

EDGEFIELD HOMEOWNER ASSOCIATION

FINANCIAL PENALTIES RESOLUTION

WHEREAS the Edgefield Homeowner Association Board of Directors is empowered by statutory law [ORS 94.630 (1)(n)], and the Association documents including the Declaration of Covenants, Conditions and Restrictions of Edgefield Homeowner Association (“CC&Rs”) Section 9.2 to assess financial and other penalties against individual members in order to remedy non-monetary violations by those members of the CC&R’s, Bylaws of the Association, and Rules and Regulations,

BE IT THEREFORE RESOLVED that the Edgefield Homeowner Association Board of Directors does hereby adopt the following procedures, fine assessments and actions with regard to non-monetary violations:

1. Upon being notified of a violation, the Board of Directors shall cause a “Courtesy Notice” to be sent to the homeowner(s) and renter (if applicable) of the subject property. The notice will inform the homeowner of the violation, and state a specific period of time to correct or abate the violation. Said corrective period shall be a reasonable length of time, based on the nature of the violation and the nature of the corrective action needed. Reasonableness of the time period is at the sole discretion of the Board of Directors.
2. If the owner has neither contacted the association nor corrected the violation within the stated time period, a “Compliance Notice” will be mailed to the homeowner, indicating that, if the violation is not corrected within a specific time period, a fine of \$10 per day may be assessed against the homeowner’s lot until such time as the violation is corrected.
3. If the violation is of a nature as to occur intermittently, such as a nuisance or offensive activity like excessive noise, a “Compliance Notice” will be mailed to the homeowner, indicating that, if the violation occurs again a fine of \$100 may be assessed against the homeowner’s lot.
4. The “Compliance Notice” shall also inform the homeowner that they may request a hearing, held before either the Board of Directors or its representative(s) with respect to the violation. No fine will be assessed prior to that hearing. Said hearing date shall not be less than 14 business days following the mailing of the letter by U.S. Post Office First-Class mail.
5. If the homeowner requests a hearing before the Board of Directors or its appointed representative(s), that hearing will be held at such date established by the Board of Directors or its representative(s). At the hearing, the Board of Directors or its representative(s) will hear the testimony of the homeowner, and take the case under advisement. A decision will be rendered either at the hearing, or, if necessary, at a later date by the Board of Directors not to exceed 10 business days after the hearing date. This decision will be mailed to the homeowner by U.S. Post Office First-Class and Certified mail.

6. If the homeowner neither requests a hearing date nor corrects the violation within the necessary time period, the HOA will have fulfilled its obligation to ORS 94.630 (1)(n) and the fine of \$10 per day will be assessed beginning on the first day after the corrective period ends or, with respect to an intermittent violation as provided in #3 above, the \$100 fine will be assessed. The board may impose an additional fine of \$100 if the property has received three or more notices in the previous six month period regardless of violation type. This notice will be mailed to the homeowner by U.S. Post Office First-Class and Certified mail.
7. If after correcting the said violation the same violation occurs within 180 days of the Board of Director's decision, the same fine(s) will begin to be assessed against the homeowner's Lot. A Letter will be sent to the homeowner notifying them of the fine(s). This decision will be mailed to the homeowner by U.S. Post Office First-Class and Certified mail.
8. Once a fine has been imposed, at the discretion of the board, the said fine may be reduced or removed depending upon circumstances of the violation and the correction process.
9. When the accrued amount of the assessed fine exceeds \$500 (or at Board's discretion), the homeowner will be so notified, informed that the fines will continue to accrue, and informed that a lien will be recorded against the homeowner's lot for payment. The lien will include all appropriate legal fees, costs and recording fees, along with any interest that accrues until the fine is collected. Correction of the violation will not waive accrued fines, fees, costs and interest, which must be paid in full, prior to release of the lien.

This resolution was passed by all of the members of the Edgefield Homeowner Association Board of Directors on this day 04 of NOVEMBER, 2013.

Kevin S. Vincent
President

KEVIN S. VINCENT
Name (Print)

Scott White
Director

Scott White
Name (print)