

THE DIAMOND MEADOWS TRACT #1384 HOMEOWNERS ASSOCIATION, INC.

RESOLUTION OF THE BOARD OF DIRECTORS

ENFORCEMENT AND FINE RESOLUTION

RECITALS

- A. The Diamond Meadows Tract #1384 Homeowners Association, Inc. is a planned community subject to ORS Chapter 94, the Oregon Planned Community Act.
- B. Pursuant to ORS 94.630, the Association is entitled to adopt rules and regulations for the planned community.
- C. Section 6.1 of the Bylaws of the Association (recorded as document number 2011-004957 in the county records) authorizes the Board of Directors to enforce by legal means the provisions of the Declaration, Bylaws, and any Rules and Regulations.
- D. ORS 94.630(1)(n) provides that the Board of Directors 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 if the fine is based on a schedule of fines adopted by a resolution of the Board.
- E. For the benefit and protection of the Association and of the individual owners, the Board of Directors deems it necessary and desirable to establish a procedure to ensure that owners receive notice and an opportunity to be heard in cases involving alleged noncompliance by an owner or resident with the provisions of the Declaration, Bylaws or Rules and Regulations.
- F. The Board deems it necessary and desirable to adopt a *Schedule of Fines* to be used as guidance by the Board in determination of sanctions for violations of the Declaration, Bylaws, or Rules and Regulations of the Association.

RESOLUTION

1. VIOLATIONS

- 1.1. The Board of Directors may begin enforcement proceedings if it determines that there is a violation or probable violation of the Declaration, Bylaws, or Rules and Regulations. Actual knowledge, a complaint submitted by an owner, or any other reliable information is sufficient to make a determination.
- 1.2. Any complaint submitted by an owner must contain the following:
 - 1.2.1. Name and address of owner submitting the complaint;
 - 1.2.2. Name and address of violating owner; and
 - 1.2.3. A description of the violation, including dates and times.
- 1.3. If the violation poses immediate health, life, or safety issues, the Board may take action without following the procedures described in this Resolution.

2. NOTICE

- 2.1. After determining the existence of a violation or probable violation, the Board shall notify the owner of the violation.
- 2.2. The notice shall contain the following:
 - 2.2.1. A description of the violation;
 - 2.2.2. If available, photographs of the violation;
 - 2.2.3. A statement that the owner is entitled to a hearing with the Board before further action is taken or fines are levied;
 - 2.2.4. The time, date and place of the hearing;
 - 2.2.5. The amount of the fine, consistent with the Schedule of Fines, that will be levied if the violation is not remedied;
 - 2.2.6. Whether the fine will be levied daily, weekly, month or per incident.
 - 2.2.7. Describe any other remedies that may be taken by the Association to remedy the violation;

- 2.2.8. What action must be taken by the violating owner to remedy the violation;
 - 2.2.9. The time frame for remedying the violation; and
 - 2.2.10. Any other information which the Board deems necessary.
- 2.3. The notice shall be mailed to the owner via first-class mail to the address on file with the Association.

3. RIGHT TO A HEARING

- 3.1. Prior to levying fines against a violating owner, the Board must give the owner an opportunity for a hearing with the Board.
- 3.2. If the violating owner fails to attend the hearing, the Board may take any of the actions described in Section 4.2, below.
- 3.3. If the violating Owner is present at the hearing, the violating owner may present testimony or other evidence showing that there is no violation, or that the violation is not subject to enforcement by the Board.

4. BOARD DETERMINATION

- 4.1. At the conclusion of the hearing, or if the violating Owner fails to appear, the Board may deliberate on this issues in closed executive session pursuant to ORS 94.640.
- 4.2. The Board shall then make a determination and may:
 - 4.2.1. proceed with levying fines consistent with the Schedule of Fines;
 - 4.2.2. take any other enforcement action available; or
 - 4.2.3. dismiss the complaint.
- 4.3. After deliberation, the Board shall announce its decision in an open board meeting, and record the decision in the meeting minutes of the Board.

5. MISCELLANEOUS

- 5.1. The Board reserves the right to amend, revise, or add to the Schedule of Fines and this Resolution, as necessary.

5.2. A copy of this Resolution shall be sent or delivered to all Owners within the Planned Community.

Approved and adopted on: _____, 2016.

By:

President

Secretary

SCHEDULE OF FINES

1. Offensive or Unlawful Activities	\$ 100
2. Animal related violations	\$50
3. Unauthorized parking of a trailer, recreational vehicle, boat, camper, truck, heavy or light equipment, motorcycle, tent or commercial trailer	\$50
4. Architectural violations	\$50
5. Violation of Declaration, Bylaws or Rules and Regulations not set forth above	\$50

THE ABOVE FINES MAY BE IMPOSED ON A ONE-TIME, EACH OCCURRENCE, OR CONTINUING DAILY, WEEKLY, OR MONTHLY BASIS AS DETERMINED BY THE BOARD.