

WEXFORD CONSERVANCY

REGULATORY RESOLUTION NO. 2018-02

(USE OF THE COMMON AREAS INCLUDING TENNIS COURT)

WHEREAS, Wexford Conservancy ("the Conservancy") came into existence as a property owners' association organized and operating pursuant to the *Virginia Property Owners' Association Act*, § 55-508, *et seq.*, Code of Virginia, (1950, as amended) ("Act") by the filing of the Wexford Declaration of Covenants, Conditions and Restrictions for the Wexford development located in Prince William County, Virginia, which Declaration (and Supplemental Declarations) are of record in the land records of Prince William County, and the original Declaration is recorded at Book 1867, Page 1363, *et seq.*; and,

WHEREAS, Wexford Conservancy was incorporated by Articles of Incorporation filed with the State Corporation Commission of Virginia at some time during 1990; and,

WHEREAS, Section 55-515 of the Act and the Declaration of Covenants, Conditions and Restrictions (hereinafter "Declaration") charge all Lot owners and their tenants, guests and invitees with compliance with the Declaration and all provisions of the Act; and,

WHEREAS, Section 55-513 of the Act confers upon the Board of Trustees the power to establish, adopt and enforce rules and regulations with respect to the use of the common areas and with respect to such other areas of responsibility assigned to the Conservancy; and,

WHEREAS, Article III, Section 3.(c)(7) (*Board of Trustees - Powers and Duties - Enforcement of Governing Documents*) of the Declaration grants the Board of Trustees the power, and sets forth as a duty, the Board's enforcement of the Articles of Incorporation, Declaration, Bylaws and Resolutions of the Conservancy; and,

WHEREAS, Article IV, Section 3 (*Common Area - Extent of Members' Easement*) of the Declaration restricts the members' easement of enjoyment in the common area to the Conservancy's regulatory authority ("the Members' easement of enjoyment created hereby shall be subject to the following...the right of the Conservancy to regulate the use of the Common Area for the benefit of Members."); and,

WHEREAS, Article VI, Section 8(d) in the Articles of Incorporation (*Board of Trustees - Duties*) confers upon the Board of Trustees a legal duty to adopt and publish regulations concerning the common area (it shall be the duty of the Board to ... adopt and publish rules and regulations...governing the use of the Common Area and facilities and the personal conduct of Members and their guests thereon, and include these in the Book of Resolutions); and,

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WHEREAS, Article VI, Section 1(d) of the Declaration (*Use of Property - Protective Covenants - Rules*) authorizes the Board to adopt regulations in response to complaints or in anticipation of future problems on the common area (“from time to time the Board of Trustees shall adopt general rules, including, but not limited to, rules to regulate potential problems relating to the use of property and the well-being of Members...”); and,

WHEREAS, the Board of Trustees has received numerous complaints from residents over time regarding certain activities on the common areas and private lots of the Conservancy, to include skateboarding on sidewalks and streets, the playing of football, basketball, soccer and hockey on the streets, defacement and damage of street signs and poles; and,

WHEREAS, the Board of Trustees has received further complaints of damage to members’ vehicles as a result of the various games being played on the streets and in the parking areas, and has also received complaints of damage to landscaping on the private lots from skateboarding on and off sidewalks and curbs; and,

WHEREAS, the Wexford Conservancy has two (2) playground facilities, a tennis court and a large grassy common area which are suitable for various types of recreation, thus alleviating the need to play in the streets or parking areas of the community; and,

WHEREAS, the Board of Trustees has determined that the games played in the street and skateboarding on sidewalks present a safety hazard to the participants of such games and to pedestrians on the sidewalks, and that such activities further present a hazard of property damage to members’ vehicles and to the landscaping of the private lots, and that these activities therefore constitute real and actual problems “relating to the use of property and the well-being of Members”;

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT the Board of Trustees, by the Act, the Articles of Incorporation, the Declaration and this Resolution, approves, endorses and implements the following rules and regulations regarding the use of the Conservancy’s common areas and the permissible activities thereon and on the private lots, and that such rules shall be deemed to be rules of the Conservancy as a Virginia property owners’ association and shall be enforceable as such at law, in equity and through administrative action, as set forth in Wexford Conservancy’s Regulatory Resolution on Due Process Procedures. This Resolution becomes effective September 21, 2018.

The Wexford Board of Trustees asks that all who live in the community take care of what the community has and not allow anyone to misuse, damage or destroy anything. Anyone who sees something being misused or damaged to say something or at minimum bring it to the attention of Management or any member of the Board of Trustees. Replacement of any common area element can cost a significant amount of money to repair or replace and everyone will

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ultimately pay for it. Reporting such things can and will save you money.

I. GENERAL COMMON AREA RULES

1. These rules shall apply to Conservancy members, family members, residents, guests, tenants and invitees. All Conservancy members shall be responsible for informing their family members, guests, tenants or invitees of these rules.
2. The common area of the community is reserved for the use of the community's residents on a first-come, first-served basis.
3. All who use the benches and tables are asked to not drop or leave any trash on or around the tables and to throw all paper and other items in the trash cans provided. Those playing in the mulched areas are also asked to ensure that they do not drop or leave any trash lying around and to place all of it in the trash cans provided.
4. Residents of the community are encouraged to use the suitable grassy common area for football, soccer, etc. **Please do not wear or allow your children to wear any form of cleat when playing on the grassy areas as it tears up the grass causing bare spots that require additional common area maintenance over and above what has been contracted.**
5. The playing of any type of game including, but not limited to, hockey, street hockey, basketball, football or soccer on the streets of the community or near the common parking areas is not permitted. Accordingly, basketball goals and other sports nets or equipment, whether portable or fixed, are not permitted on the streets or common areas of the community, nor are they to be situated on the private lots so as to necessitate their use for play on the streets of the community. No Basketball goal of any type, mounted or portable, is permitted to be installed upon any lot.
6. The riding of electric or gas powered skateboards, mopeds, ATVs, and motor bikes on the sidewalks, streets and landscaped and turf common areas of the community is not permitted. Small toddler sized rechargeable electric vehicles such as the "Power Wheels" type that move at a walking speed are permitted only when used under the direct supervision of an adult or responsible teen.
7. Tot Lots are primarily designed for young children and not for teens and adults. Young children 10 years old and under require an adult to be with them.
8. Swings are for sitting in and swinging. They are not to be stood up in as this causes more wear and tare on the seat and causes the areas where the chains attach to rip free and make it unusable. They are also not to be wrapped around the upper pipe that the swings hang from because this scrapes the paint off of the pipes causing rust and will damage them. Anyone seen standing in the swings or wrapping the chain around the upper supporting pipe will be asked to leave the area.
9. The bucket seats are designed for small children and not for older children or adults to

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sit on top of. This causes them to break making them unusable. Anyone too big for these swings will be asked to leave the area.

10. The play structures are also intended for younger children and not teenagers. These older children are asked not to play on these structures as they cause more wear and tare than they are designed for.
11. Pursuant to Wexford Conservancy's Regulatory Resolution on Due Process Procedures, violation of the aforementioned rules may result in suspension of the right of use of the common area, the assessment of rule violation charges against the lot owners, or both. Continuing infractions shall result in legal action being taken against the lot owners.

II. TENNIS COURT RULES

1. The Tennis Court is for playing Tennis only. Tennis court surfaces are designed for use of tennis shoes and tennis balls and other uses can cause it to delaminate, chip or peel. Bicycles, skateboards, rollerblades etc., cause more wear on a tennis court surface therefore shortening its life or will leave marks.
2. Access to the tennis court will be controlled via a dual lock system. One lock system will secure the gate from all use overnight between dusk and dawn and from November 1st through March 31st. A second lock will allow Conservancy members and their family members thirteen and up to access the court during the hours it is open.
3. The tennis courts will be closed for operation November 1st through March 31st and the net will be removed to extend its life. As warm weather approaches the court will be inspected and repaired if needed prior to opening court for the season.
4. A tennis court key will be provided to Association members only who wish to play tennis on an as requested basis and will be signed for. Any key issued to a home owner must be returned to the Association prior to the sale of their home. Tennis court keys are not to be duplicated. Replacement of a lost key will cost the Association member \$15.00.
5. If a tenant of a rental unit desires a key, the owner of the home must be the one who requests a key in writing acknowledging that they, the owner, are responsible for the key and conduct of their tenants and that they will ensure that the key is returned to the Association when the tenant terminates their lease. When requesting a key the owner must also provide the name of the primary person(s) who are listed on the rental agreement.
6. Non-marking shoes are required. White or light soled tennis shoes and other athletic shoes are the only approved footwear allowed on the court surface. Black or dark soled shoes of any kind, street shoes, boots, sandals, flip-flops or any other footwear is not permitted due to safety concerns or because they may leave marks or damage the

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court surface.

7. Tennis Courts are for Residents and their Guests only. Please limit play to 1 Hour for Singles and 1 ½ Hours for Doubles. If others are waiting please change courts on the hour. Guests must be accompanied by an Owner or Resident. Owner or Resident accompanying guests must not leave the court unattended, if you leave, they must leave.
8. A Home Owner or Resident may extend the use of the courts to no more than three (3) guests at one time. The member must be present at the court when such guests are playing tennis.
9. Junior Players 13 to 16 and their guests may use the courts at any time, but on request, are required to cease playing and surrender the court to Senior players, 17 and older, after 6:00 p.m. on weekdays. Junior players may play tennis with Senior players at any time.
10. Younger players, 12 and under must be accompanied by an adult, 18 or older and they must be on the court with them.
11. The gate shall be closed and locked when finished playing. If another person is or group is waiting to play they must unlock the tennis court.
12. No Pets, Glass Bottles or chairs are allowed on Courts.
13. During Play:
 - A. Gates shall be closed at all times except to enter and exit court between games.
 - B. All tennis court rules, regulations and courtesies shall be observed as defined by the United States Tennis Association (USTA).
 - C. Non-players must stay out of the court areas at all times. Loud talking or shouting, hitting tennis balls against the fence and any other practice that can be considered annoying to players are prohibited. Parents are strictly responsible for the conduct of their children.
 - D. Sitting on, pushing or pulling on tennis nets is prohibited.
 - E. Climbing on, hitting or kicking balls into, or running into fences is prohibited.
14. No private instructions and classes are allowed without prior written permission from the Wexford Conservancy Board of Trustees or Management Agent. Only the tennis pros that have entered into a mutual agreement with the Wexford Conservancy will be allotted blocks of time for lessons as determined by the Board of Trustees.

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PARKING RULES

The parking area for the tennis courts is off of Redwing Drive and has spaces for four vehicles. This parking area is for people who desire to park a vehicle while playing tennis only. There will be no parking between dusk and dawn and between November 1st and March 31st. Cars parked in violation will be towed without warning or notice.

RULE ENFORCEMENT

Any violations of the tennis court rules may result in the denial of access to the court and tennis privileges revoked by action of the Board of Trustees. Violations of the rules must be reported to the Board of Trustees using the **eboard@wexfordpwc.org** email address and must include the name of the person reporting the violation and the address of the unit they live in. The Board will conduct an investigation by requesting for some evidence of the alleged rule violation, a hearing will be called for and a decision will be rendered as to what action will be taken. This can be a revocation or limiting of tennis court privileges. If damage has occurred as a result of the violation the Owner will be assessed the cost of repairs.

CANNOT BE USED FOR RESALE OR DISCLOSURE PACKAGE