

**Deschutes County Official Records**

Steve Dennison, County Clerk

**2024-24146**



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D-BYLAWS Cnt=1 Pgs=12 Stn=6  
\$60.00 \$11.00 \$61.00 \$10.00 \$6.00

**09/17/2024 09:15 AM**  
\$148.00

**AFTER RECORDING RETURN TO:**

Newport Hills Homeowners Association

335 NE Lafayette Ave.

Bend, OR 97701

**ADDENDUM TO THE BYLAWS OF  
NEWPORT HILLS HOMEOWNERS ASSOCIATION (NHHOA)**

The **Collection of Unpaid Charges/Fine Schedule** is adopted as an addendum to the NHHOA Bylaws, Deschutes County Record 2024-05904, on this **17<sup>th</sup>** day of September 2024 by the Newport Hills Homeowner Association (the "Association")

**RECITALS**

- I. Newport Hills Homeowner Association Byelaws, Article IV. BOARD OF DIRECTORS, Section 2. Power and Duties allows that 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 are not by law or by these Bylaws directed to be exercised and done by the Owners.*
- II. Newport Hills Homeowner Association Byelaws, Article IV. BOARD OF DIRECTORS, Section 3. (3.8) allows the Adoption and amendment of administrative rules and regulations governing the details of operation and use of the Common Property. Provided, however, any such rules or regulations shall always be subject to rescission or amendment by the Association upon Majority vote of Owners present at any properly called meeting.*

**ADOPTION**

The Newport Hills Homeowners Association adopted the Unpaid Charges/Fine Schedule Rev. 070624 as an addendum to the Bylaws, Deschutes County Record 2024-05904, on September 12<sup>th</sup> 2024.

# **NEWPORT HILLS HOMEOWNERS ASSOCIATION (NHHOA)**

## **COLLECTION OF UNPAID CHARGES/FINE SCHEDULE**

### **Newport Hills Board of Directors Scope of Authority: NEWPORT HILLS HOMEOWNERS ASSOCIATION BYLAWS**

**September 12th, 2024**

#### **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.

#### **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.

#### **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.



## 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 not to exceed 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

1. 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), the late fee to be imposed under CC&R5.5 shall be \$10.00. An additional \$10.00 late fee shall be imposed every thirty days that an overdue assessment remains unpaid.
2. All unpaid assessments shall accrue interest at the maximum legal rate from the date such payment of such assessment is thirty (30) days overdue
3. The Fine Schedule set forth below is adopted.

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



# **NEWPORT HILLS HOMEOWNERS ASSOCIATION**

## **FINE SCHEDULE**

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

1. Initial notification of identified violation: Homeowner shall receive written notice of violation and given an opportunity to correct within the timelines established herein, sent via regular USPS mail 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. The Homeowner can request a hearing with the HOA Board to challenge a proposed fine by submitting a request for hearing to the Board in writing (either via email or other written communication) within one week after receiving a notice of intent to fine. The Board will consider a timely received challenge at the next Board meeting following receipt of a request for hearing. The Board will allow a challenging homeowner to explain why the proposed fine should not be imposed, and the Board shall present evidence supporting the proposed fine. Following the hearing a decision will be made, and the decision will be sent by mail to the homeowner within 14 days of the completion of the hearing.
4. If the violation is upheld and the Homeowner fails to correct the identified violation within the time set by the Board, but in no event less than the applicable time period identified below, the fine will be imposed, and the Board shall send notification via some or all of regular mail, certified mail, and email.
5. 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.
6. The maximum fine for each violation shall be the greater of \$25,000 or the fine as listed in each category. This excludes all legal fees, administration costs and interest accrued.

## **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. Homeowner will provide supporting documents to support claim of total cost of the improvement to the board.

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.**

**4.1 Violations will result in an initial fine of \$5,000.**

**4.9 Violations will result in an initial fine of \$2,500.**

**4.10 Violations will result in an initial fine of \$2,500.**

**4.11 Violations will result in an initial fine of \$100,000.**

**4.15 Violations will result in an initial fine of \$50,000.**

**4.19 Violations will result in an initial fine of \$100,000.**

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 determining that a violation exists, 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:**

Upon NHBOD determining that a violation exists, the owner will be notified under NP Section 1.

Violations will result in a fine of \$1,500, unless the tree was eligible for removal, in which case the fine shall be \$250.

## **CATEGORY F:**

### **1.6 Improvements.**

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

Driveway

Paint

Sidewalk

Sidewalk (safety related notice)

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 and Landscape/yard maintenance).

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

Driveway/Sidewalk, 21 months

Paint, 18 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:**

### **4.4 Animals and Pets:**

### **4.5 Offensive or Commercial Activity:**

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

Upon NHBOD determining that a violation exists, 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 determining that a violation exists, 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** determining that a violation exists, 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:**

### **4.3 Clothes Lines, Garbage Cans, etc.:**

### **4.6 Signs:**

Upon **NHBOD** determining that a violation exists on, 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

## **CATEGORY K:**

### **4.18 Landscape Maintenance**

#### **4.3 Fences**

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

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 and Landscape/yard maintenance safety related notice).

Timelines for completion are as follows: (from initial notice sent under NP section 1)  
Landscape/yard maintenance, circumstances will dictate completion date to be discussed and agreed upon by the homeowner and board.

Fence 6 months

3 days after the proposed target completion date (agreed upon by homeowner and board) if the violation has not been corrected, the owner will be notified under NP Section 2. (Initial rate of proposed fine is \$300.00)

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 \$300 per notification.

Initial fine \$300

Month 1 increase fine \$600

Month 2 increase fine \$900

Month 3 increase fine \$1200

Month 4 increase fine \$1500


Month 5 forward will result in a maximum fine of \$1500 and continue at that rate every 30 days until the owner is compliant.



**Adopted September 12th 2024**

**Effective October 10th, 2024**

NEWPORT HILLS HOMEOWNERS ASSOCIATION Inc.

  
\_\_\_\_\_  
Bill Shaw  
Secretary

9/13/24  
Date

  
\_\_\_\_\_  
Bob Zlatek  
President

09-13-24  
Date

**NEWPORT HILLS HOMEOWNERS ASSOCIATION  
CERTIFICATION**

The undersigned President and Secretary of Newport Hills Homeowners Association hereby certify the Addendum to the Bylaws were approved and adopted in accordance with ORS 94.625.

By:   
 \_\_\_\_\_  
 Bob Zlatek, President

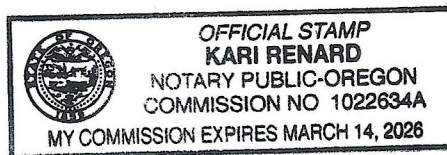
  
 \_\_\_\_\_  
 Bill Shaw, Secretary

STATE OF OREGON )  
 ) ss  
 County of Deschutes )

On this 13<sup>th</sup> day of September, 2024, before me, the undersigned Notary Public, personally appeared Bob Zlatek, President of Newport Hills HOA, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledge to me that he executed the same in his authorized capacity and that by his signature on the instrument, the entity upon behalf of which he acted he instrument.

WITNESS my hand and official seal.

  
 \_\_\_\_\_  
 Notary Public for Oregon



My Commission Expires: March 14, 2026