

**TIMBERHILL FOURTH ADDITION PHASE TWO AND THREE
(COMMONLY CALLED 'UPLANDS') HOMEOWNER'S ASSOCIATION**

Financial Penalties Resolution

Authority: ORS 94.630	Powers of the Association
ORS 94.640	Association board of directors...
ORS 94.777	Compliance with bylaws...
CC&R Article II	Purpose and Mission Statement
CC&R Article VII	Enforcement
Bylaws Section 2.2	Authority
Bylaws Article X	Assessment Collection Costs; Suits and Actions

The Board of Directors adopts this resolution to establish procedures to assess financial and other penalties against members in order to remedy violations of the governing documents [Bylaws; Declaration of Covenants, Conditions and Restrictions (CC&Rs); Rules and Regulations] of the Uplands Homeowner's Association.

1. Upon being notified of a violation, a member of the Board of Directors will be selected to mediate the issue at hand. The goal will be to help association members (including homeowners and/or their non-member tenants, if applicable) resolve the issues informally. The mediator will collect information related to the issue and provide status reports to the Board.
2. If the issue cannot be satisfactorily resolved informally between the parties involved, the Board of Directors shall cause a "first" notice of violation to be sent to the member(s) of the association who owns the subject property (notices will be deemed delivered when sent by USPS First Class Mail to the address of record in Association files). The notice will inform the members(s) of the violation and state a specific period of time to correct or abate the violation. If the violation involves tenants, the Board may also elect to send the violation notice to those tenants. The corrective period shall be a reasonable length of time based on the nature of the violation and corrective action needed. "Reasonableness" is at the sole discretion of the Board.
3. If the member(s) has neither contacted the Association nor corrected the violation within the stated time period, a "second" notice of violation will be sent to the member(s) indicating that if the violation has not been corrected by a specific date (usually an additional 10 days from first date), an initial fine of \$25 will be assessed and that a \$15 per month fine will be assessed against the member(s) until the violation is corrected.

If the violation is of a nature as to occur intermittently, such as a nuisance or offensive activity like excessive noise, a fine of \$25 may be imposed for the first occurrence, \$50 for the second occurrence, and \$100 for each subsequent occurrence.

If the violation is of a health or safety nature (fire hazard, chemical spill, etc.), an additional fine of \$50 may be imposed in addition to each fine specified above.

4. The "second" notice (described in #3 above) shall advise the member(s) that they may request a hearing with the Board of Directors to dispute the circumstances, request mitigation of the fine assessment, or request extension of the corrective period. If a hearing is requested, it shall be held at the next Board of Directors meeting or at a mutually agreeable date within thirty (30) days of the "second" notice, and the fine shall not be assessed until after the hearing. The Board will hear testimony from the member(s) and any other affected party and

will take the case under advisement. The Board shall have sole authority to render a reasonable decision which shall occur not later than 10 days after the hearing date.

5. When the accrued amount of the assessed fine and any applicable interest or late charges for non-payment exceed \$400, the member(s) will be notified of the status of the account, informed that the fines will continue to accrue, and informed that a lien may be recorded against the member's property 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.

Adopted (date) (List of Board members voting)

February 19, 2012

Ray Tucker, President

Doug Wentworth, Treasurer

Betty Brose, Secretary

Laann Ermer, Director