

V I R G I N I A:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

CROSSPOINTE SWIM AND RACQUET INC.,	:	
	:	
Complainant,	:	
	:	
vs.	:	CHANCERY NO. 152641
	:	
DAVID SMORODIN	:	
AND	:	
PEGGY SMORODIN,	:	
	:	
Defendants.	:	

FINAL DECREE

THIS CAUSE came on to be heard *ore tenus* on the 24th day of November, 1998, upon the Bill of Complaint for Injunctive Relief and Ancillary Damages filed herein by the Complainant, CROSSPOINTE SWIM & RACQUET, INC. ("Crosspointe") and the " Answer and Grounds of Defense" filed by the Defendants, DAVID and PEGGY SMORODIN (the "Smorodins").

Thereupon, the parties made opening statements, Crosspointe presented its evidence and rested, the Smorodins presented their evidence and rested, and the Court entertained closing argument.

UPON CONSIDERATION OF ALL OF WHICH, the Court finds that:

1. The Defendants are owners of the lot within the Crosspointe Subdivision and located at 8512 Oak Pointe Way, Fairfax Station, in Fairfax County, Virginia (the " Lot");
2. That the Crosspointe Declaration of Covenants, Conditions and Restrictions recorded at Deed Book 6681, page 27, among the land records of this Court (the " Declaration") is

binding upon that lot and upon the Defendants;

3. The Declaration prohibits the placement and maintenance of any structures or appurtenances on any lot within the Crosspointe subdivision without the prior written approval of the Crosspointe Architectural Review Board (the "ARB");

4. The Developer of Crosspointe promulgated Architectural Guidelines pursuant to the Declaration that prohibit the placement or maintenance of basketball backboards in the front yards of the lots within the Crosspointe subdivision.

5. On or about April 14, 1997, the Crosspointe Board of Trustees confirmed revised Architectural Guidelines, denominated as Architectural Standards, that had been promulgated by the ARB.

6. The Architectural Standards permit only portable basketball backboards to be placed in front yards of lots within Crosspointe and only during time of play.

7. The Smorodins have placed a self-standing, portable basketball backboard in the front yard of the Lot and have maintained it there continuously, and not just during times of play, and have refused to remove the same, despite requests by Crosspointe that it be removed in the absence of approval of the ARB and in compliance with the Declaration, the Architectural Guidelines and the Architectural Standards.

8. The Declaration provides that Crosspointe shall recover any attorneys' fees it incurs in enforcing the provisions of the Declaration.

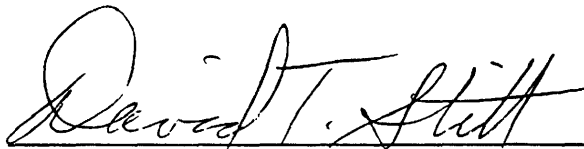
UPON CONSIDERATION OF ALL OF WHICH, the Court holds that the placement and maintenance by the Smorodins of the basketball backboard in the front yard of the Lot is a violation of the Declaration and of the Architectural Guidelines and the Architectural Standards. Accordingly, the Court finds that Crosspointe is entitled to a decree enjoining the violation of the Declaration, the Architectural Guidelines and the Architectural Standards and that Crosspointe is entitled to a judgment against the Smorodins for its costs and attorneys' fees incurred in this action. It is therefore,

ADJUDGED, ORDERED AND DECREED that the Smorodins be and they hereby are enjoined from maintaining a basketball backboard and stand in the front yard of the Lot except when the same is in use for basketball play; and, it is further

ADJUDGED, ORDERED AND DECREED that Crosspointe be and it hereby is awarded judgment against the Smorodins, jointly and severally in the amount of \$ 5,000⁰⁰ attorneys' fees and its costs in this behalf expended.

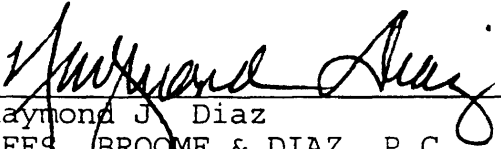
THIS DECREE IS FINAL.

ENTERED this 24TH day of NOVEMBER, 1998.



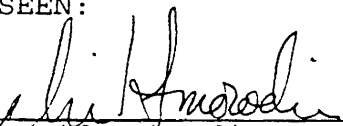
FAIRFAX COUNTY CIRCUIT COURT JUDGE

WE ASK FOR THIS:



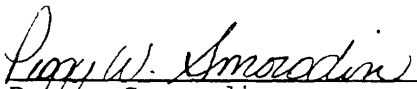
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