

## **Samuel's Gate Homeowner's Association Complaint Procedure**

Samuel's Gate Homeowner's Association, Inc. (the "Association"), in accordance with The Common Interest Community Ombudsman Regulations (18 VAC 48-70), has adopted a complaint process to receive, consider and track complaints received by the Association regarding action, inaction, or decision by the Association (or its agents) that is inconsistent with applicable laws and regulations, regardless of whether such complaints were submitted by Association homeowners or by other persons. This Complaint Procedure is being provided to each of Association's homeowners.

*Note that this complaint procedure is intended to address only a particular category of complaints—those concerning an Association action, inaction or decision viewed to be inconsistent with applicable laws or regulations. As such, this procedure is not to be followed in connection with routine complaints relating to the operational matters of the Association including but not limited to complaints about the condition or use of the Common Area, decisions of the Association Board of Directors or the Architectural Review Board, or violations to the Association's Declarations or Bylaws (unless the Association's action, inaction or decision is viewed to be inconsistent with applicable laws and regulations). For more information about this mandated complaint procedure please go to the Virginia Common Interest Community Board website at <http://www.dpor.virginia.gov/Boards/CIC-Board>.*

All complaints meeting the criteria for this Complaint Procedure are subject to the following requirements:

1. Complaints must be submitted to the Association's Management Company in writing using the complaint form provided by the Association. Contact information and a copy of the complaint form follow. Copies of the complaint form are also available upon request. Complaints may be hand-delivered to the offices of the Management Company, or sent via US Mail. Email submissions are accepted if the Association or its agent (as sender) is able to generate sufficient proof of electronic delivery of its receipt.
2. All complaints need to specifically reference the applicable law or regulation that the complainant believes has been violated by an action, inaction or decision by the Association. The complainant should also clearly describe in the complaint the action or resolution they are seeking from the Association.
3. Upon receipt of the complaint, the Association shall confirm its receipt within seven (7) days of receipt. If sent via US Mail or express delivery, the notice of receipt shall be mailed by registered or certified mail, return receipt requested. If warranted, the receipt confirmation may be hand delivered to the complainant.
4. Within thirty (30) days the Association will review the complaint and provide an initial response to the originator. If the complaint (a) meets the criteria for this Complaint Procedure and (b) sufficient information has been provided with the complaint for the Association to rule on the matter, then the response shall inform complainant of the time and location of the meeting at which their complaint will be reviewed and acted upon by the Board of Directors in accordance with this procedure. If additional or supporting documentation is required, the response shall inform complainant in writing of the additional material or data required before the matter can be considered by the Board and the timeframe in which it should be received. If the additional requested information is not received within the specified timeframe stated in the Board's request, and the timeframe has not been extended by consent of the Board, the Association Complaint will be deemed withdrawn and the process will terminate. Each time such requested additional information is received in the timeframe set by the Board, the Association will have thirty (30) days to review and assess the information or data, in order to determine whether all necessary information has been obtained in order to proceed with the setting of a Board meeting to consider the matter or if additional information is needed before the Board may act upon the complaint.

5. The complainant will be advised in writing of the time and location of the Board of Directors meeting at which the complaint will be considered. Such notice shall be provided the complainant not less than seven (7) days before the scheduled date of the meeting.

6. Once a final determination has been made by the Association Board of Directors as to the resolution of a properly submitted complaint, no further appeals will be heard on the matter and a Notice of Final Determination shall be communicated to the originator in writing within seven (7) days.

7. At a minimum, the Notice of Final Determination shall include:

Date of Issuance; Specific citations as to the Association's governing documents, adopted rules, laws, or regulations that led to the ruling of Final Determination; Association registration number; and Name and license of the Association's Management Agent.

8. The Notice of Final Determination shall include a statement identifying the complainant's right to file a Notice of Final Adverse Decision to the Virginia Community Interest Board via the CIC Ombudsman:

Office of the Common Interest Community Ombudsman  
Department of Professional and Occupational Regulation  
9960 Mayland Drive, Suite 400 Richmond, VA 23233  
804/367-2941 [CICombudsman@dpor.virginia.gov](mailto:CICombudsman@dpor.virginia.gov)

9. If the Board issues a final adverse decision after consideration and review of the complaint, then the complainant will have the right to file a notice of final adverse decision with the Common Interest Community Board (CICB) in accordance with the regulations promulgated by the CICB.

**SAMUEL'S GATE HOMEOWNER'S ASSOCIATION  
COMPLAINT FORM**

Pursuant to Chapter 29 of Title 55 of the Code of Virginia, the Board of Directors of the AshburtonManors Homeowners Association has established this complaint form for use by persons who wish to file written complaints with the Association regarding any action, inaction or decision by the Association (or its agents) that is inconsistent with applicable laws and regulations.

Provide a full description and explanation of your complaint in the area provided below, if possible. If additional sheets are necessary, attach them to this form. In order for the Association to properly evaluate and address your complaint, at a minimum, your complaint submission needs to included the following details: (1) references to the specific facts and circumstances at issue, (2) references to specific provisions of Virginia laws and regulations that pertain to the complaint and that you believe were not complied with, and (3) the requested action or resolution of the issues described in the complaint. To the extent necessary, you should also provide any additional supporting documents, correspondence and other materials related to the complaint necessary for a full understanding of the complaint. *(Use additional sheets if necessary)*

Sign, date and print your name and address below and submit this completed form to the Association either via email or to the address listed below.

---

Printed Name                      Signature                      Date

---

Mailing Address

---

Physical Address

---

E-mail Address Phone Number

If, after the Board's consideration and review of the complaint, the Board issues a final adverse decision, you have the right to file a notice of final adverse decision with the Common Interest Community Board (CICB) in accordance with the regulations promulgated by the CICB. Additional information is available at the CICB website: <http://www.dpor.virginia.gov/Boards/CIC-Board>. Office of the Common Interest Community Ombudsman, DPOR, 9960 Mayland Dr., Ste 400, Richmond, VA 23233-1463, (804) 367-2941, email [cicombudsmanoffice@dpor.virginia.gov](mailto:cicombudsmanoffice@dpor.virginia.gov)

**Submit Complaint form to:** Samuel's Gate HOA, Attn: HOA Manager, c/o Murray Realty, 4519 Brambleton Ave., Suite 200, Roanoke, VA 24018 or by email to: [manager@samuelsgatehoa.com](mailto:manager@samuelsgatehoa.com), or hand deliver to Samuel's Gate HOA, c/o Murray Realty, 4519 Brambleton Ave., Roanoke, VA 24018.