

RESOLUTION OF THE BOARD OF DIRECTORS OF THE ASSOCIATION OF UNIT OWNERS
OF CARDINELL VIEW LOFTS CONDOMINIUM

FINE & ENFORCEMENT RESOLUTION - 2013-01
(replaces any previously adopted policies)

WHEREAS the Board of Directors of the Association of Unit Owners of Cardinell View Lofts Condominium (the "Association"), is an Oregon nonprofit corporation organized to administer the Cardinell View development under ORS 100; and

WHEREAS, the Declaration and ORS 100 provide that the Board may enforce the Declaration, Bylaws, and Rules and Regulations of the Association, may adopt rules, and may adopt a fine schedule subject to notice and opportunity for the Owner to be heard on the imposition of such fines; and

WHEREAS Pursuant to ORS 100.405(4)(a) and Bylaws Article 5 Section 2(m), the Association is entitled to promulgation of rules and regulations for the Condominium.

WHEREAS the Association Chair and Secretary, by signing below, attest that pursuant to the Association Bylaws Article IV, Sections 5 and 11, all Directors were provided notice of the meeting and a quorum of the Board was present in person at the meeting in accordance with the Association's Bylaws.

WHEREAS the Board believes it is in the best interest of the Association to clarify and amend the Association's procedures related to the enforcement of its governing documents and assessment of fines.

WHEREAS ORS 100.405(4)(k) authorizes the Association to impose charges for late payments of assessments, attorney fees for collection of assessments, and, after giving written notice and an opportunity to be heard, levy reasonable fines for violations of the declaration, bylaws, and rules and regulations of the Association as set forth therein.

WHEREAS the Board has adopted a schedule of fines on resolution adopted by the Board in accordance with ORS 100.405(4)(k).

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors has adopted the following procedure for any Owner or Occupant, or the manager, Officer of the Association, or Board Member (the "Reporting Party") to report a violation by Owner or Occupant (the "Alleged Violator"):

1. In order to begin the enforcement process, the Reporting Party must state, in writing via regular mail, email, through the Association website or facsimile, any violation he or she is reporting.
2. The Report must be sent to the property management company.

3. The Report must include the Reporting Party's name, address, and contact telephone number. This will not be distributed to the Alleged Violator, but is solely for use by the property manager and Board of Director's to obtain additional information from the Reporting Party, if necessary. *Please be aware that if the alleged violator does dispute the claim, the Board of Directors and/or the property manager may decide, in their sole discretion, that the Reporting Party's identity and/or contact information, the Report and/or any of the information within the Report may be required to be shared with the Alleged Violator.*
4. The Reporting Party must include in the Report, as much information regarding the alleged violation as possible. Information that will assist the Board of Directors to seek compliance includes the specific unit number that is alleged to be in violation, the actual rule that is believed to be violated, and the dates and times of the alleged violation(s).
5. If the Reporting Party is the property manager, an Officer of the Association, or a Board Member, they may report a potential violation to the Association upon their own observation and, the Board may evaluate the allegation prior to sending any Notice to Correct, and may, upon the Board determining in its sole discretion that there are reasonable grounds to believe a violation has occurred.
 - a. Upon notification of first violation, the Reported Party will receive a "Notice to Correct" to correct the alleged violation. This will notify the Reported Party of the alleged violation and demand correction to avoid potential fine assessment and/or collection activity.
6. The Notice to Correct will inform the Reported Party of their right to request a hearing prior to any fine being assessed and provide instructions on how and where to submit a hearing request. The Owner must request a hearing in accordance with the instructions in the Notice to Correct within 10 working days of issuance of the Notice to Correct. If the Association receives a written request for a hearing within the time limit, a date and location for the hearing will be established and the Owner notified, but such hearing shall not be scheduled more than 60 days following the issuance of the Notice to Correct.
7. Should the same or substantially similar violation continue or reoccur after 10 days of the date of the Notice to Correct and no timely request for a hearing has been received, a second letter will be sent (a "Fine Notice") and a fine of \$75.00 (\$1,000 for violations of the leasing policy) will be assessed to the responsible Owner's account.
8. Should the same or substantially similar violation continue or reoccur after 10 days of the date of the first Fine Notice, a second Fine Notice will be sent and a fine of \$100.00 (other than violations of the leasing policy) will be assessed to the responsible Owner's account.
9. Should the same or substantially similar violation continue or reoccur within 30 days of the second and any subsequent Fine Notice, additional Fine Notices will be sent assessing a fine of \$250.00 (two-hundred and fifty dollars) will be assessed to the responsible Owner's account every 30 days thereafter until the violation is remedied. For continued violations of the leasing policy, a \$1,000 fine will be imposed for every subsequent 30 days of non-compliance.

10. Should the Reported Party cure the violation but thereafter commit the same or substantially similar violation within six months from the date of the first Fine Notice (or Notice to Correct), a Fine Notice will be immediately sent and a fine of \$250 (two hundred and fifty dollars) will be assessed to the responsible Owner's account" every week until compliance and/or resolution is reached.
11. In the case of non-owner-occupied properties, the Owner of the unit will be provided the notices informing the Owner that a violation has occurred on their property. If violation is left unresolved and fines are imposed, the fines will be imposed on the Owner of the unit. It is the responsibility of the Owner of the unit to notify tenants of the Association policies and procedures and ensure compliance.
12. If the Owner timely requests a hearing, the Board shall hear the matter and consider whether or not the violation has occurred and, if it determines that such violation has occurred, an appropriate remedy therefore, including, but not limited to, the entry of a fine as provided in paragraph 8, with subsequent fines as provided in paragraphs 9-11, above. If the Owner fails to appear at the hearing, the Board may default the Owner and assess fines as set forth herein without further proceedings. The hearing will be scheduled within 30 calendar days of the request for hearing, Board schedule permitting. The hearing is to provide the Owner an opportunity to be heard by the Board. At this time, the Owner is to submit all supporting documentation, facts, etc. The Board of Directors will adjourn the hearing and provide a written decision to the Owner within 10 business days of the hearing.
13. At any time after the expiration of ten days from the date on the Notice to Correct, the Association may, in its sole discretion, correct the violation, but is under no obligation to do so. If the Association corrects the violation, the Owner shall be responsible for all costs and expenses incurred by the Association to correct the violation.
14. Satellite Dishes: Satellite dishes cannot be placed on common elements or limited common elements without prior written approval of the Board. Noncompliance with this rule shall result in a Notice to Correct pursuant to Section 7. The Owner may request a hearing on the imposition of this particular fine on the basis that the placement is in an area that is within the exclusive control of the Owner as provided under FCC regulation and therefore not subject to Association restrictions, but not on the basis that the Owner is taking action to seek an after the fact approval of the satellite dish. In addition to any applicable fines for unauthorized placement, the homeowner will be required to pay costs of repairs for all damage to the building, both interior and exterior, together with all fees, charges and costs incurred by the Association in relation to gaining compliance.
15. Leases: The violation of provisions regarding leasing is a special case. Failure of an Owner to comply with the requirements within the leasing rules to obtain approval prior to leasing the Owner's unit and submission of all required paperwork shall result in a Notice to Correct as outlined above.
16. Nothing herein shall be construed to preclude the Board of Directors from taking such other action in lieu of, or together with actions described herein, in furtherance of enforcement of the governing documents or applicable law, including, but not limited to, equitable remedies such as injunction and specific performance, or legal remedies, including, but not limited to suspension of rights.

17. Fines, once imposed, shall become an immediate assessment against the lot and Lot Owner pursuant to the Declaration and Bylaws, subject to the accrual of interest and collectible as provided therein and pursuant to the current Collection Resolution of the Association.

18. Distribution of Resolution. A copy of this Resolution shall be distributed to all Owners pursuant at the address on file with the Association.

The Board of Directors, Association of Unit Owners of Cardinell View Lofts Condominium, an Oregon nonprofit corporation, hereby directs that a copy of this resolution be sent to every unit owner of record.

Approved and adopted on: 05/19/2022.

By:

DocuSigned by:
Lauren Anderson 05/19/2022
Chairperson Date

DocuSigned by:
Sunil Khanna 05/19/2022
Secretary Date