

# WESTVIEW ESTATES HOMEOWNERS' ASSOCIATION EXECUTIVE BOARD RESOLUTION No. B-1

## (Dues Payments Procedures)

Whereas, at its annual meeting on September 20, 2008, a majority of the voting membership of the Westview Estates Homeowners' Association ("Association") voted to fix the annual dues of the Association; payable by all homeowners ("members") in this subdivision, subject to change at annual meetings in the future; and

Whereas, most members have paid their annual dues in a timely manner, but a significant number of members have failed or refused to pay their dues, as required by the Bylaws of the Association; and

Whereas, the Executive Board of the Association ("Board"), in fairness to all members, is required under Section 5, Article III of the Bylaws to pursue such remedies as it deems necessary or advisable against members whose dues are not paid in a timely manner; now, therefore,

*Be It Resolved by the Executive Board of the Westview Estates Homeowners' Association;*

Section 1. The following procedure is established to authorize the Executive Board to enforce timely payment of annual dues by members.

Section 2. Annual dues are payable to the Association not later than January 15 of each calendar year. As a convenience to members, the Board may cause reminder notices thereof to be mailed to members as soon as practicable before that date, and/or notice to be posted at the entrance of the subdivision behind the mailboxes.

Section 3. If a member has not paid the annual dues and assessments by February 15<sup>th</sup> of each year, The Association shall undertake the following:

- (a) Cause a letter of admonition to be sent to the member;
- (b) Impose a late fee on dues equal to ten percent (10%) of the unpaid amount;
- (c) Impose interest on all dues and assessments and late fees, at a rate of twelve percent (12%) per annum from February 15<sup>th</sup>, annually on January 15<sup>th</sup> of each year.

Section 4. (1) A member believing that an amount due under Section 2 or 3 is erroneous may submit, a WRITTEN notice of appeal to the Board, seeking a hearing. Such an appeal must be submitted not later than March 15 of the same year. No particular form is required, and the notice may be delivered to any officer of the Board. As soon as practicable after receiving notice of an appeal, the Board shall schedule a special meeting to hear the appeal. Notice of the hearing shall be given to the member appealing, and posted on the bulletin board. Three members of the Board constitute a quorum to hear an appeal. The member appealing may present written evidence and witnesses. Three or more members of the Board must concur in granting relief under an appeal, otherwise the appeal is deemed to be denied. Not later than three days after the hearing, the Board shall notify the appealing member of its decision.

(2) The Board shall defer any proceeding under section 5 or 6 with respect to any property that is the subject of an appeal under this section, until the appeal has been decided.

Section 5. On or after April 1 of each year, the Association shall have a lien upon the individual lot for any unpaid dues, and assessments, including but not limited to interest, late fees, fines, attorney fees, NSF fees and penalties, collection expenses and other costs pursuant to its Bylaws, Article III, Section 5. Thereafter the Association may record a notice of claim of lien for assessments and costs in Polk County, Oregon. The lien maybe enforced by the Board acting on behalf of the Association. A proceeding under this section does not preclude subsequent proceedings to impose liens for additional amounts becoming due and payable thereafter with respect to the same property.

Section 6. Without foreclosing or waiving the lien referenced in Section 5 above, the Association may institute an action to recover a money judgment before a court of competent jurisdiction. However, any recovery of the money judgment shall operate to satisfy any lien, or portion thereof, to the extent payment is received.

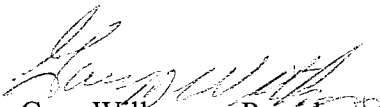
Section 7. The Board does not have authority to remit or otherwise excuse payment of dues or additional amounts imposed under Section 3. However, prior to the initiation of a proceeding under section 5 or 6, a member may submit a WRITTEN request for a reasonable special arrangement for payment of dues and additional amounts imposed under section 3, based on substantial hardship or other extraordinary circumstances. No particular form is required, and the request may be submitted to any officer of the Board. As soon as practicable after receiving the request, the Board shall schedule a special meeting to consider the request. Three members of the Board constitute a quorum to consider the request. If at least three members of the Board find there is substantial hardship or other extraordinary circumstances, the Board may permit the amount owing to be paid in installments, or in such other manner as the Board finds just, fair and equitable.

Section 8. The procedure established by Section 3 herein applies to dues and assessments payable on or after adoption of this resolution by the Board.

Section 9. With respect to any dues or assessments payable before the adoption of this resolution, the following shall apply:

- (a) Interest thereon shall accrue at the Oregon statutory rate of nine percent (9%) per annum from 30 days after the date of due date of any amount.
- (b) No late fee shall be assessed thereon.
- (c) The lien procedure set forth in Section 5 above shall apply to any amount due.

EXECUTIVE BOARD  
WESTVIEW ESTATES HOMEOWNERS' ASSOCIATION  
DECEMBER 29, 2008  
Reaffirmed December 2, 2014  
Section 3 ( c ) amended and approved by Executive Board April 9, 2024.

  
Gary Willcoxon, President

  
Toni Horton, Secretary