

Policy Resolution #4-19 Long-Standing Violation Enforcement

West Hill Estates Homeowners Association (WHEHOA)

Interpretation of Bylaws, CC&Rs and Policy Resolutions Pertaining to Long-Standing Violation Enforcement

WHEREAS, Article 2, Section 2.2(b) and (c) of the West Hill Estates Homeowners Association Bylaws states, in part:

“Powers. The Association has such powers and duties as may be granted to it by the Act, including each of the powers set forth in ORS 94.630, as the statute may be amended to expand the scope of association duties and powers, together with such additional powers and duties afforded by the Declaration, the Articles of Incorporation, these Bylaws and the Oregon Nonprofit Corporation Act, including the following: (12) From time to time adopt, modify, or revoke such Policies and Procedures governing the conduct of persons and the operation and use of the Lots, the Common Maintenance Area or any Common Property as the Board of Directors may deem necessary or appropriate in order to assure the peaceful and orderly use and enjoyment of the Property; (13) Enforcement by legal means of the provisions of the Declaration, these Bylaws and any Policies and Procedures adopted thereunder.

Governance: The affairs of the Association shall be governed by the Board of Directors as provided in these Bylaws. Owners have no authority to act on behalf of the Association and may take action with respect to affairs of the Association as specifically provided under the Declaration, these Bylaws, or the Act.”

WHEREAS, Article 2 of Articles of Incorporation of West Hill Estates Homeowners’ Association An Oregon Non-Profit Corporation filed with the Oregon Secretary of State on February 22, 1995, states in part:

“The purposes for which said corporation is organized are: To promote the health, safety and welfare of residents within the boundaries of WEST HILL ESTATES SUBDIVISION, and for this purpose . . . to fix assessments (or charges) to be levied against the property; to enforce any and all covenants, conditions and restrictions, and agreements applicable to the property; . . . and insofar as permitted by law, do any other things that, in the opinion of the Board of Directors, shall promote the common benefit and enjoyment of the residents of the properties.”

IT IS RESOLVED, the Policy Resolution #4-19 Long-Standing Violation Enforcement be and hereby is adopted, ratified and confirmed:

The Board of Directors hereby adopts Policy Resolution #4-19 Long-Standing Violation Enforcement, attached hereto as Exhibit A and by this reference incorporated herein.

The Board of Directors also repeals West Hill Estates Homeowners Association Policy Resolution #2-18 Interpretation of CC&R Pertaining to Long-standing Violations Enforcement, adopted on June 28, 2018.

Duly adopted at a meeting of the Board of Directors of the West Hill Estates Homeowners Association held October 30, 2019. The Policy will be effective October 30, 2019.

<i>Board of Directors 2019-2020</i>	<i>Vote</i>
Scott Gilbert, President	Yes
Tom Gwynn, Vice President	Yes
Lorna O'Guinn, Treasurer	Yes
Doug Austin, Secretary	Yes
Sami Wright, member at large	Yes
Gudrun Hoobler, member at large	Yes
Steve Masten, member at large	Yes

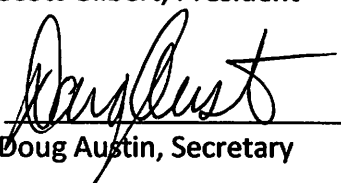
ATTEST:



 Scott Gilbert, President

October 30, 2019

 (date)



 Doug Austin, Secretary

October 30, 2019

 (date)

Exhibit A:**Policy Resolution #4-19 Long-Standing Violation Enforcement****Interpretation of Bylaws, CC&Rs and Policy Resolutions Pertaining to Long Standing Violations****BACKGROUND AND PURPOSE:**

The responsibility and power to enforce corrective action for violations of the Covenants, Conditions & Restrictions (CC&Rs) is not diminished by the length of time the violation has existed. Therefore, the Board of Directors shall take appropriate action to correct any and all verified violations in accordance with established procedures irrespective of the length of their existence.

ENFORCEMENT PROCESS:

The following steps will be taken to verify long-standing violations:

- Upon learning of a possible CC&R violation, the CC&R Enforcement Committee will determine if, in fact, there is a violation.
- If the violation exists, the current Enforcement Policy and Procedures will be followed to correct the situation.
- If an Owner protests the required corrective action based on the fact that the violation is a long standing situation, the Board will request written proof that:
 - An exception to the CC&R was requested and approved, or
 - An exception was requested and no response was received in the 30 days granted to the Board or its committees to act on the request.
- If written proof verifies either of the above conditions, the violation will be treated as an approved exception to the CC&R.
- If no written proof is available to verify past approval by either of the above conditions, the current Enforcement Policy and Procedures will be used to correct the violation.

PRECEDENT:

If an exception to the CC&Rs is granted, it is done so on an individual case-by-case basis. Therefore, the existence of an exception does NOT constitute a precedent for allowing similar conditions to continue in violation of the CC&Rs.

*Certified True Copy
Doug Austin
WHEHOA Secretary*