

TARALON RESIDENTIAL COMMUNITY ASSOCIATION
BOARD OF DIRECTORS
FINE AND ENFORCEMENT RESOLUTION

RECITALS

A. The Board of Directors (Board) of Taralon Residential Community Association (Association) is charged with the operation and management of Taralon Commons, located in Clackamas County, Oregon.

B. The Association is governed, in part, by documents recorded in the Clackamas County, Oregon, Official Records including the:

- Declaration of Covenants, Conditions, and Restrictions for Taralon Residential, recorded on February 7, 2006, as Document No. 2006-011412; Amendment to Declaration of Covenants, Conditions, and Restrictions for Taralon Residential, recorded on February 8, 2008, as Document 2008-008891 (Declaration);
- Bylaws of Taralon Residential Community Association recorded on February 7, 2006, as Document No. 2006-011413 (Bylaws); and
- The Plat of Taralon Commons, recorded on February 7, 2006, as Document No. 2006-11410, in Book 131, Page 24.

C. In addition, the Association is governed by its Articles of Incorporation, the Association's Rules and Regulations, the Community Center Rules and Regulations, and Board resolutions. Collectively, the documents in Recital B and C will be referred to as the Governing Documents.

D. The Association is also governed by the Oregon Planned Community Act, ORS 94.550 *et seq.*, and the Oregon Nonprofit Corporation Act, ORS Chapter 65.

E. Section 3.17 of the Bylaws grant the Board the power, duty, and authority to enforce the Governing Documents.

F. The Board has authority under ORS 94.630(1)(n) and Sections 3.17.6 and 3.22 of the Bylaws to levy reasonable fines in accordance with an established schedule and furnished to the Owners, and the Board believes that a policy for levying fines against noncomplying Owners is a valuable enforcement tool that may be used in addition to, or in lieu of, other enforcement tools, and wishes to adopt a policy implementing fines.

G. The Association expects residents to abide by its established rules and policies outlined in the Governing Documents. Owners disturbed by a neighbor's actions or believing that a neighbor is in violation with a rule are encouraged to express their concern with the neighbor before reporting to the Association whenever possible. Most disturbances are generally unintentional and immediate resolution by responsible neighbors, if possible, is desirable and expected.

H. While the Association attempts to provide Owners and residents an opportunity to comply with the Governing Documents, there are times when the Association must enforce these documents through the imposition of fines and other penalties to encourage compliance.

I. Because violations vary widely in their severity and nature, the Board finds that establishing a single fine for all violations would not be appropriate or equitable, and that it would be fairest to leave determination of the amount of any fine to the sound discretion of the Board, within the limits established by a fine policy.

NOW, THEREFORE, IT IS RESOLVED:

1. **Fine Schedule.** Under the power established in ORS 94.630(1)(n) and Section 3.22 of the Bylaws, and except as provided in Section 2 below, the Board will levy fines for violations of the Governing Documents in the following amounts:

1.1. Up to \$100.00 for a first violation, up to \$250.00 for the second violation of the same rule within six months of the first violation, and up to \$500.00 for the third violation of the same rule within six months of the second violation.

1.2 In the case of a continuing violation, \$100.00 for the first violation occurrence and then up to \$100.00 per week or month, depending upon the nature of the violation and the length of time reasonably required to remedy the violation, considering any cure period previously afforded to the Owner, if any. In each case where the Board levies fines for a continuing violation, the Board shall establish a cumulative maximum fine.

1.3 The exact amount of each fine (and the amount, duration, and maximum cumulative fine, with respect to continuing violations) will be established by the Board in each instance after considering the facts and circumstances surrounding the violation.

2. **Fine Schedule for Violations of Architectural Standards.** For violations of Architectural Standards as set forth in Article XI of the Declaration and any Rules and Regulations, the Board has the authority to levy fines in the following amounts:

2.1 Up to \$1,000.00 per any occurrence for failure to obtain required approvals before beginning any construction, exterior painting, re-roofing, landscaping, or any other exterior work requiring this approval.

2.2 Up to \$1,000.00 for failure to comply with any Board or appointed committee's conditions of approval or failure to stop work when approval has not been obtained and verbal or written notice is given to the noncomplying Owner by the Board, managing agent, or appointed committee.

2.3 Up to \$100.00 per day for failure to comply with any notice to remedy violations of Governing Documents to keep Lots and structures in good condition and repair.

2.4 The exact amount of each fine (and the amount, duration, and maximum cumulative fine, with respect to continuing violations) will be established by the Board in each instance after considering the facts and circumstances surrounding the violation.

3. Procedures.

3.1 **First Notice for Correctible Violations.** Upon report of violations that can be corrected, the Manager will deposit in the mail written notice of the violation to the violator at the address of the Unit Owner. The notice will describe (a) the nature of the alleged violation; (b) the proposed sanction to be imposed, if any; (c) a statement that the proposed sanction will be imposed unless the alleged violator requests an opportunity to be heard within 10 days of the date notice; and (d) the proposed sanction will be imposed unless the violation is remedied within 10 days. The alleged violator will have 10 days from the date of the letter to cure the violation. If the violation is corrected, no fine will be levied.

3.2 **Fine Notice.** If a correctible violation is not cured within 10 days of the date of the first notice as described in Section 3.1, or upon the report or discovery of a violation for which no immediate correction is possible, the Manager will deposit in the mail written notice of the violation to the alleged violator at the address of the Unit Owner. That notice will describe (a) the nature of the alleged violation; (b) the proposed sanction to be imposed, if any; and (c) a statement that the proposed sanction will be imposed unless the alleged violator requests an opportunity to be heard within 10 days of the date notice. The alleged violator will have 10 days from the date of the letter to request a hearing. The Owner's request must be in writing and directed to the Manager.

3.3 **Assessed Fines.** The Board may levy a fine after mailing notice as provided above, even if a hearing is requested. The Board, or any committee appointed by the Board for this purpose, may determine at the hearing to leave the fine in place, remove it, or otherwise modify it given the facts and circumstances of the situation, including, but not limited to, the willingness of the alleged violator to remedy or mitigate the violation. If the alleged violator is an occupant, guest, or invitee and a fine is imposed, it must be assessed against the violator. If the violator does not pay the fine within 10 days, and upon notice to the Owner, the Owner must pay the fine and any unpaid fine will become a lien against the Owner's Unit.

3.4 **Hearings.** If the alleged violator requests a hearing in the time set forth above, the Manager will schedule a hearing as soon as practicable and notify the alleged violator of the time and location of the hearing. Proof of notice will be satisfied if the alleged violator requests a hearing or appears at a hearing. Proof of proper notice may also be satisfied by attaching a copy of the notice to the meeting minutes. At the hearing, the alleged violator may submit all supporting documentation and facts relating to the violation. At the conclusion of the hearing, the Board or any committee may take the matter under advisement or issue its ruling. The Board's decision is final.

3.5 **Fines Collectable as Assessments.** All fines levied under this resolution will be deemed assessments that are due and payable by the alleged violator and, if the alleged violator fails to pay the fine within 10 days after notice is sent to the alleged violator, will be due and payable against the Owner. If not timely paid by the alleged violator or Owner, the fines will become a part of any lien that may be recorded against the Lot owned or occupied by the Owner or occupant. A claim of lien solely based on fines may be recorded only when a minimum of \$100 in fines have been levied and remain unpaid.

4. **Emergency Response.** If there is an immediate threat to health or safety or immediate threat to a Lot, structure, or common area, the Association may rectify the situation immediately, without notice, and charge the Owner for all costs incurred, including applicable fines. At the Board's sole discretion, the Board will determine if a violation constitutes an emergency or immediate threat.

5. **Legal Assistance.** If an attorney is hired to enforce the Governing Documents, the noncomplying Owner will be responsible for all attorney's fees and costs incurred.

6. **Other Action.** For any violation of the Governing Documents and, after giving notice to the Owner, the Board may suspend the Owner's right to vote and the right to access any Common Area by the Owner, Owner's tenants, occupants, or invitees.

7. **No Limitation.** Nothing in this Resolution waives or abrogates the Board's right to take other action to enforce the Governing Documents.

This Resolution was adopted by the Board of Directors on October 3rd, 2022, and is effective the day it is distributed electronically or mailed to the owners. This Resolution replaces and supersedes any previously established collection resolutions or policies of the Board of Directors.

Taralon Residential Community Association

DocuSigned by:
By: William Hunter
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President

DocuSigned by:
By: Angela Ackerson 
454F526689AD1E11
Secretary