

**EVERGREEN HEIGHTS OWNERS' ASSOCIATION
ENFORCEMENT POLICY WITH FINE & FEE SCHEDULE**

All members of the Evergreen Heights Owners' Association (the "Association") are subject to the Covenants, Conditions and Restrictions for Evergreen Heights recorded on November 9, 2006 under Thurston County Recording Number 3879667, and any amendments thereto ("CC&Rs"), Articles of Incorporation, Bylaws and Rules and Regulations of the Association (together, the "Governing Documents"). Each member of the Association, their guests and tenants, are required to strictly comply with the Governing Documents as they may be amended from time to time by the Association. Failure to comply may result in the issuance of fines, actions to recover sums due for damages or injunctive relief, or both, maintainable by the Board of Directors (the "Board") for the Association or by an aggrieved member against the party failing to comply. Members are responsible for ensuring their tenants and guests comply with the Governing Documents.

A. Fine & Fee Schedule. Fines and fees will be imposed as follows:

First Violation of any other Provision	Warning plus any administrative fees incurred in preparing and sending the violation warning letter
Subsequent Violation of any other Provision	\$50.00 plus any administrative fees incurred in preparing and sending the violation warning letter

Fines in the amount of \$100.00 for continuing or repeated violations of the same or substantially similar type may be imposed on a monthly basis until the violation is discontinued or remedied.

Fines stated above are in addition to, and not in lieu of, any right of the Association to require members to remedy violations of the Governing Documents, to charge members for remedial action taken by the Association, or any remedy available to the Association by law.

B. Procedures for Notice of Violations. If the Association receives information suggesting that there has been a violation of the Governing Documents, the Association may, after reasonable inquiry into the circumstances surrounding the allegations, take the following actions:

1. **First violation: Warning Letter.** A violation of the Association's Governing Documents will result in a written Warning Letter that continuing or future violations will subject the member to fines as set forth in the Fine & Fee Schedule above. Some situations may require immediate action on the part of the member, but unless otherwise stated in the Warning Letter, members will have 30 days to correct the violation.
2. **Subsequent Violations: Violation Letter & Proposed Fine.** A second violation of the same or similar type or a violation not corrected within the time expressed in the warning letter shall be subject to a fine as provided in the Fine & Fee Schedule above. The member will be sent a Violation Letter providing the member with notice of the member's opportunity to be heard regarding the violation, and warning of the imposition of the fine.
3. All Warning Letters or Violation Letters will be sent by mail to the lot address unless an alternate address has been given in writing by the lot owner to the Secretary of the

Association prior to the date of the Notice of Violation. Certified Mail may, but is not required to be used.

4. Owners are responsible for their guests, tenants, agents, contractors and invitees. If a non-owner occupant of a lot is in violation of the Governing Documents, the Warning Letter, Violation Letter, or other notice will be sent to the owner as provided for in the preceding paragraph. The lot owner is responsible for notifying his or her tenants or occupants, paying any fines and taking corrective action.

C. Opportunity for Hearing. A member who has been sent a Violation Letter may request a hearing on the violation by sending a written request to the Board within 10 days of the date of the Violation Letter, unless other response date is provided for in the Violation Letter. Failure to request a hearing in a timely manner is a waiver of the owner's right to challenge the violation and imposition of a fine. If a hearing is requested, the hearing will be scheduled and held in the following manner:


1. **Notice of Hearing.** When the Board has received a timely request for hearing, it will provide the affected owner with written Notice of a Hearing before the Board, or Hearing Committee designated by the Board, regarding the violation or proposed action. The hearing shall be set not less than 10 nor more than 30 days of the receipt of the timely request for hearing, and shall be set between the hours of 8:00 a.m. – 10:00 p.m. unless the Board and the affected owner otherwise mutually agree upon a date and time for the hearing. The Notice of Hearing shall include (a) a statement of offense, (b) the proposed action and/or fine, (c) the date, time and place of the hearing, (d) any time limits upon the presentation of evidence; and (e) whether the affected owner may offer a written statement in lieu of appearance.
2. **Continuance of Hearing.** Once a hearing has been requested and set in accordance with the preceding paragraph, the Board shall have discretion to allow or disallow a continuance of the hearing at the request of the owner. Failure to appear at the hearing shall constitute waiver of the opportunity to be heard.
3. **Attorneys.** If the owner intends to have an attorney present at the hearing, the owner must notify the Board 7 days prior to the hearing so that the Association may also have counsel present.
4. **Hearing Procedures.** At the hearing, the affected owner shall have a reasonable amount of time under the circumstances to present evidence and argument to the Board regarding the violation. Specific time limits may be set out in the Notice of Hearing. Additional time may be granted by mutual agreement of the parties. Presentation of evidence or argument shall be subject to reasonable rules of procedure established by the Board to assure a prompt and orderly resolution of the issue. Other owners may be allowed to present evidence or argument demonstrating the violation or in favor of the imposition of fines in accordance with procedures established by the Board, or at the discretion of the Board.
5. **Decision of the Board.** Within a reasonable time, the Board will meet in executive session to make its decision on whether a violation has been committed, and shall endeavor to send the owner notice of its decision in writing in the same manner in which the notice of the meeting was given within 30 days of the hearing. Any fines imposed

after a hearing shall become due on the first of the month following the notice of the Board's decision unless the notice of decision states otherwise.

6. **Multiple Violations prior to Hearing.** One or more violations of the Governing Documents and/or proposed fines may be combined and heard in one enforcement hearing, if convenient to the Board. Once a hearing is set for one or more alleged violations, additional alleged violations and fines occurring subsequent to the initial notice(s) of violations and prior to the date of the hearing may also be heard at the scheduled hearing, at the discretion of the Board.
 7. **Additional Violations after Hearing.** An owner is entitled to one hearing per type of violation. A request for an additional hearing may be denied if the Board determines that the violations are continuing in nature and that no evidence that could be presented by the owner would change the previous decision of the Board. Notice that a request for hearing has been denied may be sent in the manner of a Notice of Hearing.
- D. **No Waiver / Not Exclusive Remedy.** The foregoing shall not be deemed a waiver of any right to enforce or take any other action available under the Governing Documents or at law. The sanctions, fines, fees, interest and penalties set out herein are in addition to, and not in lieu of, other remedies or sanctions available to the Association by law or by the Governing Documents.
- E. **Fines are Assessments.** Owners shall be financially responsible for all fines, damages and other amounts assessed resulting from their own actions, and the actions of their tenants, guests or occupants. Fines imposed under this schedule constitute Assessments and may be enforced as such, including the imposition of late fees and interest.
- F. **Costs Incurred in Enforcement.** In addition to the sanctions set forth above, all costs incurred in enforcing the Governing Documents, including, but not limited to, attorneys' fees, interest, recording fees and other costs incurred in collecting fines or attempting to obtain compliance with the Governing documents constitute Assessments and may be collected in the manner for collection of Assessments.

This Enforcement Policy with Fine and Fee Schedule was adopted by the Board by resolution dated

DEC. 10, 2017, and mailed to all owners on Jan. 20, 2018.



Secretary, Evergreen Heights Owners' Association