

KC HIGHLANDS HOMEOWNERS ASSOCIATION, INC.

An Oregon Planned Community restricted to residents fifty-five (55) years of age or older.

BOARD OF DIRECTORS RESOLUTION #2013- 2

SUBJECT: SCHEDULE OF KC HIGHLANDS FINES & FEES

PURPOSE: To assist the Association's board of directors in fulfilling its fiduciary responsibility regarding the communication and enforcement of applicable provisions of state and federal law and the Association's governing documents and related rules and regulations.

AUTHORITY: The Declaration, Articles of Incorporation, Bylaws & CC&Rs of the Association, Oregon law, specifically ORS 94 Oregon planned Community Act, and ORS 65 Oregon Non Profit Corporation, and Title VIII of the Civil Rights Act of 1968 (The Fair Housing act) as amended in 1995 (HOPA).

Whereas, Under Section 2 of Article IX of the Declaration, Article V of the Bylaws, and ORS 94.630, the Board of Directors has all of the powers and duties necessary for the administration of the affairs of the Association, except such powers and duties as by law, the Declaration or Bylaws may not be delegated to the Board by the owners;

Whereas, ORS 94.630(1)(a) and Article V, Section 2(a), of the Bylaws empower the Board to adopt rules and regulations;

Whereas, Article XII, Section 1 specifies that each Owner and Occupant shall comply with the Declaration, Bylaws, and rules and regulations adopted thereto.

Whereas, Article IV, Section 2 of the Declaration specifies that the Association shall have the right and responsibility to maintain the street trees on the Common Property tracts and on the Lots, including trimming, fertilizing, spraying, and replacing street trees with the same specie (or as similar as possible) as necessary and that each Owner shall be responsible for providing adequate water to and for raking and removing leaves and other debris from the street trees on the Owner's lot.

Whereas, Article IV, Section 2 of the Declaration specifies that no building, fence, wall patio, deck, or other structure or improvement shall be commenced, erected, or maintained upon the Property nor shall any exterior addition to, or change or alteration therein, be made, nor shall any landscaping of any portion of the Property be commenced or maintained until the plans and specifications have been submitted to and approved in writing by the Architectural Committee pursuant to the procedure outlined in the Architectural Manual of King City Highlands.

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Whereas, Article VI, Section 4 of the Declaration specifies that no trucks (except pickups of $\frac{3}{4}$ ton weight or less), campers, motor-homes, trailers, boats, motorcycles, or similar recreational vehicle shall be parked on any Lot or street other than temporarily (in no case in excess of 24 hours) and then solely for the purpose of loading or unloading or a service call; provided, however, that such vehicle may be kept within an Owner's enclosed garage.

Whereas, Article V, Section 1 of the Bylaws specifies the Board shall have the Authority to exercise for the Association all powers, duties and authority vested in or delegated to this Association by law, its Articles of Incorporation or the Declaration and not reserved to the membership by other provisions of these bylaws, the Articles of Incorporation or the Declaration.

THEREFORE LET IT BE RESOLVED THAT:

- I. The board of directors may assess fines and fees as required in the interest of assuring the peaceful, safe, and orderly use and enjoyment of the Association's property, as well as the smooth, efficient, and proper management of the Association.
- II. The board of directors shall make every reasonable effort to secure an amicable and timely resolution of a violation of the Association's governing documents and rules and regulations prior to the assessment of any fine or fee.
- III. The board of directors shall follow the applicable provisions of the governing documents with respect the assessment of fines and fees relating to the collection of unpaid assessments, with specific reference to Article XII: Collection of Assessment; Enforcement as well as the Board Enforcement Resolution-2013-2.
- IV. A fine and/or fee may be imposed on a one-time, on an each occurrence, or on a continuing daily, weekly, or monthly basis as determined by the Board.
- V. The initiation of a fine or fee shall incur (carry) as well, the cost of all legal expense associated with the assessment and collection of such fine or fee.

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VI. **SCHEDULE OF FINES AND FEES:** The following list of fines may be amended from time to time as determined by the Association's board of directors.

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| A. | NSF Check: | \$ 30 |
| B. | Late payment of assessments (per month in arrears): | \$ 30 |
| C. | Offensive or unlawful activities per occurrence: | \$ 100 |
| D. | Obstruction of, damage to, or interference with the use of the Association's common areas to include the Association's Clubhouse, walkways, landscaping, furniture, and equipment, and other property
* Plus the cost of all associated replacement and/or repairs): | \$ 100* |
| E. | Street Tree violations as specified in the in the Association's governing documents, and/or its Architecture and Landscape manual (plus the cost of removal and replacement): | |
| | ▪ Unauthorized trimming of a Street-tree: | \$ 200 per tree |
| | ▪ Destroy or remove a Street-tree: | \$1,000 per tree |
| | ▪ Replacement of a Street-tree: | Actual Cost |
| F. | Architectural Manual violation:
* Plus \$10 per day until violation removed. | \$ 50* |
| G. | Overtime parking of trailers or RV's: | \$ 50 per day |
| H. | Yard cleanup :
* Plus actual cost of cleanup. | \$ 50* |
| I. | Refusal by a member of the Association and/or his or her legal representative to provide the Association with requested information that is legally required and/or necessary to properly conduct its operations, and/or to | \$ 50 |

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preserve its status as an age exempt senior living community under the Fair Housing Act as amended in 1995 (HOPA):

- J. Violation of any provision of the Association's Governing Documents regarding the leasing, renting or house sitting of a living unit within the KC Highlands, to include those provisions contained in Resolution 2013-1, "Living Unit Leasing/Renting/House Sitting: \$ 500/Month
- K. Violation of any provision of the Association's Governing Documents, Architecture and Landscape Manual, and/or Operating Policy and Procedure not specifically set forth above: \$ 50

The provisions contained in this document shall be formally reviewed and approved or rescinded by the Board of Directors at the beginning of each successive three (3) year period effective January 2014.

As reviewed and approved by action of the Board of Directors of the KC Highlands Homeowners Association, Inc an Oregon Planned Community restricted to residents fifty-five (55) years of age or older, and Non Profit Corporation.

By: Mary Davis Date: 11-13-13
President

By: Barlene Whitten Date: 11-13-13
Secretary