

**CHAPTER THIRTEEN - Section 13.07**  
**FEEES AND DEPOSIT REQUIREMENTS**

Approved:	May 27, 1993
Effective:	July 1, 1993
Revised:	February 10, 1994
Revised:	October 11, 1996
Revised:	June 6, 1997
Amended:	November 16, 2000
Amended:	October 25, 2001
Amended:	February 28, 2002
Amended:	October 23, 2003
Amended:	November 17, 2005
Amended:	March 22, 2007
Revised:	April 24, 2008
Amended:	April 23, 2009

**I. POLICY**

- A. Fees.** A schedule of fees shall be set to defray the cost, including administrative support, of services provided by the ECC. An ECC fee schedule shall be recommended by the ECC and approved by the Board of Directors as part of the annual LMOA budget process.
- B. Deposits.** In instances where there is potential for damage to LMOA common property or there is a risk that the LMOA may be required to institute actions to correct or complete operations undertaken and then abandoned by a property owner, the Board of Directors may establish a deposit requirement to assure completion of the work. The ECC shall recommend to the Board of Directors the areas where deposit requirements are applicable and a suggested deposit amounts for each type of activity.

**II. SPECIAL CONDITIONS**

- A.** Prior to the ECC's consideration of any application, the property owner must be in "good standing" as defined in Section 2.01(f) of the Bylaws; provided, however, that the ECC may consider an application if it is for the purpose of getting approval to correct a violation of the restrictive covenants or Rules and Regulations. In general, a member is in good standing if all dues, assessments and charges are current and there are no determinations by the Compliance Committee of any uncorrected violations by the member of the Statements of Subdivision, Bylaws, rules, regulations or policies of the Association.
- B.** All fees and deposit amounts required by these rules and regulations shall be paid before the application will be considered by the ECC.
- C.** For a period of six (6) months or until completion of the structure, which ever comes first, no additional fees will be charged for minor changes or alterations that do not change the scope of the project.
- D.** Fees are not cumulative for items included in the same application. For example, the initial construction fee for a residence will also cover construction of a dock and a shorewall if all three are submitted in one application. Separate applications submitted for each would result in three separate fees being charged.

### III. LMOA FEES

The following is an explanation of the LMOA fees and deposits associated with new construction, miscellaneous construction, dredging, and the processing of related applications. The actual fee charges are reviewed and adjusted annually, and are published in a separate schedule of dues, assessments, charges, and fees.

#### **Initial Home Construction Fee**

This fee covers the ECC's review of an application for construction of a new home. Once clearing of the lot is begun, the fee is non-refundable. Any request for a refund must be accompanied by a request to withdraw the application submitted to the ECC.

If there is a substantial change (i.e. the house outline is changed requiring a new site plan and on-site staking) the application will be considered as a new submission and another Initial Home Construction Fee will be charged.

#### **Miscellaneous Construction Fee**

This fee covers additions, garages, carports, storage sheds, docks, shorewalls, boat lifts, paving of existing driveways or replacement of shorewalls, docks, etc.

#### **Dredging Fee**

This fee covers the processing of the dredging application.

#### **Re-inspection Fee**

The initial application fee covers all routine inspections conducted by the ECC. Where an inspection results in an unsatisfactory finding and a follow-up inspection is required, a Re-Inspection Fee will be charged.

#### **New Home Construction Fee**

This is a one-time fee charged to defray the costs of wear and tear on the roads resulting from heavy construction vehicles. If construction does not take place, the fee is refundable. Once clearing of the lot is begun, the fee is non-refundable. Any request for a refund must be accompanied by a request to withdraw the application submitted to the ECC. Fluvanna County Circuit Court has granted LMOA the option to increase the fee in line with increased costs without having to petition the Court for an increase.

#### **Mailbox Fee**

LMOA shall provide and install all mailboxes, including the post.

#### **Owner's Building Deposit**

A deposit is required with each application for construction of a new residence. The funds are held in an escrow account and will be returned to the applicant with interest upon satisfactory completion of the residence as signified by issuance of the ECC Certificate of Completion. LMOA may use the deposit funds to correct any violation(s) of these rules, to pay any charges levied by the Compliance Committee, and to pay any necessary legal fees incurred. If the deposit funds are insufficient to compensate for the damages incurred by failure to comply with these rules and regulations, the LMOA Board retains the right to seek additional compensation from the applicant either through negotiation or litigation.

#### **Mechanical Dredging Deposit**

A dredging deposit is required for each lot included in a dredging application. The funds are held in

an escrow account and will be returned to the applicant with interest upon satisfactory completion of the dredging as signified by approval of the dredging by the ECC. LMOA may use the deposit funds to correct any violation(s) of these rules, to pay any charges levied by the Compliance Committee, and to pay any necessary legal fees incurred. If the deposit funds are insufficient to compensate for the damages incurred by failure to comply with the dredging guidelines, the LMOA Board retains the right to seek additional compensation from the applicant either through negotiation or litigation.