

# Book of Resolutions

## Heceta South Homeowners Association

This *Book of Resolutions* documents all resolutions approved by the Heceta South Homeowners Association Board of Directors that remain in effect as of the Book's latest revision date.<sup>1</sup> These resolutions supplement the Association's current *Bylaws* and *Declaration of Covenants, Conditions, and Restrictions* (CC&Rs). All resolutions documented prior to 17 January 2023 in the previous *Book of Resolutions* were incorporated into the amended and restated Bylaws and CC&Rs, recorded 15 February 2023. These older resolutions have, therefore, been revoked.

Unless otherwise noted, the *Book of Resolutions* includes the full text of each resolution.

**Note:** The Enforcement Resolution can be considered one of the Heceta South HOA Governing Documents. As such, it is not included in this *Book of Resolutions*. It is available on the Heceta South HOA website at <https://hecetasouth.com/downloads>.

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<sup>1</sup> 7 July 2025

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## Collection of Unpaid Assessments, 02 July 2025

### HECETA SOUTH HOMEOWNERS ASSOCIATION BOARD OF DIRECTORS RESOLUTION

#### (Collection of Unpaid Assessments)

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##### RECITALS

A. The Board of Directors ("**Board**") of Heceta South Homeowners Association, an Oregon nonprofit corporation ("**Association**"), is charged with the operation and management of Heceta South, located in Lane County, Oregon.

B. The Association is governed, in part, by the following documents recorded in the Lane County, Oregon Official Records, including the:

- Declaration of Covenants, Conditions, Restrictions for Heceta South Subdivision Homeowners Association, Inc. Lane County, State of Oregon Amended and Restated, recorded on February 15, 2023, as Document No. 2023-003724 ("**Declaration**").
- Bylaws of Heceta South Subdivision Homeowners Association, Inc. Lane County, State of Oregon Amended and Restated, recorded on February 15, 2023, as Document No. 2023-003725 ("**Bylaws**").

C. The Association is also governed by its Articles of Incorporation, and other recorded and unrecorded documents governing the Association. Collectively, these documents contained in Recital B and this Recital C, as may be amended or supplemented, constitute the Association's governing documents ("**Governing Documents**").

D. The Association is also governed, in part, by the Oregon Planned Community Act, ORS 94.550 *et seq.*, and the Oregon Nonprofit Corporation Act, ORS Chapter 65.

E. ORS 94.630(1)(m) and (n) state:

"**94.630 Powers of association.** (1) Subject to subsection (2) of this section ... and except as otherwise provided in its declaration or bylaws, a homeowners association may: ... (m) Adopt rules regarding the termination of utility services paid for out of assessments of the association and access to and use of recreational and service facilities available to owners ... (n) Impose charges for late payment of assessments and attorney fees related to the collection of assessments ..."

F. ORS 94.550(1) states:

"**'Assessment'** means any charge imposed or levied by a homeowners association on or against an owner or lot pursuant to the provisions of the declaration or the bylaws of the planned community or provisions of ORS 94.550 to 94.783."

G. ORS 94.704(10)(a) and (b) state:

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Heceta South Homeowners Association

**"94.704 Assessment and payment of common expenses . . . (10)(a)** A lot owner may not claim exemption from liability for contribution toward the common expenses by waiving the use or enjoyment of any of the common property or by abandoning the owner's lot. (b) An owner may not claim to offset an assessment for failure of the association to perform the association's obligations."

H. ORS 94.709(1), (5), and (7) state:

**"94.709 Liens against lots; priority; duration; record notice of claim of unpaid assessment; foreclosure procedure.** (1) Whenever a homeowners association levies any assessment against a lot, the association shall have a lien upon the individual lot for any unpaid assessments. The lien includes interest, late charges, attorney fees, costs or other amounts imposed under the declaration or bylaws or other recorded governing document. The lien is prior to a homestead exemption and all other liens or encumbrances upon the lot except: (a) Tax and assessment liens; and (b) A first mortgage or trust deed of record . . . (5) Unless the declaration or bylaws provide otherwise, fees, late charges, fines and interest imposed pursuant to ORS 94.630(1)(L), (n) and (o) are enforceable as assessments under this section . . . (7) An action to recover a money judgment for unpaid assessments may be maintained without foreclosing or waiving the lien for unpaid assessments. A judgment entered on the action does not extinguish the lien. Payment of the judgment operates to satisfy the lien, or a portion of the lien, to the extent of the payment received."

I. ORS 94.712(1) and (2)(a) state:

**"94.712 Lot owner personally liable for assessment; joint liability of grantor and grantee following conveyance; limitations.** (1) Except as provided in subsection (4) of this section, an owner is personally liable for all assessments imposed on the owner or assessed against the owner's lot by the homeowners association. (2)(a) Subject to paragraph (b) of this subsection, in a voluntary conveyance of a lot, the grantee shall be jointly and severally liable with the grantor for all unpaid assessments against the grantor of the lot to the time of the grant or conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee therefor."

J. Article VII, Section 7.3 of the Declaration states:

**"7.3 Powers of Association.** The Association has such powers and duties as may be granted to it or imposed by the Oregon Planned Community Act, including each of the powers and duties set forth in ORS 94.630 as the statute may be amended to expand the scope of associations powers and duties, together with such additional powers and duties afforded by this Declaration, the Bylaws and the Oregon Nonprofit Corporation Act."

K. Article 4 of the Bylaws states, in part:

**"4.8 Power.** The Board of Directors has all the powers and duties necessary for the administration of the affairs of the Association, except such powers and duties as by law or

by the Declaration or these Bylaws may not be delegated to the Board of Directors by the Lot Owners. Specifically, and without limitation, the Board of Directors shall have the power to:

4.8.1 Conduct all business affairs of the Association.

\* \* \*

4.8.3 Exercise the powers of the Association as prescribed by the Declaration

\* \* \*

4.8.6 Act on behalf of the Association pursuant to all powers granted under Oregon law, subject to the Declaration.

\* \* \*

4.9 **Duties.** The Board of Directors shall:

4.9.1 Conduct the business affairs of the Association.

\* \* \*

4.9.4 Prepare a budget for the ensuing year to be presented to the Lot Owner membership at the annual meeting. A summary of said budget shall be mailed to all Lot Owners with the Annual Meeting notice.

4.9.5 As more fully provided in the Declaration:

A. Fix the amount of the annual assessment against each Lot and send written notice of annual assessments to every Owner subject thereto at least thirty (30) days in advance of the annual assessment period.

\* \* \*

4.9.10 Collect assessments from the Lot Owners as provided for in the Declaration.

\* \* \*

4.9.12 Amend, adopt, modify, or revoke rules and regulations governing the conduct of persons, the operation and use of Lots and common property, or the interpretation of the Governing Documents as it may deem necessary or appropriate in order to ensure the peaceful and orderly use and enjoyment of the planned community property. Those changes to rules and regulations shall be proposed and adopted by following the amendment procedures in Article X of the Declaration."

L. Article V of the Declaration states, in part:

"5.1 **Annual and Other Assessments.** The Homeowners Association shall assess a yearly assessment to each Lot to maintain and replace the streets, and an amount to pay the operating expenses of the Homeowners Association. This assessment shall be paid on or before the 1st day of January, and be delinquent on February 1st. If the annual assessment is

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Heceta South Homeowners Association

insufficient for whatever reason, the Board of Directors may levy other assessments against each Lot to pay the expenses of the Homeowners Association. Other assessments levied during the year shall be delinquent 60 days following the due date of the assessment. Delinquent Lot Owners shall be given a written notice of such delinquency by the secretary or other agent of the Homeowners Association. Delinquent Lot Owners shall be assessed a late fee of 10% of the assessment. In addition, all delinquent assessments shall be charged interest at a rate of twelve percent (12%) per annum beginning from the date of delinquency. Penalties may be enforced by recording the penalties as a lien and foreclosing said lien provided by ORS 94.550 through 94.785.

Notwithstanding the above, property acquired by Lane County through tax or lien foreclosure proceedings shall be exempt from assessments or any obligation to pay assessments for as long as the property is owned by Lane County.

\* \* \*

**5.3 Delinquency.** In the event of delinquency, notices of said delinquency shall be provided to the Owner(s) of each Lot that is delinquent at the mailing address provided to the Homeowners Association by the Owner of the Lot. The Homeowners Association may retain legal counsel to enforce the assessments. To the extent permitted by Oregon law, assessments shall become a lien against real property. To the extent, if any, allowed by law, the assessments may be foreclosed as a lien against real property. In the event that litigation is filed, the prevailing party shall be entitled to recover its reasonable attorney fees, in addition to any costs associated with prosecuting the case such as witness fees, expert witness fees and other related expenses.

**5.4 Determination of Annual Assessment.** During November of each year, the Board of Directors of the Homeowners Association shall review the budget for that fiscal year and the balance sheet for the previous year. The assessment for the upcoming year will be set each year by the Board of the Homeowners Association in a sum sufficient to pay actual and estimated association expenses and debts.

**5.5 Penalty.** Failure to pay assessments when due shall result in a late fee of 10% of the assessment so long as the assessments run unpaid. The penalty shall commence the day following the grace period. In addition, each delinquent assessment shall also be charged interest at a rate of twelve percent (12%) per annum beginning from the date of delinquency. Penalties may be enforced by recording the penalties as a lien and foreclosing said lien provided by ORS 94.550 through 94.785."

M. Article 6 of the Bylaws states, in part:

"**6.1 Assessments.** An assessment shall be levied to each Lot on the 1st day of January, in accordance with the declarations. Part of this assessment shall be deposited in a reserve fund dedicated to replace and/or resurface the streets[.] These funds will only be used for the purpose allowed in these Bylaws, the Declarations, and by ORS 94.550 through 94.785. The balance of this assessment will be used to pay the general operating expenses of the

Association, including but not limited to insurance, bonds, office expense, professional service, and other operating expenses.

\* \* \*

6.3 **Budget.** The annual budget shall be prepared by the Budget and Finance Committee by November 1st of the preceding year, approved by the Board of Directors, and presented to the membership at the annual meeting."

N. Owners sometimes become delinquent in their payments of these assessments and fail to respond to the demand from the Association to bring their accounts current.

O. The Board deems it to be in the best interest of the Association to adopt a uniform and systematic procedure for dealing with delinquent accounts in a timely manner and believes it to be in the best interest of the Association to refer these accounts promptly to an attorney for collection to minimize the Association's loss of assessment revenue.

#### RESOLUTION

##### NOW, THEREFORE, IT IS RESOLVED:

1. **Authority to Contact Attorney:** The Association (through its Board or Manager, if applicable) is authorized to contact the Association's attorney to pursue collection and request advice for the Board of Directors and the Association on other matters that the Board may request.

2. **Payment of Attorneys' Fees and Costs.** The Board or its Manager, acting on behalf of the Association, will be authorized to pay the usual and customary attorneys' fees for time incurred with the representation of the Association, together with all costs incurred, including, but not limited to, fees and charges for filing fees and recording fees, service of process, document reproduction, postage, investigator's services, and title reports, promptly upon receipt of the monthly invoice.

3. **Due Date.** The due date for annual assessments shall be the 1<sup>st</sup> day of January ("due date").

4. **Late Charges and Interest.** The Association will levy against any account where the assessment is not paid in full by February 1<sup>st</sup> of each year for the Annual Assessment or within 60 days of its due date for any other assessment, a late fee of 10% plus interest at 12.0% per annum on the delinquent sums, which will be charged to and collected from the delinquent Owner and property.

5. **Manager's Charges.** In the event the Association hires a Manager, the Manager's reasonable charges that are incurred in the collection of a delinquent account and that constitute additional or reimbursable charges in the Association's contract with the Manager, including but not limited to charges to transmit a delinquent file to the Association's attorney, may be levied as an assessment as described in the Declaration and defined under Oregon law, against that delinquent account.

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Heceta South Homeowners Association

6. **Application of Payments Received.** The Association will apply any payment received on an account first to the oldest outstanding debt on the account, whether the debt was incurred from monthly assessments or other assessments (including late fees, interest, and attorneys' fees and costs). But any payments made on an Owner's account subject to a judgment that do not bring the account current as of the date of the payment will be applied first to the unsecured debt.

7. **NSF Charges.** A \$35.00 per check charge, plus a \$10.00 redeposit fee and any fees charged by the bank, will be levied against any account on which a check is returned by the bank for non-sufficient funds or for any other reason.

8. **Notice of Unpaid Assessments.** The Board or its Manager, if applicable, will send a written statement of the delinquent balance to any Owner who is delinquent in the payment of regular or special assessments or other charges authorized by the Association's Governing Documents.

9. **Turnover to Attorney.** The Board or its Manager, if applicable, is directed to forward any account that is 60 days or more delinquent to the Association's attorney for appropriate collection action. The Association's attorney will be requested to send collection letters demanding payment from the Owner. If payment is not received after the attorney's demand letter, the attorney may record a notice of claim of lien against the delinquent Owner's Lot and thereafter, with Board approval, may file suit for collection and/or foreclosure of the lien. The Association shall assess all collection expenses, including attorneys' fees, to the delinquent Owner's account, whether or not suit or action is filed.

10. **Bankruptcy Notices.** The Board or its Manager is directed to consult with the Association's attorney and forward for collection any account where the Owner files or is the subject of a petition for relief in bankruptcy or a lender has commenced any action for foreclosure of its lien against the unit.

11. **Policies after Turnover to Attorney.** The following policies shall apply to all delinquent accounts forwarded to the Association's attorney for collection:

11.1 **No Contact with Owner about Delinquent Accounts.** Following turnover of the account to the Association's attorney, all contracts and contacts with a delinquent Owner shall be handled through the Association's attorney following the date the account has been forwarded to the Association's attorney for collection. Neither the Manager nor any Association officer or director may discuss the collection of the account directly with an Owner after it has been forwarded to the Association's attorney unless the Association's attorney is present or has consented to the contract or contact.

11.2 **Payments.** All sums collected on a delinquent account will be remitted to the Association in care of the Association's attorney until the account has been brought current. If the Board or its Manager receives payment directly, a copy of the payment must be immediately forwarded to the Association's attorney by email.



**11.3 Attorneys' Fees and Costs.** As permitted under the Governing Documents and Oregon law, all attorneys' fees and costs incurred in the collection of a delinquent account will be assessed against the delinquent Owner and will be collectable as an Assessment.

**11.4 Payment Plans.** With Board approval, the Association's attorney may enter into a payment plan agreement with the delinquent Owner on the Association's behalf.

**11.5 Authorizations.** If, at the expiration of the period specified in any of the Association's attorney's demand letters, an account remains delinquent, or in the event of a default under terms of a payment plan, the Association's attorney is authorized to take any action as believed to be in the best interest of the Association, including but not limited to:

**11.5.1 Notice of Claim of Lien.** Recording a notice of claim of lien against the delinquent Owner's Lot.

**11.5.2 Proof of Claim and Objection to Chapter 13 Plan.** Filing a proof of claim in bankruptcy, including associating bankruptcy counsel to assist.

**11.5.3 Suit for Money Judgment and Lien Foreclosure.** After consultation with the Board, instituting a lawsuit for a money judgment and foreclosure of the Association's lien.

**11.5.4 Garnishment.** After judgment is obtained, garnishing rent, bank accounts or paychecks.

**11.5.5 Investigation.** Hiring an investigator to locate any individual or assets.

**11.5.6 Foreclosure Guarantee/Title Report.** Ordering a Foreclosure Guarantee from a title company.

This Resolution was approved by the Board of Directors on July 2, 2025. A copy of this Resolution will be distributed to all owners by electronic means or regular mail at the addresses in the Association's files. This Resolution replaces and supersedes any previously established collection resolutions or policies of the Board of Directors.

**Heceta South Homeowners Association, an  
Oregon nonprofit corporation**

By:   
President

By:   
Secretary

# Code of Conduct for Board and Committee Members, 14 January 2024

HECETA SOUTH HOMEOWNERS ASSOCIATION, INC.  
Resolution of the Board of Directors  
**CODE OF CONDUCT FOR BOARD AND COMMITTEE MEMBERS**

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## RECITALS

- A. The Heceta South Homeowners Association, Inc. (HSHOA) is governed by the following documents, referred to herein as "Governing Documents":
  - 1. *Declaration of Covenants, Conditions and Restrictions (CC&Rs) for Heceta South Subdivision*, recorded on February 15, 2023 as Document No. 2023-003724 in the records of Lane County, Oregon, including any amendments thereto ("**Declaration**");
  - 2. *Bylaws of Heceta South Homeowners Association, Inc.*, recorded in Lane County, Oregon contemporaneously with the Declaration, including any amendments thereto ("**Bylaws**").
- B. The Association is also governed by the *Oregon Planned Community Act ("PCA")*, ORS 94.550-94.783 and the *Oregon Nonprofit Corporation Act ("NCA")*, ORS Chapter 65.
- C. Article IV, Sections 4.8 and 4.9 of the Bylaws detail the Powers and Duties of the Board of Directors ("**Board**").
- D. Many community association organizations recommend adoption of a code of conduct for Boards and Committees created by Boards to clarify standards and expectations, avoid misconduct, and promote decorum.<sup>1</sup>
- E. The Board deems it necessary and desirable to adopt a *Code of Conduct for Board and Committee Members*.

## RESOLUTION

**NOW, THEREFORE, IT IS RESOLVED** that the Code of Conduct set forth below is approved, and shall guide the conduct for Board and Committee Members.

Pursuant to a vote of the Board, this document is hereby adopted.

Dated: 14 Jan 2024



Richard Woodsmith  
President, Board of Directors  
Heceta South Homeowners Association, Inc.



Claudia Bidwell  
Secretary, Board of Directors  
Heceta South Homeowners Association, Inc.

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<sup>1</sup>Community Associations Institute (<https://www.caionline.org>); HOA Management (<https://www.hoamanagement.com>).

HECETA SOUTH HOMEOWNERS ASSOCIATION, INC.  
Resolution of the Board of Directors  
**CODE OF CONDUCT FOR BOARD AND COMMITTEE MEMBERS**

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**Heceta South Homeowners Association (HSHOA)**  
**Code of Conduct for Board and Committee Members<sup>23</sup>**

**Board members should:**

1. Attend and participate in all meetings and communications to the best of their ability.
2. Strive to serve the best interests of the association regardless of their personal interests.
3. Use sound judgment to make the best possible financial and business decisions for the association, taking into consideration all reasonably available information.
4. Act within the boundaries of their authority and duties as defined by law and the HSHOA Governing Documents.
5. Strive for transparency, and provide opportunities for residents to comment on decisions.
6. Perform their duties without bias for or against any individual or group of owners or residents.
7. Disclose personal or professional relationships with any company or individual who has or is seeking to have a business relationship with the association.
8. Conduct open, fair, and well-publicized elections.
9. Respect all duly adopted board decisions, even if the board member disagrees with the action.
10. Resign from the Board if the Board member can no longer adhere to this Code of Conduct.

**Board members should not:**

1. Reveal confidential information provided by contractors or share information with those bidding for association contracts unless specifically authorized by the board.
2. Make unauthorized promises to a contractor or bidder.
3. Advocate or support any action or activity that violates a law or regulatory requirement.
4. Use their positions or decision-making authority for personal gain or to seek advantage over another owner or resident.
5. Spend unauthorized association funds for their own personal use or benefit.
6. Accept any gifts, directly or indirectly, from owners, residents, contractors, or suppliers. Gifts from personal friends when the gift is in no way associated, in fact or by perception, with HOA business are acceptable.
7. Misrepresent known facts in any issue involving association business.
8. Divulge personal or financial information about any association owner, resident or contractor that was obtained in the performance of board duties.
9. Make personal attacks on colleagues, staff, or residents.
10. Harass, threaten, or attempt through any means to control or instill fear in any board member, owner, resident, employee, or contractor.
11. Reveal to any owner, resident or other third party the discussions, decisions, and comments made at any meeting of the board properly closed or held in executive session.

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<sup>2</sup> Modified from, "Model Code of Ethics for Community Association Board Members," Community Associations Institute, [www.caionline.org](http://www.caionline.org).

<sup>3</sup> Revised 10 January 2024, by vote of the Heceta South HOA Board of Directors.

## Amendment to the 2020 Reserve Account Loan Repayment Schedule, 11 October 2023

**Note:** Also see CC&R 2.10.

### HECETA SOUTH HOMEOWNERS ASSOCIATION, INC.

#### Resolution of the Board of Directors

#### AMENDMENT TO THE 2020 RESERVE ACCOUNT LOAN REPAYMENT SCHEDULE

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##### RECITALS

- A. The Heceta South Homeowners Association, Inc. (HSHOA) is governed by the following documents, referred to herein as "Governing Documents":
  - 1. *Declaration of Covenants, Conditions and Restrictions (CC&Rs) for Heceta South Subdivision*, recorded on February 15, 2023 as Document No. 2023-003724 in the records of Lane County, Oregon, including any amendments thereto ("**Declaration**");
  - 2. *Bylaws of Heceta South Homeowners Association, Inc.*, recorded in Lane County, Oregon contemporaneously with the Declaration, including any amendments thereto ("**Bylaws**").
- B. The Association is also governed by the Oregon Planned Community Act ("**PCA**"), ORS 94.550-94.783 and the Oregon Nonprofit Corporation Act ("**NCA**"), ORS Chapter 65.
- C. Article VII, Section 7.7 of the CC&Rs empowers the Board to adopt, modify, or revoke Association procedures by resolution.
- D. ORS 94.595 (6)(b) and Bylaw 6.1 empower the Board to borrow funds from the Reserve Account to meet unexpected increases in expenses, provided both the borrowing and a written repayment plan has been adopted by resolutions.
- E. On November 19, 2020 the HSHOA Board of Directors (BOD) transferred \$8,000 from the Association's Reserve Account to its Operating Account as a loan to cover higher than planned legal fees incurred during fiscal year 2020.
- F. On March 3, 2021 the BOD transferred \$8,450 from the Association's Operating Account to its Reserve Account. \$2,000 of this amount was designated in the 2021 budget as a payment toward the November 19, 2020 loan obligation. The remaining \$6,450 was designated as the annual Reserve Account distribution.
- G. On March 13, 2021 the BOD approved two resolutions pertaining to this loan:
  - 1. "HSHOA Resolution One, 2021" stated the transfer of funds as a loan.
  - 2. "HSHOA Resolution Two, 2021" stated a loan repayment plan as follows: Each year, beginning in 2021 and ending in 2024, after collection of that year's assessment, \$2,000 will be transferred from the Operating Account to the Reserve Account until the loan obligation is fulfilled. Any excess funds remaining in the Operating Account at the end of a fiscal year are to be applied to the loan obligation.
- H. On October 12, 2021 the BOD approved a motion to repay the loan as scheduled from the "Unreserved Fund", rather than from annual operating assessments. The motion further stated that the treasurer may, with BOD approval, pay off the balance of the loan in this manner at any time provided sufficient funds are available in the "Unreserved Fund".
- I. To date, due to an unintentional oversight, the March 3, 2021 payment is the only payment that has been made toward this loan obligation. Therefore, there is an outstanding balance of \$6,000 on the loan.

HECETA SOUTH HOMEOWNERS ASSOCIATION, INC.  
Resolution of the Board of Directors  
**AMENDMENT TO THE 2020 RESERVE ACCOUNT LOAN REPAYMENT SCHEDULE**

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**RESOLUTION**

**NOW, THEREFORE, IT IS RESOLVED** that the HSHOA March 13, 2021 loan to the Operating Account shall be repaid to the Reserve Account during the 2023 fiscal year in one single payment of \$6,000 drawn from the Operating Account.

Pursuant to a vote of the BOD, this document revises the previous repayment plan for the March 13, 2021 loan.

Dated: 11 Oct 2023



Richard Woodsmith  
President, Board of Directors  
Heceta South Homeowners Association, Inc.



Claudia Bidwell  
Secretary, Board of Directors  
Heceta South Homeowners Association, Inc.



## Records Retention Schedule, 11 October 2023

HECETA SOUTH HOMEOWNERS ASSOCIATION, INC.  
Resolution of the Board of Directors  
**RECORDS RETENTION SCHEDULE**

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### RECITALS

- A. The Heceta South Homeowners Association, Inc. (HSHOA) is governed by the following documents, referred to herein as "Governing Documents":
1. *Declaration of Covenants, Conditions and Restrictions (CC&Rs) for Heceta South Subdivision*, recorded on February 15, 2023 as Document No. 2023-003724 in the records of Lane County, Oregon, including any amendments thereto ("**Declaration**");
  2. *Bylaws of Heceta South Homeowners Association, Inc.*, recorded in Lane County, Oregon contemporaneously with the Declaration, including any amendments thereto ("**Bylaws**").
- B. The Association is also governed by the Oregon Planned Community Act ("**PCA**"), ORS 94.550-94.783 and the Oregon Nonprofit Corporation Act ("**NCA**"), ORS Chapter 65.
- C. Article VII, Section 7.7 of the CC&Rs empowers the Board to adopt, modify, or revoke Association procedures by resolution.
- D. ORS 94.670 and ORS 65.771 direct the Board to maintain records of all meetings of the membership, the Board, and committees, as well as various governing document, financial, administrative, architectural, corporate history, and other types of records. Required duration of record retention varies from one year to permanent.
- E. Law firms specializing in HOA law commonly recommend adoption of record retention schedules by Board resolution.<sup>1</sup>
- F. The Board deems it necessary and desirable to adopt a *Records Retention Schedule*, attached to this Resolution, to be used by the Board in retention of HSHOA records.

### RESOLUTION

**NOW, THEREFORE, IT IS RESOLVED** that the schedule set forth below shall govern the retention of HSHOA records.

Pursuant to a vote of the BOD, this document is hereby adopted.

Dated: 11 Oct, 2023



Richard Woodsmith  
President, Board of Directors  
Heceta South Homeowners Association, Inc.



Claudia Bidwell  
Secretary, Board of Directors  
Heceta South Homeowners Association, Inc.

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<sup>1</sup>Harker Lepore Law Firm. 2015. Community Association Record Retention, <https://harkerlepore.com>  
Vial Fotheringham Law Firm. 2012. Association Records and Retention, Oregon Specifics, <https://vf-law.com>

HECETA SOUTH HOMEOWNERS ASSOCIATION, INC.  
Resolution of the Board of Directors  
**RECORDS RETENTION SCHEDULE**

Heceta South Home Owners Association Records Retention Schedule			
TYPE OF RECORD	OREGON LAW	RETENTION	ACCESS
INITIAL DOCUMENTS			
Establishment Documents	ORS 65.771; ORS94.670	Permanent	Access thru Sec. of State
Turn Over Documents (March 6, 1995)	ORS 94.670(1)(a)		
GOVERNING DOCUMENTS			
Articles of Incorporation	ORS 65.771(5)(a)	Permanent	Access thru Sec. of State
Covenants, Conditions & Restrictions (CCRs) & Amendments	ORS 65.771(5)(b); ORS65.771(5)(c)  HS HOA Bylaw 4.9.12  HS HOA CCR 7.7	Current	PUBLIC
Bylaws & Amendments			
"Rule-making" resolutions adopted by the Board of Directors (BOD) relating to characteristics, qualifications, rights, limitations and obligations of members			
"Procedural" resolutions relating to procedures adopted by the BOD			
BOARD OF DIRECTORS			
List of Names and contact information of directors and officers	ORS 65.771(5)(f)	Current	PUBLIC
LEGAL / COMPLAINTS			
Completed Legal files-pleadings, judgments, other documentation	Recommended / Non-Statutory	10-Yrs	BOD
Lot Owner Complaints & Actions Taken	ORS 65.771(1)	Permanent	
MEETING MINUTES			
BOD Meetings	ORS 65.771(1)	Permanent	BOD & Members
Member Annual or Special Meetings			
Committees on Behalf of BOD (Recorded by committee person)			
BOD Executive Meetings	ORS 65.771(1); ORS94.644(2)(a)		BOD
HOA MEMBERS			
Lot owner List	ORS 65.771(3)	Current	BOD
Proxies and ballots must be retained for one year from the date of determination of the vote, unless ballots relate to an amendment to the declaration	ORS 94.670(1)(b)	1-Yr from effective date	
Proxies and ballots relating to an amendment to the declaration, bylaws or other governing document must be retained for one year from the date the amendment is recorded		1-Yr from date of recording	
Written communications regarding general membership matters made to members within the past three years	ORS 65.771(5)(e)	CY + 3-Yrs	BOD & Members

HECETA SOUTH HOMEOWNERS ASSOCIATION, INC.  
Resolution of the Board of Directors  
**RECORDS RETENTION SCHEDULE**

Heceta South Home Owners Association Records Retention Schedule			
TYPE OF RECORD	OREGON LAW	RETENTION	ACCESS
FINANCIAL			
Budgets	CPA Recommended	CY + 7-Yrs	BOD & Members
Annual Financial Statements by CPA			
Bank Deposits & Statements			
Cancelled Checks			
Check Registers			
Accounts Payable, Receivable			
Invoices & Statements			
Tax Returns (State & Federal) by CPA			
Insurance Policies & Claims	Recommended / Non-Statutory	10-Yrs	
Contracts (from date of completion)	Recommended / Non-Statutory		
Annual Reserve Fund Evaluations	ORS 94.595(3)(a)	CY + 1-Yr	
Annual Insurance Evaluations	ORS 94.640.3		
Oregon Secretary of State Annual Report	ORS 65.771(5)(i)	Current	PUBLIC
ARCHITECTURAL REVIEW COMMITTEE (ARC)			
Approvals/Denials by ARC for Construction Activity Requests, as Defined in CCRs	Recommended Non- Statutory	Permanent	BOD
<b>Note:</b> Association Records: any document that involves association business is considered a "record" which probably means email communications between board members. (VF-Law)			



HECETA SOUTH HOMEOWNERS ASSOCIATION, INC.  
Resolution of the Board of Directors  
**RECORDS RETENTION SCHEDULE**

**Heceta South Home Owners Association Records Destruction**

This document verifies specific Heceta South HOA records have met current, approved minimum retention periods before being destroyed pursuant to ORS 65.771.

Records Description	Dates Covered

The following records listed above have met their minimum retention period(s), are not subject to ongoing or reasonably anticipated litigation, are not needed for HOA business and shall be destroyed.

\_\_\_\_\_  
Signature  
Heceta South HOA President

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature  
Heceta South HOA Secretary

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

Method of destruction: \_\_\_\_\_

Person responsible for the destruction of records must sign upon destruction of the listed records:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

The retention and disposition action of this Records Destruction Log is retained permanently by the Heceta South HOA

## Documentation of Architectural Review Committee Processes, 11 October 2023

RESOLUTION OF THE BOARD OF DIRECTORS  
HECETA SOUTH HOMEOWNERS ASSOCIATION, INC.

**DOCUMENTATION OF ARCHITECTURAL REVIEW COMMITTEE PROCESSES**

**RECITALS**

- A. The Heceta South Homeowners Association, Inc. (HSHOA) is governed by the following documents, referred to herein as "Governing Documents":
1. *Declaration of Covenants, Conditions and Restrictions (CC&Rs) for Heceta South Subdivision*, recorded on February 15, 2023 as Document No. 2023-003724 in the records of Lane County, Oregon, including any amendments thereto ("**Declaration**");
  2. *Bylaws of Heceta South Homeowners Association, Inc.*, recorded in Lane County, Oregon contemporaneously with the Declaration, including any amendments thereto ("**Bylaws**").
- B. The Association is also governed by the Oregon Planned Community Act ("**PCA**"), ORS 94.550-94.783 and the Oregon Nonprofit Corporation Act ("**NCA**"), ORS Chapter 65.
- C. Article VII, Section 7.7 of the CC&Rs empowers the Board to adopt, modify, or revoke Association procedures by resolution.
- D. Article VI, Section 6.4.3, and Article VIII of the CC&Rs authorize the Architectural Review Committee (ARC) to permit, direct, and review construction and landscaping activities within Heceta South subdivision.
- E. Prior to 2023 the Board deemed it necessary and desirable to adopt four forms documenting the ARC processes described in paragraph "D" above.
- F. The Board deems it necessary and desirable to revise ARC forms 3 and 4 to reduce the number of signatures required for approval from three ARC member signatures to two signatures as follows: one signature from the ARC Chair and one signature from any other member of the Board of Directors or ARC. This change will expedite the ARC approval process and maintain due diligence.

**RESOLUTION**

**NOW, THEREFORE, IT IS RESOLVED** that the number of approval signatures required on the Architectural Review Committee forms 3 and 4, set forth below, shall be two signatures as follows: one signature from the ARC Chair and one signature from any other member of either the ARC or the Board of Directors.

Pursuant to a vote of the Board of Directors, this document revises prior ARC documentation.

Dated: 11 Oct, 2023



Richard Woodsmith  
President, Board of Directors  
Heceta South Homeowners Association, Inc.



Claudia Bidwell  
Secretary, Board of Directors  
Heceta South Homeowners Association, Inc.

**Note:** The revised ARC forms are available on the Heceta South HOA website at <https://hecetasouth.com/downloads>.

# Revocation of Rule-Making Resolutions Passed Prior to 17 January 2023, 07 February 2023

## HECETA SOUTH HOMEOWNERS ASSOCIATION, INC.

### Resolution of the Board of Directors

#### REVOCATION OF RULE-MAKING RESOLUTIONS PASSED PRIOR TO 17 JANUARY 2023

#### RECITALS

- A. Article IV, Section 4.9.12 of the 1999 Bylaws empowers the Board to revoke rules and regulations ("rule-making resolutions") governing the conduct of persons and the operation and use of the lots and common property of the planned community.
- B. On November 25, 2022 notice was sent to all lot owners that revisions of all existing rule-making resolutions were incorporated into the proposed amended and restated Governing Documents being mailed at that time to lot owners for their approval.
- C. Whereas approval of the proposed amended and restated Governing Documents was certified on 17 January 2023, the Board deems it necessary and desirable to formally revoke all rule-making resolutions passed prior to that date.

#### RESOLUTION

Now, therefore, it is resolved that all rule-making resolutions, passed by Boards of Directors of the Heceta South H.O.A. prior to 17 January 2023 are hereby revoked.

DATED: Feb 7, 2023



President, Board of Directors,  
Heceta South Homeowners Association, Inc.



Secretary, Board of Directors,  
Heceta South Homeowners Association, Inc.