

August 2013

Dear Homeowners,

Our Association Board recently met to review minutes from our HOA meeting in the spring and to ensure our compliance with State regulations. We also discussed concerns from some neighbors about compliance with covenants and restrictions and property maintenance.

We are all so very fortunate to live in such a beautiful neighborhood. It is evident that homeowners take pride in their homes and property to help ensure that the beauty and integrity of our neighborhood is maintained. Property maintenance is not only important in helping to maintain property values; it is a show of respect for your neighbors and the neighborhood in general, and goes hand in hand with our Covenants and Restrictions.

We have experienced some unusual weather this spring causing significant property damage. Many of us are still in the process of clearing downed trees, repairing damage from downed trees, and damage from erosion as a result of hard rains. As this work continues, and in keeping with our covenants and restrictions the Board felt it appropriate to address some specific areas of concern related to storm cleanup and general property maintenance. We have provided the section of our covenants and restrictions that we believe support these requests and are in the best interest of all homeowners.

Article III, Section 3. Item (2) – “All lots, whether occupied or unoccupied...shall at all times be maintained in such manner as to prevent their becoming unsightly...” Item (3) “In order to implement effective woods fire control, the Declarant reserves for itself and its agents the right to enter upon any residential Lot on which a residence has not been constructed, and upon which no landscaping plan has been implemented (at the expense of the Owner of the Lot)...for the purpose of mowing, removing, clearing, cutting, or pruning underbrush...”

- all areas on lots cleared for construction should be maintained including keeping grassy areas mowed, shrubbery trimmed, removal of leaves, clearing of downed trees and limbs
- driveways and parking areas should be adequately maintained with suitable materials, i.e. gravel, asphalt, concrete, pavers, or stone
- areas within the areas cleared for construction that are subject to erosion should be stabilized from further erosion using plantings and mulch or retaining wall
- owners of unoccupied lots should be cognizant of safety and fire control issues if excessive brush, and downed trees accumulate on their lot and should make efforts to remove excess brush from their lot if this occurs
- drainage pipes under driveways should be cleared of debris to ensure proper water runoff during heavy rain

Article III, Section 1. Item (2) – “...the owner of a residence may park one (1) unoccupied motor home, trailer, camping trailer or boat with trailer on the property providing it does not obstruct or distract from the view of other property owners.” And Article III, Section 2. Item (4) – “...Any motor vehicle kept on any Lots within the subdivision shall be properly inspected and licensed.”

- all vehicles, water craft, boat trailers, RVs, camping trailers parked on any lot should bear current license and registration
- no unused, stripped down, partially wrecked, or junk vehicles are permitted on lots

Article III, Section 2. Item (5) – “There shall be no open or exposed storage of any lawn or garden equipment, including junk and/or abandoned items of personal property, shall be maintained on any lot”

- lawn and garden equipment, including rakes, shovels, wheel barrows, mowers, trimmers, blowers should be stored appropriately when not being used

During our recent meeting the Board also discussed some potential amendments to our covenants and restrictions to better clarify their intent, and add some specificity to certain items. Amendment of covenants and restrictions requires a two-thirds approval by the homeowners association. The Board will work on preparing proposed amendments and provide those to homeowners for their review. We will plan to vote on the changes at our next HOA meeting.

It is our belief that many homeowners decided to build in this neighborhood because of the property protections offered by a restricted neighborhood, and we as your Board have a responsibility to ensure compliance. We appreciate the support of the homeowners in our efforts to ensure our neighborhood is maintained accordingly.

Should you have any questions, please feel free to contact any one of the Board of Directors.

Sincerely,

Belden Woods – Board of Directors

Bob Olsen, President

Pennye Epperly, Vice President

Brian Taylor, Treasurer

Linda Coulter/Nan Gagliostro, Co-Secretaries

The purpose of this summary is to assist Belden Woods property owners in understanding the intent and philosophy of conditions and restrictions contained in the Belden Woods Estates, Section 4, Declaration of Covenants, Conditions and Restrictions.

Philosophy -

The Declaration of Covenants, Conditions and Restrictions (Section 4) has been established for the mutual benefit of each property owner and creates reciprocal rights between the respective owners of all lots. Its intent is to preserve the natural wooded setting of our community. It includes conditions on tree clearing, the style and size of homes, types and colors of materials, screening of certain improvements, etc. It is expected that all property owners would extend the philosophy of preserving the natural wooded setting to include vegetative screening and appropriate color covers for items that can be seen from the roadway or neighboring properties, such as pools, boats, trailers, propane tanks, compost containers, etc. as stated in GP II.4.4 " if the design or color scheme is not in harmony with the general surroundings..."

Pre-Construction –

Architectural Review - Prior to any improvements, including tree clearing or erection or alterations of any kind, the property owner must submit 2 complete sets of final plans and specifications that include plot plan, elevations, construction materials, color schemes and proposed landscaping. The corners of any structures must be staked prior to submission. (Article II, GP 4.2)

The Committee will issue written approval or disapproval within 30 days of submittal by returning one set of the proposed plans with the appropriate endorsement. (Article II, GP 4.3)

Minimum finished floor area for a one level home is 2000sf and for a two level home is 2600sf with 1600sf on the 1st floor. These floor areas do not include basements, garages, porches, outbuildings, etc. (Article III, GP 1.11)

Exceptions for outbuildings of any kind will only be allowed for those with qualifying needs that meet the final approval of the Committee. (Article III, GP 1.12)

All structures must use a substantial quantity of new material and no used structures shall be relocated or placed on any lot. (Article III, GP 2.1)

No owner of any lot shall build any house to be used as a model home or exhibit unless approved by the Committee. (Article III, GP 2.7)

Construction –

- + Construction must be undertaken by a State Class A licensed building contractor (Article II, GP 2.6)
- + If construction according to approved plans results in erosion problems and are not adequately addressed by the contractor or property owner, the POA has the right to, upon written notice, to correct any defects and assess the cost to the

- owner (Article II, GP 2.7)
- + All State and County permit requirements must be complied with.
(Article III, GP 1.1)
 - + All improvements must be substantially complete within one year of commencement. (Article III, GP 1.3)
 - + Each property must provide for 3 parking spaces for automobiles off of the street prior to occupancy. (Article III, GP 1.4)
 - + All windows and doors must have a factory applied bronze or black enamel finish.
(Article III, GP 1.6)
 - + All materials used for roofs, siding, stone , brick, decks, railings ,etc. must blend and be in harmony with the general surroundings including adjacent structures.
(Article II, GP 4.2)
 - + Vinyl siding may not be used on over 25 percent of the street side of any structure. (Article III, GP 1.7)
 - + 50ft front and 25ft side building restriction lines must be followed.
(Article III, GP 1.8)
 - + No exposed concrete or masonry foundations shall extend above finished grade.
(Article III, GP 1.9)
 - + All mailboxes must meet standard requirements. (Article III, GP 2.12)
 - + No trees or other natural vegetation measuring 10 in. in diameter at 12in. above ground level that are not within the limits of construction or within an area that is reasonable for the contractor to complete construction, may be removed without prior written approval from the Committee. (Article III, GP 3.1)
 - + No tree clearing is allowed 30ft from the front property line and 20ft from the side property lines. (Article III, GP 3.2)
 - + Property owners are responsible for any damage caused by mud or overloaded trucks which use roads in the subdivision during construction.
(Article III, GP 3.5)
 - + All construction sites must have adequate temporary portable toilets for contractor's employees. (Article III, GP 3.6)

Post Construction –

- + Owners may park only one of either an unoccupied motor home, trailer, camping trailer or boat with trailer on the property providing it does not obstruct or distract from the view of other property owners. All of the above must bear a current license and be registered. (Article III, GP 1.2)
- + No livestock will be kept or bred other than usual household pets and horses may be allowed with written approval from the Committee. No vicious dogs will be allowed. (Article III, GP 2.2)
- + No commercial signs are allowed except for one “ For Sale “ per lot.
(Article III, GP 2.3)
- + No unused or partially wrecked vehicles or parts are permitted on the lots. All vehicles parked on the lots must be properly inspected and licensed.
(Article III, GP 2,4)

- + No exposed storage of lawn and garden equipment or trash. No burning of trash or leaves is allowed. All compost and other trash such as cans, paper, glass and similar items must be kept in covered containers.
(Article III, GP 2.5)
- + All outdoor clothes lines and similar equipment must be screened and not visible from the street. (Article III, GP 2.6)
- + No short wave radio operations are allowed. (Article III, GP 2.8)
- + TV antennas and satellite dishes should not be seen from the street. Exceptions may be made for 18in. dishes by the Committee. (Article III, GP 2.8)
- + No noxious, unlawful or offensive activity of any kind will be allowed.
(Article III, GP 2.9)
- + No hunting will be allowed on any lots. (Article III, GP 2.13)
- + No ornamental concrete products or items of any kind will be allowed in front of the building line. (Article III, GP 3.4)
- + All lots, whether occupied or unoccupied shall at all times be maintained in such a manner as to prevent them from becoming unsightly (Article III, GP 3.2)
- + All lots must be kept mowed so that the grass does not exceed a maximum of five inches during normal mowing season (Article III, GP 3.2)
- + In order to implement effective insect and woods fire control, the HOA reserves the right to enter any lot for the purpose of mowing, cutting, clearing or pruning underbrush weeds or other unsightly growth which detracts from the overall beauty, setting and safety of the neighborhood. (Article III, GP 3.3)

Belden Woods HOA

Application for Architectural Review Committee Approval

Property Owner :
Address :
Phone Number :

Purpose of Application (Check One or More)

Pre-Construction Any Exemptions Requested? Y N
Construction Any Exemptions Requested? Y N
Post- Construction Any Exemptions Requested? Y N

Which Article(s), GP(s) are you requesting the Committee to review
and approve :

Are you submitting plans with this application: Y N

Are you requesting the Committee to inspect your property to review construction
stakeout, marked trees for removal, etc. : Y N

Please provide any additional information that you believe may assist the Committee
in understanding your request and help to expedite the review :

Owner's Signature _____ Date _____

BELDEN WOODS HOMEOWNERS ASSOCIATION

Minutes of the Annual Meeting held April 27, 2013

The Home Owner's Association of Belden Woods met on Saturday, April 27th 2013 for their annual meeting at the home of President, Bob Olsen.

There were sufficient home/property owners present and proxies submitted to constitute a quorum.

The meeting was called to order by HOA President, Bob Olsen. A motion was made to suspend the reading of the minutes of the last meeting. The motion was accepted.

A concern was expressed that not everyone was aware of the meeting. Based on the concerns raised at the meeting, all future meeting notices and proxy authorizations will be mailed to all home/property owners well in advance of the next annual meeting.

Treasurer's Report: Jim Petrine presented the treasurer's report and the proposed budget for calendar year 2013. The report was reviewed. All dues have been paid to date. The proposal was made and approved to keep the budget and the annual dues of \$300 the same for this year.

PLEASE NOTE: The new mailing address for the Belden Woods Homeowners Association is in care of Brian Taylor, Treasurer, 1240 Windridge Parkway, Hardy, VA 24101-3385.

Grounds and Maintenance Committee Report: Fred Hall reviewed the maintenance expenses. There were 10 mowings last year. It was noted the mowing was expensive but the biggest expense was the leaf collection. There is presently a surplus in the maintenance budget. Fred Hall asked if anyone had any suggestions on cutting down on the overall expense. A suggestion was made to not cut the bank areas. The maintenance report was approved.

Architectural Committee Report: No report.

New Business:

Firewise Community: Bob Olsen said that he had approached the people doing the chipping of the wood for the Fire Wise Program in Windy Gap Mountain Village. They are willing to chip wood in Belden Woods if there is enough interest. The fee is \$143 an hour. They will take wood up to ten inches in diameter. Individual families will pay according to how many hours of work are needed. If anyone is interested please call Bob Olsen.

Pennye Epperly volunteered to look further into the Fire Wise Program to see if this is something the home owners in Belden Woods would be interested in participating in.

Tennis Courts: The tennis courts in the picnic area are going to be refurbished. The question was again asked if there was any interest in helping to pay for a basketball court. Those present at the meeting felt they were not willing to pay for a basketball court.

A suggestion was also made to encourage dog owners of Windy Gap and Belden Woods to bag their dog's poop!

Common Interest Community Issues: There still seems to be some question as to whether or not Belden Woods is considered a common interest community. If Belden Woods is considered a common interest community, then we are subject to certain rules and regulations. Bob Olsen expressed concern that he wasn't hearing back from the attorney. An invoice has been received for attorney's fees. A motion was made to pay the present attorney and continue to use his services to file the yearly paper work to keep the Home Owner's Association active. The suggestion was made to find another attorney who specializes in common interest areas.

Officer and Committee Nominations/Elections. A motion was made and seconded to continue with the present board and committee members. Brian Taylor is replacing Jim Petrine as Treasurer. We are grateful to Jim for all his years of service! The following were elected by those present to serve as officers for 2013:

President – Bob Olsen
Vice-President – Pennye Epperly
Treasurer – Brian Taylor
Secretary – Linda Coulter and Nan Gagliostro

The current members of the **Architectural Review Committee** will continue to serve. These are:

Bob Olsen – Chairman	John Hurt	Jim Petrine
Pennye Epperly	Philip Coulter	

The current members of the **Grounds/Maintenance Committee** will continue to serve. These are:

Fred Hall	Jeff Povtak
Jim Aliff	Brian Taylor

Upon motion and unanimous consent, the meeting was adjourned and everyone enjoyed a potluck cookout with neighbors and friends.

Respectfully submitted,

Linda Coulter – Co-Secretary

Nan Gagliostro – Co-Secretary

**BELDEN WOODS HOMEOWNERS ASSOCIATION
BOARD OF DIRECTORS MEETING MINUTES**

JULY 22, 2013

The Belden Woods Homeowners Association Board of Directors held a meeting on July 22, 2013 at 6:00 p.m. at the home of President Bob Olsen.

The purpose of the meeting was to discuss:

- Finalizing the minutes of the Annual Meeting
- Compliance with the Common Interest Community Requirements
- General Discussion

The following Board members were present: President Bob Olsen; Penny Epperly (Vice-President); Brian Taylor (Treasurer); and Linda Coulter and Nan Gaglisotro (Co-Secretaries).

The minutes of the Annual Meeting on April 27, 2013 were reviewed and Linda Coulter will finalize and mail to the home/property owners.

Discussions:

1. **Firewise Community:** Bob Olsen stated that no one has expressed an interest in participating in having their downed tree limbs, brush, etc. be chipped by the same company as did the Windy Gap Mountain Village work.
2. Bob Olsen shared that Windy Gap Mountain Village had informed him that they plan to refurbish the tennis courts and add a basketball net and shuffle board area in August.
3. **Common Interest Community Issues:** Belden Woods is considered a Common Interest Community and we are so registered with the CIC in Richmond. As required by State Regulations we have developed written complaint procedures and a complaint form. Procedures and Complaint form are attached to these minutes and will be mailed to each home/property owner as adopted by the Belden Woods Board of Directors in order that our Association meet these compliance requirements.
4. The Board of Directors discussed the need to amend the Covenants to clarify the existing language consistent with the intent of the covenants. This be will an agenda item for the next Annual HOA meeting. Any change to the covenant language will require a two thirds vote for approval by the property owners.
5. Concerns have been raised by several homeowners to the Board about various potential violations of covenant requirements throughout the community. The Board will distribute a summary of covenant requirements to property owners with a request that each property review them and take appropriate action if applicable.

Meeting was adjourned by President Bob Olsen.

Linda Coulter, Co-Secretary
Nan Gagliostro, Co-Secretary

Belden Woods Homeowners Association Procedure for Resolving Complaints for Members & Citizens

Background Information:

In accordance with section 55-530 of the Code of Virginia, associations such as ours that are registered with the State of Virginia's Common Interest Community Board (CICB) must establish a written process for resolving association complaints from members and other citizens regarding the action, inaction or decision by the governing board, managing agent or association inconsistent with applicable laws and regulations (documented in the Code of Virginia, including Title 55, Chapter 26 Property Owners' Association Act). Even though the CICB only has jurisdiction over and is only requiring this complaint process for allegations involving violations of State community association laws or regulations, the Belden Woods Homeowners Association Board of Directors has decided to implement this written complaint procedure to address all forms of member complaints (including possible violations of our homeowners covenants and restrictions).

Definitions:

"Association" refers to the Belden Woods Homeowners Association.

"Board" means the Board of Directors for the Belden Woods Homeowners Association.

"Common interest community" means real estate located within the Commonwealth subject to a declaration which contains lots, at least some of which are residential or occupied for recreational purposes, and common areas to which a person, by virtue of his ownership of a lot, is a member of an association and is obligated to pay assessments provided for in a declaration.

"Lot" means any plot or parcel of land designated for separate ownership or occupancy shown on a recorded subdivision plat for a development or the boundaries of which are described in the declaration or in a recorded instrument referred to or expressly contemplated by the declaration, other than a common area.

"Association governing documents" means collectively the applicable organizational documents, including but not limited to the current and effective articles of incorporation, declaration, and bylaws of a property owners' association, all as may be amended from time to time. Association governing documents also include, to the extent in existence, resolutions, rules and regulations, or other guidelines governing association member conduct and association governance.

"Declaration" means any instrument, however denominated, recorded among the land records of the county in which the development or any part thereof is located, that either (i) imposes on the association maintenance or operational responsibilities for the common area as a regular annual assessment or (ii) creates the authority in the association to impose on lots, or on the owners or occupants of such lots, or on any other entity any mandatory payment of money as a regular annual assessment in connection with the provision of maintenance or services or both for the benefit of some or all of the lots, the owners or occupants of the lots, or the common area. "Declaration" includes any amendment or supplement to the instruments described in this definition.

"Association complaint" means a written complaint filed by a member of the association or citizen pursuant to an association complaint procedure.

"Association complaint procedure" means the written process adopted by an association to receive and consider association complaints from members and citizens.

"Complainant" means an association member or citizen who makes a written complaint pursuant to an association complaint procedure.

"Record of complaint" means all documents, correspondence, and other materials related to a decision made pursuant to an association complaint procedure.

"Adverse decision" or "final adverse decision" means the final determination issued by an association pursuant to an association complaint procedure that is opposite of, or does not provide for, either wholly or in part, the cure or corrective action sought by the complainant. Such decision means all avenues for internal appeal under the association complaint procedure have been exhausted.

Procedures for Receiving Complaints:

1. Complete the Association Complaint Form (copies are available by request) and attach additional documentation as required.
2. If you have knowledge of a law or regulation applicable to the complaint, provide that reference as well as the requested action or resolution.
3. Mail this form and any attached documentation to:

Belden Woods Homeowners Association
1240 Windridge Pkwy
Hardy, VA 24101-3385

4. Acknowledgement of receipt by the Board will occur within seven days of receipt of a complaint. Acknowledgment of complaints will be hand delivered or mailed by registered or certified mail, return receipt requested, to the complainant at the address provided, or via e-mail if requested and an address is provided.

Rules for Considering Complaints:

1. The Board of Directors of Belden Woods Homeowners Association will attempt to resolve the complaint at the next monthly board meeting following receipt of the complaint.
2. Notice of the date, time, and location that the matter will be considered shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the complainant at the address provided.

3. If a resolution decision is not possible, reasons will be stated in published meeting minutes along with follow-on actions to reach resolution (further research, requests for more information from complainant, etc.).
4. If further research or requests for information are required, these will occur prior to the next monthly board meeting when complaint resolution will resume again. Board action on active complaints will be detailed in meeting minutes until a final decision is rendered.
5. After the final determination is made, the written notice of final determination shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the complainant at the address provided within seven days. The notice of final determination shall include specific citations to applicable association governing documents, laws, or regulations that led to the final determination.
6. Appeals are not available. Rendered decisions are final.
7. A complainant may file a notice of final adverse decision issued by the Board of Directors of Belden Woods Homeowners Association with the Office of the Common Interest Community Ombudsman in accordance with Section 55-530 F of the Code of Virginia. The Association Complaint Process and the Ombudsman's Determination are only allowed for allegations involving violations of community association laws or regulations (the Condominium Act or Regulations; the Property Owners' Association Act; or the Real Estate Cooperative Act or Regulations). If your Complaint alleges violations of Association documents (even if the Board reviews it and provides a Final Adverse Decision) the Ombudsman does not have jurisdiction to review your Complaint, and you are not eligible to submit a Notice of Final Adverse Decision. For more information visit this website: <http://www.dpor.virginia.gov/CIC-Ombudsman/>

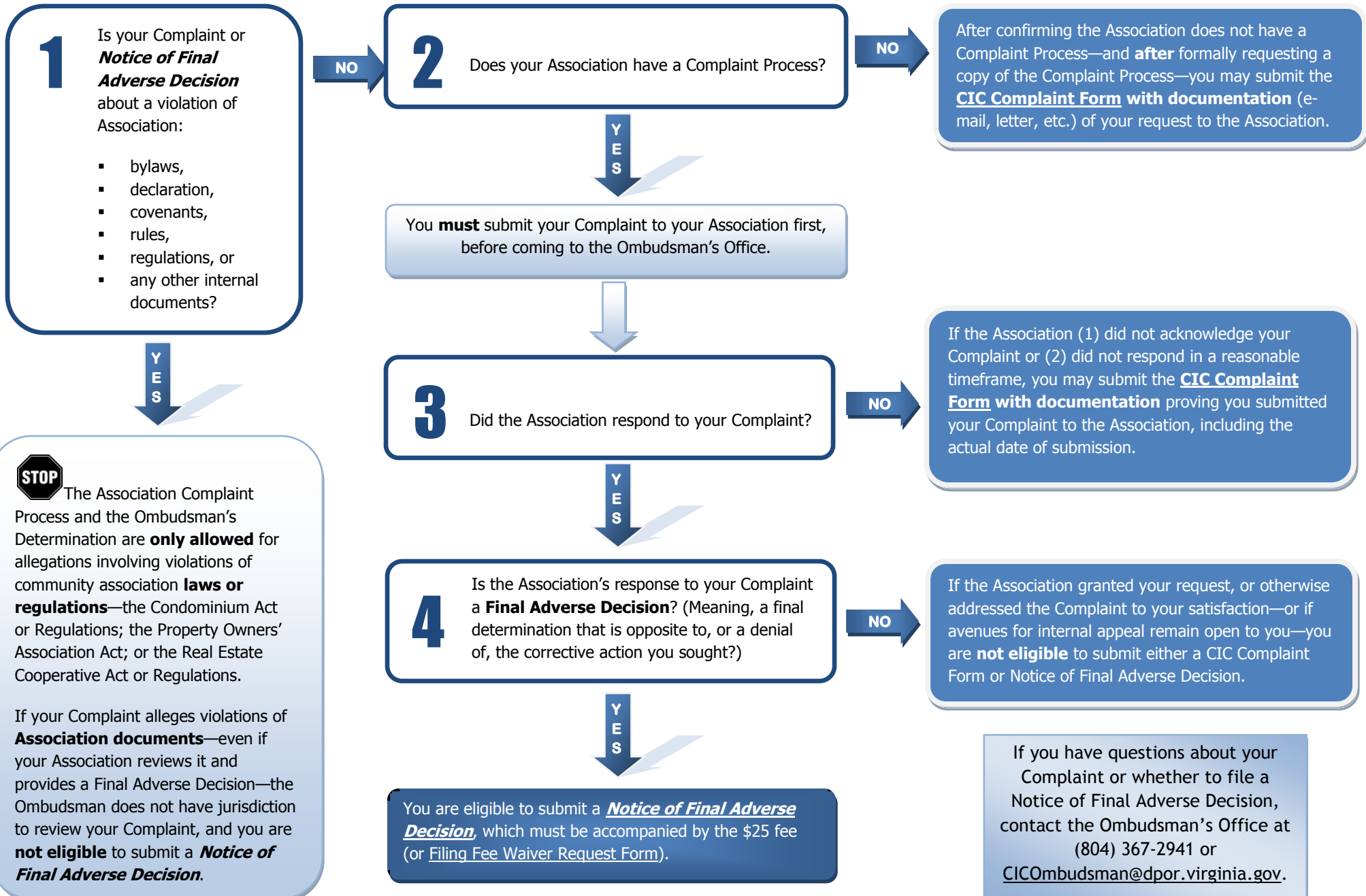
Notes:

- This process was approved by the BWHOA Board of Directors on August 10, 2013.
- This process will be reviewed periodically by the board to insure compliance with Commonwealth of Virginia and association requirements.

COMMON INTEREST COMMUNITY OMBUDSMAN

Guidelines for Review of Complaint Submissions

Before You Submit a Complaint or Notice of Final Adverse Decision



1 Is your Complaint or **Notice of Final Adverse Decision** about a violation of Association:

- bylaws,
- declaration,
- covenants,
- rules,
- regulations, or
- any other internal documents?

YES



The Association Complaint Process and the Ombudsman's Determination are **only allowed** for allegations involving violations of community association **laws or regulations**—the Condominium Act or Regulations; the Property Owners' Association Act; or the Real Estate Cooperative Act or Regulations.

If your Complaint alleges violations of **Association documents**—even if your Association reviews it and provides a Final Adverse Decision—the Ombudsman does not have jurisdiction to review your Complaint, and you are **not eligible** to submit a **Notice of Final Adverse Decision**.

NO

2 Does your Association have a Complaint Process?

YES

You **must** submit your Complaint to your Association first, before coming to the Ombudsman's Office.

YES

3 Did the Association respond to your Complaint?

NO

After confirming the Association does not have a Complaint Process—and **after** formally requesting a copy of the Complaint Process—you may submit the **CIC Complaint Form with documentation** (e-mail, letter, etc.) of your request to the Association.

If the Association (1) did not acknowledge your Complaint or (2) did not respond in a reasonable timeframe, you may submit the **CIC Complaint Form with documentation** proving you submitted your Complaint to the Association, including the actual date of submission.

NO

4 Is the Association's response to your Complaint a **Final Adverse Decision**? (Meaning, a final determination that is opposite to, or a denial of, the corrective action you sought?)

YES

You are eligible to submit a **Notice of Final Adverse Decision**, which must be accompanied by the \$25 fee (or Filing Fee Waiver Request Form).

If the Association granted your request, or otherwise addressed the Complaint to your satisfaction—or if avenues for internal appeal remain open to you—you are **not eligible** to submit either a CIC Complaint Form or Notice of Final Adverse Decision.

If you have questions about your Complaint or whether to file a Notice of Final Adverse Decision, contact the Ombudsman's Office at (804) 367-2941 or CICombudsman@dpor.virginia.gov.

