

**MEADOW WOOD CONDOMINIUMS OWNERS' ASSOCIATION**  
**Resolution of the Board of Directors**

**ENFORCEMENT RESOLUTION**

**RECITALS**

- A. **"Association"** is the Meadow Wood Condominiums Owners' Association, an Oregon nonprofit corporation.
- B. The Association is governed by the following documents, referred to herein as **"Governing Documents"**:
1. *Declaration of Condominium Ownership for Meadow Wood Condominiums*, recorded on March 30, 2006, as Document No. 2006-016158 in the records of Jackson County, Oregon, including any amendments thereto (**"Declaration"**);
  2. *Bylaws of Meadow Wood Condominiums Owners' Association*, recorded on March 30, 2006, as Exhibit C to the Declaration in the records of Jackson County, Oregon, including any amendments thereto (**"Bylaws"**); and
  3. *Plat of Meadow Wood Condominiums*, recorded on March 30, 2006, in Volume 32 of Plats, Page 29 in the records of Jackson County, Oregon (**"Plat"**).
- C. The Association is also governed by the Oregon Condominium Act (**"OCA"**), ORS chapter 100.
- D. ORS 100.405(3), ORS 100.417, and Section 3.2 of the Bylaws vest the Board of Directors (**"Board"**) with all of the powers and duties necessary for the administration of the affairs of the Association.
- E. ORS 100.405(4)(a), Article 17 of the Declaration, and Sections 3.2.6 and 7.24 of the Bylaws empower the Board to adopt Rules and Regulations.
- F. ORS 100.405(4)(e), ORS 100.545, Article 17 of the Declaration, and Sections 3.2.15 and 3.2.21 of the Bylaws authorize the Board to enforce the provisions of the Declaration, Bylaws, and Rules and Regulations of the Association.
- G. ORS 100.405(4)(k) and Section 3.2.15 of the Bylaws 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, if the fine is based on a *Schedule of Fines* adopted by a resolution of the Board.
- H. ORS 100.450 provides that fees, late charges, fines, and interest imposed, pursuant to ORS 100.405(4)(k), are enforceable as assessments.

- I. For the benefit and protection of the Association and of the individual owners, the Board deems it necessary and desirable to establish a formal procedure for the handling of complaints and the enforcement of the Declaration, Bylaws, and Rules and Regulations to ensure that owners receive notice and an opportunity to be heard in cases involving alleged violations of the Declaration, Bylaws, or Rules and Regulations.
- J. The Board deems it necessary and desirable to adopt a *Schedule of Fines*, attached as Exhibit A to this Resolution, to be used by the Board in imposing sanctions for violations of the Declaration, Bylaws, or Rules and Regulations of the Association.

**RESOLUTION**

**NOW, THEREFORE, IT IS RESOLVED** as follows:

- I. This Resolution shall amend and supersede any previous enforcement resolution or schedule of fines of the Association adopted by the Board of Directors;
- II. The *Enforcement Procedure*, including the *Schedule of Fines* attached thereto as “**Exhibit A**,” set forth below, is adopted to provide for the formal, uniform, and systematic procedure for handling complaints and enforcement of the Declaration, Bylaws, and Rules and Regulations of the Association.
- III. A copy of this Resolution will be sent to all owners at their address(es) as shown in the records of the Association.

DATED: Oct 19, 2018

Judy A. Frazier  
Chairperson  
Meadow Wood Condominiums Owners’  
Association

[Signature]  
Secretary  
Meadow Wood Condominiums Owners’  
Association

**[ENFORCEMENT PROCEDURE BEGINS ON PAGE 3]**

## ENFORCEMENT PROCEDURE

### ARTICLE 1 OVERVIEW OF PROCESS

- 1.1. **Complaint.** An owner may file a written complaint with the Board of Directors regarding a violation of the Declaration, Bylaws, or Rules and Regulations by another owner, tenant, or guest. The Board of Directors may also initiate a complaint (Article 2).
- 1.2. **Investigation.** The Board of Directors has the discretion to investigate the complaint and decide if it is valid (Article 3).
- 1.3. **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. The Board will first provide a First Notice 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 (Article 4).
- 1.4. **Hearing.** If requested, the Alleged Offending Owner may present testimony or evidence regarding the violation at the next Board meeting (Article 5).
- 1.5. **Fines.** The Board may impose fines pursuant to the *Schedule of Fines* if the violation is not remedied or ceased within the time specified in the notice, provided the owner has the opportunity for a hearing (Articles 3, 6, and 7).

### ARTICLE 2 ORIGINATION / INITIATION OF COMPLAINT

- 2.1. **Board of Directors.** A complaint may be initiated by the Board of Directors based on information from a management agent, owner, or other information the Board deems reliable.
- 2.2. **Owners.** An owner (“**Complaining Owner**”) who desires the Board of Directors to take corrective action against another owner or tenant (“**Alleged Offending Owner**”) must submit a complaint to the Board of Directors. The complaint must be in writing and must include:
  - (a) The name, if known, and address of the Alleged Offending Owner;
  - (b) A description of the offending behavior or activity, including the date(s) and approximate time(s); and
  - (c) Whether or not the Complaining Owner attempted contact with the Alleged Offending Owner regarding the alleged violation.

**ARTICLE 3  
INVESTIGATION OF COMPLAINT**

- 3.1 **Investigation.** Upon receipt of a written complaint, the Board, or a person authorized by the Board, has the discretion to conduct an investigation to confirm the nature and existence of the allegations contained in the complaint.
- 3.2 **Determination of Violation.** If, after review of a complaint, the Board of Directors determines that there is a violation of the Declaration, Bylaws, Rules and Regulations, or other Governing Documents and the Board determines that it is in the best interest of the Association and owners to address the violation with the Alleged Offending Owner, the Board shall proceed to give notice to the Alleged Offending Owner as described below.

**ARTICLE 4  
NOTICE PROCEDURE**

- 4.1 **Notice of Violation.** If the Board determines that there is a violation of the Declaration, Bylaws, Rules and Regulations, or other Governing Documents, the Board shall give the Alleged Offending Owner a Notice of Violation:
- (a) Notice of Violation and Right to a Hearing. After making the determination that the Alleged Offending Owner is in violation of the Declaration, Bylaws, Rules and Regulations, or other Governing Documents, the Board shall give the Alleged Offending Owner a “**Notice and Right to a Hearing.**” The notice required under this subsection must:
- (1) Describe the violation;
  - (2) Contain a statement that the Alleged Offending Owner has the opportunity to request a hearing, and the manner by which to request a hearing;
  - (3) Contain a statement advising the Alleged Offending Owner that if no hearing is requested within fourteen (14) days, and if the alleged violation is not remedied or ceased by a specified compliance deadline, fines will be assessed, beginning on the day following the specified compliance deadline, pursuant to the *Schedule of Fines* adopted by the Board as “**Exhibit A**” to this Resolution;
  - (4) Contain a statement that the Alleged Offending Owner may produce any statement, evidence or witness on the Alleged Offending Owner’s behalf at the hearing; and
  - (5) The proposed sanction to be imposed, including, without limitation, that fines may be assessed, retroactive to the first day of the violation, beginning on the day following the specified compliance deadline

pursuant to the *Schedule of Fines* to be adopted by the Board as “**Exhibit A**” to this Resolution.

- (b) Optional Notice Provisions. The notice may also provide or specify any or all of the following:
  - (1) The specific action the Board requires to remedy the violation;
  - (2) The particular language or Section from the Declaration, Bylaws, or Rules and Regulations which has been violated; and
  - (3) Any other information as directed by the Board.
- (c) Delivery of Notice. The notice shall be mailed by both certified mail, return receipt requested, and first-class mail to the address(es) on record with the Association, or posted on the door of the Unit. In the case of non-owner residents, the notice may be mailed to both the address on record with the Association for the owner and to the Unit address. The notice sent by certified mail shall still be deemed received by the owner even if the owner does not accept or pick up the notice sent by certified mail as long as the notice was sent to the owner’s address on record with the Association.

A sample notice is attached to this Resolution as “**Exhibit B.**” This sample notice is for illustrative purposes only.

- 4.2 **Repeat Violations.** Owners who repeat any violation within a twelve (12) month period of receiving a Notice are not entitled to an additional notice or hearing, regardless of whether or not the owner participated in a hearing as a result of the first violation. For such repeat violations, the Board may automatically begin fines as outlined in the attached *Schedule of Fines*.
- 4.3 **Informal Action.** Nothing in this article precludes the Chairperson, a designated Board member, or other person authorized by the Board from first attempting to resolve the matter either by an informal meeting, telephone call, or a warning letter to the Alleged Offending Owner.

## ARTICLE 5 HEARING PROCEDURE

- 5.1 **Hearing Procedure.** In the event that an owner requests a hearing, the Board shall utilize the following procedure for violation hearings to be held during a regular open Board Meeting:
  - (a) Appearances at the Hearing. If the Alleged Offending Owner fails to appear within *fifteen minutes (15)* of the time set for the hearing, the Board may, at its sole discretion:

- (1) Conduct the hearing without the presence of the Alleged Offending Owner;
  - (2) Allow the Alleged Offending Owner additional time that day to appear;
  - (3) Reset the hearing to another date and time; or
  - (4) Dismiss the complaint.
- (b) Dismissal. In the case of dismissal, the Board shall notify the Alleged Offending Owner, in writing, that the Complaint has been dismissed.
- (c) Conduct of Hearing.
- (1) Testimony from Parties. If the Complaining Owner chooses to appear and the Alleged Offending Owner appears, the Board shall proceed to hear from the Complaining Owner and then from the Alleged Offending Owner.
  - (2) Evidence and Witnesses. The Complaining Owner and the Alleged Offending Owner may present evidence and witnesses at the hearing. The Board may limit testimony and evidence as it determines is reasonable and necessary. An owner's testimony shall not exceed fifteen (15) minutes.
- (d) Board Determination. Following the testimony and any evidence presented by the parties, the Board has the discretion to re-evaluate its prior determination of violation under Sections 3.1 and 3.2 above. The Board also has the discretion to re-evaluate the fine, any required or appropriate resolution for the violation, and any other matter which may result in the resolution of the violation.
- (1) In accordance with ORS 100.420, and except for those circumstances allowed by ORS 100.420(1)(a) for the Board to meet in executive session, the discussions must be held in open session.
  - (2) The Board shall either give its decision at the conclusion of the hearing or take the matter under advisement and give the decision at a later date not to exceed ten (10) days after the hearing date.

## ARTICLE 6 OTHER LEGAL ACTION

- 6.1 **Board Actions**. In addition to levying fines, action by the Board may include, but need not be limited to:

- (a) Seeking injunctive or declaratory relief action against any Alleged Offending Owner and tenants, guest, or other occupants of the Alleged Offending Owner; and
- (b) Taking immediate legal action, as the Board finds reasonably necessary, to stop conduct which it determines is in violation of the Governing Documents, Bylaws, Rules and Regulations, or applicable state or federal law.

**6.2 Additional Corrective Action by Board.**

- (a) Right of Board to Take Additional Corrective Action. If the Alleged Offending Owner fails to correct the matter, which is the ultimate cause of the violation, the Board may take additional corrective action without prior notice to the Offending Owner or opportunity for a hearing.
- (b) Notice of Additional Action. The Board shall give an Alleged Offending Owner written notice of any additional action taken under Subsection (a) of this section.

**ARTICLE 7  
MISCELLANEOUS**

- 7.1 **Renters and Other Non-Owner Occupied Units and Guests.** The owner of any Unit 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.
- 7.2 **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.
- 7.3 **Mediation.** ORS 100.405(11) 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 OCA and the Bylaws do not apply to the actions of the Association in its enforcement responsibilities, as long as no litigation has been filed.
- 7.4 **Attorney Fees and Costs.** Pursuant to ORS 100.470 and ORS 100.530(6), the Board, in its sole discretion, may assess all costs, including, without limitation, postage, copying charges, management fees, and attorney fees incurred in enforcing the provisions of the Declaration, Bylaws, and Rules and Regulations of the Association against the Alleged Offending Owner. Pursuant to ORS 100.450(1), once assessed, those costs and attorney fees shall be an assessment against the Alleged Offending Owner's Unit and shall be a lien against the Unit.

**EXHIBIT A**

**SCHEDULE OF FINES**

1. Using the Unit or any part thereof for any purpose other than a private residence for owner, owner's family and guests, or as a permitted rental.....**\$1,000/week**
2. Failing to maintain and repair the interior of a Unit in good order and condition **\$100/week**
3. Failing to maintain, repair or replace the plumbing, heating or air conditioning fixtures; water heaters; fans; lighting fixtures; or appliances and accessories that are in or connected with the Unit .....**\$500/week, plus cost of remediation or repair**
4. Permitting a nuisance or noxious or offensive activity to be carried on in a Unit or common element..... **\$100/occurrence or \$1,000/week, whichever is greater**
5. Making a structural alteration to a Unit or altering, constructing, or changing the common elements without prior written Board approval .....  
.....**\$1,000/week, plus cost of remediation or repair**
6. Posting or displaying a sign to public view from or on a Unit or the common elements without prior written Board approval ..... **\$25/day**
7. Renting a Unit without providing prior written notice to the Board or in violation of the rental cap provision in Section 7.1.5 of the Bylaws ..... **\$1,800/month**
8. Occupying or using a Unit or the common elements in a manner that could result in the increase of premiums or cancellation of the Association's insurance .....  
..... **\$500/occurrence or \$1,000/week, whichever is greater**
9. Parking of inoperative vehicles or parking of other unauthorized vehicles anywhere on the property without prior Board approval ..... **\$100/day**
10. Unauthorized raising, breeding, or keeping of animals on property or keeping more than four (4) animals (no more than two (2) dogs) on the property ..... **\$100/day**
11. Using a Unit or any part of the common elements as a dumping area for rubbish, trash, garbage, or other waste ..... **\$100/day**
12. Installing a hot tub or Jacuzzi on limited common element decks, balconies, patios or landings..... **\$100/day**
13. Smoking or vaping in the common elements.....**\$250/occurrence**

14. Littering, leaving, displaying or using cigarette butts (tobacco, marijuana, cloves, etc.), drug paraphernalia, or vaping equipment in the common elements or limited common element decks, balconies, patios or landings ..... **\$250/occurrence or \$1000/week, whichever is greater**
15. Growing, harvesting, smoking, cooking, or using marijuana in a Unit, on the limited common element decks, balconies, patios or landings, or elsewhere in the common elements ..... **\$1000/occurrence**
16. Failing to clean up after an animal who defecates in the common elements **\$200/occurrence**
17. Failing to keep pets on a leash in the common elements or on limited common element decks, balconies, patios or landings ..... **\$200/occurrence**
18. Failing to comply with posted pool rules ..... **\$100/occurrence per pool rule**
19. Smoking, eating, drinking anything other than water, bringing pets into, vandalizing, or engaging in excessive horseplay in pool area.. **\$100/occurrence for each type of activity**
20. Bringing a glass container into the pool area ..... **\$500/occurrence, plus cost of repair if the pool area is contaminated with broken glass**
21. Placing or storing any items other than patio furniture, charcoal barbecues, satellite dishes and plants with drip containers on the limited common element decks, balconies, patios, landings, stairwells or railings ..... **\$200/occurrence**
22. Hanging any item from the limited common element deck, balcony, patio, landing, or stairwell walls or railings ..... **\$200/occurrence**
23. Installing a satellite dish in the common elements, other than on a limited common element deck, balcony, patio, or landing, or installing a satellite dish on a railing, wall, or into the membrane surface of the limited common element decks, balconies, patios, or landings ..... **\$200/occurrence, plus cost of repair**
24. Other violations of the Declaration, Bylaws, or Rules and Regulations **(per occurrence)** ..... **\$100/occurrence**
25. Other continuing violations of the Declaration, Bylaws, Rules and Regulations **(Per Day)** ..... **\$100/day**