

KC HIGHLANDS HOMEOWNERS ASSOCIATION, INC.

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

BOARD OF DIRECTORS RESOLUTION #2013-11

SUBJECT: ESTATE LIQUIDATION OR MOVING SALE

PURPOSE: To ensure the proper approval and conduct of Estate or Moving Sales within the Highlands.

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.

THEREFORE BE IT RESOLVED THAT:

- I. Estate Liquidation, Moving, or other similar sales are permitted within the Highlands environs (including the Condominium Association environs) with an application approved by the King City Highlands Homeowners Association board of directors. A copy of such application (attached) may be obtained at the Association's Clubhouse or off of the Highlands Web Page (kc-highlands.com).
- II. DEFINITION: An Estate Liquidation or Moving Sale is a sale conducted to dispose of the materials (furniture, and other household items) personally owned by a Highlands homeowner (Private Lot or Condominium) who is deceased or has moved out of (vacated) his or her living unit.
- III. An Estate Liquidation or Moving Sale may be held only once by a given owner or his or her legal representative during his or ownership tenure, and then only if:

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- A. The respective Living Unit is "formally" placed on the market for sale i.e. listed (a listing agreement has been signed) with a Real Estate Broker/ Agency and the owner(s), or,
 - B. The respective Living Unit is "Formally" placed on the market by the owner, or the owner's legal representative on a "For Sale By Owner" basis and a "For Sale" sign has been placed in reasonable proximity to the entrance of the Living Unit, and/or,
 - C. The respective Living Unit has been vacated, or is in the process of being vacated, and the owner(s) is/are unable to, or will not return as certified by the owner or legal representative, or,
 - D. The board of directors has formally given permission based upon the submission of a request by the owner, or the owner's legal representative regarding a special need for the sale.
- IV. An Estate Liquidation or Moving Sale may be conducted:
- A. By a professional (licensed) Liquidator or Estate Sale Company.
 - B. By the owner or the owner's legal representative.
- V. The owner or legal representative shall assume full responsibility for any policy violations and/or damage to a neighbor's or Highlands' Common Property, and must conduct the sale in a manner that respects the "life style" preferences of nearby residents.
- VI. All articles offered for sale must be the owner/resident's personal property and must be confined to the owner's Living Unit, garage, and driveway (may not be extended out onto adjacent sidewalks). Food and beverages may not be offered for sale during the Estate Sale. Items from outside sources may not be added to the sale irrespective of their "charitable" nature.
- VII. Parking - the Estate Liquidation or Moving Sale Company or "Liquidator" must make every reasonable effort to ensure unobstructed access to driveways and garages, mailboxes, fire hydrants, utility boxes, and other service-related areas. No overnight parking will be permitted.

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- VIII. The approved Estate Liquidation or Moving Sale may be held on Friday, Saturday, & Sunday only, between the hours of 9:00 am and 5:00 pm. No "early-bird" sales shall be permitted, which must be so stated in all advertisements/announcements. If priority numbers are to be used, they may not be distributed at the Highlands address before 8:00 am on the date of the sale.
- IX. Estate Liquidation or Moving Sale Signage:
- A. One sign (easel board) not to exceed 24" X 36" may be placed on the property in front of the residence.
 - B. Four additional signs not to exceed 18" X 24" may be placed one each at an entrance to the Highlands.
 - C. Signage may be put in place as early as 7:00 am, and must be removed by no later than 5:00 pm each day.

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: May Davis Date: 11-13-13
President

Attested: Deleene Whitten Date: 11-13-13
Secretary

Attachment: Estate Liquidation/Moving Sale Application