

# ASSOCIATION OF UNIT OWNERS OF WEST OAKS CONDOMINIUMS

## Rule Enforcement Resolution

Authority: ORS 100.405	Powers of the Association
ORS 100.405(4)(L)	Termination of utilities and use of facilities
ORS 100.545	Compliance with bylaws
Bylaws Article V	Powers
Bylaws Article VIII	Collection of Assessments; Enforcement
Bylaws Art VIII, Sect 8	Termination of utilities and use of facilities

The Board adopts this Resolution to establish procedures to encourage compliance with, and to provide incentive for members to remedy violations of: the Bylaws; the Declaration Submitting West Oaks Condominiums to the Oregon Condominium Act; and the rules and regulations of the Association of Unit Owners of West Oaks Condominiums. This Resolution also describes non-financial penalties for the non-payment of assessments. Assessments include all amounts validly assessed against an Owner including, but not limited to common expenses, interest, fees, fines, attorney fees, and all collection costs.

1. In the event any Owner has not paid assessments or other charges, fees, or penalties within 60 days of the date the billed amounts are due ("delinquent status"), the Association will notify the Owner in writing that the violations exist and that the Owner's voting rights and right to use the Common Elements are suspended until the amounts due have been paid in full or a suitable payment schedule has been approved by the Board of Directors. The Association also may choose to terminate all utility services paid from assessment charges (e.g., water service) as provided in ORS 100.405 and the Bylaws. Should an Owner fail to meet the terms of an approved payment schedule, the property shall immediately revert to delinquent status covered by this Resolution.

The effect of this paragraph is that when this sanction is invoked, in addition to loss of voting rights regarding the governing of the Association, the owner and any invitees (tenants, guests, or others present at the request/permission of the owner or invitees) will not have use of any Common Elements, which include grounds, parking areas, and driveways. Vehicles in the parking areas will be towed at the vehicle owner's expense. Should the payment delinquency persist, the Association may shut off the water service to the unit because that service is paid from assessments.

2. In cases of other violations of the Bylaws, CC&Rs, or rules and regulations of the Association by an Owner, the Association may notify the Owner in writing that the violations exist and suspend the Owner's voting rights and right to use the Common Elements for the period that the violations remain unabated, or for any period not to exceed sixty (60) days for any infraction.

3. In either case above, the notice shall advise the owner(s) that they may request a hearing with the Board of Directors to dispute the circumstances of the alleged violation or request mitigation of the enforcement action. If a hearing is requested, it shall be held at the next Board of Directors meeting or at a mutually agreeable date within thirty (30) days, and the enforcement action shall be deferred until after the hearing. The Board will hear testimony from the owner(s) and any other affected party and will take the case under advisement. The Board shall have sole authority to render a reasonable decision and will do so not later than 10 days after the hearing date.

Adopted July 20, 2009 B.Egan, M.Fell, D.Tirado, J.Wright