

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

**TERMINATION OF UTILITIES AND USE OF AND ACCESS TO RECREATIONAL  
AND SERVICE FACILITIES**

- A. **"Association"** is the Meadow Wood Condominiums Owners' Association ("Association") formed pursuant to documents recorded in the Records of Jackson County, Oregon, set forth below, and incorporated as an Oregon nonprofit corporation under ORS Chapter 65:
1. Declaration of Condominium Ownership for Meadow Wood Condominiums, recorded on March 30, 2006, as document number 2006-016158 in Jackson County, Oregon, including any amendments or supplements thereto ("**Declaration**").
  2. Bylaws of Meadow Wood Condominiums Owners' Association, recorded as Exhibit C to the Declaration, including any amendments thereto ("**Bylaws**").
- B. Section 3.2 of the Bylaws and ORS 100.405(3) and 100.417 vest the Board of Directors ("**Board**") with all of the powers and duties necessary for the administration of the affairs of the Association.
- C. Sections 3.2.6 and 7.24 of the Bylaws and ORS 100.405(4)(a) authorize the Board to adopt Rules and Regulations.
- D. "**Assessments,**" as used in this Resolution, includes all amounts assessed against an Owner, including, but not limited to common expenses, interest, fees, fines, attorney fees, and all collection costs.
- E. Owners are obliged to pay assessments pursuant to Article VII of the Declaration and Sections 5.4 and 5.6 of the Bylaws, and failure to timely pay is a violation thereof.
- F. From time to time, Owners become delinquent in the payment of assessments.
- G. The Association uses assessments to pay for certain utility services as well as recreational and other service facilities.
- H. Section 7.3 of the Declaration and ORS 100.405(4)(L) provide that the Association may terminate any utility service provided to owners that are paid by assessments if the owner defaults on the payment of any assessments until such time that the owner becomes current in the payment of his or her assessments.

**NOW, THEREFORE, IT IS RESOLVED**, pursuant to Section 7.3 of the Declaration and ORS 100.405(4)(L), that this Resolution is adopted to provide for a uniform and systematic procedure for the termination of utility services and access and use of recreational and service facilities of the Condominium:

1. **Notice of Termination.** If any Assessment remains unpaid by an Owner for more than thirty (30) days from the due date for its payment, the Board shall send a notice to the Owner provided in Section 2 below.
2. **Delivery of Notice.**
  - (a) **Owners.** The notice shall be personally delivered or mailed by first class and by certified United States mail, return receipt requested, to the Owner at the address or addresses required for notice of meetings.
  - (b) **Non-Owner Residents.** To the extent the Board is aware of non-owner residents, notice shall be either personally delivered, posted on the front door in an envelope, or mailed by first class mail, addressed to the "Occupants of Unit" at the property address as well.
3. **Contents of Notice.** The notice shall contain:
  - (a) The amount due as of the date of the notice, including late fees, interest, and other charges;
  - (b) A statement that the Board shall cause utility service and the use of and access to recreational and service facilities to be terminated unless either:
    - (i) Full payment is received within ten (10) calendar days of the date of the notice; or
    - (ii) The Owner requests hearing within ten (10) calendar days of the date of the notice;
  - (c) A statement identifying which utility services will be terminated and to which recreational and service facilities use and access will be denied; and
  - (d) The procedure to request a hearing.

A sample Notice of Termination of Utilities Letter is attached as Exhibit A. The Association is not required to use this form as it is for illustrative purposes only.
4. **Termination of Utilities.** If the Owner has received the notice above and has not paid all delinquent Assessments in full or has not requested a hearing within ten (10) calendar days, the Board shall cause the utility service and access to and use of recreational and service facilities to be terminated.

5. **Hearing.** If an Owner requests a hearing within ten (10) days of the date of the notice, the Board shall set a hearing and give reasonable notice to the Owner of the date, time, and place of the hearing. The Board shall either render its decision at the conclusion of the hearing, or take the matter under advisement and render the decision at a later Board meeting. All decisions of the Board shall be in writing, a copy of which shall be provided to the Owner within seven (7) calendar days of the determination.
6. **Costs.** Costs associated with termination of utility services or use of or access to recreational or service facilities shall be added to the Owner's monthly assessments and be paid for by the Owner.

**NOW, BE IT FURTHER RESOLVED** that nothing in this Resolution precludes the Board from taking further action in the collection of unpaid Assessments permitted by the Association's governing documents or applicable law.

**NOW, BE IT FURTHER RESOLVED** that a copy of this Resolution shall be sent to all Owners at their last known address.

**MEADOW WOOD CONDOMINIUM OWNERS' ASSOCIATION**

DATED: 10-27-2014

Penny D Nelson  
\_\_\_\_\_  
President  
Meadow Wood Condominiums  
Owners' Association

[Signature]  
\_\_\_\_\_  
Secretary  
Meadow Wood Condominiums  
Owners' Association

**EXHIBIT A**  
**SAMPLE**  
**NOTICE OF TERMINATION OF UTILITIES**

May 1, 2014

John Doe  
111 11<sup>th</sup> Avenue  
Medford, OR 97208

**RE: NOTICE OF TERMINATION OF UTILITIES**

Dear Mr. Doe:

The records of Meadow Wood Condominiums Owners' Association show that you are at least thirty (30) days' delinquent on the payment of your assessments. Our records reflect the following:

Principal Assessments Due:	\$ _____
Accrued Late Charges:	\$ _____
Accrued Interest:	\$ _____
Total Due:	\$ _____

The Association has the right to terminate your utilities services paid for by the Association and to revoke your access to and use of recreational and service facilities of the Condominiums pursuant to Section 7.3 of the Declaration of Condominium Ownership for Meadow Wood Condominiums, Oregon state law, and the Meadow Wood Condominiums Owners' Association Termination of Utilities and Use of and Access to Recreational and Service Facilities Resolution. You have a right to a hearing to challenge this notice. **If payment in full is not made or if you fail to request a hearing within ten (10) days of the date of this letter, your water utility service will be terminated.** Additionally, the Association will terminate your access to and use of recreational and service facilities. All charges, including attorney fees, associated with collection of your assessment account are imposed against you and your unit as provided in the Collection Resolution.

You may request a hearing if you disagree with the amount due as shown above. To request a hearing, you must contact the undersigned, in writing, to voice your challenge. The Board must receive a written hearing request within ten (10) days of the date of this notice. If a hearing is not requested by the end of the 10-day period, your right to a hearing is forfeited.

Your prompt payment of the balance due is appreciated.

Sincerely,

Jane Smith  
(Title)  
(Phone number) (Email) (Physical Address)