

**STODDARD HOMEOWNERS ASSOCIATION  
RESOLUTION OF THE BOARD OF DIRECTORS  
Setting Enforcement Procedure and Schedule of Fines**

At a regular meeting of the Board of Directors (“Board”) of the Stoddard Homeowners Association (“Association”), for which homeowners had notice and the opportunity to attend, held at the Stoddard HOA Common Area playground, on September 20, 2023 following the Annual Meeting at the time of 6:00 PM, the Board resolved as follows

**RECITALS**

- A. “**Association**” is the Stoddard Homeowners Association, an Oregon nonprofit corporation established by Articles of Incorporation filed November 16, 1976, in the office of the Secretary of State.
- B. The Association is governed by the following documents, referred to herein as “**Governing Documents**”:
1. The *Declaration of Covenants, Conditions, and Restrictions*, recorded beginning at Book 968 Page 207 in the records of Washington County Oregon (“CC&Rs”), and all amendments thereto.
  2. The *Bylaws of Stoddard Homeowners Association*, recorded as Document No. 83002352 in the records of Washington County, Oregon (“Bylaws”).
  3. The various Rules, Regulations, and Policies adopted by the Board of Directors of the Association (“Board”).
- C. The Association is also governed by the Oregon Planned Community Act (“Act”), ORS Chapter 94.550-94.785.
- D. ORS 94.630, ORS 94.640, and Article 5.1 of the Bylaws vest the Board with all of the powers and duties necessary for the administration of the affairs of the Association.
- E. ORS 94.630(1)(a) empowers the Board to Adopt Rules and Regulations.
- F. ORS 94.630(2)(n) provides that the Board may levy reasonable fines for violations of the Governing Documents, after notice and an opportunity to be heard, if the fine is based on a schedule of fines adopted by a resolution of the Board. Bylaws Article 8.1(e) empowers the Board to levy fines.
- G. ORS 94.709(5) provides that fees, late charges, fines, and interest imposed, are enforceable as assessments.
- H. Articles 3 through 8 of the CC&Rs restrict the use of property within the Association. Article 9.1 of the Bylaws empowers the Architectural Control Committee (“ACC”) to enforce the property restrictions on behalf of the Board. Thus, certain functions within this Resolution may be performed by the ACC.

- K. The Board deems it necessary and desirable to adopt a *Schedule of Fines*, attached as Exhibit A to this Resolution, to be used by the Board in imposing sanctions for violations of the Governing Documents of the Association.
- L. The Association Secretary, by signing below, attests that Board members received notice of the meeting (or by their attendance waived notice), and that a quorum of Board members was present.

## **RESOLUTION**

**NOW, THEREFORE, IT IS RESOLVED** that the procedure set forth below shall be the process for handling complaints and other enforcement for violations of the Governing Documents.

### **ARTICLE 1** **OVERVIEW OF PROCESS**

- 1.1. **Complaint.** An Owner or resident may file a written complaint with the ACC or Board regarding a violation of the Governing Documents. The ACC or Board may also initiate a complaint.
- 1.2. **Investigation.** The Board and ACC has the discretion to investigate the complaint and decide if it is valid.
- 1.3. **Violation and Notices.** If the Board or ACC finds that there is a violation, the Board or ACC must provide notice to the alleged offending Owner. The Board or ACC will first provide a Friendly Reminder (First Notice). If the violation is not remedied or ceased within the time specified in the Friendly Reminder, then the Board will provide a Notice to Correct (Second Notice). This Notice to Correct must contain certain information, including that fines might be issued if the violation is not corrected. If the violation is not corrected in the time specified, the Board will provide an Enforcement Notice (Third Notice). This Enforcement Notice must contain certain information, including the amount of the fine that will be imposed, when it will be levied, and giving the alleged offending Owner an opportunity to request a hearing. After the time to request a hearing has passed and if no hearing is requested, the fine will be levied without further consideration and the Board sends the Fine Notice (Fourth Notice).
- 1.4. **Hearing.** An alleged offending Owner can request a hearing and may present testimony or evidence, including evidence by residents, regarding the violation or simply submit written information. The hearing will be held by the Board of Directors in an open meeting. If the homeowner fails to appear at the hearing or fails to provide written materials contesting the fine, the fine will be levied without further consideration.
- 1.5. **Fines.** The Board may levy fines pursuant to the *Schedule of Fines*, if the violation is not remedied or ceased within the time specified in the Enforcement Notice, provided the Owner has been given the opportunity for a hearing.

### **ARTICLE 2** **ORIGINATION / INITIATION OF COMPLAINT**

- 2.1. **Board or ACC.** A complaint may be initiated by the Board or ACC based on information from Owners, residents, the ACC, Board members, or other information the Board deems reliable.

- 2.2. **Owners or Residents.** An Owner or resident who desires the Board to take corrective action on a Lot must submit a complaint to the ACC or Board. The complaint must be in writing and must include:
- a. The address of the alleged offending property;
  - b. The name of the complaining Owner or other resident (anonymous reports of violations of the Governing Documents are not accepted, although the Board and ACC will engage in reasonable efforts to hold complaints in confidence, but may disclose them if necessary under the circumstances);
  - c. A description of the offending situation, including dates and times if appropriate;
  - d. Whether the complaining Owner or resident attempted contact with the alleged offending Owner or resident regarding the alleged violation.

### **ARTICLE 3** **NOTICE PROCEDURE**

- 3.1. **Notice of Violation.** If the Board or ACC determines that there is a violation of the Governing Documents, the Board or ACC shall give the alleged offending Owner the following Notices of Violation:
- a. First Notice “Friendly Reminder”. The First Notice of a violation sent by the Board or ACC is a “Friendly Reminder” to correct the violation. This reminder will notify homeowners of the infraction and request correction. The Owner will be given 21 days from the date of the letter to comply, or such other reasonable period as set by the Board or ACC. In a situation where there is an immediate threat to health, safety or the environment, the Association may elect to rectify the situation immediately, without notice, and charge the Owner(s) for any and all costs incurred. The Board at their discretion shall determine an immediate threat.  
  
In situations where irreparable harm may occur from delay, no Friendly Reminder will be issued. The first notice will then be the Enforcement Notice (Third Notice) described below, or the Association may take other enforcement action to correct the violation.
  - b. Second Notice “Notice to Correct”. Should the violation not be remedied within the time required in the Friendly Reminder, the Board or ACC will notify the Owner in writing with a “Notice to Correct” Second Notice that describes the violation and gives another 14 days to remedy the violation or such other reasonable period as set by the Board or ACC. This notice will also remind homeowners that if the violation is not cured further enforcement action will be taken, including the imposition of fines.
  - c. Third Notice “Enforcement Notice”. Should the violation not be remedied within the time required in the Notice to Correct, the Board or ACC will notify the Owner in writing with an “Enforcement Notice” Third Notice and given another 14 days to correct the violation or such other reasonable period as set by the Board or ACC.
    - i. The Enforcement Notice must describe the nature of the violation; the remedy that is expected within the set period; the fine or other sanction that will be levied and when; that the homeowner has 10 calendar days from the date of the letter to request a

hearing; how to request a hearing; and that the fine will be levied without further consideration if the violation is not corrected and a timely request for hearing is not received. Hearing requests should be sent to president.stoddardhoa@mail.com. Any hearing request must inform the Board if the Owner intends to discuss health or other confidential information or intends to be represented by an attorney, so that the hearing can be structured accordingly. Fines or other sanction for the violation will be held in abeyance until after the hearing, but may still continue to accrue. The amount ultimately fined will be determined at the hearing and may include fines accruing from the date of imposition set forth in the Enforcement Notice, including during the time the hearing was pending **Failure to submit a written request for a hearing within 10 days is a waiver of the Owner's right to challenge the violation and imposition of all fines.**

ii. The Enforcement Notice may also describe the provisions of the Governing Documents that have been violated and other information the Board considers appropriate.

d. Fourth Notice "Fine Notice". Should the same violation not be remedied within the time provided in the Enforcement Notice and the Owner did not request a hearing, the Board will send a "Fine Notice" Fourth Notice. This notice will confirm the levying of the fine pursuant to the *Schedule of Fines* assessed to the Owner's account. Association shall charge interest at a rate of 8% per year for assessments levied pursuant to the Schedule of Fines that are not paid within 30 days from the due date, unless the homeowner has entered into an approved payment plan. This interest shall be assessed monthly.

e. Delivery of Notice. First and Second notices under this Article will be posted to the front door at the address of the alleged offending Owner. Third and Fourth notices under this Article will be posted and mailed via first class mail to the last provided address of the alleged offending Owner. For non-owner occupied properties all notices shall also be mailed via first class mail to the last provided address of the property Owner, if the address is different from the offending property address.

f. Obligation to Notify Tenant(s) and Resident(s). An alleged offending Owner who receives any of the foregoing Notices of Violation shall be obligated to communicate with any tenant(s) and other resident(s) regarding the noncompliance. This shall include sharing a copy of the notice with the tenant(s) and resident(s).

3.2. **Repeat Violations**. Owners and residents who repeat a violation of the same type within a 12-month period of receiving an Enforcement Notice are not entitled to an additional notice or hearing, regardless of whether the Owner or resident participated in a hearing as a result of the first violation. For such repeat violations, the Board may automatically levy progressive fines as outlined in the attached *Schedule of Fines* and send the Fine Notice, and take such other reasonable action allowed under this Resolution and the Governing Documents.

3.3. **Informal Action**. Nothing in this Article precludes the ACC or Board or other person authorized by the Board from first attempting to resolve any matter either by an informal meeting, telephone call, or email to the alleged offending Owner.

**ARTICLE 4**  
**HEARING**

4.1. **Scheduling.** The hearing shall be scheduled reasonably promptly.

- a. The Board must meet in open session (unless confidential information is going to be discussed) to determine whether the violation has been committed and whether changes in the fines imposed should be made.
- b. The Owner shall be notified in writing of the date, time, and place of the hearing and any time limits on the presentation of evidence.
- c. The Owner may elect to have the hearing based solely on written materials and submit written evidence.

4.2. **Owner Failure to Appear.** If the alleged offending Owner fails to appear within fifteen (15) minutes of the time set for the hearing and does not send a tenant or resident as a surrogate, and the Owner did not previously provide written materials and indicate that the Owner intends to have a hearing based solely on the written materials, the Board may, at their sole discretion:

- a. Conduct the hearing without the presence of the Owner;
- b. Allow the Owner additional time that day to appear;
- c. Reset the hearing to another date and time;
- d. Dismiss the fine challenge—in the event of dismissal, the Board shall notify the Owner in writing that the challenge to the fine was dismissed, the fine is deemed non-contested, and the fines will be assessed against the Lot as originally imposed.

4.3. **Attorneys.** If the Owner intends to have an attorney present at the hearing, the Owner must notify the Board at least seven (7) days before the hearing.

4.4. **Conduct at Hearing.**

- a. Evidence. The Owner shall have a reasonable amount of time under the circumstances to present evidence and argument, including evidence from residents. Specific time limits may be set out in the notice of hearing. Additional time may be granted by mutual agreement. Other Owners or residents may present evidence or argument relating to the alleged violation at the discretion of the Board and in accordance with procedures established by the Board.
- b. Multiple Violations. One or more violations may be combined and heard in one hearing, at the discretion of the Board. If additional alleged violations and fines occur by the same Owner subsequent to the Enforcement Notice and before the date of hearing, at the discretion of the Board those additional alleged violations may also be heard at the scheduled hearing, provided the Owner is given notice of the subsequent alleged violations and fines before the date of the hearing.

4.5. **Hearing Decision.** The Board may issue its decision at the hearing or at a later-scheduled Board meeting if further information or consideration is required. The Board shall endeavor to send the

Owner a Notice of Decision in writing within fourteen (14) days after the hearing. This Notice of Decision shall confirm any fines due, the date upon which such fines become payable, and whether fines are continuing to accrue. Any fines levied after a hearing shall become due and payable on the first day of the month following the Notice of Decision unless the Notice of Decision states otherwise.

- 4.6. **No Hearing.** If no hearing is timely requested by the Owner, if the Owner requests a hearing on written materials and does not submit any written materials, or if the Owner does not appear and the Board or Hearing Committee elects to dismiss the challenge to the fine, the Board will deem the fines non-contested and the fines will be assessed against the Lot.

## **ARTICLE 5** **OTHER LEGAL ACTION**

5.1. **Legal Actions.** In addition to levying fines, action by the Board may include, but is not limited to:

- a. Seeking injunctive or declaratory relief against an alleged offending Owner and residents, tenants, tenant's guests, invitees, vendors, or other occupants of the alleged offending Owner's Lot; and
- b. Taking immediate legal action, as the Board finds reasonably necessary, to stop conduct that it determines is in violation of the Governing Documents or applicable state or federal law.

5.2. **Additional Corrective Actions.**

- a. Right of Board to Take Corrective Action. If the alleged offending Owner fails to correct the matter that is the ultimate cause of the violation, the Board may take additional corrective action without providing the opportunity for a hearing or appeal, including remedying the noncompliance.
- b. Notice of Additional Action. The Board shall give an alleged offending Owner written notice of an any additional action taken under Subsection (a) of this Section, pursuant to Article 7(d) of the CC&Rs or other relevant law. If the Board elects to remedy the noncompliance as corrective action, the cost of such corrective action is chargeable to the Owner as an assessment, pursuant to the CC&Rs and the *Schedule of Fines*.

## **ARTICLE 6** **MISCELLANEOUS**

6.1. **Tenants, Guests, and other Non-owners.** The Owner of any Lot shall be responsible for the violations of residents, renters, tenants, guests, invitees, pets, vendors, licensees, family members, or others on the Lot who violate any of the Governing Documents. All notices and fines arising out of this Resolution will be assessed to the Owner, even if a tenant or someone else committed the violation. It is the responsibility of the Owner to notify tenants and other residents of Association policies and procedures and ensure compliance. That includes notifying the tenants of any violations and forwarding all notices delivered pursuant to Section 3.1(e), herein.

6.2. **Fines Pending Hearing.** Pending resolution of a requested hearing, no fines may be charged against the account of an alleged offending Owner. The fines may, however, accrue while they are not being charged.

**BE IT FURTHER RESOLVED** that the *Schedule of Fines* attached as Exhibit A is adopted by the Board to determine the fines for violations of the Governing Documents.

**BE IT FURTHER RESOLVED** that notice of this Resolution shall be provided to all homeowners upon its adoption and shall be effective 30 days from distribution. This Resolution supersedes all previous enforcement resolutions or resolutions establishing a schedule of fines.

Dated this 20th day of September, 2023.

STODDARD HOMEOWNERS ASSOCIATION

By: Michelle Woerner

Michelle Woerner, Association President

ATTEST: the above Resolution was properly adopted.

By: Kathleen A. Miller

Kathleen Miller, Association Secretary

**EXHIBIT A  
SCHEDULE OF FINES**

<b>Type of Violation</b>		<b>Frequency</b>
Fine for failure to correct violation	\$30	<b>Weekly</b>
<i>Additional</i> fine if any violation substantively involved a Common Area	\$200	<b>One-time</b>

1. **Repeat Violations.** Repeat violations of a similar type (to be determined by the Board) by the same Owner, whether by a resident, tenant, guest, contractor, vendor, etc., and whether at single or multiple locations or times, within a 12-month period, shall be issued a Fine Notice. The fines for repeat violations are progressive and shall be increased by \$20 each time the violation repeats within a 12-month period (meaning for a \$30 weekly fine, the first repeat would be a \$50 weekly fine, the second repeat would be a \$70 weekly fine, the third repeat would be a \$90 weekly fine, and so on—adding \$20 at each repeat violation).
2. **Payment Plan.** The Board may approve a reasonable payment schedule for enforcement assessments under this Resolution.
3. **Association Correcting Violation.** If the Association corrects the violation, the Owner is responsible for reimbursing all costs to the Association, plus a \$100 administrative charge.
4. **Fines as assessments.** Fines, and costs expended to cure violations, are chargeable to the Owner as an assessment and may be collected and enforced the same as any other assessment, including through a civil legal action, a lien against the property, and foreclosure proceedings.
5. **Legal Action.** If the Board pursues legal action, the Owner in violation is responsible for all fees and costs incurred by the Association regarding enforcement.
6. **No Waiver.** Nothing in this resolution shall be construed as a waiver of any other enforcement rights available to the Association pursuant to the Governing Documents or at law.