

# BARRINGTON HEIGHTS ASSOCIATION OF HOMEOWNERS

## BOARD RESOLUTION NO. 2011-01

### RECITALS

#### FINANCIAL PENALTIES RESOLUTION

WHEREAS the Barrington Heights Association of Homeowners Board of Directors is empowered by statutory law [ORS 94.630 (1)(n)], and further supported by the provisions of authority in the Association documents including the Declaration of Covenants, Conditions and Restrictions and the Bylaws to assess financial and other penalties against individual members in order to remedy violations by those members, of the Covenants, Conditions and Restrictions of the Association, Bylaws, and Rules and Regulations,

NOW, THEREFORE, BE IT RESOLVED that all prior Financial Penalties Resolutions, are rescinded and are no longer of any force

NOW THEREFORE, BE IT RESOLVED, that the Barrington Heights Association of Homeowners Board of Directors does adopt the following procedures, fine assessments and actions:

1. Upon being notified of a violation, the Board of Directors shall cause a "first" letter of violation to be sent to the owner(s) of the subject property. The notice will inform the homeowner of the violation, and state that they have a specific period of time to correct or abate the violation. Said corrective period shall be a reasonable length of time, based on the nature of the violation and the nature of the corrective action needed. Reasonableness of the time period is at the sole discretion of the Board of Directors.
2. (Except as outlined in paragraph 5) If the owner(s) has neither contacted the association nor corrected the violation within the stated time period, a "second" letter of violation will be mailed to the homeowner, indicating that, if the violation is not corrected within a specific time period, a fine of \$15 per day will be assessed against the homeowner's lot until such time as the violation is corrected.

If the violation is of a nature to occur intermittently, such as a nuisance or offensive activity like excessive noise, a "second" letter of violation will be mailed to the homeowner, indicating that a violation has occurred, that a hearing is scheduled for a specific date, and if the violation occurs again, after the hearing date, a fine of \$100 per occurrence will be assessed against the owner and the property. Upon the occurrence of any further violations, subsequent to the hearing date, the fine will be assessed on a per occurrence basis, without further notification to the homeowner.

3. The "second" letter of violation shall also inform the homeowner that a hearing will be held before the Board of Directors with respect to the violation at the next scheduled Board meeting, if during the corrective period, or at an alternative mutually agreeable date, that no fine will be assessed pending the result of that hearing. Said hearing date shall not be less than 5 working days following the mailing of the letter by U.S. Post Office First-Class mail.

4. For all violations, except major project violations as outlined in paragraph 5, if the homeowner neither requests an alternative hearing date during the corrective period, nor attends the Board of Directors meeting, nor corrects the violation within the necessary time period, then the fine of \$15 per day will be assessed beginning on the first day after the corrective period ends, in the case of on-going violations, or the fine of \$100 per occurrence will be assessed upon further occurrences, in the case of intermittent violations.
5. If the violation is for failure to obtain written approval by the Architectural Review Committee (ARC) before commencing, erecting, placing or altering, an improvement or landscaping on a lot, and if the improvement or landscaping appears to be, in the opinion of the Board, a “major project”, then the following additional provisions shall apply.
  - a) The “first” letter of violation shall inform the homeowner that improvements or alterations to the lot have been made without written ARC approval, and that the homeowner has a specific period of time to correct or abate the violation. In addition, the letter shall inform the homeowner that a fine of \$500 will be assessed for commencing an improvement without approval if the project is found by the Board to be a “major project,” and that a hearing shall be held before the Board of Directors at the next scheduled Board meeting.
  - b) If the homeowner does not request an alternative hearing date at a mutually agreed time, or does not attend the Board of Directors meeting, or if the homeowner attends the hearing and the improvement or landscaping is found to be a major project in the sole opinion of the Board, then a fine of \$500 will be imposed.
  - c) Regardless of whether a fine is imposed for failure to obtain prior ARC approval, the homeowner is still required to correct or abate the violation by obtaining ARC approval or restoring the property to compliance.
  - d) For the purpose of this resolution, major project is defined as a project that changes or adds the roof, siding, veneer, paint color, windows, brick/masonry walls, decks, foundation, garages, or sport court, or has a cost including materials, labor and the competitive cost of homeowner supplied labor (in the sole judgment of the Board) in excess of \$5000. Repair or replacement with the same material or paint color does not constitute a major project. Landscape projects including plants, beds, lawns, walkways, walls, fountains and decorative objects are major projects if in excess of \$5000 as defined above.
6. If the homeowner requests a hearing before the Board of Directors, that hearing will be held as part of the next regular meeting of the Board of Directors, or at such date as mutually agreed upon. At the hearing, the Board of Directors will hear the testimony of the homeowner, and take the case under advisement. A decision will be rendered either at the Board of Directors meeting, or, if necessary, at a later date not to exceed 10-days after the hearing date. If the Board of Directors decides against the homeowner, the homeowner will be granted a further period of time not to exceed 50% of the original notice period, in which to correct or permanently abate the violation.

7. When the accrued amount of the assessed fine exceeds \$500, the homeowner will be so notified, informed that the fines will continue to accrue, and informed that a lien will be placed on the homeowner's lot for payment. The lien will include all appropriate legal fees, costs and recording fees, along with any interest that accrues until the fine is collected. Correction of the violation will not waive accrued fines, fees, costs, and interest, which must be paid in full prior to release of the lien.

DATED this 2nd day of February, 2011.

NOW, BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to all Owners at their last known address.

ATTEST:

Bradley C. Arms

President, Board of Directors  
Barrington Heights Association of Homeowners

Robert J. Juch

Secretary, Board of Directors  
Barrington Heights Association of Homeowners