

**ENFORCEMENT RESOLUTION OF THE BOARD OF DIRECTORS OF
THE MATTHEW FRANK CONDOMINIUM ASSOCIATION**

Recitals

1. The Matthew Frank Condominium Association (“Association”) is an Oregon condominium association that oversees the affairs and operations of the Matthew Frank Condominium in Portland, Oregon.
2. The Association is subject to the Oregon Condominium Act, ORS Chapter 100, and to the following documents, recorded in the official records of Multnomah County, Oregon, along with any amendments thereto:
 - 2.1. Condominium Declaration for Matthew Frank Condominium (“Declaration”), recorded as Document No. 2006-070788 on April 18, 2006; and
 - 2.2. Bylaws of Matthew Frank Condominium (“Bylaws”), recorded as Exhibit C to the Declaration.
3. Section 11.3 of the Declaration vests in the Association all the powers and duties granted by the Oregon Condominium Act, as well as those powers conferred by the Declaration and the Bylaws.
4. Pursuant to ORS 100.405(4)(a), Section 8.3 of the Declaration, and Section 4.3.8 of the Bylaws, the Association is entitled to adopt rules and regulations for the condominium.
5. Pursuant to ORS 100.405(4)(k), the Board of Directors is authorized to levy fines for violations of the Declaration, Bylaws, or rules and regulations of the Association.
6. For the benefit and protection of the Association and of the individual owners, the Board of Directors deems it necessary and desirable to establish a formal procedure for the handling of complaints and the enforcement of the Declaration, Bylaws, and Rules and Regulations to ensure owners receive notice and an opportunity to be heard in cases involving violations of the Declaration, Bylaws, or Rules and Regulations.
7. The Board deems it necessary and desirable to adopt a Schedule of Fines to be used by the Board in imposing sanctions for violations of the Declaration, Bylaws, or Rules and Regulations of the Association.

Resolution

1. All prior enforcement resolutions or financial penalties resolutions, if any, are rescinded and are no longer of any force.
2. The procedure set forth below shall now be the process for handling complaints and enforcement of violations of the Declaration, Bylaws, or Rules and Regulations of the Association.

3. VIOLATIONS

- 3.1. The Board of Directors may begin enforcement proceedings if it determines that there is a violation of the Declaration, Bylaws, or Rules and Regulations of the Association. Actual knowledge, a complaint submitted by an owner, or any other reliable information is sufficient to make a determination.
- 3.2. Owners disturbed by a neighbor's actions, or of the belief that a neighbor has violated an Association rule or regulation, are encouraged to express their concern to the neighbor prior to reporting to the Association. Most disturbances are believed to be unintentional, so the Board recommends attempting to resolve disputes in a neighborly fashion. However, an owner is not required to contact the violating owner. The aggrieved owner may, instead, report the violation to the managing agent or to a Director,
- 3.3. Any complaint submitted by an owner must contain the following:
 - 3.3.1. Name and address of owner submitting the complaint;
 - 3.3.2. Name and address of violating owner; and
 - 3.3.3. A description of the violation, including dates and times.
- 3.4. At the Board's discretion, the name and address of the complaining owner may be kept private if the publication of such information would pose a threat to the complaining owner's safety.

4. NOTICE

- 4.1. If the Board determines the existence of a violation, the Board may exercise its right to notify the owner of the violation and, subject to the procedure below, levy a fine.
- 4.2. The notice must contain the following:

- 4.2.1. A description of the violation and, if available, photographs of the violation;
 - 4.2.2. A statement that the owner is entitled to an opportunity to be heard by the Board before further action is taken or fines are levied, and that the owner shall have 14 days from the date on the notice to present a written request to be heard;
 - 4.2.3. The amount of the fine, consistent with the Schedule of Fines, that will be levied if the violation is not remedied;
 - 4.2.4. Whether the fine will be levied daily, weekly, monthly, or per incident;
 - 4.2.5. A description of any other remedies that may be taken by the Association to remedy the violation;
 - 4.2.6. What action must be taken by the owner to remedy the violation;
 - 4.2.7. If the violation is ongoing, the time frame for remedying the violation; and
 - 4.2.8. A statement that, if the owner fails to present a written request for an opportunity to be heard by the Board within 14 days of the date on the notice, the fines or other remedies shall be imposed.
- 4.3. The notice shall be mailed to the owner via first-class mail to the address on file with the Association. A courtesy copy may also be emailed to the owner.

5. RESPONSE TO NOTICE

- 5.1. The owner must respond to the notice of the alleged violation in writing within the 14 day period, regardless of whether the owner is challenging the imposition of the proposed sanction.
- 5.2. If a timely request for an opportunity to be heard is not made, the sanction stated in the notice shall be imposed.
- 5.3. The Board of Directors may, at its discretion, suspend any proposed sanction if the violation is cured within the 14 day period.

- 5.4. Any response or request for an opportunity to be heard shall be delivered to the Association's manager, President, or Secretary, or as otherwise specified in the notice.

6. RIGHT TO BE HEARD

- 6.1. Prior to levying fines against a violating owner, the Board must give the owner an opportunity to be heard by the Board. The opportunity to be heard shall occur in an open Board meeting.
- 6.2. If the owner presents a written request to be heard after receiving the notice described in Section 4 above, the Board shall send the owner a notice containing the date, time, and place of the hearing.
- 6.3. If the violating owner fails to attend their opportunity to be heard, the Board may take any of the actions described in Section 7 below.
- 6.4. If the violating owner is present to be heard, the violating owner may present testimony or other evidence showing that there is no violation, or that the violation is not subject to enforcement by the Board.

7. BOARD DETERMINATION

- 7.1. At the conclusion of the opportunity to be heard, or if the violating owner fails to appear, the Board may, at its discretion:
 - 7.1.1. Proceed with levying fines consistent with the Schedule of Fines;
 - 7.1.2. Hold the fines in abeyance for a period of time to allow the owner to take remedial actions;
 - 7.1.3. Take any other enforcement action available; or
 - 7.1.4. Dismiss the complaint.
- 7.2. After deliberation, the Board shall announce its decision in an open Board meeting, and record the decision in the Board's meeting minutes.

8. EMERGENCY VIOLATION

- 8.1. In the event a violation poses an imminent risk of personal injury or property damage, the Board has authority to take immediate action to address the emergency violation.

- 8.2. If the Board takes immediate action to address an emergency violation, the Board shall then follow the procedure detailed in Sections 4 through 7 herein to levy a fine or fines against the violating owner.

9. MISCELLANEOUS

- 9.1. The Board reserves the right to amend, revise, or add to the Schedule of Fines and this Resolution as necessary.
- 9.2. A copy of this Resolution shall be sent or delivered to all owners.
- 9.3. Nothing in this Resolution shall be deemed a waiver of the Association's right to file and serve a complaint seeking injunctive relief to terminate the violation.

SCHEDULE OF FINES

Ongoing Violation of the Declaration, Bylaws, or Rules and Regulations	\$100 per day
One-Time Violation of the Declaration, Bylaws, or Rules and Regulations	\$100 per occurrence
Repeat Violation of the Declaration, Bylaws, or Rules and Regulations (repeat violations are violations of a provision of a governing document that the Board fined the owner for within the preceding three months. Each repeat violation will incur a fine that is \$150 greater than the preceding fine that was levied for the violation of that particular covenant).	\$250 per occurrence
Violations of the Declaration, Bylaws, or Rules and Regulations that result in actual danger to the health and safety of any other resident of the condominium	Up to \$10,000 per occurrence
Violations of the rule that no owner, tenant, guest, or resident may intentionally threaten another owner, tenant, resident, or guest of the condominium while brandishing a weapon	Up to \$10,000 per occurrence