

THREE PINES OWNERS' ASSOCIATION
Resolution of the Board of Directors

ENFORCEMENT RESOLUTION & SCHEDULE OF FINES

Background

- 1. The Three Pines Owners Association is subject to ORS Chapter 94 and the following documents, along with any amendments thereto, recorded in the official records of Deschutes County, Oregon:**
 - 1.1. The Declaration of Covenants, Conditions and Restrictions For Three Pines ("Declaration"), recorded as document number 2003-2347; and**
 - 1.2. The Initial Bylaws of the Three Pines Owners Association ("Bylaws"), recorded as 2003-25272.**
- 2. The Three Pines Owners Association ("Association") was created to oversee the affairs and operations of the Three Pines Community.**
- 3. Pursuant to ORS 94.630 the Association is entitled to adopt rules and regulations for the community.**
- 4. Pursuant to CC&R 11.3(a) of the Declaration, the Board of Directors is authorized to levy fines for violations of the Declaration, Bylaws, or Rules and Regulations of the Association.**
- 5. For the benefit and protection of the Association and of the individual owners, the Board of Directors deems it necessary and desirable to establish a formal procedure for the handling of complaints and the enforcement of the Declaration, Bylaws, and Rules and Regulations to ensure owners receive notice and an opportunity to be heard in cases involving violations of the Declaration, Bylaws, or Rules and Regulations.**
- 6. The Board deems it necessary and desirable to adopt a Schedule of Fines to be used by the Board in imposing sanctions for violations of the Declaration, Bylaws, or Rules and Regulations of the Association.**

Resolution

1. The procedure set forth below shall now be the process for handling complaints and for enforcing violations of the Declaration, Bylaws, and Rules and Regulations.

2. VIOLATIONS

2.1. The Board of Directors may begin enforcement proceedings if it determines that there is a violation of the Declaration, Bylaws, or Rules and Regulations. Actual knowledge, a complaint submitted by an owner, or any other reliable information is sufficient to make a determination.

2.2. Any complaint submitted by an owner must contain the following:

2.2.1. Name and address of owner submitting the complaint;

2.2.2. Name and address of violating owner; and

2.2.3. A description of the violation, including dates and times.

2.3. At the Board's discretion, the name and address of the complaining owner may be kept private.

3. NOTICE

3.1. The Board shall send an initial Courtesy Letter advising the owner of a complaint, identifying the provision of the Declaration, Bylaw or Policies and Procedures at issue and requesting the owner address the complaint. If the owner does not take action to address the complaint within 10 days, the Board may pursue additional action as follows:

3.2. After determining the existence of a violation, the Board shall notify the owner of the violation via a Violation Notice.

3.3. The Violation Notice must contain the following:

3.3.1. A description of the violation;

3.3.2. If available, photographs of the violation;

3.3.3. A statement that the owner is entitled to an opportunity to be heard by the Board before further action is taken or fines are levied, and that the owner shall have 10 days from the date on the notice to present a written request to be heard;

3.3.4. The amount of the fine, consistent with the Schedule of Fines, that will be levied if the violation is not remedied;

3.3.5. Whether the fine will be levied daily, weekly, monthly, or per incident;

3.3.6. A description of any other remedies that may be taken by the Association to remedy the violation;

3.3.7. What action must be taken by the owner to remedy the violation;

3.3.8. The time frame for remedying the violation; and

3.3.9. A statement that the fines or other remedies shall be imposed unless the owner presents a written request for an opportunity to be heard by the Board within 10 days of the date on the Violation Notice.

3.4. The Violation Notice shall be mailed to the owner via certified or registered first-class mail to the address on file with the Association.

4. RESPONSE TO NOTICE

4.1. The owner must respond to the Violation Notice of the alleged violation in writing within the 10 day period, regardless of whether the owner is challenging the imposition of the proposed sanction.

4.2. If the owner cures the alleged violation and notifies the Board in writing within the 10 day period from the date of the Violation Notice, the Board may waive the sanction at its discretion.

4.3. Such waiver shall not constitute a waiver of the right to sanction future violations of the same or other provisions by any person.

4.4. If a timely request for an opportunity to be heard is not made, the sanction stated in the Violation Notice may be imposed.

4.5. The Board of Directors may, at its discretion, suspend any proposed sanction if the violation is cured within the 10 day period.

4.6. Any response or request for an opportunity to be heard shall be delivered to the Association as specified in the Violation Notice.

5. RIGHT TO BE HEARD

5.1. Prior to levying fines against a violating owner, the Board must give the owner an opportunity to be heard by the Board. The opportunity to be heard shall occur in an open Board meeting.

5.2. If the owner presents a written request to be heard after receiving the Violation Notice described in Section 3 above, the Board shall send the owner a notice containing the date, time, and place of the hearing.

5.3. If the violating owner fails to attend their opportunity to be heard, the Board may take any of the actions described in Section 6 below.

5.4. If the violating owner is present to be heard, the violating owner may present testimony or other evidence showing that there is no violation, or that the violation is not subject to enforcement by the Board.

6. BOARD DETERMINATION

6.1. At the conclusion of the opportunity to be heard, or if the violating owner fails to appear, the Board may:

6.1.1. Proceed with levying fines consistent with the Schedule of Fines;

6.1.2. Take any other enforcement action available; or

6.1.3. Dismiss the complaint.

6.2. After deliberation, the Board shall announce its decision in an open Board meeting, and record the decision in the Board's meeting minutes.

7. MISCELLANEOUS

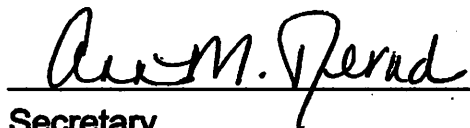
7.1. The Board reserves the right to amend, revise, or add to the Schedule of Fines and this Resolution, as necessary.

7.2. A copy of this Resolution shall be sent or delivered to all owners.



President

9/19/2023
Date



Secretary

9/19/2023
Date

APPENDIX A: SCHEDULE OF FINES FOR CC&R VIOLATIONS

Initial Violation is the first incident of a specific conduct, act or condition by an owner determined to be a violation of the Declaration, or Bylaws, or Rules And Regulations of the Three Pines Community. Initial Violations shall be assessed an initial fine according to the Schedule of Fines.

Ongoing Violations are continuations of the Initial Violation until such time as the conduct, act or condition is corrected by the owner. Ongoing Violations shall be assessed a daily fine until such time as the violation is corrected.

Repeat Violations are violations of the same Declaration, or Bylaw or Rules and Regulations by the same Owner occurring within 90 days of a previous violation. Initial and daily fines for Repeat Violations will be assessed at a rate of double (2x) the amount in the Schedule of Fines.

In every case, it is the responsibility of the owner to: (1) attest that the violation has been cured, and (2) request an inspection to verify such cure.

The Association, through the Board of Directors may, at its discretion, suspend or cancel any fines where the Owner being fined has acted in good faith to take corrective action for the violation.

Fines

	Initial Fine	Daily Fine
7.5 Antennas	\$100	\$10
7.6 Appearance	\$100	\$10
7.14 Firearms & Related Activity	\$1000	-
7.15 Grades, Slopes & Drainage	\$200	\$10
7.17 Livestock, Poultry & Pets	\$200	\$25
7.20 Maintenance of Improvements & Grounds	\$200	\$10
7.23 Nuisances	\$200	\$10
7.24 Offensive or Unlawful Activities	\$400	\$25
7.26 Outside Fixtures	\$100	\$10
7.27 Outside Storage	\$100	\$10
7.28 Parking, Prohibited Vehicles & Lot Appearance	\$400	\$25
7.32 Signs	\$100	\$10
7.35 Vacant Lot	\$200	\$10
7.37 Rental Restriction	-	\$750
 Any Other Violation of the Declaration, ByLaws or Rules and Regulations	 \$100	 \$25

APPENDIX B: SCHEDULE OF FINES FOR ARC VIOLATIONS

CONSTRUCTION VIOLATION	FINE AMOUNT
Initiating major new construction without approval	\$2,500 to \$ 5,000
Initiating minor new construction without approval	\$500
Deviations from approved plans	\$1,000 to \$100,000
Unauthorized earthwork or site alteration	\$1,500
Unauthorized blasting	\$1,500
TREE, BRUSH AND LIMB REMOVAL	
Tree removal from common area or neighboring property, or unauthorized tree removal from own property	\$500 to \$ 5,000
* Homeowners must submit an application to remove any existing trees that measure 6" in diameter at 12" above grade.	
Remediation requires replacement of tree with tree(s) of equal total caliper plus fine to be determined by ARC	
Example: 8" caliper tree removed to be replaced with (2) 4" caliper trees.	
Failure to properly dispose of vegetative debris from site	\$250
NATIVE LANDSCAPE PROTECTION PRACTICES	
Failure to maintain vegetation protection fencing	\$250
Damaging native landscape on adjacent properties and areas around construction site	\$250
TRASH RECEPTACLES AND DEBRIS REMOVAL	
Failure to remove daily debris, mud or excess dirt from public or private streets, open space or driveways	\$250 per event
Concrete washout in streets, rights-of-way, setbacks or adjacent properties	\$250 to \$1,000
Trash receptacle missing from job site	\$250
Portable sanitary facility missing or in unauthorized location	\$250
VEHICLES, ACCESS AND PARKING AREAS	
Access of home site by means other than approved route (future driveway).	\$250
Parking in areas other than designated in Design Guidelines	\$250
HOURS OF CONSTRUCTION AND RADIOS	
Construction outside of approved hours of operations	\$250
Radio or other audio equipment audible beyond property lines	\$250
SAFETY	
Possession or discharge of firearms or other weapons	\$1,500 to \$10,000
Fire extinguishers missing or inadequate	\$500
Consumption of alcohol or use of controlled substances	\$500
Pets or other domestic animals on site	\$100
OTHER VIOLATIONS	
Damage to adjacent properties (landscaping/hardscapes)	\$250
Fines for violations not listed may be assessed on a case-by-case basis.	
At the discretion of the ARC, fines may be increased due to the severity of the violation	