	Tan/Old Colonial Red/	Buff
49	Old Wine	"	Cobblestone Grey	"
50	Amherst	Harkness Shop	Tan/Fairfax Brown	Buff
51	Dogwood	Harkness Shop	Tan/Chadwick Tan	Buff
52	Old Wine	Harkness Shop	Tan/Woodspice	Buff
53	Dogwood	Harkness Shop	Tan/Foxhall Green	Buff
54	Mason Gold	Harkness Shop	Tan/Hearthstone	Buff

Building

<u>LOT</u>	<u>Siding</u>	<u>Trim</u>	<u>Brick</u>	<u>Accent Trim</u>
61	Buff	Harkness Shop Tan	Mason Gold	Farm House
62	"	"	Old Wine	Incense
63	"	"	Glen Rose	Georgetown Green
64	"	"	Dogwood	Chadwicke Tan
65	"	"	Mason Gold	Old Colonial Red
66	"	"	Old Wine	Cobblestone Grey

Building

<u>LOT</u>	<u>Siding</u>	<u>Trim</u>	<u>Brick</u>	<u>Accent Trim</u>
67	Buff	Harkness Shop Tan	Glen Rose	FoxHall Green
68	Buff	Harkness Shop Tan	Dogwood	Fawn
69	Buff	"	Mason Gold	Farm House Red
70	"	"	Old Wine	Incense
71	"	"	Glen Rose	Georgetown Green
72	"	"	Dogwood	Chadwicke Tan
73	"	"	Mason Gold	Old Colonial Red
74	"	"	Old Wine	Cobblestone Grey

Building

<u>LOT</u>	<u>Siding</u>	<u>Trim</u>	<u>Brick</u>	<u>Accent Trim</u>
75	Buff	Harkness Shop Tan	Glen Rose	FoxHall Green
76	"	"	Dogwood	Fawn
77	"	"	Mason Gold	Farm House Red
78	"	"	Old Wine	Incense
79	"	"	Glen Rose	Georgetown Green
80	"	"	Dogwood	Chadwicke Tan

WOODED GLEN HOMEOWNERS ASSOCIATION
ADMINISTRATIVE RESOLUTION 01/90

WHEREAS, Article VIII, Section 4 of the Declaration of Covenants, Conditions and Restrictions provides that the Association may enforce all restrictions, conditions, covenants, reservations, liens and charges imposed by the provisions of the Declaration; and

WHEREAS, Virginia Code Section 55-513 B. requires that a member be given an opportunity to be heard and represented by counsel before the board of directors or some designated tribunal prior to the Association seeking injunctive relief against the member for an alleged covenant violation.

NOW THEREFORE, be it RESOLVED that the following steps will be followed to accord a due process hearing to homeowners who have been notified by the Architectural Control Committee ("ACC") that a covenants and/or ACC Guidelines violation exists on their property and who have not corrected that violation within thirty (30) days of being so notified:

1. The Chairperson of the ACC will report alleged uncorrected covenants and/or ACC violations to the Board of Directors after thirty (30) days have elapsed from notice of said violations being given. Such reports will be made to the Board at least quarterly. The Board will instruct its management firm on behalf of the Association to send a notice of hearing to the homeowner(s) noted. The Board may schedule hearings at its discretion, but hearings must be held within sixty (60) days of delivery by the ACC of a list of members ignoring notices of violations.

2. A notice of hearing shall be sent to each alleged ACC covenants' violator, for whom a hearing is sought by certified U.S. mail, return receipt requested. The hearing notice shall be sent to the member's address of record with the Association. The notification must be sent to the homeowner at least fourteen (14) days before the scheduled hearing. The notice shall describe the violation, state when it was first reported to the homeowner, state the date, time, and place of the hearing, and state that the hearing provides the homeowner an opportunity to be heard, to present relevant evidence, to cross-examine witnesses, and to be represented by counsel, if they choose, prior to the Association making a determination of whether formal legal action is necessary and appropriate.

3. All hearings will be a special meeting of the Board of Directors. No other business shall be conducted during the hearing. A quorum of the Board, not less than three (3) members, must be present.

4. The Board will first take evidence and hear testimony from the witnesses for the ACC, who will inform the Board about the violation. This information must include verification that at least two (2) members of the ACC have inspected the property in question, and must cite the appropriate and relevant section of the Declaration of Covenants, Conditions and Restrictions or ACC Guidelines which have allegedly been violated. The ACC will provide documentation of notice to the homeowner and provide any other evidence available about the alleged violation.

5. The alleged violator, or counsel for the alleged violator, shall be afforded the opportunity to cross-examine those witnesses who have testified on behalf of the ACC.

6. The Board will next take evidence and hear testimony from the witnesses for the alleged violator, as presented by the alleged violator and/or counsel for the alleged violator.

7. The ACC shall be afforded the opportunity to cross-examine those witnesses who have testified on behalf of the alleged violator.

8. The ACC, then the alleged violator, then the ACC in rebuttal, at its discretion, shall have the opportunity to give summary arguments following the taking of testimony and evidence.

9. The Board, without adjourning the hearing, may inspect the property to verify evidence taken and testimony given.

10. Any relevant evidence which is not privileged is admissible without regard to whether such evidence is hearsay or otherwise inadmissible in a court of law. The Board may exclude irrelevant, immaterial or unduly repetitious evidence.

11. The Board shall make a final decision, based upon substantial evidence, as to whether or not a covenants and/or ACC violation exists. A vote will be taken by a show of hands and the majority shall prevail. The vote shall be recorded in writing to become part of the Association's permanent records.

12. Either party or the Board may cause the hearing to be transcribed at his or their expense.

13. The Board may administer an oath or affirmation to any person upon request of either party or upon its own initiative.

14. The Board may expel any party, attorney, witness or observer from any hearing for improper, disorderly or contemptuous conduct.

15. Failure of one party to appear at a scheduled hearing does not preclude the Board from receiving evidence from, and hearing arguments by, the other party. The Board may make a finding notwithstanding the absence of one of the parties.

16. If the Board finds that a covenants and/or ACC violation exists, it may immediately refer the matter to the Association counsel with instructions that injunctive relief, if deemed appropriate, be sought. In the alternative, the Board can defer for thirty (30) days referring the violation to Association counsel for enforcement in order to give the violator the opportunity to correct the violation. In the latter case, the violator must notify the ACC in writing within thirty (30) days following the Board's decision that the violation has been corrected, and the correction must be verified by an ACC member. In any case, if a violation is not corrected within thirty (30) days following the final decision of the Board that a violation exists, the matter shall be referred to the Association counsel for appropriate enforcement action.