

**Fairway View Condominiums**  
**RESOLUTION (POLICY & PROCEDURE) 2022-01**  
**FINE AND ENFORCEMENT**  
**Replaces All Previous Fine and Enforcement Resolutions**

**WHEREAS**, the Association has a Declaration and Bylaws, and,

**WHEREAS**, the Declarations of the Fairway View Condominiums charge the Board of Directors with the powers and duties to ensure that residents who enjoy the privilege of living in Fairway View Condominiums, also accept the responsibility of not infringing on their neighbors' rights of peaceful enjoyment, safety and sustained property value.

**NOW, THEREFORE, BE IT RESOLVED**, that violations of the Association's governing documents, including rules and resolutions, within the **Fairway View Condominiums** shall be dealt with as follows:

1. **Observations made by the Association:** When the Association directly observes a violation (through the Board of Directors or the Managing Agent), it will begin with paragraph 4, below. No written complaints are required to be filed.
2. **Direct resolution preferred:** Owners disturbed by a neighbor's actions or believing that a neighbor is in a compliance violation with a **Fairway View Condominiums** rule or regulation, are encouraged to express their concern with the neighbor prior to reporting to the Association. Most disturbances are believed to be unintentional, and immediate resolution by responsible neighbors, if possible, is desirable and expected.
3. **Written Complaint:** If a resolution to the situation is not achieved through the initial direct discussion between the involved parties, or is recurrent, the Complainant may submit a signed, written complaint to the Association. This written complaint shall document the disturbance/violation created by which neighbor, on what date, time, and place. The complaint must describe the activity in enough detail that an objective person could comprehend the concern. A written complaint is considered an email, fax or letter received via regular mail. Anonymous reports will not receive a response.

The written complaint must be sent to the management company who will then forward it to the Board of Directors for action or may take appropriate action pursuant to this policy. Oral reports will not be accepted.

4. **Association's Initial Response "Friendly Reminder":** Upon notification of first violation, a homeowner will receive a "Friendly Reminder" to correct the violation. This reminder will notify the homeowners of the infraction and request correction to avoid assessment of fines assessment and or other enforcement activity. The owner will have 14 calendar days from the date of the letter to comply or request a hearing. In a situation where there is an immediate threat to health, safety or the environment, the Association may elect to rectify the situation immediately, without notice, and charge the owner(s) for any and all costs incurred. The Board of Directors at their discretion shall determine an immediate threat.

In situations where irreparable harm may occur from delay, no Friendly Reminder will be issued. The first notice will be the Notice to Correct described below, or the Association may take other

enforcement action to correct the violation. Unapproved architectural modifications are examples of violations for which no Friendly Reminder will be issued.

5. **Association's secondary response "Notice to Correct":** Should the violation not be remedied within 14 calendar days of the "Friendly Reminder", the homeowner will be notified in writing of the continued violation and requested to remedy the violation within 14 calendar days via a "Notice to Correct." The Notice to Correct shall describe the nature of the violation; the proposed fine or other sanction to be imposed; the right to request a hearing within 14 calendar days of the date of the letter; and that the proposed fine or other sanction will be imposed unless a request for hearing is received within 14 days of the date of the letter. If the Managing Agent receives a request for a hearing within the time limit, a date and location will be established, the owner notified and any fines or other sanction for the violation will be held in abeyance until after the hearing.
6. **Association's third response "Fine Notices":** Should the same violation not be remedied within 14 calendar days of the date of the Notice to Correct and no request for a hearing received, a third letter will be sent ("Fine Notice"), and a fine of **\$50.00 (fifty dollars)** will be assessed to the owner's account. Fines are collected in accordance with the Collection Resolution. Unpaid fines will accrue late fees and interest pursuant to the Collection Resolution.

At this time, all privileges for use of the common property, including the ability to vote at Owners' meetings will be revoked for a period of 30 days.

7. **Continued Violation:** Should the continued violation remain for another period of 14 calendar days, an additional fine of **\$100.00 (one-hundred dollars)** will be assessed to the owner's account. Additional fines of **\$150.00 (one-hundred and fifty dollars)** will continue to be assessed every 14 calendar days until the violation is corrected. At this same time, if payment of the fines is not made, a lien may be placed on the property. Additionally, all related attorney and filing fees incurred for enforcement would be charged to the owner's account.

At this time, all privileges for use of the common property, including the ability to vote at Owners' meetings will be revoked for another period of 30 days, or until the fines are paid in full and the violation is corrected, whichever is longer.

The owner does not have the right to a hearing for each additional fine that is assessed for continuing violations.

8. **Legal Action:** The Board of Directors reserves the right at any time to elect to hire legal counsel to pursue compliance with the governing documents. The owner in violation is responsible for all fees and costs incurred by the Association regarding enforcement.
9. **Repeat Violators:** Violations are progressive. Each violation of a similar type (to be determined by the Board of Directors) by the same owner, tenant, guest, contractor, vendor, etc. whether single or multiple locations and/or times, within a 6-month period, shall be issued a Notice to Correct. The fines for Repeat Violations described in the Notice to Correct and all subsequent notices shall be increased by \$100 above the amounts stated in this resolution.

10. **Association correcting violation:** The Association at any time may correct the violation but is not obligated to do so. If the Association corrects the situation, the owner is responsible for reimbursing all the costs to the Association and a flat \$100 administrative charged for correcting any matter.
11. **Owner Responsible for Violations of other Occupants:** The Owner is responsible for all violations by his/her family members, guests, pets, tenants, vendors, licensees, and invitees. All notices and fines arising out of this resolution will be assessed to the Owner.
12. **Hearing Request:** Upon receipt of a request for hearing, the Board of Directors will notify the owner in writing within 14 business days of the date, time, and location of the hearing. The hearing will be scheduled within 30 calendar days of the notice, if possible, schedules permitting. The hearing is to provide the owner with an opportunity to be heard by the Board of Directors. At this time, the owner is to submit all supporting documentation, facts, etc. The Board of Directors will adjourn the hearing and provide a written decision to the owner within 10 business days of the hearing.
13. **Non-Owner-Occupied Homes:** In the case of non-Owner-occupied properties, the Owner of the property will be provided with the violation notices described in this resolution. If violation is left unresolved and fines are imposed, the fines will be assessed to the Owner, even if the tenant committed the violation. It is the responsibility of the Owner to notify tenants of the Association policies and procedures and ensure compliance.
14. **No Waiver.** Nothing in this resolution shall be construed as a waiver of any other enforcement rights available to the Association pursuant to the governing documents or at law.
15. **Association requiring mediation:** The Board of Directors, in its discretion, may require Owners involved in disputes to participate in mediation. If the Board directs the Owners to participate in mediation, any mediation agreement shall be reported to the Board and shall constitute a final resolution of the dispute as long as the agreement does not contradict the Association's governing documents. If no agreement is reached in mediation, the Owners must notify the Board and request a hearing to resolve the dispute. Any costs associated with the mediation shall be borne equally by the Owners unless a different agreement is reached as part of the mediation.

**NOW, BE IT FURTHER RESOLVED** that a copy of this Resolution shall be sent to all Owners at their last known address and will be enforced ten (10) days from the date of mailing to the membership.

Jennifer Iams  
Jennifer Iams (Mar 31, 2023 09:17 PDT)

Board of Directors  
 Fairway View Condominiums

ATTEST this resolution was properly adopted:

Holly B Redfern  
Holly B Redfern (Apr 1, 2023 09:54 PDT)

Board of Directors  
 Fairway View Condominiums

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 Date











# FWVC Fine and Enforcement Resolution 2022.07

Final Audit Report

2023-04-01

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