

Resolution 7 – Compliance Violation: Remedies and Formal Enforcement Procedures and Sanctions, Fees, Administrative Charges and Appeals

(Revised by the board of directors on October 2, 2017)

Where, various Articles, including Article 14, Section 14.3 Powers and Duties, of the Declaration of Protective Covenants, Conditions and Restrictions and Easements (Declaration), and Article 3, Section 3.7 Powers and Duties, and Article 7, Section 7.5(n) Association Rules and Regulations, of the Bylaws for the Association of Unit Owners of Cottages at Hastings Green, a Condominium, a nonprofit corporation formed under the laws of the State of Oregon, provides for the Association to have authority to manage the affairs of the community and authorizes the Board of Directors of the Association to establish and promulgate rules and regulations;

AND WHERE, an intent of the Declaration and Bylaws is to protect the common interests of all owners by helping to preserve optimum property values and enjoyable living and to provide an organization that works on behalf of the community's common interests;

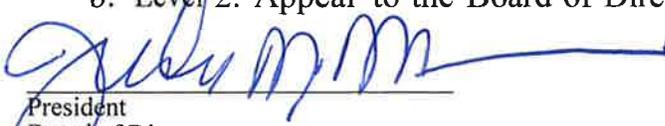
NOW, THEREFORE, BE RESOLVED THAT apparent compliance violation issues within the Cottages community shall be dealt with as follows:

1. Discovery by the Association: When an officer or director of the Association or the community manager directly observes or becomes aware of a violation, the Association will initiate an enforcement action by starting the procedures set forth in step 5, below. The person observing or noting the alleged violation shall prepare a written report setting forth the Facts giving rise to the alleged violation (a "Report").
2. Direct Resolution Preferred: Owners disturbed by a neighbor's actions, or believing that a neighbor is not in compliance with an Association rule or regulation, are encouraged to express their concern directly to such neighbor to see if the issue can be informally resolved. Most disturbances are believed to be unintentional and immediate resolution by responsible neighbors, if possible, is desirable and expected.
3. Definitions: In this Resolution, an activity or condition that offends or potentially violates a rule or regulation will be known as a violation. The person purportedly doing this activity will be known as the "Respondent", and the owner filing the complaint will be known as the "Complainant".
4. Written Complaint: If a resolution to the situation is not achieved through the initial direct discussion between the involved parties, or is recurrent, the Complainant may submit a signed, written complaint to the Association. This written complaint shall document the facts giving rise to a disturbance/violation created by which neighbor,

On what date, time, and place. The complaint must describe the activity in enough detail that an objective person could comprehend the concern.

5. Association's initial response to an alleged violation:
 - a. After receiving a written complaint (see steps 2, 3 & 4 above) or on becoming aware of an alleged violation, the Association, through its appropriate committee, empowered entity, or Board of Directors shall prepare and mail via first class mail a written notice to the owner of record regarding the issue and urging the Respondent to take action to resolve the Complainant's concern or violation. If requested, a copy of the written complaint will be provided to the Respondent. Additionally, this notice may set out a time frame for substantial compliance and/or fines that may apply for non-compliance. Repeat compliance infractions and some other serious and/or hazardous situations, may not require advance notice before the Association takes steps to remedy a situation. In those instances, where the Association intends to levy a fine or take other corrective action, the Association shall provide such owner with an opportunity for a hearing before the Board of Directors.
 - b. Each owner is responsible for providing correct current owner information, including mailing addresses and phone numbers, to the Association (through its Management Company, where Association owner records are maintained). Respondent notification is based on the date the notice is mailed first class, whether or not the owner's address is actually current and correct in the Association's records.
6. In a situation where there is an immediate threat to health, safety, or the environment, the Association may elect to rectify the situation immediately, without notice. The Owner shall be obligated to reimburse the Association for all costs incurred in such effort. Prior to assessing the owner for the costs incurred in such effort, the Association shall provide the Owner with an opportunity for a hearing.
7. Compliance Violation Sanctions and Procedures: Unless specifically addressed elsewhere in the CC&Rs or a prior exception has been granted, the following sanctions and procedures shall be applied to situations where the Association finds a violation.
 - a. An initial Compliance Violation Notice will be given to an owner to correct a specified problem within seven (7) days of receipt of a Complaint or a Report.
 - b. If the violation has not been corrected by the eighth (8th) day, after the opportunity for a hearing, a fine of \$50 will be assessed.

- c. On the tenth (10'h) day, after the opportunity for a hearing, a daily fine of \$35 will begin to accrue and shall continue until compliance is achieved.
 - d. On the fifteenth (15'h) day, after opportunity for a hearing, the Association may correct the violation, but is not obligated to do so. If the Association corrects the violation, the owner shall be responsible for reimbursing all the costs incurred by the Association in correcting the violation. There is a minimum \$100 charge by the Association for correcting a violation.
 - e. On the twenty fifth (25th) day, or sooner in circumstances where the board of directors believes that it is in the best interests of the Association, the Association may refer the matter to the Association's attorney for legal action.
 - f. On the fortieth (40'h) day, the daily fine shall increase to \$50 per day until the Violation is corrected.
 - g. The above schedule may be modified by the Board of Directors in cases where compliance is required in a shorter time frame.
8. Repeat Violators: Each repeat violation by the same owner, guest, contractor, vendor, etc., whether single or multiple locations and/or times, shall accrue a fine after notice and an opportunity for a hearing, provided that a \$35 per day fine plus administrative charges, shall commence from the date the violation is discovered and shall continue to accrue until the violation is rectified.
9. Hearing: If the owner does not agree with the issue as stated in the Compliance Violation Notice, that owner may file a written appeal, along with any supporting documentation, as to why the Violator does not believe a violation has occurred or that an exception to the stated rule should be granted. Appeals may be heard by the following:
- a. Level 1. Appeal the Compliance Violation Notice to the appropriate committee or administrative entity for the Association that has oversight responsibility in the particular area that involves the alleged violation.
 - b. Level 2. Appeal to the Board of Directors, who makes the final decision.



 President
 Board of Directors
 Association of Unit Owners
 of Cottages at Hastings Green, A Condominium



 Secretary
 Board of Directors
 Association of Unit Owners
 of Cottages at Hastings Green, A
 Condominium

DATED this 2 of October, 2017

