

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

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 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.

a. STEP ONE

The property management company 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 to contact the Board regarding a plan of corrective action
- Contact information for the Board

b. STEP TWO

If, on the eighth (8th) 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 property management company 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 to contact the Board regarding a plan of corrective action
- 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 (15th) 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 property management company 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 or contact the Board regarding a plan of corrective action
- Notice that failure to correct the violation or failure to contact the Board 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

d. STEP FOUR

If, on the twenty-second (22nd) 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 property management company 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
- Notice that the Owner needs to correct the violation or contact the Board regarding a plan of corrective action
- Notice that failure to correct the violation or failure to contact the Board 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 (29th) 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 property management company 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 and a lien will be placed on the property for all unpaid fines

- Notice that the Owner needs to correct the violation or contact the Board regarding a plan of corrective action
- 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 verify 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.

a. STEP ONE

The property management company 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 or contact the Board regarding a plan of corrective action
- Notice that failure to correct the violation or failure to contact the Board 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

b. STEP TWO

If, on the eighth (8th) 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 property management company 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 regarding a plan of corrective action
- Notice that failure to correct the violation or failure to contact the Board 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

c. STEP THREE

If, on the fifteenth (15th) 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 property management company 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 and a lien will be placed on the property for all unpaid fines
- Notice that the Owner needs to correct the violation or contact the Board regarding a plan of corrective action
- 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. Any unpaid fines will be recovered by placing a lien on the owner's property. If a lien is necessary, the Owner will be responsible for any legal and administrative fees incurred.

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.