

**ASSOCIATION OF UNIT OWNERS OF
NORTH PARK CONDOMINIUM ASSOCIATION
RESOLUTION No. 2004- 02**

WHEREAS, "Declaration" is the Declaration Submitting North Park Lofts Condominium to Condominium Ownership, "Bylaws" are the Bylaws of the Association of Unit Owners of North Park Condominium and "Rules and Regulations" are the Rules and Regulations of the Association of Unit Owners of North Park Condominium (collectively referred to as "Governing Documents");

WHEREAS, Section 14.2 of the Declaration provides that the affairs of the Association shall be governed by a Board of Directors;

WHEREAS, Section 7.5(m) of the Bylaws provides that the Board of Directors shall have the authority from time to time to adopt, modify, or revoke rules and regulations governing the conduct of persons and the operation and use of the units and common elements as it may deem necessary or appropriate;

WHEREAS, Article 14.3 of the Declaration further provides that the Board of Directors shall have the authority to fine such owners who are not in compliance with rules and regulations and that the amount and the procedure to impose such fines shall be established by Board resolution;

WHEREAS, ORS 100.450(5) specifies that assessments may include fees, late charges, fines and interest imposed pursuant to ORS 100.405(4)(i)(j) and (k);

WHEREAS, ORS 100.405(4)(k) provides that the Association may impose late charges for payments of assessments, attorney fees for collection of assessments, and after giving notice an opportunity to be heard, levy reasonable fines for violations of the declaration, bylaws and rules and regulations of the association if the charge imposed or fine levied is based on a resolution adopted by the board of directors that is delivered to each unit, mailed to the mailing address of each or mailed to the mailing addresses designated by the owners in writing;

WHEREAS, for the benefit and protection of the Association and the individual owners, the Board of Directors deems it necessary and desirable to establish a procedure which is in compliance with ORS 100.405(4)(k) and ensures that owners receive notice and an opportunity to be heard in cases involving compliance by an owner or resident with provisions of the Declaration, Bylaws or the Rules and Regulations;

NOW, THEREFORE, BE IT RESOLVED THAT the following enforcement procedure is hereby adopted:

I. PROCEDURE

A. *Initial Actions to Secure Compliance* Any owner, resident, officer, or agent of the Association has the authority to request that an owner or resident cease or correct any act or omission which appears to be in violation of the governing documents. The Association encourages such informal requests to be made before the formal process is initiated.

B. *Written Notice*. After a complaint has been submitted to the Board of Directors, the Association may conduct a preliminary investigation to confirm the nature and existence of the violation. Once the Association determines to proceed with respect to a claimed violation, a written notice shall be sent to the alleged violator by the Board, or any other designated agent of the Association, in accordance with the following procedure:

1. Pursuant to the written notice (the "notice"), the alleged violator shall be directed to cease and desist from the alleged violation and shall be advised of:

(a) The alleged violation;

(b) The action required to abate the violation;

(c) A time period during which the violation may be abated without further sanctions (or, if appropriate, a statement that any further violation of the same provision may result in the automatic imposition fines); and

(d) A statement advising the violator that if the alleged violation is not abated by the designated compliance deadline, charges will be automatically imposed beginning effective on the compliance deadline date.

The notice shall also state that the unit owner may request a hearing regarding the alleged violation (and any related imposition of fines) upon delivering a written hearing request to the Board within 14 days of the date of the notice. If an owner requests a hearing, the imposition of fines shall be temporarily suspended pending the outcome of the hearing, but may be imposed retroactively to the compliance deadline date.

2. The notice shall be by regular U.S. mail or hand-delivered to the owner at the address on file at the Association, and, if a tenant resides in the unit, to the tenant.

3. A copy of the notice shall be obtained by the Board. If the notice was sent pursuant to a complaint filed by a resident, the Association shall advise the complaining resident that the notice was sent.

4 The Board in its discretion may designate certain types of violations as exempt from a cure and abatement period and provide that such violations shall result in an automatic imposition of fines. For such violations, the violator will receive a written notice of the description of the violations, the fines to be imposed and a statement that the violator may request a hearing regarding the alleged violation before the charges are finally imposed.

5. Owners may not be entitled to the cure and abatement periods described in B. 1 (b), (c) and (d) if, in the Board's sole discretion, the Board determines the present allegations are similar in nature to allegations for which the owner had been found to have violated within the preceding twelve (12) month period. For such violations, the violator will receive a written notice of the description of the violations, the fines to be imposed and a statement that the violator may request a hearing regarding the alleged violation before the charges are finally imposed.

C. *Failure to Comply with Request/Imposition of Fines.*

1. If the violator fails to abate the violation and does not timely request a hearing regarding the alleged violation, fines shall be imposed:

(a) For violations specified in attached Exhibit A, fines in the amount set forth in Exhibit A;

(b) For all other violations, fines shall be imposed up to \$100 per violation, or up to \$125 per day for continuing violations.

2. Such imposed fines shall be treated as assessments pursuant to the Oregon Condominium Act and collected as such. If an owner fails to honor the demand to abate the violation and/or requests a hearing regarding the violation, the hearing and notice procedures set forth below shall be followed.

D. *Notice of Hearing.*

1. The Board shall serve a notice of hearing on the alleged violator. The notice shall be served not less than 15 days prior to the date of the hearing. The notice shall be personally delivered or mailed by regular United States mail, 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.

2. The notice of hearing sent to the alleged violator shall state the time, date and location of the hearing and shall inform the alleged violator of his or her right to be

present at the hearing and to present any witnesses or evidence. The notice shall also describe any sanctions which may be imposed on the alleged violator and may contain other information (such as prior notices to the unit owner) regarding the alleged violation.

3. If the violation was noted pursuant to a complaint from a unit owner or resident, the Board shall advise the complaining resident of the hearing date and time.

4. If any parties can promptly show good cause as to why they cannot attend the hearing on the set date and indicate times and dates on which they would be available, the Board, in its sole discretion, may reset the time and date of hearing and promptly deliver notice of the new hearing date.

E. **Hearing.** A hearing shall be conducted by the Board to afford all parties a chance to present or defend their cases. The following procedure shall apply:

1. *Proof of Notice, Minutes.* Proof of notice and the invitation to be heard shall be placed in the minutes of the meeting. The notice requirement shall be deemed satisfied if the respondent appears at the meeting. The minutes of the meeting shall contain a written statement of the results of the hearing and the sanction, if any, imposed.

2. *Hearing Procedures.*

(a) At the beginning of the hearing, the Chairperson (or other person designated to conduct the hearing) shall explain the rules and procedures by which the hearing is to be conducted.

The Board may determine the manner in which the hearing will be conducted, so long as the rights set forth in this section are protected. The hearing need not be conducted according to court rules relating to evidence and witnesses. Generally, the Board may consider any evidence it deems relevant.

(b) Neither the complainant nor the alleged violator must be in attendance at the hearing.

(c) Whenever the Board has commenced to hear the matter, and a member of the Board has commenced to hear the matter, and a member of the Committee withdraws prior to a final determination, the remaining members shall continue to hear the case and make a final determination.

3. *Decision.*

(a) After all testimony and documentary evidence has been presented to the Board (which determination shall be in the sole discretion of the Board), the Board shall vote upon the matter. Agreement of a majority of those voting shall be required for a decision. The decision shall be made in a timely manner.

(b) The Board shall prepare a written decision which includes the following: written findings; the decision of the Board; the sanctions, if any, imposed; and such other information as the Board may deem appropriate for inclusion. A copy of the decision of the Board shall be delivered to each party in the matter. A copy of the decision shall be appended to the Board Minutes.

(c) The Board in its discretion may impose fines against the unit owner involved; issue further cease and desist orders; suspend the resident's right to use certain facilities and services, if the violation relates to said facilities and services; and make such other decisions or determinations as the Board deems appropriate in its judgment.

(d) The written decision of the Board must be delivered to the unit owner against whom enforcement is sought within ten days of the hearing.

II. INTERPRETATION

A This Resolution is intended to serve as a protection to owners and residents to ensure that their rights are protected and to serve as a guideline for the Board as it carries out its duties to enforce the Declaration, Bylaws, Resolutions, Rules and Regulations.

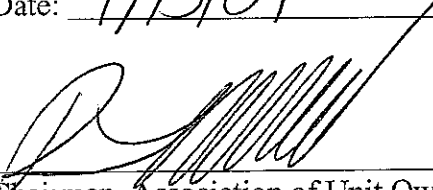
B. The Board may determine the specific manner in which the provisions of this Resolution are to be implemented. Provided that notice and an opportunity to be heard are afforded.

C. Any inadvertent omission or failure to conduct any proceedings in exact conformity with this Resolution shall not invalidate the results of such proceeding, so long as a prudent and reasonable attempt has been made to ensure due process according to the general steps set forth in this Resolution.


D. The Board has the right to amend the Schedule of Fines from time to time at its discretion. The amended Schedule of Fines shall be delivered to all unit owners.

ATTEST:

Date: 4/13/04



Chairman, Association of Unit Owners of North Park Condominium



Secretary, Association of Unit Owners of North Park Condominium

**ASSOCIATION OF UNIT OWNERS OF
NORTH PARK CONDOMINIUM ASSOCIATION**

SCHEDULE OF FINES

Violations of Declaration, Bylaws, Resolutions and House Rules:

1. First Violation - Warning Letter mailed
2. Second or uncorrected violation - Letter mailed with \$25.00 fine
3. Third or uncorrected violation - Letter mailed with \$50.00 fine
4. Fourth or uncorrected violation - Letter mailed with \$100.00 fine
5. Fifth and/or uncorrected subsequent violation - Letter mailed with fines doubling each occurrence

Violations of Construction Rules

1. First Violation - Warning Letter mailed
2. Second Violation - Letter mailed with up to \$150.00 fine
3. Third Violation - Letter mailed with up to \$500.00 fine
4. Fourth Violation - Letter mailed with up to \$1000.00 fine
5. Subsequent Violations - At the discretion of the Board of Directors

Failure to notify property management firm of any moving or construction activity

1. First Violation - Letter mailed with up to a \$500.00 fine
2. Subsequent Violations - At the discretion of the Board of Directors