

**ELKAI WOODS FRACTIONAL HOMEOWNERS' ASSOCIATION, INC.**  
**Resolution of the Board of Directors**

**UTILITY SHUT-OFF RESOLUTION**

**RECITALS**

- A. The “**Association**” is Elkai Woods Fractional Homeowners’ Association, Inc., AKA Elkai Woods Fractional Homeowners Assn., an Oregon nonprofit corporation. The Association is charged with the operation and management of a portion of Elkai Woods (the “**Planned Community**”), a planned community located in Deschutes County, Oregon.
- B. The relevant portion of the Planned Community and the Association are governed by the Oregon Planned Community Act, ORS 94.550 *et seq*, and the following documents recorded in the records of Deschutes County, Oregon, referred to herein as “**Governing Documents**”:
1. *Amended Declaration of Covenants, Conditions and Restrictions for Elkai Woods Homeowners’ Association, Inc. and Elkai Woods Fractional Homeowners’ Association, Inc.* recorded November 30, 2005 as Document No. 2005-82307, including any amendments or supplements thereto (“**Declaration**”).
  2. *Bylaws of Elkai Woods Fractional Homeowners’ Association, Inc.*, recorded on November 15, 2002 as Document No. 2002-64122, including any amendments thereto (“**Bylaws**”).
  3. *Plats of Elkai Woods Townhomes Phase I, Phase II, Phase III, Phase V, and Phase VI*, including any amendments or supplements thereto.
- C. ORS 94.640 and Article 3, Section 3.2 of the Bylaws vest the Board of Directors (“**Board**”) with all of the powers and duties necessary for the administration of the affairs of the Association.
- D. Article 3, Section 3.3.3 of the Bylaws empowers the Board to designate and collect monthly assessments from Association owners.
- E. ORS 94.630(1)(a) and Article 3, Section 3.3.8 of the Bylaws empower the Board of Directors to adopt Rules and Regulations.
- F. ORS 94.630(1)(m) allows the Board and Association to adopt rules regarding the termination of utility services provided by the Association and paid for out of assessments, and access to and use of service facilities available to owners.

- G. The Board recognizes the importance of the timely payment of assessments. The Board also recognizes that owners have historically become delinquent in the payments of their assessments from time to time and sometimes fail to respond to the Board's requests and demands to bring their accounts current during periods of delinquency.
- H. The Board deems it necessary, desirable, and in the best interests of the Association to adopt a uniform and systematic procedure for the termination of utility services provided by the Association for owners who fail to timely pay their assessments.
- I. The rights and procedures contained in this Resolution are in addition to the rights, procedures, and remedies contained in the Association's Collection Resolution.

### RESOLUTION


**NOW, THEREFORE, IT IS RESOLVED** that the procedure set forth below shall be the process for providing a uniform and systematic procedure for the termination of those utility services provided by the Association in the event of delinquent assessments.


- 1. If any assessment remains unpaid by an owner for more than one hundred and eighty (180) days from the due date of its payment, the Board shall send notice to the responsible owner of its intent to terminate the Association-provided utility services to that owner's Living Unit if the amount due and owing is not paid within thirty (30) days. The notice shall include a statement that the owner may request a hearing before the Board within fifteen (15) days of receiving notice.
- 2. Notice shall be personally delivered or mailed by registered or certified United States mail, return receipt requested, as well as by first-class mail, to the owner allegedly in violation at (1) the address or addresses provided and required for notice of Association meetings, and (2) the mailing address of the property in question.
- 3. If an owner timely requests a hearing within fifteen (15) days of receiving the notice, the Board shall promptly schedule that hearing and inform the owner of its date, time, and location. Utilities shall not be shut off while a hearing is pending before the Board.
- 4. Association-provided utility services for a Living Unit may be shut off in the event of an assessment's delinquency of greater than one hundred and eighty (180) days unless:
  - (a) The total amount due and owing is paid within thirty (30) days from the notice described in Subsection 1 of this Resolution, above;
  - (b) A hearing has been properly requested, held, and resulted in the Board's discretionary determination that utility service should not be terminated; or
  - (c) A hearing has been requested and is pending before the Board.

5. Any and all fees and costs incurred in the Association's termination of the utility services provided by the Association to a Living Unit shall be assessed directly to the responsible owner.

**BE IT FURTHER RESOLVED** that a copy of this Resolution and any amendments thereto will be sent to each owner at the address shown in the records of the Association.

DATED: January 27, 2025

  
\_\_\_\_\_, President  
Elkai Woods Fractional Homeowners'  
Association, Inc., AKA Elkai Woods  
Fractional Homeowners Assn.

  
\_\_\_\_\_, Secretary  
Elkai Woods Fractional Homeowners'  
Association, Inc., AKA Elkai Woods  
Fractional Homeowners Assn.