

Covenants Appeal Request Resolution Worksheet

Date: September 16, 2020

Suggested Motion:

"I move to approve to schedule a hearing on _____ in relation to the Covenants Committee's decision to impose a monetary charge of \$50 for a single offense or \$10 a day for any continuing offense, up to a maximum of \$900 for any future noise violations.

2nd:

Summary:

On July 14, 2020 the Covenants Committee found the unit owner of 3520 Gunston Road in violation of the Parkfairfax covenants and rules and regulations.

Vote:

	In Favor	Opposed	Abstained	Absent
Scott Buchanan				
Dan Courtney				
Susan Cox				
Maria Wildes				
James Konkel				
Nathan Davis				
Kathy Schramek				
Nicholas Soto				
Robin Woods				

Anett Schulze
3520 Gunston Road
Alexandria, VA 22302

Parkfairfax Condominium Association
3360 Gunston Road
Alexandria, VA 22302

August 10, 2020

Dear Members of the Covenants Committee,

Per Policy Resolution #4 Article IV, Section 1, I hereby contest and appeal the hearing results regarding the hearing held on July 14, 2020.

Furthermore, per Policy Resolution #4 Article I, Section 8(B), I hereby request copies of all evidence submitted solely to the Committee after the hearing in order to exercise my right to rebut the evidence.

Thank you,

Anett Schulze

Parkfairfax Condominium

A Historic District

UNIT OWNERS ASSOCIATION

3360 GUNSTON ROAD • ALEXANDRIA, VIRGINIA 22302-2198

TELEPHONE (703) 998-6315 FAX (703) 998-8764

July 29, 2020

NOTICE OF HEARING RESULTS

FIRST CLASS & CERTIFIED MAIL

Anett Schulze
3520 Gunston Road
Alexandria, VA 22302

Re: 71705 – 3520 Gunston Road

Dear Ms. Schulze:

I am responding on behalf of the Parkfairfax Covenants Committee regarding the referenced hearing held on Tuesday, July 14, 2020.

Parkfairfax is a large community in which neighbors live in close proximity, sharing walls and outdoor spaces. No resident should expect to be completely shielded from reasonable noise made by other residents emanating from interior or exterior spaces. However, neighbors should work to be considerate and attempt to keep noise to a minimum. The Covenants Committee encourages neighbors to resolve disputes among themselves before escalating disputes to a formal complaint with the Association.

The Covenants Committee thanks both owners of 3520 and 3522 Gunston Road and the tenants of 3522 for participating in and providing documentation for the Committee hearing of July 14, 2020, regarding complaints of excessive noise coming from 3520 Gunston Road, which resulted in the owner/resident being in violation of Parkfairfax covenants. After listening to the statements and evidence provided by the parties at the hearing and after reviewing documentary information provided by the parties, the Parkfairfax administrative staff, and the owners/tenants, the Covenants Committee deliberated and unanimously finds the following:

There are reasonable grounds to believe noise made by the owner/resident of 3520 Gunston Road, Ms. Annett Schulze, disturbed the residents of 3522 Gunston Road (tenants Ms. Ileana Nazario & Mr. Shelby Valentin--owner Mr. Bill McGillicuddy) which is located below Ms. Schulze's unit. Accordingly, the Owner of 3520 Gunston Road is found in violation of the Parkfairfax covenants and rules and regulations. As a result, the owner/resident of 3520 Gunston Road is hereafter required to cease and desist from any further activities causing excessive noise resulting in the disturbance of other members or residents of Parkfairfax.

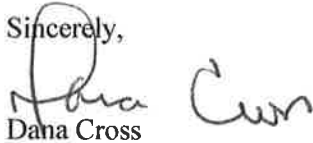
Further, future violations may result in the imposition of a monetary charges of \$50 for a single offense or \$10 a day for any continuing offense, up to a maximum of \$900. In addition, status as a member in good standing could be revoked which would result in the potential suspension of use of recreational facilities and Association voting privileges, per Parkfairfax governing documents. Additionally, the Committee finds that confronting, photographing, or videotaping neighbor's minor children is not consistent with being a considerate or good neighbor.

Again, the Committee thanks those who participated in the hearing and encourages all neighbors to be considerate of our shared spaces when this results in noise between units.

Per Policy Resolution #4 paragraph IV, Section 1, you may appeal to the Covenants Committee within 10 days if you have additional or new information not previously known or disclosed. Otherwise, this notice is the final decision of the Committee. Final decision of the Committee can be appealed to the Board of Directors. Any appeal must be in writing and submitted to the Board of Directors through the General Manager within ten (10) working days from the receipt of the written Covenants Committee ruling.

Please feel free to reach out to me with any questions or concerns you may have regarding this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dana Cross", written over the printed name.

Dana Cross

Assistant General Manager/Covenants Director

Parkfairfax Condominium

A Historic District

UNIT OWNERS ASSOCIATION

3360 GUNSTON ROAD • ALEXANDRIA, VIRGINIA 22302-2198

TELEPHONE (703) 998-6315

FAX (703) 998-8764

Hearing Notice

June 26, 2020

**CERTIFIED MAIL & 1ST CLASS MAIL
RETURN RECEIPT REQUESTED**

Bill McGillicuddy
115 Beulah Road Suite 200-C
Vienna, VA 22180

Re: 71706 – 3522 Gunston Road

Dear Mr. McGillicuddy:

A virtual hearing will be held before the Covenants Committee during the regularly scheduled meeting on **Tuesday, July 14, 2020 at 7 p.m.**

To access the meeting, you must dial: 571-385-1327.

You have the right to attend virtually, to be heard, and to be represented by counsel of your choice. In the event you fail to attend, the hearing will be conducted in your absence. If the Board of Directors determines that there is satisfactory evidence that you are in violation of the Association Governing Documents, they may rule to impose a monetary charge of \$50 for a single offense or \$10 per day for any continuing offense, up to a maximum of \$900. In addition, your status as a member in good standing can be revoked which may result in the suspension of your use of recreation facilities and Association voting privileges.

Should you have any questions with respect to this matter, please feel free to call me at 703-998-6315.

Please feel free to reach out to me at my contact information provided below.

Sincerely,



Dana Cross
Assistant General Manager/Covenants Director

dcross@parkfairfax.info

Parkfairfax Condominium

A Historic District

UNIT OWNERS ASSOCIATION

3360 GUNSTON ROAD • ALEXANDRIA, VIRGINIA 22302-2198

TELEPHONE (703) 998-6315 FAX (703) 998-8764

Hearing Notice

June 26, 2020

**CERTIFIED MAIL & 1ST CLASS MAIL
RETURN RECEIPT REQUESTED**

Parkfairfax Resident(s)
3522 Gunston Road
Alexandria, VA 22302

Re: 71706 – 3522 Gunston Road

Dear Resident(s):

A virtual hearing will be held before the Covenants Committee during the regularly scheduled meeting on **Tuesday, July 14, 2020 at 7 p.m.**

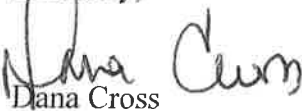
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Please feel free to reach out to me at my contact information provided below.

Sincerely,



Dana Cross

Assistant General Manager/Covenants Director

dcross@parkfairfax.info

Dara Cross
Parkfairfax Condominium
3360 Gunston Road
Alexandria, VA 22302

Re: 3522 Gunston Road, Unit 717, Alexandria, Virginia

Dear Dara:

I am writing to memorialize my concerns regarding the behavior of Anett Schulze, the owner of 3520 Gunston Road, Unit 717, towards my tenants living in the above-referenced premises. I know that you have been thoroughly apprised of the situations by my tenants, Ileana Nazario and Shelby Valentin. Ms. Schulze's actions towards my tenants (unfounded noise complaints to the police, stomping on the floors, and photographing and videotaping my tenants while in the yard) rise to a level of harassment that so far has gone completely unchecked by the unit owners' association. While I know that you have made numerous attempts to mediate the situation and that Ms. Schulze has not cooperated, it is not enough. Ms. Schulze has violated the condominium bylaws and rules and regulations without a single repercussion. My tenants have special needs children, and Ms. Schultze's behavior has made it impossible for them to raise their children in the premises. They have been driven out of their home, and I have lost almost a year's worth of rent on their lease.

I intend to be at the next meeting scheduled to address the issues with Ms. Schulze and I expect my concerns to be properly addressed by the unit owners' association. I reserve any and all rights I may have against the association and Ms. Schulze under the condominium declaration, bylaws, rules and regulation or at law or in equity to recoup the losses I have incurred.

Sincerely,

Bill McGillicuddy

Parkfairfax Condominium

A Historic District

UNIT OWNERS ASSOCIATION

3360 GUNSTON ROAD • ALEXANDRIA, VIRGINIA 22302-2198

TELEPHONE (703) 998-6315 FAX (703) 998-8764

Hearing Notice

June 5, 2020

**CERTIFIED MAIL & 1ST CLASS MAIL
RETURN RECEIPT REQUESTED**

Bill McGillicuddy
115 Beulah Road Suite 200-C
Vienna, VA 22180

Re: 71706 – 3522 Gunston Road

Dear Mr. McGillicuddy:

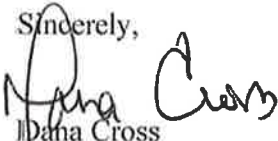
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Please feel free to reach out to me at my contact information provided below.

Sincerely,



Dana Cross

Assistant General Manager/Covenants Director

dcross@parkfairfax.info

Parkfairfax Condominium

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UNIT OWNERS ASSOCIATION

3360 GUNSTON ROAD • ALEXANDRIA, VIRGINIA 22302-2198

TELEPHONE (703) 998-6315

FAX (703) 998-8764

Hearing Notice

June 5, 2020

**CERTIFIED MAIL & 1ST CLASS MAIL
RETURN RECEIPT REQUESTED**

Residents
3522 Gunston Road
Alexandria, VA 22302

Re: 71706 – 3522 Gunston Road

Dear Residents:

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Should you have any questions with respect to this matter, please feel free to call me at 703-998-6315.

Please feel free to reach out to me at my contact information provided below.

Sincerely,



Dana Cross

Assistant General Manager/Covenants Director

dcross@parkfairfax.info

Markfairfax Condominium

A Historic District

UNIT OWNERS ASSOCIATION

3360 GUNSTON ROAD • ALEXANDRIA, VIRGINIA 22302-2198

April 13, 2020

TELEPHONE (703) 998-6315

FAX (703) 998-8764

Bill McGillicuddy
3522 Gunston Road
Alexandria VA 22302

RE: Notice of Violation – 71706 - 3522 Gunston Road

Dear Mr. McGillicuddy,

The Association has received a written complaint of excessive noise emanating from your unit.

Specific Complaint(s): Excessive stomping especially in the morning hours before 7am, loud and disturbing yelling and shouting.

Reference(s): AR#2. Section IV, (d) (1) states “residents must exercise due consideration at ALL HOURS in the operation of radios, televisions, musical instruments, or any other items to ensure that the sound will not disturb others.”

If excessive noise continues to emanate from your unit and we receive additional complaints, you could be subject to a monetary fine or you may be required to appear before the Covenants Committee for a hearing.

Please keep in mind some of our buildings are constructed with wood alone, leaving no concrete between units. This makes for very loud noise transmission. We hope everyone can convey their feelings with each other on a neighborly basis and come to some type of compromise as to what times and actions create uncomfortable living conditions for other unit owners.

If you have any questions, please feel free to reach out to me at my contact information listed below.

Sincerely,



Dana Cross

Assistant General Manager/Covenants Director

703.998.6315 ext. 104

dcross@markfairfax.info

CC: Unit File

Parkfairfax Condominium

A Historic District

UNIT OWNERS ASSOCIATION

3360 GUNSTON ROAD • ALEXANDRIA, VIRGINIA 22302-2198

December 13, 2019

TELEPHONE (703) 998-6315

FAX (703) 998-8764

Bill McGillicuddy
3522 Gunston Road
Alexandria VA 22302

RE: Notice of Violation – 71706 - 3522 Gunston Road

Dear Mr. McGillicuddy,

The Association has received a written complaint of excessive noise emanating from your unit.

Specific Complaint(s): Television volume extremely loud. Children screaming, yelling, and crying at all hours

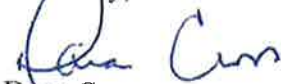
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Sincerely,



Dana Cross

Assistant General Manager/Covenants Director

703.998.6315 ext. 104

dcross@parkfairfax.info

CC: Unit File

Dana Cross

From: Ileana C Nazario Arroyo <ileana.nazario@upr.edu>
Sent: Friday, June 12, 2020 10:45 AM
To: Dana Cross
Cc: Shelby Valentin; bill McGillicuddy
Subject: Harassment and stalking report on 3520 Gunston Rd_6_12
Attachments: 20200612_101445.jpg; 20200612_101453.jpg; 20200612_101457.jpg

Good morning Dana,

We would like to report the neighbor living in 3520 Gunston Rd, Annett Schultz, for harassment and stalking. Annett has been recording my family, which includes 2 children of ages 7 and 5, my husband and my dog without our consent while we are in the backyard for some time now. I started to document this recently because I'm starting to fear for our safety and privacy.

I took pictures of Annett recording/photographing my dog and us in our backyard, please see attached. We believe she is trying to file a complaint about our dog barking at all hours. Our dog only barks to call the mailman for attention. He loves to be greeted by our mailman. He is indoors all day. Scar is a professionally trained dog and a registered service dog for our children with disabilities. This is harassment and stalking. Please forward all of this to the board. We no longer have peace and safety.

Respectfully,
Ileana Nazario
787-236-6696

----- Forwarded message -----

From: **ileana nazario** <ileana.nazario2018@gmail.com>
Date: Fri, Jun 12, 2020, 10:26 AM
Subject: Photos
To: <ileana.nazario@upr.edu>
Cc: <inazarioarroyo@deloitte.com>

Dana Cross

From: Dana Cross
Sent: Tuesday, June 9, 2020 1:12 PM
To: YZ 2; dancpf2017@gmail.com
Subject: FW: Harassment from neighbors at 3520 Gunston Rd_6_9
Attachments: 20200609_124628.jpg; 20200609_124549.jpg

Just an FYI... Please see below.

Dana Cross
Assistant General Manager/Covenants Director
Parkfairfax Condominiums UOA
dcross@parkfairfax.info
3360 Gunston Road
Alexandria, VA 22302
Tel: (703) 998-6315

Sent from [Mail](#) for Windows 10

From: [Ileana C Nazario Arroyo](#)
Sent: Tuesday, June 9, 2020 1:05 PM
To: [Dana Cross](#)
Cc: [Shelby Valentin](#)
Subject: Harassment from neighbors at 3520 Gunston Rd_6_9

Good afternoon Dana,

I would like to report the neighbors upstairs for intrusion and harassment.

We are sitting on the backyard patio and I saw Annett when she opened the window to place this cellphone to record us. She looked at me, pointed the phone at me, then placed it on the window and left. I did not address her. Please see pictures attached. My husband and children are here. This is harassment.

Please forward to the board. This harassment needs to stop.

Please give me a call back to 787-236-6696. I have other questions to ask prior to the meeting, I've called the office but I only get the voice mail.

Regards,
Ileana Nazario

Dana Cross

From: Ileana C Nazario Arroyo <ileana.nazario@upr.edu>
Sent: Thursday, June 4, 2020 1:55 PM
To: Dana Cross
Cc: Shelby Valentin
Subject: Police call on 3520 Gunston Rd

Good afternoon Dana,

We just called the police to report the excessive noise coming from the unit upstairs. They interrupted during the whole special ed services session from my oldest child.

They were stomping, jumping and dragging furniture, all done purposely.

We called the police because this was louder than usual.

Please advise,
Ileana Nazario

Dana Cross

From: Ileana C Nazario Arroyo <ileana.nazario@upr.edu>
Sent: Tuesday, June 2, 2020 10:51 AM
To: Dana Cross
Cc: Shelby Valentin
Subject: Police call from 3520 Gunston Rd_5_20

Good morning Dana,

I've been meaning to send this incident out to the HOA and I'm sending it now for documentation purposes.

On Wednesday, May 20, our neighbors woke up to stomp and drag their furniture around since 7am. My daughters were startled by this so we played music on a low volume to distract them from what was happening.

At 8:20 am a police officer knocked on our door to answer to a noise complaint from the unit upstairs. The neighbors reported 'tv/ video game-like' noises coming out of our unit to theirs.

We asked the police officer if she heard any excessive noise coming out of our unit before she knocked on the door, and she said 'no, this is normal, acceptable noise level'.

My youngest daughter, age 5, politely said to the police officer 'excuse me officer, my neighbors upstairs are always stomping on the floor like this. (Jumped up and down). This hurts my ears. It is so rude!' The police officer seemed to be shocked by our little girl's complaint. She said there was nothing wrong from our part but they (PD) has respond to all calls. That we need to continue reaching out to the HOA.

This is affecting my children, greatly. Please consider forwarding this to the board members for their consideration.

Respectfully,
Ileana Nazario

Dana Cross

From: Ileana C Nazario Arroyo <ileana.nazario@upr.edu>
Sent: Saturday, March 28, 2020 12:53 PM
To: Dana Cross
Cc: Shelby Valentin
Subject: Incident-3520 Gunston Rd- 3/27
Attachments: 20200327_145321_2.mp4

Good afternoon Dana,

We would like to report to the Association a series of events that escalated on March 27, 2020.

The unit we currently rent is on 3522 Gunston Rd and it has a fenced backyard where our 5 and 6-year-old children go out to play on warmer days. They played for an hour under my supervision on 3/26 and I was planning to do the same on 3/27 at 2:30 pm. I know the time because it's part of their homeschooling schedule.

On 3/27, at 2:30 pm, my children went to our backyard with a box of chalk and were talking amongst each other about a woodpecker they saw the day before. I was inside for about two minutes, I was getting my work laptop to sit in the patio and watch them. When I walked over to the patio table, I heard the window from 3520 Gunston Rd being forcibly shut but I didn't hear anything before that. My 5-year-old pointed up and said 'mommy, the neighbor upstairs shushed me. That is rude!'. I said to her 'really? Well, I didn't hear her. But I'll sit here and if she does it again, I will tell her to stop because it IS rude.' Within 2 minutes or so, she opens the window farthest to the left, right on top of my patio table, pops her head and arm out and tells my kids 'you need to be quiet. Lower your voice!'. I stood up, looked at her, she looked incredibly surprised and got back inside. I noticed she was recording my children and I asked her to stop recording my children and that they are playing quietly in their backyard. I asked her to stop and said I was going to call the police because this was unacceptable. She shut her window again.

I went inside and told my husband, Shelby, about the incident I witnessed. Please know we've been dealing with noise complaints against her for months but this time she addressed my children inappropriately. He said to me 'ok, I'll talk to her. She cannot tell my kids to shut up while playing on our backyard'. I went with him and recorded the whole interaction because I knew she was going to blow it out of proportions. Please see the attached video recording of the whole interaction. She did not want to talk to us about the incident and told my husband to go away. My husband told her that we would call the police (for mediation) and we did. I called the following departments/people.

Alexandria Police Department- 2:44 pm. I called the police department and requested assistance for mediation. We explained the incident and they said they'd send a few officers out. They visited us at 4:00 pm and they explained that under the commonwealth laws it is not illegal to record people, or minors, in public open spaces, like our backyard. If it's inside our house, then it's different. They cannot file a Police report on the noise complaint as the commonwealth law it's written for noise that can be read on decibels 50 feet away from the source. What they can do is provide us with incident numbers.

Parkfairfax Office- 2:48 pm. I called the Parkfairfax office to talk to Dana Cross. She has been our point of contact for months. We've been sending her the incidents with date and time against our neighbor in 3520 Gunston Rd. We requested her to visit us because the situation got out of control, we needed a neutral person to come in and mediate. She came to our house, we showed her our backyard. She saw my kids playing and coloring the bricked floor with chalk. They came and greeted her and introduced themselves. We showed her our TV volume level, 12 out of 100, and the closed captions we use. We do this to be neighborly not because it is required by law and still the neighbors upstairs keep stomping at all hours. This terrorizes my children, both with special needs.

Bill McGillicuddy- 2:53 pm. I called Bill, our landlord, and explained the incident to him. We wanted him to know from us what happened and how we tried to talk to her in a civil way, but she declined. He is aware of the situation and how this

might continue even after we end our lease. We also notified him what was behind a text she sent him and us about the police calls on other neighbors. We clarified we have not called the police until now, and it was to address this incident with her. Annett did tell us when she moved in 3520 Gunston Rd that she was uncomfortable with the courtyard neighbors as they all sat together and unleashed their dogs to play. She told us her dog, Mojo, was attacked by a dog a few years ago and is traumatized. He doesn't get along with other dogs and she couldn't sit out in her porch with her dog if others were unleashed. She did tell us she'd call the police on them because it was illegal in Alexandria to have unleashed dogs out in public. It turns out she's told the neighbors we were the ones who called the police on them. We think it is a tactic she used to single us out in the community. Bill was unaware of the other police call on the neighbors and asked us to continue reaching out to the Association.

Please let us know if you have questions or concerns.

Regards,

Ileana Nazario

Dana Cross

From: Ileana C Nazario Arroyo <ileana.nazario@upr.edu>
Sent: Sunday, March 15, 2020 12:00 PM
To: Dana Cross
Cc: Shelby Valentin; bill McGillicuddy
Subject: Neighbor complaint on 3520 Gunston Rd
Attachments: Screenshot_20200315-114618_Messages.jpg

Good morning Dana,

We would like to report that our neighbor on 3520 Gunston Rd called the Alexandria County Police Department this morning and reported a noise complaint with them. Three agents visited our house this morning and we showed them the tv's volume level, 12 out of a 100. We explained the amount of noise complaints we have filed against her and even the previous issues she had with other neighbors when she lived in Martha Custis Dr. They were very sympathetic with our situation and recommended us to escalate this issue with your office. To meet and talk with all parties, including our landlord, Bill. We apologized to them because we feel this was a waste of their time in moments where everyone should be quarantined. We let them know we have 2 little girls and that we will be practicing social distancing for the next weeks. Please see attached the text message we sent to the chat conversation she started a few weeks ago where she included our landlord, Bill.

Kind regards,
Ileana Nazario







Parkfairfax Condominium

A Historic District

UNIT OWNERS ASSOCIATION

3360 GUNSTON ROAD • ALEXANDRIA, VIRGINIA 22302-2198

TELEPHONE (703) 998-6315

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Hearing Notice

June 26, 2020

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RETURN RECEIPT REQUESTED**

Annett Schulze
3520 Gunston Road
Alexandria, VA 22302

Re: 71705 – 3520 Gunston Road

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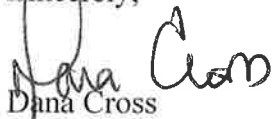
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Dana Cross

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dcross@parkfairfax.info

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June 5, 2020

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3520 Gunston Road
Alexandria, VA 22302

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Dear Annett Schulze:

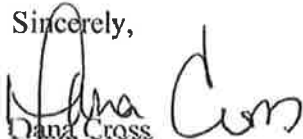
A virtual hearing before the Covenants Committee has been scheduled for **Tuesday, June 16, 2020 at 7 p.m.**
To access the meeting, you must dial: 571-385-1327.

You have the right to attend virtually, to be heard, and to be represented by counsel of your choice. In the event you fail to attend, the hearing will be conducted in your absence. If the Board of Directors determines that there is satisfactory evidence that you are in violation of the Association Governing Documents, they may rule to impose a monetary charge of \$50 for a single offense or \$10 per day for any continuing offense, up to a maximum of \$900. In addition, your status as a member in good standing can be revoked which may result in the suspension of your use of recreation facilities and Association voting privileges.

Should you have any questions with respect to this matter, please feel free to call me at 703-998-6315.

Please feel free to reach out to me at my contact information provided below.

Sincerely,



Dana Cross
Assistant General Manager/Covenants Director

dcross@parkfairfax.info

Parkfairfax Condominium

A Historic District

UNIT OWNERS ASSOCIATION

3360 GUNSTON ROAD • ALEXANDRIA, VIRGINIA 22302-2198

TELEPHONE (703) 998-6315

FAX (703) 998-8764

May 27, 2020

Annett Schulze
3520 Gunston Road
Alexandria, VA 22302

Re: 71705 - 3520 Gunston Road

Dear Ms. Schulze:

The Association has received a written complaint of excessive noise emanating from your unit.

Specific Complaint(s): Excessive banging on the floor.

Reference(s): AR#2.Section IV, (d) (1) states "residents must exercise due consideration at ALL HOURS in the operation of radios, televisions, musical instruments, or any other items to ensure that the sound will not disturb others."

Please keep in mind some of our buildings are constructed with wood alone, leaving no concrete between units. This makes for very loud noise transmission. We hope everyone can convey their feelings with each other on a neighborly basis and come to some type of compromise as to what times and actions create uncomfortable living conditions for other unit owners.

If you have any questions, please feel free to reach out to me at my contact information listed below.

Sincerely,



Dana Cross

Assistant General Manager/Covenants Director
703.998.6315 ext. 104

dcross@parkfairfax.info

CC: Unit File

Parkfairfax Condominium

A Historic District

UNIT OWNERS ASSOCIATION

3360 GUNSTON ROAD • ALEXANDRIA, VIRGINIA 22302-2198

TELEPHONE (703) 998-6315

FAX (703) 998-8764

April 8, 2020

Annett Schulze
3520 Gunston Road
Alexandria, VA 22302

Re: 71705 - 3520 Gunston Road

Dear Ms. Schulze:

The Association has received a written complaint of excessive noise emanating from your unit.

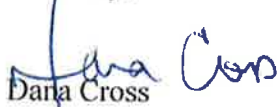
Specific Complaint(s): Banging on the floor, stomping and a sound of jumping rope.

Reference(s): AR#2. Section IV, (d) (1) states "residents must exercise due consideration at ALL HOURS in the operation of radios, televisions, musical instruments, or any other items to ensure that the sound will not disturb others."

Please keep in mind some of our buildings are constructed with wood alone, leaving no concrete between units. This makes for very loud noise transmission. We hope everyone can convey their feelings with each other on a neighborly basis and come to some type of compromise as to what times and actions create uncomfortable living conditions for other unit owners.

If you have any questions, please feel free to reach out to me at my contact information listed below.

Sincerely,



Dana Cross
Assistant General Manager/Covenants Director
703.998.6315 ext. 104

dcross@parkfairfax.info

CC: Unit File

Markfairfax Condominium

A Historic District

UNIT OWNERS ASSOCIATION

3360 GUNSTON ROAD • ALEXANDRIA, VIRGINIA 22302-2198

December 6, 2019

TELEPHONE (703) 998-6315

FAX (703) 998-8764

Residents
3520 Gunston Road
Alexandria VA 22302

RE: Notice of Violation – 71705 - 3520 Gunston Road

Dear Residents;

The Association has received a written complaint of excessive noise emanating from your unit.

Specific Complaint(s): Dragging of furniture, stomping, ball throwing to the dog at all hours of the day and night sometimes after midnight.

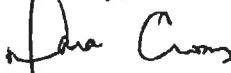
Reference(s): AR#2. Section IV, (d) (1) states "residents must exercise due consideration at ALL HOURS in the operation of radios, televisions, musical instruments, or any other items to ensure that the sound will not disturb others."

If excessive noise continues to emanate from your unit and we receive additional complaints, you could be subject to a monetary fine or you may be required to appear before the Covenants Committee for a hearing.

Please keep in mind some of our buildings are constructed with wood alone, leaving no concrete between units. This makes for very loud noise transmission. We hope everyone can convey their feelings with each other on a neighborly basis and come to some type of compromise as to what times and actions create uncomfortable living conditions for other unit owners.

If you have any questions, please feel free to reach out to me at my contact information listed below.

Sincerely,



Dana Cross

Assistant General Manager/Covenants Director
703.998.6315 ext. 104

dcross@markfairfax.info

CC: Unit File

Dana Cross

From: Annett Schulze <anneschulze25@hotmail.com>
Sent: Tuesday, April 14, 2020 7:34 PM
To: Dana Cross
Cc: Bill McGillicuddy
Subject: 3522

Dana,

The tenants below are fighting so much and so loudly, my daughter is frightened. She is not coming downstairs anymore except when's he has to. Furthermore, the husband has been staring her down on her way into our home and she is terrified after he came to our front door and threatened us.

There's nothing more I can do. Our neighbor Amy at 3518 Gunston and I are talking often about how bad the situation is and she's equally upset especially at the retaliation of the tenants.

I cannot live this way anymore. It has mentally and physically impacted my whole family over the past year. We are frightened, exhausted and angry.

Thank you,

Annett

Dana Cross

From: Annett Schulze <anneschulze25@hotmail.com>
Sent: Saturday, March 28, 2020 9:25 AM
To: Dana Cross; bill McGillicuddy; ileana.nazario@upr.edu; shelbyvalentinayala@gmail.com
Cc: Mark Miller
Subject: Re: Noise Complaint Meeting

Bill,

In response to the events of the last months and in particular your tenants' action yesterday, I want to make very clear in writing that if your tenants (husband or wife) contact, harass, threaten, stalk or approach me or my children ever again we will file for a Restraining Order against both of them.

Your tenants crossed a line yesterday and need to understand the legal and criminal implications of their actions. Your tenants DO NOT have permission to approach my home, come to my front door or physically or verbally confront me, my children or house guests in any way.

In an effort to protect my children and my home from the out of control actions of your tenants, let this be the last warning. Your tenants are acting in an unpredictable, aggressive, threatening and harassing manner and it needs to stop now.

Upon the next ever so slightest offense by your tenants, we will file for a Protective Order. We have cameras installed in the front of my house detecting and alerting us to motion and movement.

Dana assured me that she made clear to them that no repeat of what happened yesterday may occur again but I need to make sure they understand that their (recorded) actions have serious legal consequences and implications.

I have lived in Parkfairfax for many years and neither my children or I ever felt unsafe. That has changed now.

Respectfully,

Annett Schulze

From: Dana Cross <dcross@parkfairfax.info>
Date: Monday, March 23, 2020 at 11:21 AM
To: bill McGillicuddy <billmcgillicuddy@aol.com>, Annett Schulze <anneschulze25@hotmail.com>, "ileana.nazario@upr.edu" <ileana.nazario@upr.edu>, "shelbyvalentinayala@gmail.com" <shelbyvalentinayala@gmail.com>
Cc: Mark Miller <mmiller@parkfairfax.info>
Subject: Noise Complaint Meeting

Good Morning,

Will you all be available to meet here in at the office this Wednesday at 1 pm? Bill, I understand you are still in recovery so I can call you during the meeting if you cannot attend.

Dana Cross
Assistant General Manager/Covenants Director
Parkfairfax Condominiums UOA
dcross@parkfairfax.info
3360 Gunston Road

Dana Cross

From: Annett Schulze <anneschulze25@hotmail.com>
Sent: Monday, March 23, 2020 12:12 PM
To: Dana Cross; Mark Miller
Subject: Re: Noise Complaint Meeting

Dana,

Mark Miller has the request.

A virtual meeting would be just fine as has been done by the Association in the past.

Thank you,

Annett

On Mar 23, 2020, at 11:50 AM, Dana Cross <dcross@parkfairfax.info> wrote:

Annett,

Please send me the email as hearing request are scheduled through me not Mark. I will reach out to the committee to see how they would like to handle this hearing with the Covid-19 virus going on and the 10 person maximum since all parties will be requested to attend.

Dana Cross
Assistant General Manager/Covenants Director
Parkfairfax Condominiums UOA
dcross@parkfairfax.info
3360 Gunston Road
Alexandria, VA 22302
Tel: (703) 998-6315

From: Annett Schulze <anneschulze25@hotmail.com>
Sent: Monday, March 23, 2020 11:26 AM
To: Dana Cross <dcross@parkfairfax.info>
Subject: Re: Noise Complaint Meeting

Dana,

A meeting is not an option for me at this point.

I requested a hearing with the committee in email to Mark Miller.

Thank you,

Annett

On Mar 23, 2020, at 11:21 AM, Dana Cross <dcross@parkfairfax.info> wrote:

Good Morning,

Will you all be available to meet here in at the office this Wednesday at 1 pm? Bill, I understand you are still in recovery so I can call you during the meeting if you cannot attend.

Dana Cross
Assistant General Manager/Covenants Director
Parkfairfax Condominiums UOA
dcross@parkfairfax.info
3360 Gunston Road
Alexandria, VA 22302
Tel: (703) 998-6315

Dana Cross

From: Annett Schulze <anneschulze25@hotmail.com>
Sent: Monday, March 16, 2020 3:32 PM
To: Bill McGillicuddy
Cc: Dana Cross
Subject: Re: Neighbor complaint on 3520 Gunston Rd

Bill,

I am sorry about your medical issue and hope it's going to be a speedy recovery.
Per your request, I removed you from the shared folder. I am continuing to upload not complaints, but evidence in the form of audio files as requested. It is important for the Association to have access and review those.

Thank you,

Annett

On Mar 16, 2020, at 1:39 PM, Bill McGillicuddy <billmcgillicuddy@aol.com> wrote:

I will try and be available when you schedule the meeting. I previously informed that I am currently returned home from Mayo Clinic this past Saturday and have been trying to rest and rehab.

Annete, in this regard please do not send me any more alleged complaints. The last few days have been clogging my inbox with more than 11 messages. They are of very low quality and not much use to me in assessing your complaints. Bring them with you to the meeting.
This is very stressful to all involved, but rest assured we will get it handled.

Thank you Dana,

Bill

-----Original Message-----

From: Annett Schulze <anneschulze25@hotmail.com>
To: Dana Cross <dcross@parkfairfax.info>
Cc: Bill McGillicuddy <billmcgillicuddy@aol.com>; ileana.nazario@upr.edu <ileana.nazario@upr.edu>; shelbyvalentinayala@gmail.com <shelbyvalentinayala@gmail.com>
Sent: Mon, Mar 16, 2020 10:42 am
Subject: Re: Neighbor complaint on 3520 Gunston Rd

I am available next week.

Thank you,

Annett

On Mar 16, 2020, at 10:37 AM, Dana Cross <dcross@parkfairfax.info> wrote:

All,

Please let us know your availability. I am available anytime next week. We can meet in the large Board room where there is plenty of space to stay more than 6 feet away from each other.

Thanks,

Dana Cross
Assistant General Manager/Covenants Director
Parkfairfax Condominiums UOA
dcross@parkfairfax.info
3360 Gunston Road
Alexandria, VA 22302
Tel: (703) 998-6315

Sent from [Mail](#) for Windows 10

From: [Bill McGillicuddy](#)
Sent: Monday, March 16, 2020 10:32 AM
To: ileana.nazario@upr.edu; [Dana Cross](#)
Cc: shelbyvalentinayala@gmail.com; anneschulze25@hotmail.com
Subject: Re: Neighbor complaint on 3520 Gunston Rd

Dana, would you please make arrangements for a meeting with all parties. I have some restrictions (having just returned from knee replacement surgery at Mayo Clinic Rochester) but will attempt to participate as best I can.

This situation needs to be addressed.

-----Original Message-----

From: Ileana C Nazario Arroyo <ileana.nazario@upr.edu>
To: Dana Cross <dcross@parkfairfax.info>
Cc: Shelby Valentin <shelbyvalentinayala@gmail.com>; bill McGillicuddy <billmcgillicuddy@aol.com>
Sent: Sun, Mar 15, 2020 11:56 am
Subject: Neighbor complaint on 3520 Gunston Rd

Good morning Dana,

We would like to report that our neighbor on 3520 Gunston Rd called the Alexandria County Police Department this morning and reported a noise complaint with them. Three agents visited our house this morning and we showed them the tv's volume level, 12 out of a 100. We explained the amount of noise complaints we have filed against her and even the previous issues she had with other neighbors when she lived in Martha Custis Dr. They were very sympathetic with our situation and recommended us to escalate this issue with your office. To meet and talk with all parts, including our landlord, Bill. We apologized to them because we feel this was a waste of their time in moments where everyone should be quarantined. We let them know we have 2 little girls and that we will be practicing social distancing for the next weeks. Please see attached the text message we sent to the chat conversation she started a few weeks ago where she included our landlord, Bill.

Kind regards,
Ileana Nazario

included Parkfairfax and Bill, you were very kind to take the issue seriously but no changes occurred. The noise harassment has become worse.

This is to inform you that at this point, I do not see any other way than filing a complaint and a preliminary injunction through the Circuit Court of Alexandria. I was hoping it would not have to come to this and have acted in good faith to find an amicable solution.

Sincerely,

Anett Schulze

Dana Cross

From: Annett Schulze <anneschulze25@hotmail.com>
Sent: Friday, February 21, 2020 8:57 AM
To: Dana Cross
Cc: bill McGillicuddy
Subject: Re: 3522 Gunston Road

Dana,

I was sent to DE this week for work and will not be home until Monday or Tuesday next week. This was an unforeseen assignment and I cannot apologize enough for not being able to keep our appointment today. This is unlike me but I unfortunately had no control over my schedule this week.

I can be in touch next week to reschedule but I won't know more until Tuesday. I am so very sorry. I will reach out next week and try to upload the videos by early next week.

Please accept my sincere apology.

Thank you,

Annett

On Feb 18, 2020, at 12:04 PM, Dana Cross <dcross@parkfairfax.info> wrote:

Friday at 2 pm works for me.

Should Bill's tenants be present as well?

Dana Cross
Assistant General Manager/Covenants Director
Parkfairfax Condominiums UOA
dcross@parkfairfax.info
3360 Gunston Road
Alexandria, VA 22302
Tel: (703) 998-6315

From: bill McGillicuddy <billmcgillicuddy@aol.com>
Sent: Tuesday, February 18, 2020 12:02 PM
To: Annett Schulze <anneschulze25@hotmail.com>
Cc: Dana Cross <dcross@parkfairfax.info>
Subject: Re: 3522 Gunston Road

How about this Friday at 2:00 PM ?

Sent from my iPhone

On Feb 18, 2020, at 8:42 AM, Annett Schulze <anneschulze25@hotmail.com> wrote:

Dana, Bill,

I was unable to take the morning off work this Wednesday. Alternatively, I could meet this Friday (21) or next (28). Sorry about the change. Please let me know which days would work for you and I'll try to move things around.

Thank you,

Annett

On Feb 14, 2020, at 8:20 AM, Dana Cross
<dcross@parkfairfax.info> wrote:

Annett,

Would you be available Tuesday or Wednesday to meet so that I may hear the audio? Bill if you are available to join, that would be great.

Dana Cross
Assistant General Manager/Covenants Director
Parkfairfax Condominiums UOA
dcross@parkfairfax.info
3360 Gunston Road
Alexandria, VA 22302
Tel: (703) 998-6315

From: Annett Schulze <anneschulze25@hotmail.com>
Sent: Friday, February 14, 2020 7:45 AM
To: Bill McGillicuddy <billmcgillicuddy@aol.com>; Dana Cross
<dcross@parkfairfax.info>
Subject: 3522 Gunston Road

Dear Dana and Bill,

This is the unit owner of 3520 Gunston Road, Anett. Dana, I have not received any response from you regarding a proposed meeting. I am happy send both of you a link to a folder with audio/video from this week. It was an incredibly horrible week as the tenants below were louder than ever before. This has been going on for too long, I have followed procedure and

included Parkfairfax and Bill, you were very kind to take the issue seriously but no changes occurred. The noise harassment has become worse.

This is to inform you that at this point, I do not see any other way than filing a complaint and a preliminary injunction through the Circuit Court of Alexandria. I was hoping it would not have to come to this and have acted in good faith to find an amicable solution.

Sincerely,

Anett Schulze

Anett Schulze
3520 Gunston Road
Alexandria, VA 22302
202.369.3164

Parkfairfax Condominium Association
Dana Cross

December 11, 2019

Dear Mrs. Cross,

I am writing to file a complaint regarding Parkfairfax residents renting the unit at 3522 Gunston Road ("the tenants").

Since we bought and moved into our home at 3520 Gunston Road over six months ago, we have been exposed to excessively loud noise coming from the tenants' unit below due to the tenants playing video games with extremely loud volume levels. The noise starts in the morning around 9AM, continues all throughout week days and weekend days as the tenant is unemployed and home all day playing video games.

My two children and I are exposed to constant shooting and other video game background noise all throughout the day. It has become impossible for us to operate on a normal routine that includes working and completing homework. I am full-time employed and often work from home. Due to the constant shooting and background video game noise, it has become nerve-wrecking to be home, work from home, have people over visiting or enjoy the quiet of our home. There is literally no break in the video game playing throughout the day into the night. My attempts to resolve this matter with the tenants have failed (*see* messages below).

Furthermore, the tenants' young children are extremely loud. Per the tenants, their children "require special needs" which exposes us to screaming, yelling, and crying at all hours most days beginning before 6AM in the morning. Often times, we hear loud stomping and temper tantrums that last for a couple of hours.

Furthermore, the tenants' dog never leaves their house and we hear him barking excessively throughout the days, also often starting before 6AM.

Thank you,

Sincerely,

Anett Schulze

Anett Schulze
3520 Gunston Road
Alexandria, VA 22302
202.369.3164

Parkfairfax Condominium Association
Dana Cross

December 8, 2019

Dear Mrs. Cross,

I am writing to

- 1) dispute a complaint filed with the Association against me on December 6, 2019 and am requesting the removal of the complaint filed against me by the tenants due to inaccuracy of the complaint;
- 2) file a complaint regarding Parkfairfax residents renting the unit at 3522 Gunston Road ("the tenants"); and
- 3) request a meeting with the unit owner, the tenants and the Association to attempt to resolve this matter.

Since we bought and moved into our home at 3520 Gunston Road, we have been exposed to excessively loud noise coming from the tenants' unit below us due to the tenants playing video games with extremely loud volume levels. The noise starts in the morning around 9AM, continues all throughout week days and weekend days as the tenant is unemployed and home all day playing video games. He is a self-proclaimed *gamer*.

My two children and I are exposed to constant shooting noise all throughout the day. It has become impossible for us to operate on a normal routine that includes working and completing school homework. I am full-time employed and often work from home. Due to the constant shooting and background video game noise, it has become nerve-wrecking to be home, work from home, have people over visiting or enjoy the quiet of our home. There is literally no break in the video game playing throughout the day into the night.

Initially, I talked to the tenants and asked for the video game volume to be turned down. That was not received well; the tenants refused to acknowledge our complaint and no changes occurred. My repeated attempts to ask for the volume to be decreased lead to an increasingly aggressive reaction on the tenants' part including purposely turning up the volume of the video game and TV to disturb us. Those reactions usually occur after I would send a text message to the tenants' asking for the volume to be turned down. Such vengeance speaks to the character of the tenants. They are unwilling to respect that their upstairs neighbors, my children and I are entitled to a quiet home without constant shooting noise blasting into our home from downstairs.

On December 5, 2019, the very next day after I text messaged the tenants to again point out the noise level, the tenant filed a complaint against me with the Association clearly in spite. In their complaint the tenant not only stated false and untruthful accusations, but also did not provide any evidence to support their wrongful statements. Given my text message the evening before, it is clear that this complaint was filed out of spite for the many months of me asking for the video game volume to be decreased. It lacked grounds and evidence and should not have been filed or delivered. Does the Association request any evidence supporting accusations stated in complaints filed or are they simply delivered and archived without checking their accuracy?

We wear headphones when watching TV because we understand that noise travels easily through thin PF walls. We have felt stickers on chairs and furniture to avoid scratching and noise. Most of our living areas are covered with carpet or rug. We have a small dog who weighs less than 20 lbs and is not the source of midnight noise as falsely claimed by the tenants. My children and I are asleep at midnight.

I am hereby requesting to have the December 6, 2019 complaint removed from the record as it contained a subjective opinion rather than an evidentiary statement of facts. I will not accept random filings of the tenants that lack merit and are filed out of spite. They could potentially accuse us of all kinds of random acts of violations without needing to provide evidence.

It is not for me to say how the tenants' spend their day but I am entitled to not take part in this video gaming routine. My children and I are entitled to a quiet home that does not include constant and ongoing shooting noise from the tenants playing video games all day and night. I bought this home because we value PF as a neighborhood with people and residents respecting each other and each others' living space.

As the messages below show, first, the tenants lied and claimed the noise would not be coming from their unit but accused other neighbors. Then, they admitted it is them but refused to do anything about it. In the last months, their reactions have become increasingly venomous and unreasonable.

It speaks to the character of the tenants to dismiss us explaining how my job performance suffers and that my school-aged children have a hard time concentrating on homework in the afternoon and evening because of the shooting coming from downstairs, and the tenants refusing to adjust the video game noise accordingly. Such behavior is selfish, inconsiderate and hopefully will not be tolerated in our neighborhood.

We tolerate the tenants' two young children with special needs and their rambunctious play in the afternoons and on weekends. Given the special circumstances, their children are louder than others, including regular temper tantrums. We also tolerate the dog living in the unit and on the patio, barking throughout the day. We even tolerate the tenant shouting at the TV and his video games.

But permanent shooting gaming noise is not a noise that is considered typically residential that needs to be tolerated by other residents. We did not buy a home near an army base for that matter.

It is clear from the history of the messages and the many attempts to approach the tenants that this matter will not be resolved between the two parties. I am asking for the Association to assist in this matter. A meeting between the parties involved, including the unit owner seems the only way to allow for me to plead my case as the tenants are unwilling to reduce the noise level.

The excessive noise has been a severe nuisance to our lives and the tenants' reluctance and resistance to make changes leaves me no other option than file a complaint and ask for a meeting with the Association to work with the tenants to resolve the problem cordially to avoid further escalation. The hostility and aggression on part of the tenants towards us is frightening and may lead to a continuation of them harassing us and turning up the volume and noise level even further which has been the case in the past months.

Given the level of rising aggression on part of the tenants, it is worry-some to think that as a home owner I have to endure such incredible harassment on a daily basis when all we are asking is for a video gaming addict to not involve other residents in close proximity to his unit.

We have been living in Parkfairfax for almost ten years and never had to endure anything like this. I feel exhausted and frustrated by the level of reluctance and aggression and our need for the noise harassment to stop in order to resume our normal life.

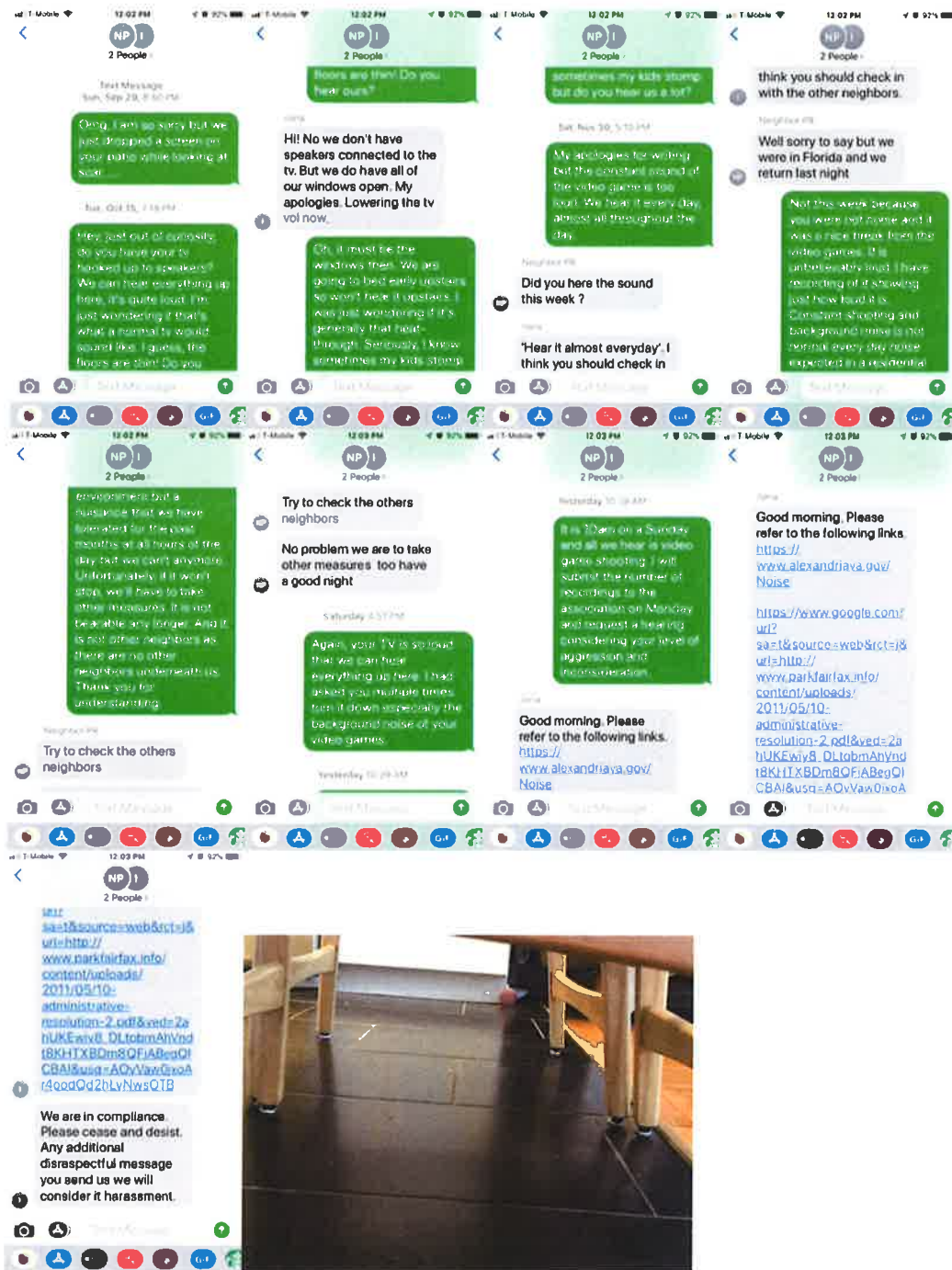
Thank you,

Sincerely,

Anett Schulze

Appendix A

(green boxes = unit owner (me); grey boxes = tenants)



 Annett, Shelby (2)

2 recipients



No problem we are to take
other measures too have a
good night

5:31 PM

Saturday, December 7, 2019



Annett

Again, your TV is so loud
that we can hear everything
up here. I had asked you
multiple times turn it down
especially the background
noise of your video games.

4:57 PM

Sunday, December 8, 2019



Annett

It is 10am on a Sunday and
all we hear is video game
shooting. I will submit the
number of recordings to the
association on Monday and
request a hearing consider-
ing your level of aggression
and inconsideration.

10:39 AM



Enter message



< Annett, Bill McGilli... (3)
3 recipients



Saturday, February 29, 2020



Annett

I am sorry to write but I have a sick child who is trying to rest. Can you please be a bit more considerate - it's been extremely loud this morning. I appreciate that. Thank you

1:43 PM

Sunday, March 15, 2020

Annett, thank you for calling the Alexandria County Police on us this fine morning. They were very kind and sympathetic of our situation. They informed us on the measures we should take with the HOA and we will escalate this once the quarantine is resolved.

11:46 AM

+ Enter message



< Annett, Bill McGillicuddy, She... ⋮
12:24 AM, Mar 19

(No subject)

Should there be a repeat of this evening's harassment in form of constant loud TV noise, yelling and banging against your ceiling/our floor to torment us, will I call the non-emergency police for noise control again tomorrow or at any other time it occurs. Everything has been recorded for more than six months and archived with the Association. Please take this into consideration when making further decisions.



Copy text



Share



< Me

12:40 AM, Mar 19

**(No subject)**

We have been recording you as well and reaching out to the office with all of of your dragging, dropping and stomping at all hours. We have 2 little girls and, for the time being, they will be homeschooled. You have not stopped your stomping through the night and they need to rest. We have kept our tv at the volume level you agreed by phone with my husband, Shelby, 16 out of 100, even lower at night. Stop and desist harassing us.



Copy text



Share

