



Board of Directors Resolution Fines and Fees Policy 2022

Assessments - Late Fees

The Board of Directors created this Resolution to better outline and defines the Fines and Fees associated with a violation in accordance with the Declaration of Covenants, Conditions and Restrictions (CC&R's) of West Eugene Village, and all Rules and Regulations associated with those outlined in the Declaration.

All monthly assessments or other lawful charges are due and payable on the first day of each month pursuant to Declaration of Covenants, Conditions and Restrictions (CC&R's) of West Eugene Village, Section 4.8. Any payment received after the last day of the month is considered late. All payments received, even if the payment was designated to be applied to a specific obligation, will be applied to the oldest outstanding charges before being applied to any current charge. If paying fees quarterly, make a payment before the last day of the first month in the quarter to avoid late fees.

1 Late Fees Are assessed in accordance with the CC&R's, Section 4.9 (Amended).

1.1 Payments of less than the full amount of all assessments and other charges that are due or any payment, which is made late, shall cause the owner to be subject to a \$15.00 late fee charge every successive month the payment(s) remain in arrears.

1.2 Delinquency Any assessment not paid within ninety-days after the due date is delinquent and shall bear late fees, and interest, at the rate of ten percent (10%) per annum, from the date of delinquency. The Board is obligated to place a lien on delinquent accounts. Owner pays all fees.

1.3 Collections The Association may bring any action at law against the owner or person obligated to pay the same, or foreclose the lien against the property. Once legal actions are commenced, all legal fees and costs will be assessed to the Owner(s) as required by the CC&R's, Bylaws, and Rules & Regulations.

1.3a Resolution In lieu of foreclosure, Owners can ask the Board for a payment plan.

1.4 Non-sufficient funds Payments returned for insufficient funds will result in an additional \$35.00 charge to Owners account.

Rules and Regulations - Fine and Fees

Article VIII of the Bylaws, Section 6 of the Declaration of CC&R's, ORS 94.777 and 94.780 set forth conditions for compliance with established rules and regulations. The Board of Directors and the Architectural Control Committee (ACC) are responsible for ensuring compliance of the established rules and regulations and failure to comply with the established rules and regulations are grounds for action. The schedule of fines range from \$50.00 per occurrence and/or increase to \$100.00 for repeat violations. Violations will not be considered repeat offenses if 60 days has passed since the last violation. Fees include contractor fees, cost of postage, tracking, or return receipt for written notifications.

In addition to the fine and fees noted above, the following violations may result in additional actions taken to correct or resolve condition(s) that resulted in a fine.

2 Lawn & Yard Violations. Added charges will be assessed if an outside contractor is required to resolve the issue that resulted in the fine. The amount assessed will be equal to and not more or less than the contractor's fees for completing the task to resolve the issue.

3 Common Areas, Park, and Open Spaces Violations. Per Bylaws Article VIII (b) and CC&R Section 2.1 (b), the Board can restrict access to the park, playground, and Open Spaces not to exceed 60 days per violation. This action can also be applied to delinquent accounts for unpaid assessments.



West Eugene Village Homeowners Association, Inc.

- 4 Parking Violations.** Vehicles parked on the sidewalk in such a manner that a wheel chair or stroller cannot pass safely without having to enter the street or adjacent property to go around will be fined and may be towed if the owner cannot be found within 15 minutes. RV's exceeding the 48 hour (2 nights) rule may be assessed an additional \$35 per day after the 48 hours that are allowed expire.
- 5 Change Without Approval Fine.** Any change or alteration that requires approval of the ACC and was not approved in accordance with CC&R's Sections 6.2, 6.3, 9.7, 9.9, 9.12, 9.13, and 9.17 and/or are specifically listed as needing approval in the Rules or ACC Change Request Criteria.
 - 5.1 Fine** will be assessed at \$50 per violation, and for every week that the violation is not resolved or returned, be it one (1) day or seven (7) days, to a state that does not violate the CC&R's or Rules.
 - 5.2 Accumulation** This fine will be charged on top of any other fine listed in this document for the same violation.
 - 5.3 Added Charges** can be assessed if an outside contractor is required to resolve the issue that resulted in the fine. The amount assessed will be equal to and not more or less than the contractor's fee/s for completing the task to resolve the issue.
- 6 Review of Fines and Fees** - Owners have the ability to ask the Board of Directors to review any fines or fees assessed to the Owner under the Due Process Policy. Once a request for review of the violation is submitted to the Board of Directors any continuing fines or fees, for the matter under review, will not be assessed. Depending on the decision, the Board shall have the authority to increase or decrease Fines and Fees that may be assessed to an owner's account.

DUE PROCESS

Owners have rights as well as responsibilities; therefore, the Board adopts the following policy defining the due process for owners that may potentially result in fines and fees levied for noncompliance of CC&R's and HOA Rules and Regulations. Prior to the Board levying a fine or hiring an outside contractor for violations other than yard/lawn care, the following due process procedures will apply.

- ACC or Board member makes at least two documented attempts to contact the homeowner to discuss the violation. Should the alleged violation fail to be resolved;
- A written notice will be email/mailed by the ACC or Board of the alleged violation and of the potential penalty that could be imposed. The owner will have seven (7) days to resolve the violation or create a written, signed plan that identifies the steps toward compliance.
- Should the violation continue to be unresolved; the owner will be advised by the Board in writing that a fine was approved and a fine and/or a contractor will be hired to bring the owner's property into compliance with HOA Rules and Regulations.
- If the Owner wants to contest the placement of the fine, they shall notify the Board in writing they wish to speak to the Board in person regarding the violation at the next scheduled Board meeting. The Board will make a final decision regarding the violation and may remove the fine if there is justification as to why the Owner's property cannot comply with the Rules and Regulations.
- The Owner will be responsible for the payment of any fine or other penalty imposed by the Board. If any fine or contractor fee imposed on the Owner by the Board is not paid within thirty-days of the Owner receiving written notice of the penalty assessment, the penalty assessment will be added to the amount of the monthly assessments, known as the assessment of common expenses that are charged to the Owner. This assessment will be enforced as an assessment in accordance with the CC&R's and Bylaws.

Approval recorded by Amy Hanna, Secretary