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Ponderosa Pines Property Owners Association
53275 Ponderosa Way
La Pine, OR 97739

March 25, 2021

Resolution 06-01-2018 CC&R Enforcement Revision (3)
Replaces

March 25, 2021

Resolution 06-01-2018 – CC&R Enforcement
Resolution 06-01-2018 – CC&R Enforcement Revision (1)
Resolution 06-01-2018 – CC&R Enforcement Revision (1)

August 01, 2018 and
February 13, 2020 and
Revised August 22, 2020

WHEREAS, the *2008 Restated Bylaws of The Ponderosa Pines Property Owners’ Association, RECITALS, Section H.* states that Ponderosa Pines is a Class 1 Planned Community and subject to the provisions of the Oregon Planned Community Act (ORS 94.550 to 94.783) and **ARTICLE V, BOARD OF DIRECTORS, Section 5.1** states that the affairs of the Association shall be governed by a Board of Directors composed of seven (7) persons, who must be Members of the Association; and **ARTICLE VII, POWERS AND DUTIES OF THE BOARD OF DIRECTORS, Section 7.1 - General Powers** states the Board shall have power to exercise all powers, duties and authority vested in or delegated to the Association and not reserved to the membership by the provisions of these Bylaws, the Articles of Incorporation, and the Ponderosa Pines Declaration; and **Section 7.4 Duties of the Board of Directors (d)** Perform all other responsibilities given to it by the Ponderosa Pines Declaration; and **(e)** Perform all other powers and duties granted by law.

BE IT RESOLVED THAT the Ponderosa Pine Property Owners’ Association Board of Directors, has determined it to be in the best interest of the company to implement the following:

Whereas the Board of Directors of Ponderosa Pines Property Owners Association has determined the need to establish a procedure for enforcement of provisions of the Declaration of Covenants, Conditions and Restrictions (CC&Rs) for Ponderosa Pines Property Owners Association; and

Whereas, Article VIII, Section 1 of the 2008 Restated Declarations, Restrictions, Protective Covenants and Conditions for The Ponderosa Pines (CC&Rs) provides that the Association or any Owner, or the owner of any recorded mortgage upon any part of Said property, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens, and charges now or hereafter imposed by the provisions of this Declaration: and

Whereas ORS 94.630 (n) of the Planned Community Act provides that a homeowners association may impose a charge after giving written notice and an opportunity to be heard, and levy reasonable fines for violations of the declaration, bylaws, rules and regulations of the association, provided that the charge imposed or the fine levied by the association is based on a resolution of the association or its board of directors that is delivered to each lot, mailed to the mailing address of each lot or mailed to the mailing address designated in writing by the owners;

NOW, THEREFORE, BE IT RESOLVED THAT the Association will enforce said CC&Rs with the following procedure:

Notice and Hearing.

In the event of a violation, the Association shall provide the property owner notice of said violation. The property owner shall be given a reasonable opportunity to correct the violation.

Enforcement will be as follows:

1. Violation Notice

The first communication will be from the Board of Directors via certified mail and regular mail to the property owner informing them of the violation of a particular provision of the CC&Rs, asking for correction of the violation with specific action required for correction within 30 days of receipt of notice, and informing the owner of the right to appeal as defined below.

2. Initial Fine Notice

If the violation has not been remedied as determined by the Board of Directors during their next review following a 30-day period after the Violation Notice, the second communication will be from the Board of Directors via regular mail stating the violation, initial fine and any other important information. This will be followed with an invoice from the Association Bookkeeper.

3. Daily Fine Notice

If the violation has not been remedied as determined by the Board of Directors during their next review following a 30-day period after the Initial Fine Notice has been received by the property owner, the third communication will be sent from the Board of Directors via regular mail with documentation from the Board of Directors stating the violation, that the daily fine has commenced, and that they will be billed monthly until the violation has been remedied. This will be followed with an invoice from the Association Bookkeeper.

The bookkeeper will send these invoices as directed by the Treasurer and the Treasurer will inform the Board of Directors of the status. It is the responsibility of the property owner to notify the Board of Directors at any time that the property owner feels that the violation has been remedied.

4. Right to Appeal

The property owner shall be entitled, upon written request made to the Board of Directors within 10 business days of the receipt of the first communication by the Board of Directors, to request a hearing before the Board of Directors to contest the violation and/or fine. The hearing will be held within 10 business days of the request with the option of extending to up to 30 days at the request of the property owner. The board of directors may designate a committee to hold the hearing.

At such hearing, the property owners shall have the right to be represented by legal counsel and to have a reasonable amount of time to produce any statement, evidence, or witnesses on their behalf. The board will in most cases make a determination at the hearing. If a decision is not forthcoming at the hearing, the property owner will be informed of the decision within 30 days. The minutes of the hearing shall contain a written statement of the results of the hearing and the fine, if any, that is imposed. The Association is not required to provide such notice and opportunity to be heard for recurring or continuing violations unless no fewer than 90 days have passed from the time of the previous violation.

Fines and Charges

The Association through its Board of Directors may levy reasonable fines against a property owner for any violation of the CC&Rs, committed by a property owner, their tenant, guest, invitee, or any other person. Fines are considered Association assessments.

Schedule of Fines

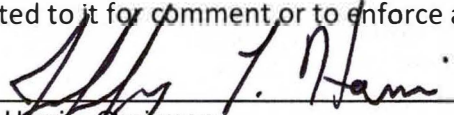
The Board of Directors may assess fines based on the latest revision of PPPOA Resolution #08-01-2018 Schedule of Fines. The schedule of fines is subject to change by resolution.

Severability

If any section, subsection, paragraph, sentence, clause, or phrase of these Procedures is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portion.

Nonwaiver

Consent by the Association to any matter proposed to it within the jurisdiction, or failure by the Association to enforce any violation of the CC&R provisions, shall not be deemed to constitute a precedent or waiver impairing the Association's right to withhold approval as to any similar matter thereafter proposed or submitted to it for comment or to enforce any subsequent or similar violation of these rules.



Jeffrey Harris, Chairman 01 APR 21
Date



David Trachsel, Secretary 04-01-2021
Date



Cheryl Riddle, Treasurer 04-01-2021
Date



Jerry Koch, Director 04-01-21
Date

Mike Lee, Director Date



Rhonda Smith, Director 04-01-2021
Date

Vacant, Director Date