

# NEWPORT HILLS HOMEOWNERS ASSOCIATION

August 23, 2023

Newport Hills Homeowners;

**SUBJECT: FINE SCHEDULE**

**INTRODUCTION:**

## **ARTICLE II OBJECT**

Section 1 states: The object of the Association shall be those actions required to protect and enhance all properties lying within the boundaries of that portion of Newport Hills.

## **ARTICLE IV BOARD OF DIRECTORS**

Section 2 Powers and Duties states: The Board of Directors shall have the powers and duties necessary for the administration of the affairs of the Association and may do all such acts and things as not by law or by these Bylaws directed to be exercised and done by Owners.

The NHBOD under ARTICLE IV has the duty to review the Newport Hills Covenants, Conditions and Restrictions (CCR) and addendums to ensure policies are in place to abide by ARTICLE II Section 2 as defined above.

**HISTORY:**

- A. August 10, 2016, the NHBOD issued a resolution COLLECTION OF UNPAID CHARGES.<sup>A</sup>
- B. August 18, 2016, the NHBOD adopted the FINE SCHEDULE.<sup>B</sup> (currently administered)
- C. June 11, 2018, the NHBOD ADOPTED VERBIAGE AND FINE SCHEDULE TO SECTION 4.18 OF CCR.<sup>C</sup>

The NHBOD recognizes that within the CCR there are sections and subsections which place responsibility on the owner to be compliant with the CCR. The board, being mindful of this has established "Categories" to which each identified section and subsection are assigned to under their weighted values.

The NHBOD recommends **NO CHANGES** be implemented in the resolution known as collection OF UNPAID CHARGES (identified above in HISTORY item A) and remain in effect.

The NHBOD recommends **NO CHANGES** be implemented in the Fine Schedule to Section 4.18 of CCR (identified above in HISTORY item C) and remain in effect.

The NHBOD recommends **UPDATES AND CHANGES** to be implemented to the Fine Schedule(identified above in HISTORY item B).

**The Updates and Changes are identified in the Fine Schedule identified below will be adopted on September 1, 2023, and placed into effect November 1, 2023.**

Newport Hills Board of Directors

<sup>A</sup> August 10, 2016, the NHBOD issued a resolution COLLECTION OF UNPAID CHARGES.

<sup>B</sup> August 18, 2016, the NHBOD adopted the Fine Schedule.

<sup>C</sup> June 11, 2018, the NHBOD adopted verbiage and Fine schedule to Section 4.18 of CCR.

## **NEWPORT HILLS HOMEOWNERS ASSOCIATION**

### **FINE SCHEDULE**

#### **Newport Hills Board of Directors Scope of Authority:**

#### **ARTICLE II OBJECT**

Section 1 states: The object of the Association shall be those actions required to protect and enhance all properties lying within the boundaries of that portion of Newport Hills.

#### **ARTICLE IV BOARD OF DIRECTORS**

Section 2 Powers and Duties states: The Board of Directors shall have the powers and duties necessary for the administration of the affairs of the Association and may do all such acts and things as not by law or by these Bylaws directed to be exercised and done by Owners.

#### **Section 3 Other Duties:**

Section 3.9 Overseeing and enforcing the architectural controls as described in the Declaration of Covenants, Conditions and Restrictions for Newport Hills as amended, including but not limited to, improvement review, enforcement of architectural guidelines, inspection of improvements, house color approval.

Section 3.10 Enforcement of the restrictions on use of the property as described in the Declaration of Covenants, Conditions and Restrictions for Newport Hills as amended, including but not limited to, restrictions on occupancy improvements, fences, clothes lines, garbage cans, animals, pets, commercial activity, offensive activity, signs, exterior lighting, noise making devices, antennas, limitations on transfer, mobile homes, single family residence, utilities, view preservation, parking, square footage minimum, open burning, tree cutting and landscape maintenance.

Section 3.11 All other duties, powers, responsibilities and rights of the Declarant under the Declaration of Covenants, Conditions and Restrictions for Newport Hills as amended.

#### **DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR NEWPORT HILLS**

#### **SECTION 9 ENFORCEMENT**

9.1 This Declaration shall be specifically enforceable by Declarant or by any Owner of any Lot in Newport Hills. Any breach of this Declaration shall subject the breaching party to any and all legal remedies, including damages or the destruction, removal or the enjoining of any offending improvement or condition.

**NEWPORT HILLS COVENANTS, CONDITIONS AND RESTRICTIONS**  
**Section 4 RESTRICTIONS ON USE OF PROPERTY**  
**NOTIFICATION PROCEDURES (NP)**

1. Initial notification of identified violation: Homeowner shall receive written notice of violation. Sent via regular mail via USPS and email.
2. Failure of the Homeowner to correct the identified violation, (timeline identified based on CATEGORY identified below) shall receive written notice of intent to fine. Sent via regular mail via USPS and email.
3. Failure of the Homeowner to correct the identified violation, (timeline identified based on CATEGORY identified below) shall receive fine notification. Sent via regular mail, certified mail, and email.
4. Continued failure of the Homeowner to correct the identified violation, (will trigger AGGREGATE FINES timeline identified based on CATEGORY identified below) shall receive fine notification. Sent via regular mail, certified mail, and email.

**A. RESTRICTIONS ON USE OF PROPERTY (CATEGORY ASSIGNMENT)**

**CATEGORY A:**

**3.1 Approval Required:**

FAILURE to obtain approval prior to project start will result in an initial fine of \$1,000 or 5% of the total cost of the improvements or whichever is less.

**Until the matter is resolved** monthly fines assessed will be \$350 per month.

**CATEGORY B:**

**4.1 Occupancy.**

**4.9 Limitations on Transfer.**

**4.10 Mobile Homes.**

**4.11 Single Family Residences.**

**4.15 Square Footage Minimum.**

**4.19 Restrictions on Further Divisions.**

Violations will result in an initial fine of \$750.

**Until the matter is resolved** monthly fines assessed will be \$250 per month.

**CATEGORY C:**

**4.16 Open Burning.**

Violations will result in a fine of \$250.

## **CATEGORY D**

### **4.13 Preservation of Views.**

;

Upon NHBOD being made aware of the violation, the owner will be notified under NP Section 1.

If after 30 days, the violation has not been corrected, the owner will be notified regular mail, certified mail, and email, advising the owner, the NHBOD intent to take appropriate action under 4.13 of the CCR no later than 21 days of notice.

## **CATEGORY E:**

### **4.18 Specific to Tree Cutting:**

Failure to obtain approval prior to project start, the June 11, 2018, NHBOD adopted verbiage and Fine schedule to Section 4.18 of CCR.s will apply, identified as(Attachment C)

## **CATEGORY F:**

### **4.2 Improvements.**

Upon Homeowner being made aware of the action required to correct deficiencies for the following:

Driveway

Paint

Sidewalk

Sidewalk (safety related notice)

Landscape/yard maintenance

The owner will be notified under NP Section 1. The owner will be asked to provide the proposed plan with targeted completion date to the board 21 days upon receipt of the notification (7 days for Sidewalk safety related notice).

Timelines for completion are as follows: (from initial notice sent (1)

Driveway/Sidewalk, 21 months

Paint , 18 months

Landscape/yard maintenance 1 months

Sidewalk (safety related) 1 month.

3 days after proposed target completion(provided by homeowner) if the violation has not been corrected, the owner will be notified under NP Section 2. (Initial rate of proposed fine is \$500.00)

If the violation has not been corrected, the owner will be notified under NP Section 4. Every 30 days thereafter until the owner complies, the fine will be increased at the rate of \$500 per notification.

Initial fine \$500

Month 1 increase fine \$1,000

Month 2 increase fine \$1,500

Month 3 increase fine \$2,000

Month 4 increase fine \$2,500

Month 5 forward will result in a maximum fine of \$2500 and continue at that rate every 30 days until the owner is compliant.

### **CATEGORY G:**

**4.3 Animals and Pets:**

**4.5 Offensive or Commercial Activity:**

**4.7 Exterior Lighting or Noise Making Device:**

Upon NHBOD being made aware of the violation, the owner will be notified under NP Section 1.

7 days after notification to the owner, if the violation has not been corrected, the owner will be notified under NP Section 2. (Initial rate of proposed fine is \$250.00)

7 days after(2) notification to the owner, if the violation has not been corrected, the owner will be notified of the initial fine under NP Section 3 .

If the violation has not been corrected, the owner will be notified under NP Section 4. Every 30 days thereafter until the owner complies, the fine will be increased at the rate of \$250 per notification.

Initial fine \$250

Month 1 increase fine \$500

Month 2 increase fine \$750

Month 3 increase fine \$1,000

Month 4 increase fine \$1,250

Month 5 forward will result in a maximum fine of \$1,250 and continue at that rate every 30 days until the owner is compliant.

### **CATEGORY H:**

**4.14 Parking, Recreational Vehicles :**

Upon NHBOD being made aware of the violation, the owner will be notified under NP Section 1.

7 days after notification to the owner, if the violation has not been corrected, the owner will be notified under NP Section 2. (Initial rate of proposed fine is \$200.00)

7 days after(2) notification to the owner, if the violation has not been corrected, the owner will be notified of the initial fine under NP Section 3 .

If the violation has not been corrected, the owner will be notified under NP Section 4. Every 30 days thereafter until the owner complies, the fine will be increased at the rate of \$200 per notification.

Initial fine \$200

Month 1 increase fine \$400

Month 2 increase fine \$600

Month 3 increase fine \$800

Month 4 increase fine \$1,000

Month 5 forward results in a maximum fine of \$1,000 and continue at that rate every 30 days until the owner is compliant. In the event the owner is non-compliant at month 9 the board may its discretion proceed with legal action to resolve the matter.

## **CATEGORY I:**

### **4.8 Antennas:**

### **4.12 Utilities:**

Upon NHBOD being made aware of the violation, the owner will be notified under NP Section 1.

7 days after notification to the owner, if the violation has not been corrected, the owner will be notified under NP Section 2. (Initial rate of proposed fine is \$100.00)

7 days after(2) notification to the owner, if the violation has not been corrected, the owner will be notified of the initial fine under NP Section 3 .

If the violation has not been corrected, the owner will be notified under NP Section 4. Every 30 days thereafter until the owner complies, the fine will be increased at the rate of \$100 per notification.

Initial fine \$100

Month 1 increase fine \$200

Month 2 increase fine \$300

Month 3 increase fine \$400

Month 4 increase fine \$500

Month 5 forward will result in a maximum fine of \$500 and continue at that rate every 30 days until the owner is compliant.

## **CATEGORY J:**

### **4.4 Fences, Clothes Lines, Garbage Cans, etc.:**

### **4.6 Signs:**

Upon NHBOD being made aware of the violation, the owner will be notified under NP Section 1.

7 days after notification to the owner, if the violation has not been corrected, the owner will be notified under NP Section 2. (Initial rate of proposed fine is \$25)

7 days after(2) notification to the owner, if the violation has not been corrected, the owner will be notified of the initial fine under NP Section 3 .

Reoccurring violation fines will be increased at the rate of \$25 per notification.

1<sup>st</sup> violation \$25

2<sup>nd</sup> violation \$50

3<sup>rd</sup> violation \$75

4<sup>th</sup> violation \$100

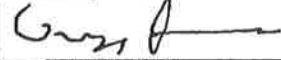
5<sup>th</sup> violation and beyond a maximum fine of \$125

**Adopted SEPTEMBER 1, 2023**

**Effective NOVEMBER 1, 2023**

## **NEWPORT HILLS BOARD of DIRECTORS**

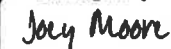
DocuSigned by:



F5E353E6A6EB47B...

**Gregg Jenness**

DocuSigned by:



93CDAE5D053840B...

**Joey Moore**

DocuSigned by:



137BE6CC7E0B4A9...

**Bill Shaw**

DocuSigned by:



241B7BD6671D4EE...

**Bob Zlatek**

8/22/2023

Date

8/22/2023

Date

8/22/2023

Date

8/22/2023

Date

**NEWPORT HILLS HOMEOWNERS ASSOCIATION, INC.**

A

**Resolution of the Board of Directors**

**COLLECTION OF UNPAID CHARGES**

WHEREAS, "Declaration" is the *Declaration of Covenants, Conditions, and Restrictions for Newport Hills Homeowners Association*, "Bylaws" is *Bylaws of Newport Hills Homeowners Association, Inc.*, "Act" is the *Oregon Planned Community Act*, ORS 94.550 – 94.783 and "Association" is *Newport Hills Homeowners Association*;

WHEREAS, "assessments," as used in this Resolution, includes all amounts validly assessed against a Lot or Homesite Owner ("Owner") pursuant to the Declaration, the Association's Bylaws, Rules and Regulations, and any Board of Directors ("Board") Resolutions, including, but not limited to common expenses, interest, fees, fines, attorney fees and all collection costs;

WHEREAS, Article IV, section 3.8 of the Bylaws allow the Association to adopt rules and enforce compliance with the Declaration, Bylaws, and administrative rules and regulations;

WHEREAS, Article VI, section 3 of the Bylaws and ORS 94.630(1) (n) authorize the Board to establish late charges and fines;

WHEREAS, Article VI, Section 3 of the Bylaws provides that all assessments, together with interest, attorney fees and costs of collection shall be a continuing lien upon the homesite against which each such assessment is made;

WHEREAS, Article XI of the Bylaws & Section 5 paragraph 5.5 of the CC&Rs authorizes the Board, on behalf of the Association, to bring suit to foreclose the lien against the homesite and/or to bring an action to obtain a money judgment against an Owner for damages and/or for unpaid assessments;

WHEREAS, Article XI of the Bylaws provides that Owners shall be obligated to pay reasonable fees and costs including, but not limited to, attorney fees incurred in connection with efforts to collect delinquent and unpaid assessments, to enforce the provisions of the Declaration, Bylaws, rules and regulations or the Act;

WHEREAS, assessments are currently due and payable annually in advance on the first day of every January, no later than the last day in January. Optional payment plans for quarterly, semi-annually or annually are provided at the Owners request.

WHEREAS, from time to time Owners become delinquent in the payments of their assessments and fail to respond to the demands from the Board to bring their accounts current, and it is imperative assessment payments are timely received;

WHEREAS, pursuant to Section 5, paragraph 5.5 of the CC&Rs interest at the rate of 9% per annum, or the maximum legal rate, on the principal amount due, and late fees of \$10.00 per month after 30 days past due;

WHEREAS, the Board deems it in the Association's best interest to adopt a uniform and systematic procedure for the collection of unpaid assessments in a timely manner, and further believes it to be in the Association's best interest to refer these accounts promptly to an attorney for collection so as to minimize the Association's loss of assessment revenue.



NOW, THEREFORE, IT IS RESOLVED, that pursuant to the authority of the Association as set forth in Article IV section 3.8 of the Bylaws and ORS 94.630(1)(n), there is hereby levied a late fee against any assessment account for any assessment which is not paid in full within thirty (30) days of the date such assessment is due; and such late fee shall be ten dollars (\$10.00) per month after (30) days late on any delinquent amount due.

NOW, BE IT FURTHER RESOLVED, that the following steps be adopted to provide for the uniform and systematic procedure for the collection of unpaid assessments:

1. All assessments shall accrue interest at the legal rate of nine percent 9 % per annum or .75% per month from the date such assessment is thirty (30) days late.
2. If any assessment remains unpaid by an Owner for more than ninety (90) days from the due date for its payment, the Board or Agent directed by the Board shall send a notice to the Owner indicating the amount due, including notice of the late fees and interest, and demand for immediate payment thereof.
3. If any assessment remains unpaid by the Owner for more than ninety (90) days from the due date for its payment, the Board or Agent directed by the Board, shall begin the collection process by: (a) sending a written demand for payment; (b) prepare and record a lien against the Owner's homesite; (c) notify the Owner within ten (10) days of recording that the lien has been recorded; and (d) *may* notify any first mortgage or trust deed holder of the Owner's default, if applicable. The lien amount shall include all collection costs to date, including any fees and/or costs of preparing and/or recording the lien, any notice of lien required by law, and any notice to a first mortgage holder, if applicable. The demand for payment shall notify the Owner of the Owner's liability for payment of charges imposed by to cover fees and costs associated with all collection efforts. The demand for payment shall include all collection costs to date. The Board can turn over the process and/or collection of this debt to the Association's Attorney any time during this process.
4. If any assessment remains unpaid by the Owner ten (10) days after the date of the demand, Board, Homeowner Association Manager, or Association's Attorney shall send Owner a ten (10) day demand letter for payment notifying the Owner that if full payment is not received within ten (10) days of the date of the letter the Association intends to file suit to either obtain a money judgment or foreclose on the lien. The demand shall include the updated amount owing, including all collection costs to date.
5. If any assessment remains unpaid by the Owner ten (10) days after the ten-day demand letter/notice of intent to file suit, the Association's Attorney shall file suit for a money judgment, unless the Board, after recommendation by Attorney, determines that lien foreclosure is advisable under the circumstances. In such cases, the Attorney may file a lawsuit for a money judgment, for foreclosure, or for both a money judgment and foreclosure, as permitted by applicable law.
6. If the Association is successful in obtaining a money judgment, the Association's Attorney shall collect on the judgment by any means provided by law.

NOW, BE IT FURTHER RESOLVED, that all legal fees and costs incurred in the collection of a delinquent account shall be assessed against the delinquent Owner and shall be collected as an assessment as provided in the Bylaws, Declaration and the Act.

NOW, BE IT FURTHER RESOLVED that neither the Board nor any of its agents shall discuss the collection of the account directly with the Owner after it has been turned over to Attorney, unless one of the Attorneys is present or has consented to the contact and/or contract.

NOW, BE IT FURTHER RESOLVED, that Attorney shall have the discretion to enter into an installment payment plan with a delinquent Owner in appropriate circumstances. Any payment plan providing for a down payment of less than the greater of one-third (1/3) of the delinquent balance or twice the current monthly assessment, or a duration in excess of twelve (12) months shall require approval of the Board president.

NOW, BE IT FURTHER RESOLVED, that Attorney, in its initial demand notice shall communicate to Owner that the account has been turned over to it for collection, and that all payments are to be made to Attorney until the account has been brought current.

NOW, BE IT FURTHER RESOLVED, that nothing in this Resolution precludes the Board from taking further action in the collection of unpaid assessments permitted by the Association's governing documents or applicable law, including, but not limited to, adopting or enforcing rules regarding the termination of utility services paid for out of assessments of the association and access to and use of recreational and service facilities available to Owners and, after giving notice and an opportunity to be heard, terminate the rights of any Owners to receive such benefits or services until the correction of any violation covered by such rule has occurred.

NOW, BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to all Owners at their last known address.

ATTEST:



Board of Directors

Newport Hills Homeowners Association, Inc.

Newport Hills Homeowners Association, Inc.

Date: Aug 10 2016

## NEWPORT HILLS HOMEOWNERS ASSOCIATION

B

### FINE SCHEDULE

According to section 9 paragraph 9.1 the Newport Hills Board of Directors has the right to enforce any and all Restrictions listed in section 4 "Restrictions on use of Property".

The Newport Hills Board of Directors has adopted the Fine Schedule below as it pertains to the Restrictions on use of Property.

At the Board of Directors discretion, they may enter your property and have any and all violations corrected at the homeowner's expense. After the fourth letter if deemed necessary by the Board of Directors a certified letter giving the homeowner 10 days to correct the violation will be sent. After such time if the violation is not corrected, the Board may, but is not mandated to do so, enter upon the property and correct the violation at the Homeowner's expense.

First offence- Homeowner shall receive written notice of violation. Sent by regular mail via USPS.

Second offence- Homeowner shall receive written notice of intent to fine. Sent by regular mail via USPS.

Third offence- Homeowner shall receive via regular mail and certified mail notice of first fine

Fourth and after- Fines shall double every 30 days until violation is corrected.

1<sup>st</sup> fine shall be a minimum of \$50.00

2<sup>nd</sup> fine shall be a minimum of \$100.00

All fines will double after fourth letter is sent, every 30 days from date of original first letter.

All fines are due and payable in full 30 days from fine date. Late fees and interest can and will be applied after 30 days. Outstanding delinquent fines or dues will be collected as per the "Collection Resolution".

  
Newport Hills Board of Directors

Aug 18 2016

  
Newport Hills Board of Directors

08.18.16  
Date

Dear Homeowners,

The Newport Hills HOA Board of Directors would like to inform you that changes have been made to Section 4.18 of our CC&R's under RESTRICTIONS ON USE OF PROPERTY, to include the following verbiage and fine/fee schedule. This document supersedes any and all previously dated Collection Resolutions and Fine Schedules:

"Destruction or removal of any tree ten (10) inches or greater in caliper at the base of the tree, or as designated by the CC&R guidelines without prior approval of the HOA Board of Directors will incur a fine or fee in the form of these options:

- 1) Replace the removed tree by professional transplanting service in the same or other location within the property within 6 months of removal of the previous tree. Replacement tree must be a minimum 10 feet in height and the same species of Ponderosa native to Newport Hills, and must be kept healthy and alive until it reaches the minimum ten (10) inches in caliper at the base of the tree to therefore be protected by the same restriction of removal.
- 2) Pay a \$1500 fine

Homeowners with a need to remove a tree due to disease, destruction of property, risk or danger should contact the HOA Board about arranging time to inspect the situation and seek approval for removal. Homeowners are encouraged to monitor the surrounding properties, and notify the HOA of any tree removal in excess of ten (10) inches in caliper, so the Board can verify if a breach of CC&R's has occurred and enforce the fine/fee schedule accordingly."

The reason for inclusion of this fine/fee schedule is to protect the trees and atmosphere that are ultimately one of the primary reasons that many Newport Hills homeowners have stated as what attracted them to living in our neighborhood. We all thank you for your support in maintaining the beautiful natural setting that we are so fortunate to live amongst.

Sincerely,



11 June - 2018

Kelly Fowler

6/11/18

Mac MacMillan

6/11/2018

Jon Arjona

6-11-18

Bob Runt

6/11/18

Board of Directors  
Newport Hills Home Owners Association, Inc.

Date