

BRIDLE SPRINGS HOMEOWNERS ASSOCIATION
Resolution of The Board of Directors

LANDSCAPE ENFORCEMENT RESOLUTION

RECITALS

- A. This Resolution is adopted by the Board of Directors ("**Board**") of the Bridle Springs Homeowners Association, an Oregon nonprofit corporation ("**Association**"). The Association is charged with the operation and management of Bridle Springs, an Oregon planned community located in Linn County, Oregon.
- B. The Association is governed by the following documents recorded in the land records for Linn County, Oregon:
1. *Declaration of Covenants, Conditions and Restrictions for Bridle Springs*, recorded on November 18, 2004 in Volume 1647, Page 426 in the records of Linn County, including any amendments thereto ("**Declaration**");
 2. *Bylaws of Bridle Springs Homeowners Association*, recorded on November 18, 2004 in Volume 1647, Page 402 in the records of Linn County ("**Bylaws**");
 3. Plat of *Bridle Springs*, recorded on November 18, 2004 in Volume 22, Page 2 in the plat records of Linn County.
 4. Plat of *Bridle Springs 2*, recorded on February 16, 2006, in Volume 22, Page 47 in the plat records of Linn County.
- C. The Association is also governed by the Oregon Planned Community Act, ORS 94.550 *et seq.*
- D. ORS 94.630(1)(a), Article 4, Section 4.23 of the Declaration and Article 4, Section 4.7(1) of the Bylaws provide that the Board has the authority to promulgate rules and regulations necessary for the administration of the affairs of the Association.
- E. ORS 94.630(1)(c) and Article 4, Section 4.7(o) of the Bylaws allow the Board to enter into agreements to employ the services of managing agents, employees, or contractors to perform duties and obligations of the Association.
- F. Article 4, Sections 4.5 and 4.21 of the Declaration require lot owners to properly maintain the landscaping on their lot and street frontage.
- G. ORS 94.630(1)(n) and Article 4, Section 4.25 of the Declaration provide that the Association may impose a fine after written notice and opportunity for a hearing on any lot owner that fails to properly maintain the landscaping on their lot and/or street frontage.

- H. Pursuant to Article 4, Sections 4.5(b) of the Declaration, the Association may enter a lot for the purpose of maintaining and repairing the landscaping on any lot and/or street frontage within the boundaries of the Association.
- I. ORS 94.630(1)(e)(A) and Article 4, Section 4.25 of the Declaration allow the Association to seek injunctive or any other available equitable relief in the Linn County Circuit Court requiring a lot owner to maintain the landscaping on their lot and/or street frontage.
- J. Article 11, Section 11.3 of the Declaration allows the Association to recover its reasonable attorney fees and costs expended in any suit or action to enforce the Association's Declaration.
- K. It is the intent of the Board to ensure that all lot owners properly maintain the landscaping on their lots and street frontages.

NOW THEREFORE, BE IT RESOLVED THAT the Board adopt the conditions, requirements, and procedures set forth below.

I. LANDSCAPE MAINTENANCE INSPECTION

1.1. Physical Inspections for Properly Maintained Landscaping on Lots and Street Frontage. The Board shall ensure that each lot and street frontage within the boundaries of the Association is inspected by a representative of the Board to certify the landscaping on the lot and street frontage is properly maintained.

II. WRITTEN NOTICE, HEARING AND FINES

2.1 Notice of Violation. If the Board determines that there is a violation of the landscaping maintenance requirements set forth in the Declaration, Bylaws, Rules and Regulations, or other Governing Documents, the Board shall give the alleged offending owner the following Notices of Violation.

(a) First Notice. The Manager shall send a first written notice by first-class mail to the alleged offending owner's last known address on file with the records of the Association. The notice required under this subsection must describe the nature of the violation and contain a statement that the alleged offending owner shall have fourteen (14) days to resolve the violation.

(b) **Second Notice.** If the alleged offending owner fails to remedy the violation after the expiration of the fourteen (14) day period prescribed in the First Notice, the Manager shall send a second written notice by first-class mail to the address on file with the records of the Association. The notice required under this subsection must:

- (i) describe the nature of the violation;
- (ii) contain a statement that the alleged violator shall have fourteen (14) days to present a written request for a hearing before the Board of Directors;
- (iii) describe the proposed sanction to be imposed pursuant to the Association Financial Penalties Resolution; and
- (iv) a statement that the proposed sanction may be imposed as described in the notice unless the violation is resolved or a hearing is requested within fourteen (14) days of the notice.

(c) **Proof of Notice.** Prior to the effectiveness of sanctions imposed pursuant to this Resolution, proof of proper notice shall be placed in the minutes of the Board of Directors or covenants committee, as applicable. Such proof shall be deemed adequate if a copy of the notice, together with a statement of the date and manner of delivery, is entered by the officer, director, or agent who delivered such notice. The notice requirement shall be deemed satisfied if the alleged offending owner or its representative requests and appears at the hearing.

2.2 **Hearing.** If a hearing is requested within the allotted fourteen (14) day period, the hearing shall be held before the Board of Directors. The alleged violator shall be afforded a reasonable opportunity to be heard. The minutes of the meeting shall contain a written statement of the results of the hearing (i.e., the decision) and the sanction, if any, to be imposed.

2.3 **Fines.** If a hearing is not requested by the alleged offending owner within fourteen (14) days of the Second Notice as provided in Subsection 2.2, above, then fines will be assessed to the alleged offending owner, beginning on the day following the specified compliance deadline, pursuant to a Financial Penalties Resolution adopted by the Board.

III. ASSOCIATION ENTRY

3.1 **Notice of Entry.** After the offending lot owner has been fined for a period of eight (8) consecutive weeks for failure to properly maintain the landscaping on their lot and/or street frontage, the Board shall physically post on the lot a 48-hour written notice to the offending lot owner that if they do not correct the landscaping violations on their lot and/or street frontage, the Association will enter the owner's lot to correct the violations after the expiration of the 48-hour period.

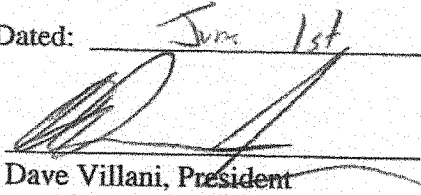
3.2 **Mediation.** The offending lot owner may request mediation with the Association prior to the expiration of the 48-hour notice period. If the offending lot owner fails to request mediation prior to the expiration of the 48-hour notice period, then the Association will proceed to enter the owner's lot to correct the violations after the expiration of the 48-hour period, at the lot owner's expense.

3.3 **Costs.** All costs incurred by the Association to enforce this Resolution will be assessed to the offending lot owner's assessment ledger.

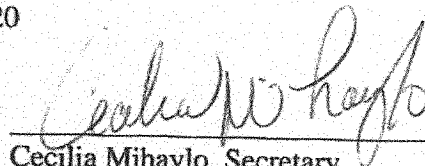
BE IT FURTHER RESOLVED, that the Association shall distribute a copy of this Resolution to each lot owner via first-class mail to their last known address on file with the records of the Association.

The undersigned President and Secretary certify the Board of Directors approved this Resolution at a meeting held on: May 7th, 2020

Dated: June 1st, 2020



Dave Villani, President
Bridle Springs Homeowners Association



Cecilia Mihaylo, Secretary
Bridle Springs Homeowners Association