

DRAFT

ARTICLE 5

ARCHITECTURAL GUIDELINES AND HOME BUSINESSES

5.1. General. The basic authority for proscribing or restricting certain uses of property, and for maintaining the quality of design throughout Montclair, is founded in the Amended Declaration, which is a part of the Deed to every property in Montclair. The rights and obligations of homeowners and residents within a community governed by a Property Owners Association (POA) are further described in the Virginia Property Owners' Association Act. Article 5 of the Montclair POA (MPOA) Community Guidelines details additional restrictions which are part of the Association Documents and serve to protect the visual appearance of Montclair, enhance the enjoyment of all its residents, and protect Montclair property values. It is the responsibility of every home owner to be aware of and adhere to these guidelines.

5.1.1. Objective. Article 5 provides guidelines to POA members seeking to make changes to the exterior of their property or use it for a mix of residential and business purposes. It defines the roles of each entity that participates in the creation, coordination and enforcement of these guidelines as well as the procedures for so doing. It defines the process each homeowner is required to take when applying to use the property for business or for making exterior modifications to their property. In particular, Article 5.3 specifically outlines the processes and procedures required by homeowners when desiring to make exterior changes to their property, and 5.4 specifies the architectural guidelines that have been developed by the association and approved by the BOD.

5.1.2. Roles and Responsibilities.

5.1.2.1. MPOA. The role of the Association, of which every property owner is a member, is to not only own and operate common areas but to conserve and enhance the resources of the total community. MPOA accomplishes these functions in a variety of ways, including ensuring the retention of harmonious yet diverse design qualities throughout the community, and ensuring the appropriate use of residential properties.

5.1.2.2. Covenants Committee. The Covenants Committee is charged with ensuring all exterior alterations to a property comply with the objectives and restrictions set forth in this Guideline. The Covenants Committee consists entirely of homeowners who volunteer their time to review homeowner requests for improvements and evaluate these requests within the context of the Architectural Guidelines approved by the MPOA Board of Directors. They are empowered to approve or deny homeowner requests for improvements, or recommend to the MPOA BOD a variance to the guidelines for which an accommodation under unique circumstances may be made. As described in Community Guideline Article 3, Committees, the Covenants Committee may also establish a New Construction sub-committee to work with a homeowner and their builder in order to ensure a proposed new-build is constructed in a manner consistent with this Article.

DRAFT

5.1.2.3. Covenants Manager. The Covenants Manager (also referred to in some documents as Covenants Director) is a member of the MPOA-contracted Property Management Company who is designated to oversee staff functions related to the management of Association Covenants. Responsibilities of the Covenants Staff include but are not limited to:

a. Receive, review for completeness, and coordinate homeowner Property Improvement Requests (PIRs) with all affected parties, and respond to PIRs upon review by the Covenants Committee and/or the Covenants Director.

b. Maintain a property file for each MPOA lot that includes, but is not limited to, all previously approved PIRs

c. Prepare PIR review packages for the Covenants Committee Members

d. Provide a staff member, as requested by the Covenants Committee Chair, to all committee and sub-committee meetings to assist with recordation of committee business and provide guidance as requested

e. Coordinate with Sub-association staff and/or association members as appropriate when the subject property of an improvement request is within an MPOA Sub-association, and deny any PIR or variance requested by a homeowner whose subject property is within a sub-association when that request was disapproved by that sub-association

f. Approve those PIRs that are within the purview of the Covenants Manager to approve. These are limited to any improvements defined as *Quick Track* improvements. In the case of PIRs submitted in response to a violation from a home inspection, the Covenants Director and Covenants Committee chair can collectively approve the PIRs provided the items are in good condition AND the homeowner has documentation that this improvement was present at the time the homeowner purchased the home

g. Conduct property inspections annually, and by request for property resale or a neighbor complaint, to ensure all properties are maintained and have not fallen into disrepair, and are adhering to the architectural guidelines as outlined in this document

5.1.2.4. Covenants Committee (CC). The Covenants Committee is made up of volunteer homeowners responsible for the review and disposition of all requests for exterior alterations and additions made to a homeowner's property. In carrying out its responsibilities, the CC strives to preserve the natural beauty of Montclair, maintain and enhance property values, and ensure that all modifications adhere to association protective covenants. Additional information is provided in Guideline 3.3.1. Standing Committees.

5.1.2.5. Architectural Appeals Board (AAB). The Architectural Appeals Board is a standing committee of the Board of Directors that will review a request by a homeowner to appeal the decision of the Covenants Committee. See section 5.3. Appeals of Covenants Committee Decisions for additional information on the process of appealing a decision of the Covenants Committee.

DRAFT

5.1.2.6. Business Review Board (BRB). The Business Review Board is a standing committee of the Board of Directors that will review a request by a homeowner to establish a home-based business. See section 5.5. Home Businesses for additional information on submitting a Home Business request for approval.

5.2. Application & Review Procedures for Exterior Alterations

5.2.1. Application by Homeowners. Property owners desiring to add to and/or alter the exterior appearance of their home or Lot must complete a PIR form and submit the PIR and all necessary attachments to the Covenants Director, unless that specific item is listed as pre-approved. The Covenants Department will review the form for completeness, date it, retain an active file copy, and record its receipt. The applicant should retain one copy. Additional copies of PIR forms are available at the MPOA office and at www.montclairva.com.

a. Residents within a Sub-association. When a resident desires to make an exterior modification to a property that is located within a sub-association, the PIR will be sent to the identified point of contact for the Sub Association for review. The Sub Association shall promptly review the PIR for compliance with their covenants guidelines and provide their ruling to the MPOA covenants staff no later than the close of business on the Monday prior to the meeting at which the PIR will be reviewed by the MPOA Covenants Committee.

5.2.2. Obtaining neighbor acknowledgement of the planned improvement. Exterior improvements to a property can impact immediate neighbors as well as the entire community. For that reason, an important element of the PIR process is to obtain neighbor acknowledgement of the planned improvement. The applicant property owner must make every attempt to contact adjacent property owners and advise them of the intended property improvement and obtain their acknowledgement signature on the space provided on the PIR form. These signatures only indicate an awareness of the PIR and do not indicate approval or disapproval. If a homeowner refuses to sign the PIR, the applicant should make a note of that fact on the line provided for the homeowner's signature. Refusal to sign does not equal disapproval of the improvement. Separate procedures described below are to be followed by any neighbor that objects to an exterior improvement by their neighbor. Should an applicant be unable to obtain an adjacent property owner's signature because the neighbor is unavailable for an extended period of time (fourteen days), the applicant may dispense with the signature of that neighbor and note the neighbor's absence on the PIR. In the event an adjacent property owner refuses to sign or is absent, the Covenants Director will provide written notification of the request, which shall include a copy of the PIR, to that property owner. A PIR will be considered incomplete and will not be forwarded to the Covenants Committee for review unless all of the previously outlined steps are taken by the homeowner to obtain signatures from adjacent property owners.

5.2.3. Property owner objection to a planned improvement. Any MPOA property owner may object to a PIR. A property owner who desires to object to a PIR must notify the Covenants Director prior to the Covenants Committee meeting at which the request will be reviewed. Property owners must submit their objections in writing to ensure that the Covenants Committee members will have an accurate understanding of the objection when visiting the site of the

DRAFT

proposed alteration. The property owner may also appear before the Covenants Committee to voice an objection to a PIR. Conversely, the objecting property owner may elect to remain anonymous. The Covenants Director will advise the applicant of an objection to a PIR, and the nature of the objection.

5.2.4. PIR review and Covenants Committee actions. Refer to section 5.1.3.f. for those PIRs that do not require Covenants Committee review. The Covenants Director will notify the applicant and any objecting property owners of the date and time of the Covenants Committee meeting at which the PIR will be considered. The Covenants Director will route a copy of all PIRs to all Covenants Committee members for their review and on-site inspection of the lot/home. In order to vote, a Covenants Committee member must visit the site in question.

Committee consideration of a PIR is based on the standards included in these guidelines, the covenants, and applicable Board of Directors' resolutions. A majority vote of the Covenants Committee members is required to approve or disapprove a PIR. The Covenants Committee must have a quorum of three voting members, not including the Covenants staff member or BOD liaison, present to conduct any committee business. Homeowners are encouraged to attend the Covenants Committee and will be given an opportunity to address the committee members as well as answer any questions about the improvement. Objecting homeowners are also encouraged to attend and will be given equal opportunity to address the committee. The Covenants Committee will consider all pertinent information presented in this meeting. Committee discussions and voting will be conducted in open session. The committee outcome includes Approval; Disapproval; Approval with a modification or condition; Request for resubmission with additional data or as a variance. Additionally, the committee has the right to refer approval or denial of the PIR to the BOD for decision. The MPOA shall act upon any and all fully-completed PIRs within 30 days of receipt. Should the Covenants Director and/or Covenants Committee fail to act on the PIR within 30 days of receipt, the PIR will be approved in accordance with the Association Documents without further consideration on the thirty-first day following receipt by the MPOA.

5.2.5. Notification of the Covenants Committee decision. A letter outlining the decision of the Covenants Committee will be mailed by the Covenants Director within five working days to the applicant and adjacent neighbors, and a copy will be placed in the individual lot file at the MPOA office. If the PIR was approved, the letter will inform the applicant that he/she is to take no action on beginning the approved work for a period of 10 days from the Covenants Committee's decision, pending any possible appeal by a homeowner. If the Covenants Committee denies the request, the homeowner may appeal the decision to the Architectural Review Board, or resubmit to the Covenants Committee in the form of a request for variance to the architectural guidelines. Whether an appeal or a request for variance, the final approval or disapproval rests with the BOD.

5.3 Variances and Appeals

5.3.1. Variances. The BOD may grant variances to the Architectural Guidelines, for good cause shown. A variance can only be granted by the board, with two exceptions cited below. Requests

DRAFT

for variances will be forwarded to the BOD from the Covenants Committee, with a committee recommendation for approval or disapproval. Variances are most typically used when a feature of the property, such as topography, would make it impossible or unreasonable to follow the architectural guideline as stated. Variances may also be appropriate for a unique circumstance faced by the resident requiring an accommodation that would otherwise not be permitted by the guidelines. Unless specifically stated in the variance language approved by the Board of Directors, variances will convey (transfer) with the property. The BOD has delegated to the Covenants Committee authority to approve variances under the following two circumstances:

a. Variance to Setback Requirements. In those instances where a previous variance has been granted to the setback requirements to accommodate construction of a building or other structure, and an additional structure is being 5-46 planned, the Covenants Committee may grant such a variance provided the added structure will not change the setback distance. Previously granted (i.e. a deck or patio which runs parallel to and the same distance from the lot line as the initial structure).

b. Non-conforming Fence Styles: The Covenants Committee may approve a non-conforming fence style (per the current policy) if said style is the same as an abutting or adjacent fence style, provided that the existing nonconforming fence was previously approved under an earlier policy. Such as (i.e. a stockade fence may be allowed if a stockade fence is already on the abutting property), and if the non-conforming fence requested does not also abut an approvable style of fence. Nothing in this authority requires the Covenants Committee to grant variances in cases that might be brought before the committee.

5.3.2. Appeals of Covenants Committee Decisions. Any decision of the Covenants Committee, with the exception of a decision to forward the PIR to the BOD, is subject to appeal. All members who file a PIR, and any member who has expressed to the Covenants Committee an objection to the PIR, are hereafter referred to as "Interested Owners." Only an Interested Owner may appeal a decision of the Covenants Committee, and he or she becomes known as the "Appellant." In the event the Covenants Committee forwards a PIR to the BOD, the Appellant retains the right to appear before the Board to voice their opposition and/or concerns.

5.3.3. The following process is provided as a guideline for the Covenants Director and the AAB.

a. The Covenants Director shall notify all applicants and Interested Owners by mail of the Covenants Committee's decision, pursuant to paragraph 5.2.5. above. All appeals from the Covenants Committee to the AAB must be in writing and received by the Covenants Director within ten days of the postmarked date of the notification to the applicant and Interested Owners of a Covenants Committee decision. If an appeal is not received within the specified time frame, the decision of the Covenants Committee is final.

b. Upon receipt of an appeal, the Covenants Director shall forward complete documentation, including appropriate guideline references and covenants, to the AAB. The AAB is made up solely of BOD members, and empowered to act on the BOD's behalf. The AAB shall review the documentation, and the Chair of the AAB shall schedule an appeals hearing, if

DRAFT

granting the appeal would not violate the covenants or federal, state or local laws. If no hearing is scheduled, the Chair will prepare a letter to the Appellant explaining the covenants or laws the granting of an appeal would violate. The Chair may also elect to forward the appeal to the entire BOD. Otherwise, the hearing will be scheduled within fifteen days of the receipt of the appeal by the Covenants Director, subject to the availability of members of the AAB. The Covenants Director is responsible for keeping complete records of all appeals and will log the appeals according to the date the appeal is received at the MPOA Office.

c. The Appellant and other Interested Owners shall be notified a minimum of three days prior to the AAB hearing of the date, time, and location the meeting is to be held. If a member of the AAB is not available within the fifteen day time limit, the President of the Association may appoint another Director as a pro tem AAB member or make such other decision as necessary to expedite hearing the appeal.

d. All members of the AAB shall be present at the hearing. All members shall review all references and documents provided in the appeal packet and visit the property site shown on the PIR before the hearing. The AAB shall uphold, modify, or overturn the Covenants Committee decision, return the PIR to the Covenants Committee for further proceedings, forward the appeal to the entire BOD, or recess the hearing pending receipt of additional information. The Covenants Director shall notify the Appellant and Interested Owners of the AAB's decision within five working days of the decision. Unless the AAB forwards the appeal to the entire BOD, the decision of the AAB is deemed final and the Association shall allow no further appeals. If a PIR is returned to the Covenants Committee for further proceedings, the subsequent decision of the Covenants Committee is subject to appeal only by the applicant.

e. Homeowners who appear before the AAB shall convey relevant information. All pertinent information presented in this meeting will be considered by the AAB when making its decision. The general format for presentation before the AAB shall be as follows: Covenants Committee ruling on application; Applicant presentation; Objecting homeowner statement; Covenants Committee comments; Questions from AAB; Closing statement by applicant; Closing statement by objecting homeowner; Covenants Committee comments

f. While the appeals' hearing is open, the deliberations of the AAB are closed. Only AAB members, the Covenants Director, and the Chair of the Covenants Committee may attend these deliberations. Following the deliberations, the AAB shall return to open meeting to vote and advise the applicant and objecting homeowner(s) of its decision.

g. Any appeal of a Covenants Committee decision that is referred by the AAB to the full BOD shall be forwarded to the BOD by the Covenant's Director and placed on the agenda of the next regular BOD meeting, provided the Board members receive the applicable documents within three days of the regularly scheduled meeting.

h. The Covenants Director shall ensure that the Appellant and Interested Owners are notified of the decision of the BOD within five working days of the date of the decision. All decisions of the BOD are final.

DRAFT

5.3.4 Appeals to Sub-Association PIR Denials. If the Sub Association denies the PIR based upon conflict or violation of their guidelines or covenants, the PIR is thereby denied and will not be sent to the MPOA Covenants Committee for further review. Any appeal by the applicant shall be heard by the Sub Association.

5.4 Architectural Guidelines.

5.5. Home Businesses. MPOA recognizes the right of every member to earn a living and is supportive of homeowners who wish to establish a home-based business. For purposes of this policy a Home Business is defined as: Any commercial and/or for-profit activity conducted entirely within a dwelling unit as an accessory use to the principal bona fide residential use. When a homeowner wishes to establish a home-based business, the homeowner must complete the Application for a Home Business (available online or at the MPOA Office). Only property owners may submit an application for a Home Business. Should a tenant desire to have a home business, the homeowner must submit the application on behalf of the tenant. Application for a home-based business is not necessary for homeowners who are simply working from home and do not have regular client/staff traffic, excessive deliveries, or do not require storage of material or equipment that would be in violation of association covenants.

5.5.1. Home Business Application Process. The MPOA shall route the application and any comments from neighbors to Business Review Board (BRB), a committee of the MPOA BOD. The BRB application review will take into account the impact of the requested business on the neighbors, as well as existing zoning regulations of Prince William County. The BRB will render its decision in the case and MPOA shall notify the applicant, as well as any Interested Owners as defined below, by mail within ten days after the decision is made. Upon receipt of notification of an approval, the applicant will then be required to obtain the necessary permits/licenses and fully comply with all County ordinances and regulations. Failure to do so will be grounds for revocation of MPOA approval. If the BRB denies approval, the business will not be authorized to operate unless the business is thereafter approved by the full BOD after a timely appeal.

5.5.2. BRB Appeal Process. Any decision of the BRB is subject to appeal to the full BOD. All lot owners who file an application and any lot owner who has expressed to the BRB an objection to an application are hereafter referred to as "Interested Owners." Only Interested Owners may appeal and they become known as the "Appellant." The following process is provided as a guideline for the General Manager, and the BRB members appointed in accordance with the rules and regulations adopted by the BOD pursuant to Article 6 of the Amended Declaration.

a. All appeals from the BRB to the BOD must be in writing, and be received by the MPOA within ten days of the postmarked date of notification to the applicant and Interested Owners of the BRB decision. If the appeal is not received within the specified time frame, the decision of the BRB is final.

DRAFT

b. Any timely appeal of a BRB decision shall be forwarded to the BOD by the Covenants Director by placing it on the agenda of the next regular BOD meeting, provided the Board members receive the applicable documents a minimum of three days prior to that meeting. The General Manager shall notify the appellant and other Interested Owners involved in the appeal of the date, time, and location of the BOD meeting at which the appeal will be considered, and of their right to be heard.

c. The Covenants Director shall ensure the appellant and Interested Owners involved in the appeal are notified of the decision of the BOD within five working days of the date of the decision. All decisions of the BOD are final.

5.6. Covenants Enforcement. The covenants of the Amended Declaration require the Association to ensure compliance of all lots with the architectural standards, covenants, and restrictions.

5.6.1. Violation notification process. The BOD has adopted the following procedures to ensure due process for all members. Note that in all cases, the notice will be sent to the home address OR to the primary contact address on file with MPOA (this could be an alternate address of the homeowner or a proxy property manager). It is imperative that homeowners provide MPOA with their most current contact information. Failure to do so will not prevent MPOA for taking actions as described below in response to covenants violations.

a. Upon receipt and verification of an issue of non-compliance, the Covenants Director will send a notice of noncompliance letter (First Notice) allowing a reasonable amount of time (between 14 to 30 days depending on the nature of the violation and consideration for what will be required to remediate the violation) for the property owner to: (1) take corrective action voluntarily; or (2) advise the Covenants Director of the scheduled date to have the corrective action completed. For home businesses, non-compliance with the policies contained herein, deviation from the proposed outline of the home business/occupation, or valid complaints may result in the immediate revocation of MPOA permission to operate these activities. The Covenants Office will re-inspect the site in question and if the corrective action has been completed the case will be closed.

b. If corrective action has not been taken, a second letter (Second Notice) will be sent to the alleged violator. This letter will advise the party that if corrective action is not taken within the next two weeks the matter may be processed through legal channels with reimbursement of legal fees to be paid by the violator. The Covenants Office will re-inspect the site in question and if the corrective action has been completed the case will be closed.

c. If corrective action has not been taken in response to the second notice, a third letter will be sent to the alleged violator by certified mail, return receipt requested. The notice will state that the homeowner will be automatically scheduled for a hearing at the next Board Meeting, so long as the BOD meeting is at least 14 days after the postmark on the notice. The notice will advise the homeowner of his or her right to be heard at this hearing, and to be represented by counsel before the Board of Directors at their own cost. The notice will also

DRAFT

advise the homeowner of the date, time, and location of the hearing and will detail the possible sanctions that the Board will consider at the hearing. In the event of a scheduled hearing before the BOD, the General Manager will ensure that all pertinent information is sent to the Board members in the monthly board packet, to include the findings and recommendation of the Covenants Director.

d. The alleged violator may, at any time, admit all or part of the allegations. The Board of Directors may then proceed to take whatever action, including the imposition of any sanctions, which it deems appropriate and which are authorized by the Association Documents.

5.6.2. **Hearings. The homeowner is advised to submit written notice (email is acceptable) of their intent to attend the hearing at least 3 business days prior to the hearing.** This will ensure the homeowner has adequate time to address the Board at the time of the hearing. The respondent may submit a written defense to the complaint in lieu of or in addition to appearing at the hearing, which shall be considered by the Board along with all other relevant evidence. Upon proof that the notice of hearing was properly mailed, the Board of Directors may proceed with the hearing in the absence of the respondent, and may make findings, issue a ruling, and impose sanctions. Failure to attend or submit written material will result in the loss of the homeowner's opportunity to be heard. At the hearing, the Board of Directors will decide whether to impose covenants violation charges against the homeowner and their lot, as specified in para 5.6.3. Assessment of Charges to Enforce Rules.

5.6.2.1. Procedural Rules at the Hearing. The hearing shall be conducted in closed session. The following procedures pertain to the hearing on the merits of the alleged violation(s):

- a. The President shall conduct the hearing and rule on all procedural issues
- b. The respondent and the Association may each be represented by an attorney licensed to practice in Virginia
- c. The respondent and the Association may each call witnesses in his/her own behalf. The respondent may testify in his or her own behalf, and may be called as a witness by the Board of Directors. If the respondent refuses to testify upon the request of the Board, the hearing shall continue, and the Board may reach a decision on the merits based upon other available evidence
- d. The respondent and the Association may each present relevant information on his/her or its own behalf. The Board of Directors may assess any testimony based upon its reliability and trustworthiness, and attribute to it the weight the Board of Directors believes it deserves. Of note: The legal definition of rules of evidence does not apply in a hearing.
- e. The hearing shall proceed as follows, unless otherwise agreed upon by both parties:
 - i. Opening statements-4 minutes.
 - ii. Introduction of evidence and presentation of witness by the Association.
 - iii. Introduction of evidence and presentation of witnesses by the respondent.

DRAFT

iv. Introduction of rebuttal evidence and testimony by the Association.

v. Closing statements-5 minutes each side. The Association may open and rebut the Respondent's closing argument.

f. At the conclusion of the hearing and BOD deliberation, the BOD shall vote in open session to (a) dismiss the complaint, (b) find a violation and impose sanctions and/or take other appropriate action, or (c) continue the hearing to receive additional evidence. The notice to the member, with the member's name and address redacted, is to be placed in the official minutes of the meeting at which the case is heard by the BOD.

5.6.2.2. Postponing or re-opening a hearing.

a. Postponement. Any party may request a postponement of the hearing for good cause. The President of the Association, without need for consultation with the Board, shall grant or deny the continuance and inform all parties in writing.

b. Re-opening. The respondent may appear at the Board of Directors meeting following the hearing at which sanctions were imposed to request that the hearings be re-opened. The Board of Directors may reopen the hearing and receive evidence and hear arguments if the respondent gives the Board of Directors five days' notice of his or her intent to appear before the board to request that the hearing be re-opened, and if good cause for reopening the hearing exists. Upon receipt of such notice, the Covenants Director shall notify all other interested parties. The hearing shall be re-opened by vote of the Board of Directors. At the hearing, the homeowner will have the opportunity to dispute the issue(s).

5.6.3. Enforcement Procedures for Repeat Violations and Violations that Pose a Threat of Personal Injury or Imminent Property Damage.

a. Repeat Violations. In the event of a repeated non-compliance of the same nature within one year after the issuance of a notice of noncompliance, the First and Second Notice shall not be required, and a Notice of Opportunity for Hearing shall be sent to the responsible member at least five days prior to a hearing in the matter. In such an event, the procedures set forth in Sections 5.6.2. Hearings shall apply. If the BOD finds there to be a violation in an instance of such repeated noncompliance, the BOD may: 1. Take immediate action, at the expense of the responsible member, to abate the violation in accordance with the provisions of Sections 5.2 (a) and 10.1 (e) of the Declaration, or 2. Refer the violation to legal counsel for the institution of appropriate legal action without further communication to the responsible member. If a hearing on the prior non-compliance resulted in a monetary charge which was suspended pending future adherence to the covenants, that charge shall be automatically imposed as an assessment against the lot by the General Manager.

b. In any instances in which the Board determines that a reported non-compliance with the Association Documents constitutes a threat of personal injury to any person or an imminent threat of property, the BOD may: 1. Take immediate action, at the expense of the responsible member, to abate the violation in accordance with the provisions of Sections 5.2 (a) and 10.1 (e)

DRAFT

of the Declaration; or 2. Refer the violation to legal counsel for the institution of the appropriate legal action without further communication to the responsible member.

5.6.4. Assessment of Charges to Enforce Rules. The BOD may assess charges against any member for any violation of the Association Documents for which the member or his/her family members, tenants, guests, or other invitees are responsible, not to exceed \$50 for any single violation or \$10 per day for any violation of a continuing nature, which shall be treated as an assessment against the member's lot subject to collection pursuant to the Association Documents and according to law. The BOD may, at any time after an assessment of charges and for good cause shown, remit any portion or all of the charges to the member when requested by the member or recommended by legal counsel. The relief provided by assessment of charges shall be in addition to any other right of relief or remedy available to the Association, and the invocation of such assessment in any particular case shall not constitute an election of remedies.