

Orinda Downs Homeowners' Association - ODHA Fiscal Year 2025 - 2026 Annual Report And Dues Notice

Dear Homeowners, in addition to the below Annual Due notice, please note the following:

- **Included in this mailing is a form to update/reconfirm your contact information for official ODHA communications. It is especially important that we have an accurate, current email address.** Without this we cannot provide you with important information. The email address also connects you to our community “firewise”. - - fire prevention - - notifications, contacts and advisories.
- The ODHA Annual Meeting is scheduled for Sunday, September 28, from 4:30 p.m. to 7 pm. All homeowners and their families are invited to attend. More details will be sent out closer to the event.
- The Sundown Terrace-Dalewood connecting roadway (owned by ODHA) was completely resurfaced earlier this year. Please note that **no parking is ever permitted** (even for drop-offs) on the private road. This is both for safety reasons, complete unimpeded access for fire, ambulance, and other emergency vehicles as well as for safe passage through the narrow roadway.

Dues Payment

The annual dues are \$400.00 for each Orinda Downs Homeowners' Association residence or home site. Payments are due June 1st and delinquent July 15 of each year. Payments not received by July 15 will be subject to a late fee of \$50.00. Delinquent accounts also bear interest at 12% per annum. Note that \$400 is an increase of \$50 from the prior year. It was approved by the Board to support maintenance of a sufficient reserve following the installation of the new play structure at the park and the repaving of the road plus anticipated expense on the basketball court and other priorities.

Please mail your \$400.00 dues payment by June 6th , to:

**Orinda Downs Homeowners' Association
P.O. Box 477
Orinda, CA 94563**

- Make checks payable to the Orinda Downs Homeowners' Association.
- Write the property address on check if different from the name and/or address pre-printed on the check.
- **Please note the fiscal year** for which you are paying the dues ***June 2025 - May 2026***.

Alternatively, you may now pay your dues online at the ODHA site - - www.Orindadowns.org -by credit card. To handle credit card fees, the amount to pay online is \$410 rather than \$400.

Annual dues support the maintenance, fire safety and improvements of Dalewood Park, the private road along the park, ODHA signage, website, directory, insurance, postage for mailings, etc. Dalewood Park provides recreation for those using the facilities and increases member's property values. The current ODHA pro forma budget and prior fiscal year expenditures are available for your review at www.orindadowns.org.

Orinda Downs Homeowners Association Mission

As set forth in more detail in the Association by-laws and CCRs (posted on our website), the Association exists to insure and maintain the best use and development of the properties and buildings

within its boundaries and protect owners against improper usages in neighboring sites that might depreciate the value of investments made by purchasers of other homes within the home owner association borders and to preserve to the extent practical the natural beauty and open sight lines found within the OHDA borders. The OHDA Board attends to three primary duties - - maintenance of the park, maintenance of the private road and conducting the work of the Architectural Review Committee which reviews and approves changes and improvements to properties within the Downs. As noted last year, the directors and Architectural Review Committee are unpaid volunteers. We cannot and do not police ongoing home improvement or building projects or other activities covered by our governing rules. But we strongly recommend that you seek required advance approval for such work, including the required notifications to you neighbors, so you are safe from possible later issues which could include requiring undoing of unapproved work that does not comply with requirements. Action on requests is very prompt and accommodating to the extent permitted by our rules. Thank you.

Board Of Directors

The Board of Directors and their roles as of June 1, 2025 are as follows:

Michael Berta, President

Hatti Hamlin, Vice-President, Architectural Review Committee

Marty Glick, Secretary

Alex Rogin, Treasurer

Chris Anderson, Architectural Review Committee

Patty Schimbor, Park Maintenance

Claudia Gohler, Web Site Maintenance and communications

Other

We have updated our disclosures based on current California law. We recommend that you review the rest of this packet in its entirety as it is for your benefit. The HOA is required to provide it.

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DUES NOTICE

INVOICE

Date: May 15, 2025

Orinda Downs Homeowners' Association
P.O. Box 477
Orinda, CA 94563

To: Owner

DESCRIPTION	AMOUNT
Orinda Downs Homeowners' Association Annual Dues June 1, 2024 to May 31, 2025 Payments not received by July 15 will be subject to a late fee of \$50.00. Delinquent accounts also bear interest at 12% per annum	\$400.00
TOTAL	\$400.00

For a copy of the Orinda Downs Homeowners' Association's by-laws or CCRs (Declaration or Restrictions), please visit www.orindadowns.org.

Thank you,

Orinda Downs Homeowners' Association Board Members

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Annual Request for Notice Address, Representative and Rental Status

Pursuant to Civil Code Section 4041, please complete this form and return it to the Orinda Downs Homeowners' Association at the address below:

**Orinda Downs Homeowners' Association
P.O. Box 477
Orinda, CA 94563**

(1) The name(s) of the property owner(s):

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(2) The property address within the Association:

(3) Preference, if any, for communications from ODHA:

email

physical mailing address

(4) An email address to which communications may be sent:

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(5) A primary mailing address:

Note: Members have the right to request a 2nd alternative mailing address if they follow the process identified in Right to Notice to Two Addresses in the Annual Policy Statement.

(6) Optional: The name and address of your legal representative, power of attorney, or other person (if any) who can be contacted in the event of your extended absence:

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(7) Is the property you own (check one):

Owner Occupied

Developed, but vacant

Rented out

Undeveloped

Note: if an owner fails to provide the notices set for in paragraph (1) and (2) of subdivision (a), the last address provided in writing by the owner in the prior 3 years or, if none, the property address shall be deemed to be the address to which notices are delivered.

Orinda Downs Homeowners' Association

Request for Architectural / Landscape Review

Homeowners are required to submit property improvement plans to the Association for review and comment prior to beginning the improvements. These requirements are outlined in the Declaration of Restrictions (CCRs). Each homeowner is subject to these restrictions. The City of Orinda approval and permits may be required but do not constitute approval of the Orinda Downs Homeowners' Association.

Name: _____ Date: _____

Address: _____

Phone: (home) _____ (mobile) _____ Proposed Start Date: _____ End Date: _____

Check all the following improvement types that apply to your request

HOME IMPROVEMENTS (examples, not comprehensive)		
• Structural Addition	• Solar Panels • Play Structure • Storage Shed	• Building Removal
• Deck/Patio	• Gazebo/Arbor • Pool/Spa • Dog run	• Retaining Walls
• Trellis	• Greenhouse • Utility Yard • Skylights	• Solar Panels
• Sat. Dish/Antenna	• Lighting Additions • Windows/Doors • Gates	• Painting
• Mail Box Enclosure	• Sculptures • Garage Doors • Lot line adjustments	• Other (specify)
LANDSCAPE IMPROVEMENTS (examples, not comprehensive)		
• New Landscape	• Tree addition - juniper, redwood or eucalyptus or, when full grown, exceeds 15 feet	• Out-buildings
• Hardscape	• Landscape lights • Water Features • Solar Panels	• Pool houses
• Fencing/hedges/walls	• Horses or ponies • Signs	

The applicant is responsible for assuring that the improvements authorized by the Association are located within the Applicant's property

If you are only submitting a request to change the color of your home:

1. Enclose or clearly identify paint manufacturer color samples with this application
2. Identify which paint samples apply to the body of the house, trim/fascia and trim accent colors.

All other improvements:

1. Submit your scale drawings and plot plans to the Association: P.O. Box 477, Orinda, CA 94563 or via email. 2. The committee must be informed of all materials used in your improvement in sufficient detail for proper review. Where appropriate, submit samples or color photos of the material (brick, slate, wrought iron, lighting standards, etc.) In its sole discretion the Association may ask for more information regarding your improvement during the review process. While waiting for a response from the owner the 30-day approval time frame will suspend and then resume with receipt of additional information.
2. You must submit with your application, proof of written notice of your plans to your neighbors. Neighbors are those on any side of the property and those across the street with visibility to the proposed changes. Written notice may be by letter, or email. Neighbors wishing to provide comments or objections, must do so promptly.
4. Please note: The City of Orinda requires approval of certain types of improvements. The owner is solely responsible for fulfilling any municipal requirements.

Owner Signature / Date

IMPROVEMENT WORK MAY NOT COMMENCE WITHOUT WRITTEN APPROVAL OF THE ORINDA DOWNS HOMEOWNERS ASSOCIATION. PLEASE SUBMIT PLANS ANTICIPATING UP TO 30 DAYS FOR REVIEW AND COMMENT BY THE ARCHITECTURAL COMMITTEE. UNAUTHORIZED IMPROVEMENTS ARE SUBJECT TO REMOVAL.

**Orinda Downs Homeowners Association
Request for Architectural / Landscape Review (Continued)**

Please describe your improvement in detail:

Who is your ...

- Architect: _____
- General contractor: _____
- Landscape contractor: _____

IMPORTANT! You must comply with the requirement to provide notice of your plans to your neighbors.

Name	Address and Phone Number Signature

For Association Use Only: Property Address: _____

Committee Member Name: _____ Date: _____ Recommendation: Approve as Submitted/ Approve with Conditions / Deny Comments:
Committee Member Name: _____ Date: _____ Recommendation: Approve as Submitted/ Approve with Conditions / Deny Comments:
Committee Member Name: _____ Date: _____ Recommendation: Approve as Submitted/ Approve with Conditions / Deny Comments:

General Information

Orinda Downs Homeowners’ Association 2023 Annual Report and Policy Statement

Important Information - Please Read

The Orinda Downs Homeowners’ Association (“Association”) is a nonprofit general purpose corporation formed to operate and manage the Association’s affairs.

The Association is composed of homeowners in the area of the city of Orinda known as Orinda Downs. The real properties comprising the Association are adjacent to the following streets: Amber Valley Drive, Coachwood Terrace, Dalewood Drive, Dalewood Terrace, Fallen Leaf Terrace, Honeywood Road, Silver Oak Terrace, Red Coach Lane, Singingwood Lane and Sundown Terrace. Public areas owned by the Association are Dalewood Park, the road connecting Dalewood Drive to Sundown Terrace, the open space south of the park, and the corner of Dalewood Drive and Lombardy Lane. Some properties adjacent to the aforementioned roads are members of the neighboring homeowners’ association: The Orinda Downs Owners’ Association, a separate entity.

The Association is governed by a volunteer Board of Directors elected by its membership. The fiscal year commences annually June 1 and ends on May 31 of the subsequent year.

Management Information

The elected directors of the Association meet

quarterly. Meetings are open to all members of the Association. An annual meeting is held once per year. Please read the CC&Rs and Bylaws of the Association to become familiar with them. The names of elected directors, CC&Rs and Bylaws are posted on the website at www.orindadowns.org.

Pro-forma Operating Budget

Each fiscal year, the Association is required to prepare a pro-forma operating budget showing the estimated revenue and expenses on an accrual basis for the upcoming year. This budget is used to determine the per unit assessments that are collected from each property owner. The board of directors has reviewed and approved this budget. A copy of the operating budget is posted at www.orindadowns.org pursuant to Civil Code Section 5570.

Reserve Study

Every three years the Association is required to conduct a Reserve Study (“Study”). The Reserve Study is prepared by an independent professional organization.

Study (with site inspection) is prepared every three years, reviewed and adopted by the Board of Directors, and updated as needed. The Study includes the current estimated costs, estimated remaining life and estimated useful life of major common area components; the current estimate of the total annual reserve contribution necessary to repair, replace, restore or maintain these components; and the current amount of reserves actually set aside for this purpose. The Study also shows the percentage difference between the estimated cost to repair and the actual amount of reserves set aside as well as the current deficiency (if any) in reserve funding expressed on a per unit basis.

The Reserve Study includes a Reserve Funding Plan adopted by the Board of Directors that indicates how the Association plans to fund the contributions necessary for the repair and replacement of all major common area components with an expected remaining life of 30 years or less.

The Reserve Study includes a statement of the procedures used for the calculation and establishment of the reserves needed to pay for the future repair and replacement of those components that the Association is obligated to maintain. Calculation of the amount of reserves needed to be accumulated for a component at a given time is based on the current cost of the replacement or repair multiplied by the number of years the component has been in service divided by the useful life of the component.

A copy of the Reserve Study as completed by the Reserve Study preparer is available on the website www.orindadowns.org pursuant to Civil Code Section 5570.

Special Assessments

If the Board of Directors has determined or anticipates that the levy of one or more special assessments will be required to repair, replace, restore or maintain major common area components or to provide adequate reserves to fund such items, the Association must distribute a statement including the estimated amount, commencement date and duration of the special assessment. As of the date of this report the Board does not anticipate that a special assessment will be required.

Outstanding Loans

If the Association has any outstanding loans with an original term of more than one year, the Association must distribute a statement including the payee, interest rate, amount outstanding, annual payment and when the loan is scheduled to be retired. As of the date of this report, there are no outstanding loans for this Association.

Insurance Disclosure Summary

As required by Section 5300 of the Civil Code a summary of the Association's policies of insurance are posted on the Association's website www.orindadowns.org. The disclosure includes the name of the insurer, the type of insurance, the policy limit and the amount of the deductible for the Associations' property, general liability, and fidelity insurance (and/or earthquake, flood or workers' compensation insurance, if applicable).

This summary of the association's policies of insurance provides only certain information, as required by Section 5300 of the Civil Code, and should not be considered a substitute for the complete policy terms and conditions contained in the actual policies of insurance. Any association member may, upon request and provision of reasonable notice, review the association's insurance policies and, upon request and payment of reasonable duplication charges, obtain copies of those policies. Although the association maintains the policies of insurance specified in this summary, the association's policies of insurance may not cover your property, including personal property or real property improvements to or around your dwelling, or personal injuries or other losses that occur within or around your dwelling. Even if a loss is covered, you may nevertheless be responsible for paying all or a portion of any deductible that applies. Association members should consult with their individual insurance broker or agent for appropriate additional coverage.

Charges for Documents Provided

The Association makes most required documents freely available on its website. For documents not available

on the website, we ask that members pay the cost to copy those documents.

Official Communications to the Association The Association has not designated a recipient to receive documents on behalf of the Association. As such, pursuant to Civil Code Section 4035, any official communications to the Association shall be delivered to the then current president or secretary of the Association. An official communication can be delivered by any of the following methods: email, personal delivery, first-class mail, postage prepaid, registered or certified mail, express mail, or overnight delivery. Mail should be directed to the Association address:

P.O. Box 477
Orinda, CA 94563

General Notices

The Association may post notices of a general nature on the Association's website: www.orindadowns.org. General Notices may also be distributed via email, letter, in a billing statement, newsletter, etc. pursuant to Civil Code Section 4045.

If a member requests to receive general notices by individual delivery, all general notices given to that member shall be delivered via first-class mail, postage prepaid, registered or certified mail, express mail, overnight delivery by an express service carrier. Individual delivery may also be accomplished via email, facsimile, or other electronic means if the recipient has consented, pursuant to Civil Code Section 4040.

Right of Notice to Two Addresses

Members of the Association may submit an official request to have general notices sent to up to two different specified addresses pursuant to Civil Code Section 4040(b).

Right to Receive Board Minutes

The minutes of any meeting of the Board of Directors, other than an executive session, shall be available to members. The minutes are posted on the Association's website at www.orindadowns.org. The minutes shall be distributed to any member of the Association upon request and upon reimbursement of the Association's cost for making that distribution, pursuant to Civil Code Section 4950. Members may request minutes by an Official Communication to the Association.

Assessment Collection Policy

This clause sets forth the Association's policy regarding the collection of assessments pursuant to the Association's Governing Documents and California Civil Code Sections 5600-5740.

(1) The Association has a duty to levy regular and special assessments sufficient to perform its

obligations under the governing documents and California Law. Regular assessments are determined once annually and are payable June 1st and become delinquent July 15 of each year.

(2) A regular or special assessment and any late charges, reasonable fees and costs of collection, reasonable attorney's fees, if any, and interest as determined in accordance with Civil code Section 5650, shall be a debt of the owner of the separate interest at the time the assessment or other sums are levied. Each assessment or charge is also a lien on the owner's property from and

after the time the Association causes a Notice of Delinquent Assessment (Lien) to be recorded with the County Recorder's Office of the County in which the property is located. Per the Association CC&Rs, Article 25: ***Each lot within the subdivision is subject to the annual charge of assessment of the "Orinda Downs Homeowners' Association," a nonprofit corporation, the amount of which shall be fixed from time to time by said Association ... and shall become a lien when due and payable and shall so continue until fully paid. Provided, however, that the lien herein created shall be, and is hereby, subordinated to the lien of any presently or subsequently recorded first deed of trust or mortgage on each of said lots.***

(4) Delinquent accounts become subject to the following additional charges as contained in Civil Code section 5650 and the governing documents: (a) A late charge of \$25 dollars.

(b) A \$25 dollar charge to cover the initial costs of collection including the costs and fees incurred in setting up, processing and collecting delinquent accounts.

(c) Interest on all sums (including the delinquent assessment, the late charge, collection fees and costs) at an annual interest rate of 12.00% commencing 45 days after the assessment becomes due, whether or not charged prior to collection. If it is determined the assessment was paid on time to the Association the member will not be liable to pay the charges, interest and costs of collection.

(5) Any additional costs and fees incurred by the Association in setting up, processing and collecting delinquent accounts, including, without limitation, late charges, statement charges, charges for preparation of delinquency notices or forward to collection charges, as well as the recordation of a lien or initiation of foreclosure proceedings, postage, copies, envelopes, labels, filing and recording charges, delivery charges and attorney's fees, in addition to any other charges necessary to collect a delinquent assessment shall become an additional charge against the member and the member's property and shall be subject to collection action pursuant to this policy.

(6) If partial payments are accepted, they must be

applied pursuant to Civil Code 5655: first to assessments owed, then when those are paid in full, payments shall be applied to the fees and costs of collection, then attorney's fees, then late charges or interest. Members may request a receipt and the Association shall provide it. The receipt shall indicate the date of the payments and the person who received it.

(7) Once an assessment, or any portion thereof, has become delinquent, the owner may receive an initial delinquency notice stating all amounts past due and any known collection charges imposed as of the date of the

notice, which may be in the form of a letter, monthly statement, past due notice, or any other form of writing or notice from the Association or its designated agent.

(8) If an assessment account remains unpaid for at least 90 days after it is due, the Association or its designated agent shall, at least 30 days prior to recording a lien upon the separate interest of the owner of record, notify the owner in writing by certified mail of all the notice requirements pursuant to Civil Code Section 5660. Prior to recording a lien for delinquent assessments, the owner has the right to request to participate in dispute resolution pursuant to Civil Code Section 5900-5920. See Dispute Resolution Procedures below.

(9) At the expiration of 30 days following the Notice of Intent to Record a Lien, the Association or its designated agent will, without further notice to the owner, record a lien against the owner's property. The notice of delinquent assessment shall be mailed in the manner set forth in Section 2924b, to all record owners of the owner's interest in the common interest development no later than 10 calendar days after recordation.

(10) The lien recorded shall be prior to all other liens recorded subsequent to the notice of assessment, except that the declaration may provide for the subordination thereof to any other liens and encumbrances.

(11) A release of lien will not be recorded until the entire balance of the owner's account is paid in full. All charges incurred in recording a Release of Lien, including reasonable attorney or agent fees and costs, will be charged to the account. Within 21 days of payment in full the Association shall record or cause to be recorded in the office of the county recorder a release of lien or notice of rescission and provide the owner of the separate interest a copy of the recorded release of lien.

(12) If it is determined that a lien previously recorded against a separate interest was recorded in error, the party who recorded the lien shall within 21 calendar days, record or cause to be recorded in the office of the

county recorder, a release of lien or notice of rescission and provide the owner of the separate interest a copy of the recorded document with a declaration stating that the recording was in error.

(13) Judicial or Non-Judicial foreclosure proceedings may not begin until the amount of the delinquent assessments secured by the lien, exclusive of any accelerated assessments, late charges, fees and costs of collection, attorney's fees, or interest, equals or exceeds one thousand eight hundred dollars (\$1,800), or the assessments are more than 12 months delinquent. Prior to initiating a foreclosure for delinquent assessments, the Association will offer the owner and, if so requested by the owner, shall participate in dispute resolution

pursuant to the Association's "Meet and Confer" program, required by Civil Code Sections 5900 - 5920 or alternative dispute resolution with a neutral third party pursuant to Civil Code Sections 5925-5965. The decision to pursue dispute resolution or a particular type of alternative dispute resolution shall be the choice of the owner, except that binding arbitration shall not be available if the Association intends to initiate a judicial foreclosure. See dispute resolution policy below.

(14) Nothing in this section or in subdivision (a) of Section 726 of the Code of Civil Procedure prohibits actions against the owner of a separate interest to recover sums for which a lien is created or prohibits an Association from taking a deed in lieu of foreclosure.

(15) Unless an owner disputes the validity of the assessment debt, or any portion thereof, within 30 days after receipt of the notice pursuant to clause (8) of this assessment collection policy, the debt will be assumed to be valid. Validation of the debt will be provided in writing, at no additional cost of the owner and will include 1) an itemized statement of the charges owed by the owner, including items on the statement which indicate the amount of any delinquent assessments, the fees and reasonable costs of collection, reasonable attorney's fees, any late charges, and interest; 2) the Association's name; 3) the Association's mailing address.

(16) An owner has the right to request a meeting with the board to discuss payment of an assessment. The board shall meet with the owner in executive session within 45 days of the postmark of the request, if the request is mailed within 15 days of the date of the postmark of the notice, unless there is no regularly scheduled board meeting within that period, in which case the board may designate a committee of one or more directors to meet with the owner.

(17) Pursuant to Civil Code Section 5205, the member has the right to review the Association records. The member should contact the Association's Board for the policies and procedures set for to inspect the records.

(18) The Association reserves the right to avail itself of any other remedy permitted by law and the Association's governing documents to collect assessments and related costs and charges, including but not limited to bring an action in Small Claims or Superior Court. Such remedies may be taken in addition to, or in lieu of, any actions already taken, and commencement of one remedy shall not prevent the Association from electing at a later date to pursue another remedy.

(19) Payments returned for insufficient funds, closed account, stop payment or for any other reason will be charged back to the owners account in addition to any administrative fee, bank fee, or collection fees and costs incurred to handle the returned payment. Personal checks will not be accepted if two (2) payments are "Returned" by the bank for any reason.

(20) Except for notice that under California law must be sent by certified mail, notice is sufficient if either hand delivered or mailed first class, postage prepaid, to the owner at the address on the membership register at the time of notice. Notice is presumed received three (3) days after notice was mailed.

(21) Owner is required to notify the Association of any change in the owner's name or mailing address. Upon receipt of a written request by an owner identifying a secondary address for purposes of collection notices, the Association shall send additional copies of any notices required by this section to the secondary address provided. The owner's request shall be in writing and shall be mailed to the Association in a manner that shall indicate the Association has received it. The owner may identify or change a secondary address at any time, provided that, if a secondary address is identified or changed during the collection process, the Association shall only be required to send notices to the indicated secondary address from the point the Association receives the request.

(22) If any provision of this Policy is determined to be null and void, all other provisions of the Policy shall remain in full force and effect.

Enforcement of Governing Documents

All members, residents and guests are obligated to abide by the Governing Documents. The Association encourages each member to review the CC&Rs, Bylaws, Articles and all Rules and to attend board or committee meetings to learn more about the requirements of the Governing Documents. The Association's goal is to assist members, residents and guests in complying with the Governing Documents to promote an enjoyable, safe community beneficial to all.

In the event of a perceived violation of the Governing Documents, the Association will investigate and determine whether and what type of action is warranted (if any). Except in the case of a need for immediate

action (such as to deal with a hazardous condition), the Board will inform the property owner of the issue and provide an opportunity for the property owner to respond. The CCRs provide further information as to the range and amounts of possible fines and sanctions and applicable procedures are also in the By-Laws.

In addition to fines and other penalties, the Board may impose a “special purpose” assessment to recover the cost of performing or enforcing any responsibility which would otherwise be

the responsibility of a Member to perform under the Governing Documents.

Fines and special purpose assessments may be recovered in any matter permitted by law.

Dispute Resolution Procedures

California law provides a means by which Members and the Association can engage in mediation, arbitration or other forms of dispute resolution with respect to disputes arising under the Nonprofit Mutual Benefit Corporation Law (Part 3 commencing with Section 7110) of Division 2 of Title 1 of the Corporations Code), or the enforcement of the Governing Documents and the Davis-Stirling Common Interest Development Act.

Generally, the California Civil Code starting with Section 5930 requires parties to request alternative dispute resolution before filing a lawsuit to enforce the Governing Documents, with certain exceptions. Alternative dispute resolution means mediation, arbitration, conciliation, or other nonjudicial procedure that involves a neutral party in the decision-making process. The form of alternative dispute resolution chosen may be binding or nonbinding with the voluntary consent of the parties. The costs of alternative dispute resolution shall be borne by the parties. If litigation results, the prevailing party is entitled to an award of reasonable attorney fees and costs.

Civil Code Section 5965 requires a common interest development to make the following disclosure:

Failure of a member of the association to comply with the alternative dispute resolution requirements of Section 5930 of the Civil Code may result in the loss of the member’s right to sue the association or another member of the association regarding enforcement of the governing documents or the applicable law.

Prior to engaging a neutral third party in an alternative dispute resolution procedure, members and the Association are encouraged to engage in an internal dispute resolution effort.

Civil Code Section 5920 also requires a common interest development to describe its’ internal dispute resolution procedure. That procedure, unless another is adopted, is as follows:

- (1) Either party to a dispute may request the other party meet and confer in an effort to resolve the dispute. The request to meet shall be in writing.
- (2) A member of the Association may refuse a request to meet and confer. The Association shall not refuse a request to meet and confer.
- (3) The Board shall designate a director to meet and confer.
- (4) The parties shall meet promptly at a mutually convenient time and place, explain their positions to each other, and confer in good faith in an effort to resolve the dispute. The parties may be assisted by an attorney or another person at their own cost when conferring.
- (5) A resolution of the dispute agreed to by the parties shall be memorialized in writing and signed by the parties, including the board designee on behalf of the Association.
- (6) A written agreement reached under this section binds the parties and is judicially enforceable if it is signed by both parties and both of the following conditions are satisfied:
 - (a) The agreement is not in conflict with the law or the governing documents of the common interest development or Association
 - (b) The agreement is either consistent with the authority granted by the board to its designee or the agreement is ratified by the board.
- (7) A member shall not be charged a fee to participate in the process.

Architectural Guidelines and Procedures Per article 3 of the CC&Rs of the Association: *No building, fence, wall, rip rap or other structure shall be commenced, erected or maintained on said tract nor shall any addition to or change or alteration therein (including any retreatment by painting or otherwise of any exterior part thereof) be made until the plans and specifications showing the nature, kind, shape, height, materials, floor plans, color scheme and location of such structure and the grading plan and landscape concept of the plot to be built upon shall have been submitted to and approved in writing by the Architectural Review Committee (hereinafter referred to as “Committee”), and a copy thereof, as finally approved, lodged permanently with the Committee. The plans and specifications for any major construction or alteration shall be prepared by a licensed architect; provided however that the Committee may approve the services of a competent designer in lieu of the services of a licensed architect. Prior to giving approval to any improvement of any sort, the Committee shall first determine whether such improvements complies with the specific covenants, conditions and restrictions set forth herein and whether it is consistent with the factors set forth in Section 2 hereof. In order to ensure compliance with either of the foregoing the*

Committee may make alternative suggestions to a proposed improvement, give approval thereto only subject to certain conditions, or deny approval thereof altogether.

The directors elected to serve on the Architectural Committee are listed on the website, www.orindadowns.com, and requests or plan can be sent directly to them or mailed to the Association at:

P.O. Box 477
Orinda, CA 94563

Summary Abatements of Violations of CC&Rs

Per Article 24 of the CC&Rs of the Association:

Violation of any restriction, condition or covenant herein shall give declarant the right to enter upon property where such violation exists and summarily abate or remove the same at the expense of the owner, and such entry and abatement and removal shall not be deemed a trespass. The owner of the property where such violation exists shall reimburse declarant for the cost of such entry, abatement, or removal and such cost shall become a lien against said property.

Overnight Payment of Assessments

Please mail overnight assessments to the President or Treasurer of the Association, as listed on the Association's website pursuant to Civil code Section 5655.

NOTICE ASSESSMENTS AND FORECLOSURE

This notice outlines some of the rights and responsibilities of owners of property in common interest developments and the associations that manage them. Please refer to the sections of the Civil Code indicated for further information. A portion of the information in this notice applies only to liens recorded on or after January 1, 2003. You may wish to consult a lawyer if you dispute an assessment.

ASSESSMENTS AND FORECLOSURE

Assessments become delinquent 15 days after they are due, unless the governing documents provide for a longer time. The failure to pay association assessments may result in the loss of an owner's property through foreclosure. Foreclosure may occur either as a result of a court action, known as judicial foreclosure, or without court action, often referred to as nonjudicial foreclosure. For liens recorded on and after January 1, 2006, an association may not use judicial or nonjudicial foreclosure to enforce that lien if the amount of the delinquent assessments or dues, exclusive of any accelerated assessments, late charges, fees, attorney's fees, interest, and costs of collection, is less than one thousand eight hundred dollars (\$1,800). For delinquent assessments or dues in excess of one thousand eight hundred dollars (\$1,800) or more than 12 months delinquent, an association may use judicial or nonjudicial foreclosure subject to the conditions set forth in Article 3 (commencing with Section 5700) of Chapter 8 of Part 5 of Division 4 of the Civil Code. When using judicial or nonjudicial foreclosure, the association records a lien on the owner's property. The owner's property may be sold to satisfy the lien if the amounts secured by the lien are not paid. (Sections 5700 through 5720 of the Civil Code, inclusive)

In a judicial or nonjudicial foreclosure, the association may recover assessments, reasonable costs of collection, reasonable attorney's fees, late charges, and interest. The association may not use nonjudicial foreclosure to collect fines or penalties, except for costs to repair common area damaged by a member or a member's guests, if the governing documents provide for this. (Section 5725 of the Civil Code)

The association must comply with the requirements of Article 2 (commencing with Section 5650) of Chapter 8 of Part 5 of Division 4 of the Civil Code when collecting delinquent assessments. If the association fails to follow these requirements, it may not record a lien on the owner's property until it has satisfied those requirements. Any additional costs that result from satisfying the requirements are the responsibility of the association. (Section 5675 of the Civil Code)

At least 30 days prior to recording a lien on an owner's separate interest, the association must provide the owner of record with certain documents by certified mail, including a description of its collection and lien enforcement procedures and the method of calculating the amount. It must also provide an itemized statement of the charges owed by the owner. An owner has a right to review the association's records to verify the debt. (Section 5660 of the Civil Code)

If a lien is recorded against an owner's property in error, the person who recorded the lien is required to record a lien release within 21 days, and to provide an owner certain documents in this regard. (Section 5685 of the Civil Code)

The collection practices of the association may be governed by state and federal laws regarding fair debt collection. Penalties can be imposed for debt collection practices that violate these laws.

PAYMENTS

When an owner makes a payment, the owner may request a receipt, and the association is required to provide it. On the receipt, the association must indicate the date of payment and the person who received it. The association must inform owners of a mailing address for overnight payments. (Section 5655 of the Civil Code)

An owner may, but is not obligated to, pay under protest any disputed charge or sum levied by the association, including, but not limited to, an assessment, fine, penalty, late fee, collection cost, or

monetary penalty imposed as a disciplinary measure, and by so doing, specifically reserve the right to contest the disputed charge or sum in court or otherwise.

An owner may dispute an assessment debt by submitting a written request for dispute resolution to the association as set forth in Article 2 (commencing with Section 5900) of Chapter 10 of Part 5 of Division 4 of the Civil Code. In addition, an association may not initiate a foreclosure without participating in alternative dispute resolution with a neutral third party as set forth in Article 3 (commencing with Section 5925) of Chapter 10 of Part 5 of Division 4 of the Civil Code, if so requested by the owner. Binding arbitration shall not be available if the association intends to initiate a judicial foreclosure.

An owner is not liable for charges, interest, and costs of collection, if it is established that the assessment was paid properly on time. (Section 5685 of the Civil Code)

MEETINGS AND PAYMENT PLANS

An owner of a separate interest that is not a time-share interest may request the association to consider a payment plan to satisfy a delinquent assessment. The association must inform owners of the standards for payment plans, if any exists. (Section 5665 of the Civil Code) The board must meet with an owner who makes a proper written request for a meeting to discuss a payment plan when the owner has received a notice of a delinquent assessment. These payment plans must conform with the payment plan standards of the association, if they exist. (Section 5665 of the Civil Code)