

**2009 RESOLUTION OF THE BOARD OF DIRECTORS OF  
SWEETWATER VALLEY CONDOMINIUM ASSOCIATION, INC.**

**SUSPENSION OF PARKING PRIVILEGES  
AND TOWING OF VEHICLES  
DUE TO DELINQUENT ASSESSMENTS**

WHEREAS, the condominium instruments of Sweetwater Valley Condominium include the Declaration of Condominium for Sweetwater Valley Condominium, and all amendments of record thereto (hereinafter collectively referred to as the "Declaration"); the Bylaws of Sweetwater Valley Condominium Association, Inc., and all amendments thereto (hereinafter collectively referred to as the "Bylaws"); and the Sweetwater Valley Condominium Association Rules and Regulations ("Rules");

WHEREAS, Article VII, Sections 1 and 2 of the Bylaws require owners to pay assessments to Sweetwater Valley Condominium Association, Inc. ("Association");

WHEREAS, Section 44-3-76 of the Georgia Condominium Act (the "Act") provides that to the extent provided in the condominium instruments, a condominium association shall be empowered to suspend temporarily the right of use of certain common elements in order to enforce compliance with the condominium instruments; provided, however that no such suspension shall deny any unit owner or occupant access to the unit owned or occupied nor cause any hazardous or unsanitary condition to exist;

WHEREAS, Paragraph 8(b) of the Declaration provides that the Association, acting through the Board of Directors, may enforce the Declaration, the Bylaws, and the rules by the suspension of use of the common elements. Article VIII, Section 1 of the Bylaws provides that the Board shall have the power to suspend an Owner's right to use the common elements for violation of any duty imposed under the Declaration, the Bylaws, and/or the Rules;

WHEREAS, Paragraph 5 of the Declaration provides that the parking areas in the Condominium are common elements;

WHEREAS, timely payment of assessments is a duty imposed under the Declaration, the Bylaws, and the Act upon every Owner in the Condominium;

WHEREAS, prompt and timely payment and collection of assessments is essential for the proper operation of Sweetwater Valley Condominium;

WHEREAS, repeated and excessive delinquencies in payment of assessments cause the Association to incur trouble and expense in pursuing collection of the delinquent assessments and creates an inequity by forcing others to subsidize the expenses related to maintaining, repairing and operating the common elements of Sweetwater Valley Condominium; and

NOW, THEREFORE, the Board of Directors of Sweetwater Valley Condominium Association, Inc., hereby sets forth and adopts the following policies, rules and regulations regarding the suspension of parking and the towing of vehicles:

### **Suspension of Parking**

1.1 If assessments and/or other charges or any part thereof remain unpaid for more than thirty (30) days after they become due, the Board of Directors shall provide the delinquent owner written notice of the Association's intent to suspend the owner or occupant's right to bring or park vehicles on the common elements or have guests bring or park vehicles on the common elements. The written notice shall be sent by certified mail, return receipt requested, not less than ten (10) days prior to the date of suspension. If the owner does not pay the past due assessments or other charges within ten (10) days of the date of such written notice, then the parking privileges of the owner and occupant, as well as all guests of the owner or occupant, are automatically suspended. All vehicles of the owner or occupant, or their guests, are deemed "unauthorized vehicles" at Sweetwater Valley Condominium until all past due assessments and other amounts are paid in full.

1.2 These policies, rules and regulations shall not deny (a) pedestrian ingress or egress to or from the unit; (b) ingress or egress by vehicles which are not parked or kept for any period of time on the common elements; or (c) medical, fire, police or other clearly identified health, safety, service or emergency vehicle ingress or egress to or from the unit.

### **Towing of Vehicles**

2.1 Unauthorized vehicles parked on any portion of the common elements, including limited common elements, may be towed. Towing may occur of such unauthorized vehicles for any permitted reason including, but not limited to a violation of parking rules, such as a vehicle not having current registration, as well as failure to pay delinquent assessments and other charges due to the Association as outlined in Section 1.1 above. Before an unauthorized vehicle is towed, the Board of Directors shall caused a notice to be placed on the unauthorized vehicle stating: (a) the nature of the violation; (b) the name and telephone number of a person to contact regarding the violation; and (c) the vehicle will be towed after twenty-four (24) hours. If an unauthorized vehicle is not removed from Sweetwater Valley Condominium within twenty-four (24) hours after such notice is placed on the vehicle, or if the vehicle is parked thereafter on the common elements or limited common elements while the owner remains delinquent in the payment of nay assessments and/or charges, the vehicle may be towed without future notice.

2.2 If the unit owner again becomes past due on any assessment or charge within twelve (12) months of such notice, the vehicle may be towed in accordance with the notice without further notice to the owner of the unit or owner of the vehicle.

2.3 The Board of Directors shall cause a notice to be conspicuously placed on the common elements stating the following: (a) unauthorized vehicles shall be towed at the expense of the owner of the vehicle, (b) the name and telephone number of the person or entity which

will do the towing, (c) the cost of said recovery, (d) information as to the form of payment; and (e) information as to where the vehicle can be recovered. The Board shall also only use towing and storage firms that have been issued permits or licenses by the local governing authority of the county or city in which it is located and have a secure impoundment facility.

2.4 Such towing of unauthorized vehicles, as described in this Resolution, shall be allowed from the Condominium's common elements and limited common elements, including but not limited to a carport, garage, or parking space that has been assigned to a particular Unit, as the Declaration defines such areas as common elements.

This Resolution and the policies, rules and regulations contained herein shall be effective upon adoption by the Board of Directors and the mailing or delivering of a copy of this Resolution to the owners at Sweetwater Valley Condominium.

RESOLVED AND ADOPTED by the Board of Directors of Sweetwater Valley Condominium Association, Inc., this \_\_\_\_ day of \_\_\_\_\_, 2009.

SWEETWATER VALLEY CONDOMINIUM ASSOCIATION, INC.

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Director

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Director

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Director

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Director

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Director