

# Mount Vernon Village Home Owners Association

## Resolution of the Board of Directors #5

### TERMINATION OF COMMON UTILITIES

#### RECITALS

A. "Declaration" refers to the Declaration of Covenants, Conditions and Restrictions. "Bylaws" refers to the 2006 Amended and Restated Bylaws of Mount Vernon Village Homeowners Association. "Association" refers to Mount Vernon Village Homeowners Association. "The Act" refers to the Oregon Planned Community Act, ORS 94.550 to 94.783, as provided under ORS 94.572.

B. From time to time owners become delinquent in the payments of their assessment fees and fail to respond to demands from the Board to bring their accounts current. It is imperative assessment payments are timely received;

C. Section 94.630(1)(m) of the Oregon Revised Statutes permits homeowner associations to adopt rules regarding the termination of utility services or access to and use of any recreational or service facilities which are provided as a common expense of the Association (hereinafter "utility services");

D. The rights and procedures contained in this Resolution are in addition to the rights, procedures, and remedies contained in the Collection Resolution of the Board of Directors, dated 7/19/04;

E. The Board deems it to be in the best interests of the Association to adopt a uniform and systematic procedure for the termination of utility services of owners who fail to timely pay their assessments;

**NOW, THEREFORE, BE IT RESOLVED**, that the following steps be adopted to provide for the uniform and systematic procedure for the termination of utility services:

1. For the purpose of this resolution, "utility services" or "common utilities" shall mean:
  - (a) any commonly provided utility including but not limited to water, garbage collection, and other utilities provided in common by the Association; and
  - (b) access to any common recreational and service facilities, including parking in common space that is available to owners.

2. If any assessment remains unpaid by an owner for more than thirty (30) days from the due date of its payment, the Board, at their discretion, shall send a notice to the owner of its intent to terminate utility services if the amount due and owing is not paid within thirty (30) days. The notice shall include a statement that the owner may request a hearing.

3. The notice shall be personally delivered or mailed by certified mail, return receipt requested, or by first class mail with delivery confirmation, to the alleged violator at the address or addresses required for notice of meetings and, in the case of non-owner residents, to the property address as well.

4. The owner shall have fifteen (15) days from the time the owner receives the notice to request a hearing.

5. If an owner requests a hearing within fifteen (15) days of receiving the notice, the Board shall schedule a hearing and notify the owner of the date, time, and place of the hearing.

6. Utility services may be shut off unless:

(a) the total amount due and owing is paid within thirty (30) days from the time the notice of intent to terminate is received by the owner; or


(b) after a properly requested hearing has been held, the Board, in their discretion, determines not to terminate the owner's utility services.

7. Costs associated with the termination or connection reinstatement of the owner's utility services shall be added to the owner's monthly assessments and shall be paid for by the owner.

Adopted by the Board this 9<sup>th</sup> day of January 2007.

ATTEST:

Date: **January 10, 2007**

  
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President, Mount Vernon Village Homeowners Association

  
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Secretary, Mount Vernon Village Homeowners Association

**Resolution #5 of the Board of Directors Regarding Common Utilities**