

Policy Resolution #2-19 Rules Enforcement Policy and Procedures
 West Hill Estates Homeowners Association (WHEHOA)
 Interpretation of Bylaws, CC&Rs and Policy Resolutions Pertaining to Rules 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 the 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 the 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 #2-19 Rules Enforcement Policy and Procedures be and hereby is adopted, ratified and confirmed.

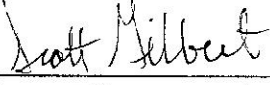
The Board of Directors hereby adopts Policy Resolution #2-19, Rules Enforcement Policy and Procedures, attached hereto as Exhibit A and by this reference incorporated herein.

The Board of Directors also repeals West Hill Estates Homeowners Association Policy Resolution #1-18, Rules Enforcement Policy and Procedures, sections **“ENFORCEMENT OF CC&Rs & ARCHITECTURAL AND APPEARANCE STANDARDS”** and **“APPEAL PROCESS.”** adopted on June 28, 2018. The remainder of Policy Resolution #1-18 is not affected by adoption of Policy Resolution #2-19.

Duly adopted at a meeting of the Board of Directors of the West Hill Estates Homeowners Association held August 29, 2019. The Policy will be effective August 29, 2019.

Board of Directors 2019-2020	Vote
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

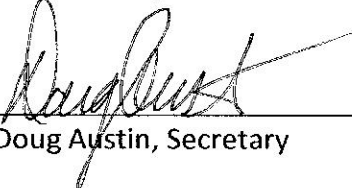
ATTEST:



Scott Gilbert, President

August 29, 2019

(date)



Doug Austin, Secretary

August 29, 2019

(date)

Exhibit A:**Policy Resolution #2-19 Rules Enforcement Policy & Procedures**

Interpretation of Bylaws, CC&Rs and Policy Resolutions Pertaining to Rules Enforcement
(*Bylaws Article 2.2; CC&R Section 11.2(c)*)

BACKGROUND AND PURPOSE:

The West Hill Estates Covenants, Conditions and Restrictions (CC&Rs), also known as the Declaration, are legally binding provisions that apply to all property owners in the subdivision. The CC&Rs are part of the deed of each property and transfer with property ownership. The Bylaws of the WHEHOA provide that the Board of Directors is charged with administering the affairs of the Association. Among the responsibilities of the Board is the enforcement, by legal means, of the provisions in the CC&Rs, Bylaws and any Rules and Regulations adopted thereunder.

The CC&R Enforcement Committee was created to assist the Board in ensuring compliance with the CC&Rs, Bylaws and the Rules and Regulations contained in the Policy Resolutions, while the Architectural Control Committee was established as a mechanism for ensuring compliance with these same standards when changes are made by homeowners.

ENFORCEMENT PROCESS:

Reports of violations of the CC&Rs, Bylaws, Rules and Regulations contained in the Policy Resolutions, including the architectural standards, or appearance standards must be made in writing to the WHEHOA Board. Filing of reports is restricted to owners or occupants of property in the West Hill Estates Subdivision.

Violation reports shall be submitted as follows:

1. Reports shall be made in writing.
2. Acceptable transmittal methods are US mail, hand delivery, or e-mail (which includes the contact form on the WHEHOA website).
3. Reports must include the street address and a description of the violation. Listing the specific CC&R, Bylaw, Policy Resolution, architectural standard or appearance standard the submitter alleges to have been violated is also very helpful.
4. Violation reports must also include the name and street address of the individual filing the report.
5. Violations may also be noted as a result of Board observation, or periodic neighborhood reviews.

In order to discharge its responsibility to ensure the subdivision CC&Rs, Rules and Regulations, architectural standards, and appearance standards are met, the WHEHOA Board has adopted the following schedule of enforcement actions and fines.

(NOTE: At the discretion of the CC&R Enforcement Committee, a courtesy notice may be given before beginning the formal enforcement process. Courtesy notices may include letters, email, written notice left on the property, personal visits, or any other communication method the CC&R Enforcement Committee determines will accomplish the goal. Timing is flexible, based on the type of violation, with the goal of bringing issue(s) to the attention of the owner for

voluntary resolution in a timely manner in order to avoid penalties. If this option does not prompt the necessary results, formal enforcement action will be taken.)

IF . . .	THEN . . .
Initial written report received	Review alleged violation to determine what action is necessary.
Violation not confirmed	Notify submitter of the finding.
Violation confirmed	Notify submitter we are following up.
Once a violation has been confirmed, observed by the Board, or observed in a neighborhood review	Send first written violation notice to owner requesting correction of the violation within 10 days and advising the second notice will include a Rules Enforcement Fine notice if not corrected. Right of hearing notification will be included in the notice (see HEARING PROCESS below). In the case of a one-time violation, a written violation notice will be sent to the owner advising of the fine assessed. Right of hearing notification will be included in the notice (see HEARING PROCESS below).
Additional written report(s) received for same confirmed violation	Notify submitter(s) we are aware and are following up.
If the violation is not resolved within 10 days after the first written violation notice	Send a second written violation notice a minimum of 10 days (but not more than 30 days) after the first written violation notice informing the owner that a Rules Enforcement Fine will be levied against the owner until the violation is cleared (see FINE SCHEDULE below). The Fine will begin 13 days (10 days plus 3 days mail time) after the date of the second written violation notice. Right of hearing notification will be included in the notice (see HEARING PROCESS below).
If the owner indicates a commitment to resolve the violation, but requests additional time	The written violation notice process may be suspended and an extension up to 45 days in excess of the deadline specified in the violation notice may be granted by the CC&R Enforcement Committee Chair. Extensions beyond 45 days may be approved by the Board.
After the violation is corrected	The CC&R Enforcement Committee will advise the Treasurer to bill the owner for any applicable assessed Rules Enforcement Fine.
When a violation is not corrected and fines are accruing	The CC&R Enforcement Committee will advise the Treasurer of the updated Rules Enforcement Fine total every 30 days for billing purposes.
When a violation is not corrected and the unpaid Rules Enforcement Fine reaches \$300	The Treasurer may file a lien against the lot of the owner who is in violation. The owner of this lot will then be responsible for the costs of filing the lien

	and any legal or other related costs. The amount of the lien will be increased periodically until the violation is cleared and the Rules Enforcement Fine and associated costs are paid. Liens may be foreclosed in accordance with the provisions of ORS 94.709. At any time, the Board may also take action to collect the amount due, including referral for collection, garnishment of wages or other legal alternatives.
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The enforcement action provided in the table above may be applied to each individual violation of the CC&Rs, Rules and Regulations, architectural standards and appearance standards.

The CC&R Enforcement Committee Chair is authorized to initiate, suspend, or reinstate suspended fines. The Chair may authorize forgiveness of fines up to and including \$300. Forgiveness of fines in excess of \$300 requires Board approval.

The Chair may immediately levy a fine, or reassess a suspended fine, for a violation of the same rule within a 180 day period based on the Fine Schedule provided herein.

**West Hill Estates Homeowners Association
RULES ENFORCEMENT FINE SCHEDULE**

Reason For Fine	Initial Fine	Fine Repeats . . .
Failure to screen trash receptacles	\$25	Weekly
Leaving trash receptacles at the curb other than the day before pickup or the day of pickup	\$25	Weekly
Failure to maintain landscaping	\$50	Weekly
Failure to maintain the house or other structures (including, but not limited to exterior paint, siding, roof, fences, driveways and sidewalks)	\$50	Weekly
Failure to screen recreational vehicles, boats, trailers, or commercial vehicles	\$50	Weekly
Failure to remove holiday decorations within 30 days after applicable holiday	\$50	Two Weeks
Nuisance noise violation	\$50	Daily
Failure to control a vicious dog	\$100	Daily
Failure to pick up your pet waste from any area in the neighborhood (other than your own lot)	\$50	Per Occurrence
Failure to complete structures, flat work, landscaping, remodeling, reconstruction, or enhancement of structures within one year of commencement of construction project	\$50	Weekly
Failure to complete and submit an ACC application for any project where required	\$15	Daily
Failure to acquire prior ACC approval	\$50	One Time
Failure to acquire prior ACC approval for a fence, auxiliary building, or repainting a residence	\$50	One Time
Failure to acquire prior ACC approval for removal of a non-legacy tree over 10' tall	\$50	One Time
Failure to acquire prior ACC approval to remove a legacy tree	\$100 per/inch of diameter	One Time
Failure to acquire prior ACC approval of plans before beginning construction of a home or exterior remodeling	\$250	One Time
Failure to acquire prior ACC approval before applying roofing, paint or masonry on construction of a home	\$100	One Time
Non-approved trade, craft, business, profession, commercial, or similar activities in residence	\$100	Daily
Allowing unauthorized rental or occupancy	\$100	Daily
All other violations	\$15	Daily

HEARING PROCESS:

Any owner receiving a warning notice of a violation, who believes no violation occurred, may submit a written explanation to the Board of Directors. The owner will be given an opportunity for a hearing and no Rules Enforcement Fine will be imposed until after the hearing.

The following process will be followed in reviewing a hearing request:

1. Upon receipt of a rules violation notice, an owner who feels no violation occurred may submit an explanation to the Board in writing.
2. The explanation must be received by the Board within 10 days of receipt of the violation notice.
3. A Board representative will review the explanation and, if necessary, contact the owner and/or reporting party for further information.
4. The Board will discuss the potential violation and explanation at a scheduled meeting and then rule on the potential violation.
5. The owner and reporting party will be notified of the date, time, and place of the Board meeting. Each is allotted a total of 30 minutes during which they may present information to, answer questions from, and discuss the case with the Board for its consideration prior to reaching a decision.
6. If the Board rules that a violation has or is occurring the owner will have 10 days to clear the violation. If the violation is not cleared by the end of 10 days a Rules Enforcement Fine (see FINE SCHEDULE) will be levied against the owner until the violation is cleared.

*Certified True Copy
Doug Austin
WHEHOA Secretary*