

Enforcement Resolution and Fine Schedule 2022

RESOLUTION OF THE BOARD OF DIRECTORS ASSOCIATION OF UNIT OWNERS OF SEAVIEW CONDOMINIUMS

ENFORCEMENT RESOLUTION AND FINE SCHEDULE 2022

RECITALS

The Board of Directors works toward resolving conflict by friendly compromise, but when that fails, the Bylaws of the Association of Unit Owners of Seaview Condominiums as well as the Oregon Condominium Act, ORS 100.405, provide a process for conflicts arising from violations of our governing documents. This document will provide general information to understand that process.

RESOLUTION

Once the Board receives a complaint, along with all the necessary information, then it will be investigated and verified. Any complaint that cannot be verified will be returned to the submitter. If the complaint is verified, then the owner will receive a notice and have an opportunity to be heard; please see the process on the next page for the details.

Fines will be assessed against any unit owner for violations by the unit owner the owner's third-party guest, renter, trader, tenant, or invitee that was in attendance or occupied the owner's unit, for whom the complaint was directed.

In general, violations will be assessed at \$100 per occurrence and at \$50.00 per day, except for any pet infraction, which will be assessed at \$100.00 per day for continuing violations.

Fines will be assessed against the owner's account after providing the owner notice and opportunity for a hearing as more fully provided below, and all payments are due and payable to the association within the normal billing period.

Items that are subject to fines include (but are not limited to):

1. Violations to the use of common elements (changing or adding to approved elements).
2. Violations to the Rules of Conduct (Article IX-Section 5). This includes:
 - a. Disturbances or excessive noise.
 - b. Posting signs, advertisements, or posters without approval.
 - c. Depositing garbage, trash, or other waste in common areas.
 - d. Shaking dust rags, mops, or other items from balconies.
 - e. Exceeding the two (2) pet limit for owners, and no pets raised for commercial purposes or sale.
 - f. Any pet allowed must be on a leash when on Seaview common elements.

Enforcement Resolution and Fine Schedule 2022

- g. No smoking or vaping of any kind on Seaview common elements.
- h. Only electric barbeques (no flames) on decks.
- i. Parking of recreational vehicles must request prior approval and be parked in designated areas.
- j. Placing anything other than a chair, shoe brush, or welcome mat in the common elements on residential floors.
- k. Failure to comply with the association insurance requirements.

Anyone who wishes to report a violation shall send their complaint to the Board at board@seaviewHOA.org. Please provide all of the information necessary to investigate the complaint.

If you have any questions or concerns, please contact the Board at board@seaviewhoa.org. The process described in Article VIII-Collection of Assessments, Enforcement is described here. Please see Article VIII for details.

(Article VIII-Section 1), all unit owners shall comply with the association's governing documents, and all adopted rules and regulations.

(Article VIII-Section 2.) The Board of Directors shall take prompt action against any violator to enforce the provisions of those governing documents or any other document contained in the deed to the unit. The Board has a few options in responding and may opt for one or more as the situation demands.

(Article VIII-Section 3.) If the complaint is verified, and the situation constitutes an emergency, then the Board has the authority to either: (1) enter the unit or common area and summarily abate or remove, at the expense of the owner, the condition in violation, or (2) enjoin, abate, or remedy the condition by appropriate legal proceedings.

(Article VIII-Section 4.) If the complaint is verified, then the owner will be:

- Given written notice, and
- given a grace period of thirty (14) calendar days from the date of delivery of the notice to correct the situation, and
- the opportunity to be heard by contacting the Board and scheduling a hearing.

The written notice must specify the nature of the violation, citation to the rule or restriction that was violated, the amount of the fine, and the grace period in which the owner must correct the violation or request a hearing. The written notice must be delivered by certified mail, return receipt requested.

Enforcement Resolution and Fine Schedule 2022

If the hearing is unsatisfactory or the grace period has expired without correcting the issue, a reasonable fine will be levied as an individual assessment against the unit.

(Article VIII-Section 5.) If a unit owner fails to pay an installment of an assessment when it is due, the Board may, after ten (10) days of written notice, declare the unit owner's entire annual or special assessment due immediately, and interest will begin to accrue on the entire amount at twelve percent (12%) per annum until paid.

(Article VIII-Section 6.) The association must comply with ORS 100.450 for unpaid fines. The owner's unit will be subject to a lien filed against the owner's title and any lien not paid will be subject to foreclosure of the property.

(Article VIII-Section 7.) The Board may bring an action to obtain a money judgment against the owner for damages or the unpaid assessment.

(Article VIII-Section 8.) The Board may deny or restrict the owner's right to use any common element so long as the assessment remains unpaid, or the violation continues.

(Article VIII-Section 9.) Unit owners will be responsible for all reasonable fees and costs, including attorney's fees incurred in connection with efforts to collect the delinquent and unpaid assessments, or to enforce this process, whether a suit or action is commenced.

It is further resolved that this Resolution be distributed to all owners.

The undersigned Chairperson and Secretary certify that the foregoing Enforcement Resolution and Fine Schedule was approved by at least a majority of the Board of Directors effective as of _____, 2022.

Chairperson, Association of Unit Owners
of Seaview Condominiums

Secretary, Association of Unit Owners
of Seaview Condominiums