

PROVIDENCE SUBDIVISION HOMEOWNERS' ASSOCIATION, INC.
Resolution of the Board of Directors

ENFORCEMENT RESOLUTION & SCHEDULE OF FINES

Background

1. Providence Subdivision is subject to ORS Chapter 94 (the Oregon Planned Community Act) and the following documents, along with any amendments thereto, recorded in the official records of Deschutes County, Oregon:
 - 1.1. 2017 Amended & Restated Declaration of Conditions, Covenants, and Restrictions for Providence Subdivision ("Declaration"), recorded as Document No. 2017-040748; and
 - 1.2. 2017 Amended & Restated Bylaws for Providence Subdivision ("Bylaws"), recorded as Document No. 2017-040747.
2. Providence Subdivision Homeowners' Association, Inc. ("Association") was created to oversee the affairs and operations of the community.
3. Pursuant to ORS 94.630(1)(a), the Association is entitled to adopt rules and regulations for the community.
4. Pursuant to Section 7.3 of the Bylaws and ORS 94.630(1)(n), the Board of Directors is authorized to levy fines for violations of the Declaration, Bylaws, or rules and regulations of the Association.
5. 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 formal procedure for the handling of complaints and the enforcement of the Declaration, Bylaws, and Rules and Regulations to ensure owners receive notice and an opportunity to be heard in cases involving violations of the Declaration, Bylaws, or Rules and Regulations.
6. The Board deems it necessary and desirable to adopt a Schedule of Fines to be used by the Board in imposing sanctions for violations of the Declaration, Bylaws, or Rules and Regulations of the Association.

Resolution

1. The procedure set forth below shall now be the process for handling complaints and for enforcing violations of the Declaration, Bylaws, and Rules and Regulations.
2. VIOLATIONS
 - 2.1. The Board of Directors may begin enforcement proceedings if it determines that there is a 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.
 - 2.2. Any complaint submitted by an owner must contain the following:
 - 2.2.1. Name and address of owner submitting the complaint;
 - 2.2.2. Name and address of violating owner; and
 - 2.2.3. A description of the violation, including dates and times.
 - 2.3. At the Board's discretion, the name and address of the complaining owner may be kept private if the publication of such information would pose a threat to the complaining owner's safety.
3. PRELIMINARY WARNING
 - 3.1. After determining the existence of a violation, the Board shall issue the owner a preliminary warning.
 - 3.2. The preliminary warning must contain the following:
 - 3.2.1. A description of the violation;
 - 3.2.2. If available, photographs of the violation;
 - 3.2.3. A statement that the owner shall have 14 days from the date on the warning to cure the violation and notify the Board in writing that such violation has been cured; and
 - 3.2.4. What action must be taken by the owner to remedy the violation.

- 3.3. The preliminary warning shall be mailed to the owner via first-class mail to the address on file with the Association.

4. NOTICE

- 4.1. In the event the violating owner does not timely cure the violation after receiving a preliminary warning, the Board shall notify the owner of the violation.

- 4.2. The notice must contain the following:

- 4.2.1. A description of the violation;
- 4.2.2. If available, photographs of the violation;
- 4.2.3. A statement that the owner is entitled to an opportunity to be heard by the Board before further action is taken or fines are levied, and that the owner shall have 14 days from the date on the notice to present a written request to be heard;
- 4.2.4. The amount of the fine, consistent with the Schedule of Fines, that will be levied if the violation is not remedied;
- 4.2.5. Whether the fine will be levied daily, weekly, monthly, or per incident;
- 4.2.6. A description of any other remedies that may be taken by the Association to remedy the violation;
- 4.2.7. What action must be taken by the owner to remedy the violation;
- 4.2.8. If the violation is ongoing, the time frame for remedying the violation; and
- 4.2.9. A statement that the fines or other remedies shall be imposed unless the owner presents a written request for an opportunity to be heard by the Board within 14 days of the date on the notice.

- 4.3. The notice shall be mailed to the owner via first-class mail to the address on file with the Association.

5. RESPONSE TO NOTICE

- 5.1. The owner must respond to the notice of the alleged violation in writing within the 14 day period, regardless of whether the owner is challenging the imposition of the proposed sanction.
- 5.2. If the owner cures the alleged violation and notifies the Board in writing within the 14 day period from the date of the notice, the Board may waive the sanction at its discretion.
- 5.3. Such waiver shall not constitute a waiver of the right to sanction future violations of the same or other provisions by any person.
- 5.4. If a timely request for an opportunity to be heard is not made, the sanction stated in the notice may be imposed.
- 5.5. The Board of Directors may, at its discretion, suspend any proposed sanction if the violation is cured within the 14 day period.
- 5.6. Any response or request for an opportunity to be heard shall be delivered to the Association's manager, President, or Secretary, or as otherwise specified in the notice.

6. RIGHT TO BE HEARD

- 6.1. Prior to levying fines against a violating owner, the Board must give the owner an opportunity to be heard by the Board. The opportunity to be heard shall occur in an open Board meeting.
- 6.2. If the owner presents a written request to be heard after receiving the notice described in Section 4 above, the Board shall send the owner a notice containing the date, time, and place of the hearing.
- 6.3. If the violating owner fails to attend their opportunity to be heard, the Board may take any of the actions described in Section 7 below.
- 6.4. If the violating owner is present to be heard, 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.

7. BOARD DETERMINATION

7.1. At the conclusion of the opportunity to be heard, or if the violating owner fails to appear, the Board may:

7.1.1. Proceed with levying fines consistent with the Schedule of Fines;

7.1.2. Take any other enforcement action available; or

7.1.3. Dismiss the complaint.

7.2. After deliberation, the Board shall announce its decision in an open Board meeting, and record the decision in the Board's meeting minutes.

8. MISCELLANEOUS

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

8.2. A copy of this Resolution shall be sent or delivered to all owners.

President

Date

Secretary

Date

SCHEDULE OF FINES

Residential Use Violation (Declaration Section 4.1)	\$1,000 every two weeks
Short-Term Rental Violation (Declaration Section 4.2)	\$1,000 per occurrence
Landscaping Violation (Declaration Section 4.3)	\$100 every two weeks
Lot/Home Maintenance Violation (Declaration Section 4.4)	\$100 every two weeks
Animal Violation (Declaration Section 4.5)	\$100 every two weeks
Ongoing Nuisance / Offensive Activities (Declaration Section 4.6)	\$100 every two weeks
One-Time Nuisance / Offensive Activities (Declaration Section 4.6)	\$100 per occurrence
Parking / Vehicle Violation (Declaration Section 4.7)	\$200 every two weeks
Vehicle Disrepair Violation (Declaration Section 4.8)	\$100 every two weeks
Sign Violation (Declaration Section 4.9)	\$100 every two weeks
Rubbish / Trash Violation (Declaration Section 4.10)	\$100 every two weeks
Fence/Hedge Violation (Declaration Section 4.11)	\$100 every two weeks
Antennas/Satellite Dish Violation (Declaration Section 4.12)	\$100 every two weeks

Lighting/Noise Violation (Declaration Section 4.13)	\$100 every two weeks
Construction / Modification / Improvement Violation (Declaration Section 6.2)	\$100 per occurrence
Other Ongoing Violations of the Declaration, Bylaws, or Rules & Regulations	\$300 every two weeks
Other One-Time Violations of the Declaration, Bylaws, or Rules & Regulations	\$300 per occurrence