

The following resolution with Implementation notes was passed by the Board of Directors at the Jan. 23, 2017 regular Board Meeting. The Resolution was developed with the assistance of the Harris Law Firm in Hillsboro, Oregon. This resolution was mailed to all members of record in the January 2017 postal mailing.

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EDWARDS MEADOWS HOME OWNERS ASSOCIATION
Resolution of the Board of Directors

ENFORCEMENT RESOLUTION

RECITALS

- A. “Association” is the Edwards Meadows Home Owners Association, an Oregon nonprofit corporation, and is charged with the operation and management of the Edwards Meadows planned community.
- B. The Association is governed by the *Declaration of Covenants, Conditions, and Restrictions for Edwards Meadows*, recorded in the records of Washington County, Oregon, including any amendments thereto (“Declaration”);
- C. The Association is also governed by the Oregon Planned Community Act (“PCA”).
- D. ORS 94.630 and the Declaration vest the Board of Directors (“Board”) with all the powers and duties necessary for the administration of the affairs of the Association.
- E. ORS 94.630(1)(n) and the Declaration provide that the Board may levy reasonable fines for violations of the Declaration, Bylaws, and Rules and Regulations of the Association after notice and an opportunity to be heard.
- F. ORS 94.709 and Article III, Section 2 of the Declaration provide that fees, late charges, fines, and interest imposed, pursuant to ORS 94.630(1)(n), are enforceable as assessments.

NOW, THEREFORE, IT IS RESOLVED that the procedure set forth below and the Implementation Notes following Exhibit A shall be the process for handling complaints and enforcement of violations of the Declaration, Bylaws, and Rules and Regulations

- 1. **Violation and Notice.** If the Board of Directors finds there is a violation, the Board or its representatives must provide notice to the alleged offending owner (hereafter, “*Alleged Offending Owner*”). The Board will first provide First Notice (defined below) to the Alleged Offending Owner. If the violation is not remedied or ceased within the time specified in the notice, then the Board will provide a second notice to the Alleged Offending Owner. This second notice must contain certain provisions, including giving the Alleged Offending Owner an opportunity for a hearing.
- 2. **Hearing.** If requested, the Alleged Offending Owner may present testimony or evidence regarding the violation at the next board meeting.
 - a. **Testimony from Parties.** If the Alleged Offending Owner requests a hearing and appears, the Board shall proceed to hear from the Alleged Offending Owner.

5. **Renters and Other Non-Owner Occupied Lots and Guests.** The owner of any lot shall be responsible for the violations of any renter, tenant, guest, or family member who violates any portion of the Declaration, Bylaws, or rules and regulations.
6. **No Fines Pending Resolution of a Hearing.** Pending resolution of a requested hearing, no fines may be charged against the account of an Alleged Offending Owner.
7. **Mediation.** ORS 94.630(4)(a) provides for dispute resolution prior to any litigation being initiated between the Association and any member of the Association. For purposes of this Enforcement Resolution, the dispute resolution requirements of the Planned Community Act and the Bylaws do not apply to the actions of the Association in its enforcement responsibilities, as long as no litigation has been filed.

EXHIBIT A

SCHEDULE OF FINES

1. Preliminary Notice (no fine)
2. First Notice: (no fine)
3. Second Notice: \$ 50.00
4. Third and Succeeding Notices: Fifty percent increase in fine from preceding fine levied.

Implementation Notes for Enforcement Resolution

1. Prior to Board determination of violation First Notice (section 3a), written notice will be sent to member either by postal mail or posting at door that a potential violation has occurred and will be presented for consideration at the Board meeting held at a date and time given in the notice. This notification shall be known as Preliminary Notice and must be delivered to the member at least seven days prior to the Board meeting cited.
2. Removal of Violation:
When the owner of a property feels action has been taken to successfully carry out the remedies given in the violation notice, the owner or designated representative should contact the Board President. The appropriate committee will investigate whether the violation has been remedied. If the majority vote of the committee recommends removal of the violation, the Board will vote on the recommendation either at the next board meeting or by electronic vote and the procedures of the Policy Enforcement Policy will apply. If the Board votes that the problem(s) have been remedied the property owner will notified in writing by the secretary within one week of the Board vote. Additionally, if good standing status was removed because of the violation it will be restored and this action will be included in the secretary's letter. All letters sent by the secretary will be signed by the president.