

COAST VILLAGE PROPERTY OWNERS CORPORATION

Resolution of the Board of Directors

TERMINATION OF UTILITIES AND ACCESS TO COMMON FACILITIES

RECITALS

- A. Coast Village Property Owners Corporation ("Association") is charged with the management and operation of Coast Village, a planned community located in Lane County, Oregon. The Association is governed by the following documents recorded in the Records of Lane County, Oregon:
 - 1. *Amended and Restated Declaration of Covenants, Conditions and Restrictions of Coast Village*, recorded on October 17, 1997 as document no. 9770898, including any amendments or supplements thereto ("Declaration").
 - 2. *Amended and Restated Bylaws – Coast Village Property Owners Corporation*, recorded on October 18, 2001 as document no. 2001-069118, including any amendments thereto ("Bylaws").
- B. The Association is also governed by the Oregon Planned Community Act, ORS 94.550-94.783.
- C. Sections 4.5 of the Declaration and Section 5.9 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. Section 11.1 of the Bylaws and ORS 94.630(1)(a) empower the Board of Directors to adopt Rules and Regulations.
- E. The Association provides water as a utility to each lot, which is a common expense assessed to all owners.
- F. Owners are obligated to pay annual assessments levied by the Association to meet all common expenses, including expenses for utility services and recreational and service facilities available to owners.
- G. ORS 94.630(1)(m) provides that the Association may adopt 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.
- H. From time to time, owners become delinquent in the payment of assessments. Therefore, the Board finds it to be in the best interests of the Association to adopt this Resolution to

set the procedure for termination of utility services and access to recreational and service facilities.

RESOLUTION

By authority granted in ORS 94.630(1)(m), the Board hereby resolves to adopt the following policies regarding termination of utilities:

1. **Notice of Termination.** If any Assessment remains unpaid by an owner for more than one-hundred twenty (120) days from the due date for its payment or ("Notice"). The Notice shall be personally delivered or mailed by first class and by certified mail, return receipt requested, to the owner at the address or addresses required for notice of meetings.
2. **Contents of Notice.** The Notice required under Section 1 above shall contain the following statements:
 - (a) The amount due as of the date of the Notice, including late fees, interest, and other charges.
 - (b) A statement that the Board shall cause utility service and the use of and access to recreational and service facilities to be terminated unless the owner tenders full payment or requests a hearing within thirty (30) calendar days of the date of the Notice.
 - (c) The person to contact in order for the owner to request a hearing.

A sample Notice is attached as Exhibit A to this Resolution for illustrative purposes only.
3. **Non-Owner Residents.** To the extent the Association's Board is aware of non-owner residents residing in the lot, the Notice shall be mailed by first class mail, addressed to the "Occupants of Lot _____" at the lot address. The notice shall only state that the water utilities to the lot are being terminated for nonpayment of assessments and the date on which utilities may be terminated.
4. **Termination of Utilities.** If the owner and any non-owner resident has received the Notice above, and the owner has not paid all delinquent Assessments in full or has not requested a hearing within thirty (30) calendar days, the Board shall cause water utility services and access to common facilities to be terminated. The Board has the right to enter a lot for the purposes of terminating water utility service in accordance with Section 14.4 of the Declaration.
5. **Hearing.** If an owner requests a hearing within thirty (30) days of the date of the Notice, the Board shall set a hearing and give reasonable notice to the owner of the date, time, and place of the hearing. The Board shall either render its decision at the conclusion of the hearing or take the matter under advisement and render the decision at a later Board

meeting. All decisions of the Board shall be in writing, a copy of which shall be provided to the owner within seven (7) calendar days of the determination.

6. **Violation of Rules.** If an owner has failed to correct a continuing violation of the Declaration, Bylaws or rules and regulations after receiving a notice of the violation, the Board may terminate the owner's utilities and access to common facilities using substantially the same notice procedures outlined above. The Board may terminate utility services and access to common facilities until the violation is corrected.
7. **Costs.** Costs associated with termination of utility services or use of or access to recreational or service facilities shall be added to the owner's monthly assessments and collected as provided in the Declaration and Bylaws.
8. **Manager.** The Board may delegate the duties of sending notices to owners or other tasks to a manager for the Association. However, all hearings must be held before the Board of Directors in an open Board meeting.
9. **Other Remedies.** 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.
10. **Attorney Fees.** In accordance with Sections 7.6 and 9.1 of the Declaration, the Association may assess attorney fees and costs to an owner for any enforcement action to compel compliance or payment of delinquent assessments.
11. **Delivery to Owners.** A copy of this Resolution shall be sent to all owners.

The undersigned President and Secretary certify that this Resolution was adopted by the Board of Directors at a meeting held on:

June 16, 2018.



President
Coast Village Property Owners Corporation



Secretary
Coast Village Property Owners Corporation

EXHIBIT A
SAMPLE
NOTICE OF TERMINATION OF UTILITIES

[Date]

[Name]

[Address]

RE: **NOTICE OF TERMINATION OF UTILITIES**

Dear Mr. Doe:

The records of Coast Village Property Owners Corporation show that you are ninety (90) days' delinquent on the payment of your assessments. Our records reflect the following:

Principal Assessments Due:	\$ _____
Accrued Late Charges:	\$ _____
Accrued Interest:	\$ _____
Total Due:	\$ _____

The Association has the right to terminate your utilities services pursuant to Coast Village Property Owners Corporation Termination of Utilities Resolution. You have a right to a hearing to challenge this notice. **If payment in full is not made or if you fail to request a hearing within thirty (30) days of the date of this letter, water utility services and access to common facilities will be terminated.**

All charges, including attorney fees, associated with collection of your assessment account are imposed against you and your lot as provided in the Declaration and Bylaws.

You may request a hearing if you disagree with the calculation of the above Total Due. To request a hearing, you may contact the undersigned in writing to voice your challenge. The Board must receive any written challenge of the calculation of these charges within thirty (30) days of the date of this notice. If a hearing is not requested by the end of the 30-day period, your right to a hearing is forfeited.

Your prompt payment of the balance due is appreciated.

Sincerely,

[Name of Association Representative]

[Title]

[Phone number] [Email] [Physical Address]