

EF

ENFORCEMENT RESOLUTION

SENIOR ESTATES GOLF & COUNTRY CLUB

1776 Country Club Road, Woodburn, OR 97071

DBA



Legal Name

Senior Estates Golf and Country Club, registered April 10, 1967

Assumed Business Name (ABN)

Woodburn Estates & Golf, registered January 21, 2015

Association

References to Association means our current legal name or assumed business name.

Schedules of Fines are the last two pages of this document.

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RESOLUTION

At a regular meeting of the Board of Directors, held on **November 22, 2022**, the Board unanimously made the following findings:

WHEREAS the Association Secretary, by signing below, attests that pursuant to the Association Bylaws, all Board members were provided notice of the meeting and a quorum of the Board of Directors was present in person at the meeting.

WHEREAS the Board has authority to enact rules regarding enforcement pursuant to the Boards' powers to exercise all powers and authority vested in it per the Bylaws.

WHEREAS the Board may establish fines for violations of the Governing Documents and additional penalties for violations not corrected by date set by Board per the Bylaws.

WHEREAS The Board recognizes that Schedule of Fines, as named and when attached, is a separate document and may be adapted and changed by a vote of the Board of Directors, as needed. and does not change the status or integrity of this Enforcement Resolution.

WHEREAS the Board finds that it is in the best interest of the Association to adopt new enforcement policies to maintain peaceful enjoyment of the property by all residents.

NOW THEREFORE IT IS RESOLVED that the procedure set forth below shall be used for handling complaints and enforcement of violations of the Governing Documents.

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1. **Inappropriate Personal Conduct on Common Grounds** Personal Conduct Violations include, but are not limited to, the following types of conduct:
 - 1.1 **Any behavior directed at or offensive to others** that goes beyond the bounds of good judgment and common sense and that a reasonable person should know would be unwelcome.
 - 1.2 **Inappropriate physical or verbal conduct towards others** based on “race, color, religion, sex, sexual orientation, national origin, marital status, familial status, source of income, disability, or the number of individuals occupying a dwelling as defined by House Bill 2534 (HB2534) and Oregon Revised Statutes (ORS) 94 and 100.
 - 1.3 **Bullying or any aggressive**, abusive, intimidating, or harassing behavior meant to influence one to act in a particular manner, verbal or physical.
 - 1.4 **Inappropriate or defamatory actions** in retaliation for reporting a Violation.
2. **PROCESS FOR PERSONAL CONDUCT VIOLATIONS:**
 - 2.1 **Any person involved** i.e., member, associate member, guest, employee, public, the Board of Directors, or the manager or managing agent (“Complainant”) may initiate a complaint for a Personal Conduct Violation (“Complaint”). The complaint may be filed on-line or in person at the Association office located at 1776 Country Club Road, Woodburn, Oregon. Complaints filed on-line or through the mail, will be considered “signed” for all intent and purposes by the complainant’s email address or return address as completed on the outside envelope. Complaints filed in person must have a signature on the complaint request.
 - 2.1-1 The name of the person whom the Complaint is against (“Alleged Violator”) and their address, if known.
 - 2.1-2 A description of the Complaint, including the date and time.
 - 2.1-3 The name, address, and contact information of the Complainant. This information will be held by the Board of Directors and manager or managing agent in confidence unless the Complainant authorizes release of this information. The identity of the Alleged Violator will be disclosed if there is a hearing or later legal action, if required.
 - 2.2 **Investigation. Investigation.** The Board of Directors will review the Complaint in conjunction with the Rules Committee and determine whether additional investigation or other action is warranted. If the Board determines that it is warranted, the Board will appoint an independent Investigating Committee of five (5) members. No Board Member shall serve on the Investigative Committee. A board member may respond to direct requests from the committee for additional supporting information as part of the investigation.
 - 2.3 **The Investigating Committee has authority** to contact witnesses and conduct other investigation that it determines is appropriate. All information compiled by the Investigating Committee shall be kept confidential. The Investigating Committee shall complete its investigation within ten* (10) business days and shall provide a written report (“Report”) to the Board of Directors with a finding that a violation did or did not occur. The Investigating Committee’s Report shall also include recommendations for enforcement, if any. [*A business day as defined by the IRS “is any day that is not a Saturday, Sunday, or legal holiday.]

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- 2.4 Notice.** The Board shall review the Report of the Investigating Committee and decide whether to send a violation notice.
- 2.4-1** The Notice to the Alleged Violator shall be sent at least fifteen (15) business days before any penalties are imposed or other actions commenced. Such Notice shall be delivered by first class mail and by certified mail return receipt requested or by other private delivery service able to do same. The address used shall be sent to the address of record advising that the Alleged Violator may submit a written response (“Response”) and/or a written request for a hearing (“Request for Hearing”). The Response or Request for Hearing must be delivered to the Board of Directors not later than ten (10) business days after the date of the Notice. If the Alleged Violator does not respond or does not appear at the hearing, the charges will be deemed admitted, and any penalties or actions described in the Notice shall be imposed without further notice.
- 2.5 Hearing.** After reviewing the Response, the Board shall schedule a hearing if requested by the Alleged Violator, or if the Board determines that a hearing will be beneficial. Imposition of fines, penalties, and other actions will be suspended pending the outcome of the hearing. The hearing shall be conducted in executive session due to the sensitive and confidential nature of the violation.
- 2.5-1** If the Alleged Violator does not appear within fifteen (15) minutes of the start time of the hearing, the Board may deem that the Complaint is admitted and impose any penalties or actions described in the Notice without further notice.
- 2.5-2** Both the Complainant and the Alleged Violator may present evidence and witnesses at the hearing. The Complainant if present, shall present the Complaint first, then the Alleged Violator may respond. The Board may limit testimony and evidence as it determines is reasonable and necessary. Unless otherwise determined by the Board, the time limit for the hearing shall be no more than fifteen (15) minutes. However, a request for extension may be granted if requested at the time of the hearing.
- 2.5-3 Board Determination.** At the conclusion of the hearing, the Board will discuss the matter in executive session and will provide its written decision to the Alleged Violator and the Complainant within five (5) business days of the hearing. A finding by the Board that the Complaint did occur is a determination of a violation (“Violation”).
- 2.6 Recurring Violations.** If the Personal Conduct Violation continues or recurs within twelve (12) months of the date of the first Violation, the process will begin again, as set forth on the *Schedule of Fines*.
- 2.7 Remedies.** In addition to levying fines as set forth on the *Schedule of Fines*, the Board also has the authority to impose other remedies including suspension of membership privileges, suspension of use of amenities, and any other remedy authorized by the Governing Documents or applicable laws. In addition, the Board may refer Violations that constitute crimes to the police or other enforcement agency.

The Board may take additional enforcement action, including:

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- 2.7-1 Seeking injunctive or declaratory relief against any Alleged Violator or any tenant, guest, invitee, licensee, or other occupant of the Alleged Violator.
- 2.7-2 Taking immediate legal action as the Board finds necessary to stop conduct which it determines is in violation of the Declaration, Articles, Bylaws, Rules and Regulations, or any other Governing Document, or applicable state or federal law.

3. OTHER VIOLATIONS (other than Personal Conduct Violations)

All violations of the Association's Governing Documents (other than Personal Conduct Violations as defined above) will be managed as follows:

- 3.1 **Complaint.** See Section 2.1 above.
- 3.2 **Determination of Violation.** The Rules committee will determine, in its discretion, whether the Complaint requires further investigation through other approved Board committees (example, Architectural Review) or by the Board of Directors. A finding that the Complaint did occur is a determination of a violation ("Violation").
- 3.3 **Notices of Violation.**
 - 3.3-1 The Rules Chair Director or its representatives must provide a first notice of a violation ("First Notice") to the Alleged Violator.
 - 3.3-2 If the Violation is not remedied or ceased within the time specified in the First Notice, then a second notice ("Second Notice") will be sent to the Alleged Violator. The Second Notice to the Alleged Violator shall describe the violation and any fines or penalties to be imposed in accordance with the *Schedule of Fines*. This Second Notice shall be sent at least ten (10) business days before any fines or other penalties are imposed and shall be delivered personally or by first class mail to the address of record advising that the Alleged Violator may submit a written request for a hearing ("Request for Hearing"). The Alleged Violator must deliver the Request for Hearing to the Board of Directors not later than ten (10) business days after the date of the Second Notice. If the Alleged Violator does request a hearing or does not appear at the hearing, the charges will be deemed admitted, and any fines or penalties described in the Second Notice shall be imposed without further notice.
- 3.4 **Recurring Violations.** Owners who repeat any Violation of the same type as determined by the Rules Chair Director or its representatives within a twelve (12) month period of receiving a First Notice and being resolve, will receive another First Notice of Violation. For such repeat Violations, the fine may begin as outlined in the attached *Schedule of Fines*.
- 3.5 **Continuing Violations.** Should the Violation continue for a period of ten (10) business days following mailing of the Second Notice of Violation, fines will commence in accordance with the *Schedule of Fines*. Fines for the same, continuing violations will afford the Owner with the opportunity to request additional hearings.
- 3.6 **Alternative Mediation Resolution.** Nothing in this Resolution precludes the President, a designated Board member, or other person authorized by the Board

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from first attempting to resolve the matter either by mediation, whether by an informal meeting, telephone call, or a warning letter to the Alleged Violator.

3.6-1 Mediation shall be documented.

3.7 Hearings Procedure. In the event the Alleged Violator requests a hearing, the Board shall schedule the hearing to occur within fifteen (15) business days of the request, unless unforeseen emergency situations occur. If unforeseen emergency situations occur, the participants may agree to meet by Zoom or other electronic methods where all participants may join.

3.7-1 Imposition of fines, penalties, and other actions will be suspended pending the outcome of the hearing.

3.7-2 If the Alleged Violator does not appear within fifteen (15) minutes of the start time of the hearing, the Board may deem that the Complaint is admitted and impose any penalties or actions described in the First Notice without further notice.

3.7-3 Both the Complainant and the Alleged Violator may present evidence and witnesses at the hearing. The Complainant if present, shall present the Complaint first, then the Alleged Violator may respond. The Board may limit testimony and evidence as it determines is reasonable and necessary. Unless otherwise determined by the Board, the time limit for the hearing shall be no more than fifteen (15) minutes.

3.7-3 Board Determination – See 2.4-1 above.

3.8 Remedies – See 2.7 above.

4. MISCELLANEOUS

4.1 Renters and Other Non-Owner Occupants and Guests. The Owner of a Lot shall be responsible for the violations of any renter, tenant, guest, occupant, or family member who violates any portion of the Association’s Governing Documents.

4.2 The Board has the final decision-making authority relating to violations. Board decisions at hearings are final.

5. This Enforcement Resolution supersedes and replaces all prior resolutions covering the same subject matter.

6. The effective date of this Resolution is **November 22, 2022.**

7. ATTEST: the above resolution was properly adopted and on file.

By: on file _____, President
Sharyn Cornett

Dated 11-22-2022

By: on file _____, Rules Director
Carol Bolton

Dated 11-22-2022

SCHEDULE OF FINES



SENIOR ESTATES GOLF AND COUNTRY CLUB SCHEDULE OF FINES

1. Using a Lot for non-residential purposes. [6-28-2022]
\$150 – 1st offense
\$250 – 2nd offense
\$350 – 3rd and successive offenses
2. Unauthorized raising, breeding, keeping, or permitting of animal on lot.
\$150 – 1st offense
\$250 – 2nd offense
\$350 – 3rd and successive offenses
3. Dogs off leash in common areas, failure to remove pet defecation on common area, allowing animals to be a nuisance to other owners.
\$100 – 1st offense
\$200 – 2nd offense
\$300 – 3rd and successive offenses
4. Improper parking or vehicle storage on personal property.
\$100 – 1st offense
\$200 – 2nd offense
\$300 – 3rd and successive offenses
5. Driving Golf Carts on common grounds without current Cart Tags. [5-24-2022]
\$ 15 – 1st offense
\$ 50 – 2nd offense
\$100 – 3rd and successive offenses
6. Using any Lot or part of the Common Areas as a dumping ground for trash or rubbish.
\$25 – per day
7. Failure to maintain exterior of dwelling and/or garage. [5-24-2022]
\$150 – 1st offense or notice
\$250 – 2nd offense or notice
\$350 – 3rd and successive offenses or notices
8. Unregistered vehicle in RV Storage.
\$150 – 1st offense
\$250 – 2nd offense
\$300 – 3rd and successive offenses
9. Erecting or using a temporary structure on any lot.
\$50 – per day
10. Illegal Parking on Common Area and in RV lot.
\$150 – 1st offense
\$250 – 2nd offense
\$500 – 3rd and successive offenses
11. Failure to comply with setback, maximum height, minimum yard, or minimum house size requirements.
\$150 – 1st offense
\$250 – 2nd offense
\$500 – 3rd and successive offenses

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12. Other continuing violations of the Declarations, Bylaws, Rules and Regulations, Design Guidelines, and Construction Regulations of the Association.
\$100 – 1st occurrence
\$200 – 2nd occurrence
\$300 – 3rd and successive occurrences
13. Renting a home in violation of the CC&Rs.
\$1500 – 1st offense
\$2000 – 2nd offense*
14. Unregistered vehicle including RV at residence. [8-23-2022]
\$150 – 1st offense
\$250 – 2nd offense
\$500 – 3rd and successive offenses
15. Unregistered residents living in home.
\$5 – per day
16. Minor children (under 18) in home as permanent residents.
\$100 – per child 1st offense
\$200 – per child 2nd offense
\$500 – per child 3rd and successive offenses*
17. Failure to complete homeowner application within 10-business days of purchase, inheritance, or any other form of title transfer. [8-23-2022]
\$250 – 1st notice
\$500 – 2nd notice
\$750 – 3rd and successive notices*
18. Failure to comply with HUD FHA age requirements for 55+ Communities.
\$ 500 – 1st month
\$1,000 – 2nd month
\$1,500 – 3rd and successive months*
19. Violation of behavioral rules (e.g. alcohol, tobacco, golf, swimming pool, billiard room, bullying, or similar rules).
\$100 – 1st offense
\$200 – 2nd offense**
\$300 – 3rd and successive offenses***
20. Failure to maintain lawn, weeds, shrubbery at residence [8-23-2022]
\$100 – 1st offense
\$200 – 2nd offense**
\$300 – 3rd and successive offenses***

Footnotes:

- * When fines start, the member is no longer in good standing and access to amenities is prohibited.
- ** Access to area of violation suspended for 30 days with no refund of any fees.
- *** Access to area of violation suspended for calendar year with no refund of any fees.

LATE FEES AND FINANCE CHARGES:

Late fees of 10% are assessed on past due accounts when paid after the due date.

Finance charges are assessed on past due balances at the rate of 1.5% of balance due or 18% per annum.