

Scott Mountain Homeowners Association Rule Enforcement Policy

It is the intent of the Scott Mountain Homeowners Association Board of Directors:

1. To achieve compliance with rules, policies, and procedures.
2. To promote unity and harmony within the neighborhood.
3. To maintain the appearance and value of our property.
4. To maintain cohesive community relationships in a manner that is fair and equitable for all residents and property owners.

Therefore, the following procedures shall be used to address suspected violations of the provisions set forth in the Declaration of Protective Covenants, the Bylaws, and the Scott Mountain Rules.

Violations, Complaints, and Notifications

1. A suspected rules violation, nuisance complaint, or safety issue may be identified by a Board member or a member of the appropriate committee, or may be brought to the Board's attention by any member of the Association. All complaints must be in written form submitted to the Board via U.S. Mail, email, or in person, and must include the name of the complainant.
2. Upon receipt of a written complaint, a member of the appropriate committee will examine the condition and will make an initial determination of whether a violation exists.
3. If it is determined that a violation does exist, the property owner will be notified in writing. The written notification will be sent via First Class Mail to the property address as well as to the last-known address of the property owner, if different.
 - a. The notification will state the rule that has been violated, a description of the violation, and the date by which the violation must be corrected to avoid any penalty.
 - b. A time limit of 10 calendar days from the date of postmark of the notification shall be set for compliance or correction of the violation.
 - c. The notification will also inform the property owner of the right to request a hearing.

Homeowner's Right to a Hearing

1. A written request for a hearing must be submitted within 10 calendar days of the date of postmark of the notification, or the right to a hearing will be waived and the fine will automatically be assessed.
 - a. The request for a hearing must be sent via U.S. Mail to Scott Mountain Homeowners Association, PO Box 622, Clackamas OR 97015.
 - b. The purpose of the hearing is to provide the property owner the opportunity to establish why he/she believes the rule has not been violated or why the rule or procedure does not apply.
2. The Board or its representative will notify the property owner of the date, time, and location of the hearing.
3. After hearing the property owner's position, the Board or a committee appointed by the Board shall make a determination whether the Declaration, the Bylaws, or the Rules has been violated. The Board shall either render its decision at the conclusion of the hearing or will take the matter under advisement and render the decision at a later Board meeting.
4. The Board's decision shall be presented to the property owner in writing via First Class Mail.
 - a. If, after the hearing, the Board determines that no violation exists, no further action on the part of the homeowner will be required.
 - b. If, after the hearing, the Board determines that a rule violation does exist, the property owner will have 10 calendar days from the date of postmark to correct the problem. After the 10 day period, the appropriate Board or committee member shall inspect the property to ensure satisfactory compliance.

- c. If a fine is to be imposed, the amount of the fine will be included in the Board's written response and will be sent via First Class Mail to the property address and to the property owner's last-known address, if different. Fines will be immediately due and payable.
4. No hearing will be held on a subsequent or continued violation of the same rule or for the same or substantially the same conduct by the same party.

Assessed Fines

1. Fines are in addition to any legal fees or other expenses that may be incurred by the Association in seeking compliance with the Declaration, Bylaws, and Rules, or for replacement or repair of common areas or facilities damaged by the property owner.
2. Should a fine be assessed by the Board, the amount will be invoiced and sent via First Class Mail to the property address and to the property owner's last-known address, if different, and will be immediately due and payable.
4. Payment of the fine amount does not grant a variance for the violation. All violations must be corrected to come into compliance.
5. A subsequent or continued violation of the same rule or for the same or substantially the same conduct by the same party shall result in the immediate assessment of fines.
6. Unpaid fines shall be subject to collection as assessments in accordance with resolutions adopted by the Board of Directors, applicable state law, the Declaration, and the Bylaws.
7. Failure to pay fines within 30 days may result in a lien placed against the property.
8. At the discretion of the Board of Directors, fines imposed upon owners may be reduced or forgiven based upon the circumstances.

Adopted by the Board of Directors
Scott Mountain Homeowners Association
October 2, 2007