

**INVESTIGATION AND ENFORCEMENT**  
**FOR CONDITIONS AND RESTRICTIONS VIOLATION COMPLAINTS**

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In accordance with ORS 94.630, the following is published for fair, consistent, and progressive enforcement of the Conditions and Restrictions (C&R's) of the Bailey Ridge Home Owners Association.

**1. COMPLAINTS**

Complaints may be initiated by any Owner, Board member, or agent of the Board. Complaints must be received in writing and include the following information:

- Alleged violation
- Date of alleged violation
- Address of alleged violation
- Complainant name and address

**2. INVESTIGATION AND PENALTY – FIRST OFFENSES**

Once a complaint is received, the Board president will assign a Board member to investigate the complaint. The investigator will report their findings to the Board and should include any applicable photographs.

If there is no violation, the Board president will relay the findings to the complainant.

If a violation exists, the Board shall proceed with the following steps.

a. STEP ONE

The secretary or HOA management representative shall send a Reminder Letter to the Owner of the address where the violation is occurring. This letter will be mailed first class and certified with return receipt, and will contain the following elements:

- The observed violation
- The section(s) and specific wording from the C&R's governing the violation
- Notice that the Owner has one week from the mailing of the letter to correct the violation or contact the Board with a written corrective plan of action reasonably acceptable to the Board. The Board shall respond to a proposed corrective plan within seven days of receiving a copy of the plan in writing.
- Contact information for the Board
- If the Owner disagrees there is a violation, the Owner may appeal the Board's determination by providing written notice of appeal to the Board setting forth why the Owner feels there is not a violation within one week of the mailing of the letter. If the Owner does not appeal the determination a violation exists within one week of mailing the letter, the Owner's right to appeal the determination a violation exists is waived unless the Owner can show good cause why a timely appeal was not filed. The Board shall determine whether good cause for not filing a timely appeal exists. If a timely appeal is filed, or the Board determines there is good cause for not filing a timely

appeal, the Board shall issue a decision in writing regarding the Owner's appeal within 10 days of receipt of the appeal. The filing of an appeal shall not extend the time for correcting or eliminating the violation, nor shall it delay the accrual of fines. The Board's decision on the appeal shall be final and binding.

b. STEP TWO

If, on the eighth (8<sup>th</sup>) day after the mailing of the Reminder Letter, the Owner of the address where the violation is occurring has failed to correct the violation or has not contacted the Board regarding a plan of corrective action, the secretary or HOA management representative shall send a Warning Letter to the Owner of the address where the violation is occurring. This letter will be mailed first class and certified with return receipt, and will contain the following elements:

- The observed violation
- The section(s) and specific wording from the C&R's governing the violation
- Notice that the Owner has one week from the mailing of the letter to correct the violation or contact the Board with a written corrective plan of action reasonably acceptable to the Board. The Board shall respond to a proposed corrective plan within seven days of receiving a copy of the plan in writing.
- Notice that failure to correct the violation or failure to contact the Board regarding a plan of corrective action will result in a penalty
- Notice that the penalty will be a fine of \$25.00
- Contact information for the Board

c. STEP THREE

If, on the fifteenth (15<sup>th</sup>) day after the mailing of the Reminder Letter, the Owner of the address where the violation is occurring has failed to correct the violation or has not contacted the Board regarding a plan of corrective action, the secretary or HOA management representative shall send a Notice of Penalty to the Owner of the address where the violation is occurring. This letter will be mailed first class and certified with return receipt, and will contain the following elements:

- The observed violation
- The section(s) and specific wording from the C&R's governing the violation
- Notice that the Owner has incurred a fine of \$25.00 payable to the Bailey Ridge HOA
- Notice that the Owner needs to correct the violation within one week or contact the Board with a written corrective plan of action reasonably acceptable to the Board. The Board shall respond to a proposed corrective plan within seven days of receiving a copy of the plan in writing.
- Notice that failure to correct the violation or failure to contact the Board regarding a plan of corrective action within 7 days will result in another penalty
- Notice that the next penalty will be a fine of \$100.00
- Contact information for the Board

d. STEP FOUR

If, on the twenty-second (22<sup>nd</sup>) day after the mailing of the Reminder Letter, the Owner of the address where the violation is occurring has failed to correct the violation or has not contacted the Board regarding a plan of corrective action, the secretary or HOA management representative shall send another Notice of Penalty to the Owner of the address where the violation is occurring. This letter will be mailed first class and certified with return receipt, and will contain the following elements:

- The observed violation
- The section(s) and specific wording from the C&R's governing the violation
- Notice that the Owner has incurred a fine of \$100.00 payable to the Bailey Ridge HOA and notice that the Owner needs to correct the violation within one week or contact the Board with a written corrective plan of action reasonably acceptable to the Board. The Board shall respond to a proposed corrective plan within seven days of receiving a copy of the plan in writing.
- Notice that failure to correct the violation or failure to contact the Board within 7 days regarding a plan of corrective action will result in another penalty
- Notice that the next penalty will be a fine of \$100.00 per day until the violation is corrected
- Contact information for the Board

e. STEP FIVE

If, on the twenty-ninth (29<sup>th</sup>) day after the mailing of the Reminder Letter, the Owner of the address where the violation is occurring has failed to correct the violation or has not contacted the Board regarding a plan of corrective action, the secretary or HOA management representative shall send another Notice of Penalty to the Owner of the address where the violation is occurring. This letter will be mailed first class and certified with return receipt, and will contain the following elements:

- The observed violation
- The section(s) and specific wording from the C&R's governing the violation
- Notice that the Owner is now incurring a penalty at the rate of \$100.00 per day for failure to correct the violation
- Notice that this penalty will continue to accrue until the violation is corrected
- Notice that the Owner needs to correct the violation or contact the Board with a written corrective plan of action reasonably acceptable to the Board. The Board shall respond to a proposed corrective plan within seven days of receiving a copy of the plan in writing.
- Contact information for the Board

### 3. INVESTIGATION AND PENALTY – REPEAT OFFENSES

If a complaint is received about a violation of a section of the C&R's for which an Owner has previously received a Reminder Letter in accordance with the Bailey Ridge C&R's Violations Complaint process, the Board president will assign a Board member to investigate the complaint. The investigator will report their findings to the Board and should include and any applicable photographs.

If there is no violation, the Board president will relay the findings to the complainant.

If a violation exists, the Board shall proceed with the following steps.

#### STEP ONE

The secretary or HOA management representative shall send a Notice of Penalty to the Owner of the address where the violation is occurring. This letter will be mailed first class and certified with return receipt, and will contain the following elements:

- The observed violation
- The section(s) and specific wording from the C&R's governing the violation
- Notice that the Owner has incurred a fine of \$25.00 due to the Bailey Ridge HOA
- Notice that the Owner needs to correct the violation within one week or contact the Board with a written corrective plan of action reasonably acceptable to the Board. The Board shall respond to a proposed corrective plan within seven days of receiving a copy of the plan in writing.
- Notice that failure to correct the violation or failure to contact the Board within 7 days regarding a plan of corrective action will result in another penalty
- Notice that the next penalty will be a fine of \$100.00
- Contact information for the Board
- If the Owner disagrees there is a violation, the Owner may appeal the Board's determination by providing written notice of appeal to the Board setting forth why the Owner feels there is not a violation within one week of the mailing of the letter. If the Owner does not appeal the determination a violation exists within one week of mailing the letter, the Owner's right to appeal the determination a violation exists is waived unless the Owner can show good cause why a timely appeal was not filed. The Board shall determine whether good cause for not filing a timely appeal exists. If a timely appeal is filed, or the Board determines there is good cause for not filing a timely appeal, the Board shall issue a decision in writing regarding the Owner's appeal within 10 days of receipt of the appeal. The filing of an appeal shall not extend the time for correcting or eliminating the violation, nor shall it delay the accrual of fines. The Board's decision on the appeal shall be final and binding.

#### STEP TWO

If, on the eighth (8<sup>th</sup>) day after the mailing of the Notice of Penalty, the Owner of the address where the violation is occurring has failed to correct the violation or has not contacted the Board regarding a plan of corrective action, the secretary or HOA management representative shall send another Notice of Penalty to the Owner of the address where the violation is occurring. This letter will be mailed first class and certified with return receipt, and will contain the following elements:

- The observed violation
- The section(s) and specific wording from the C&R's governing the violation
- Notice that the Owner has incurred a fine of \$100.00 due to the Bailey Ridge HOA
- Notice that the Owner needs to correct the violation or contact the Board with a written corrective plan of action reasonably acceptable to the Board. The Board shall respond to a proposed corrective plan within seven days of receiving a copy of the plan in writing.
- Notice that failure to correct the violation or failure to contact the Board regarding a plan of corrective action within 7 days will result in another penalty
- Notice that the next penalty will be a fine of \$100.00 per day until the violation is corrected
- Contact information for the Board

a. STEP THREE

If, on the twenty-ninth (15<sup>th</sup>) day after the mailing of the Reminder Letter, the Owner of the address where the violation is occurring has failed to correct the violation or has not contacted the Board regarding a plan of corrective action, the secretary or HOA management representative shall send another Notice of Penalty to the Owner of the address where the violation is occurring. This letter will be mailed first class and certified with return receipt, and will contain the following elements:

- The observed violation
- The section(s) and specific wording from the C&R's governing the violation
- Notice that the Owner is now incurring a penalty at the rate of \$100.00 per day for failure to correct the violation
- Notice that this penalty will continue to accrue until the violation is corrected
- Notice that the Owner needs to correct the violation or contact the Board with a written corrective plan of action reasonably acceptable to the Board. The Board shall respond to a proposed corrective plan within seven days of receiving a copy of the plan in writing.
- Contact information for the Board

#### **4. MUTUALLY AGREED RESOLUTION AND APPEAL**

At any time during the violations complaint process, the Board may enter into a written agreement with an Owner regarding the correction of a violation. The agreement shall be in writing, outline specific steps the Owner will take to correct the violation, and establish expected deadlines for progress and compliance. The Board may not rescind any assessed fines prior to the date of the agreement and may not refund any fines already paid unless the Owner successfully appeals the fines after reaching a written agreement with the Board. An Owner may submit an appeal in writing to the Board or their representative within ten (10) business days of a written agreement. The Board or their representative will respond in writing within ten (10) business days of receipt of the appeal.