



Meadows-Ferndale Homeowners' Association  
**Board Policy Resolution 2021-02**  
Approved and Adopted September 11, 2021



**SUBJECT:** Enforcement of Governing Documents (Rules Section 7.4)

**WHEREAS** Section 64.38.02 of the Revised Code of Washington (RCW) states that:

Unless otherwise provided in the governing documents, an association may:

(11) Impose and collect charges for late payments of assessments and, after notice and an opportunity to be heard by the board of directors or by the representative designated by the board of directors and in accordance with the procedures as provided in the bylaws or rules and regulations adopted by the board of directors, levy reasonable fines in accordance with a previously established schedule adopted by the board of directors and furnished to the owners for violation of the bylaws, rules, and regulations of the association; and

**WHEREAS** Section 4.21 of the Meadows-Ferndale Covenants, Conditions, Restrictions, and Reservations (aka CC&Rs) states that:

The Association is hereby authorized and empowered to adopt rules and regulations governing the use of The Meadows and the personal conduct of the Owners and their guests thereon, and to establish fines for violations thereof, as consistent with the RCW 64.38; and

**WHEREAS** Section 7.4 of the current Meadows-Ferndale Rules and Regulations addresses the issue of enforcement of governing documents but contains typographical errors and phrasing that needs correction and/or clarification.

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**NOW, THEREFORE, BE IT RESOLVED THAT:**

Section 7.4 of the current Meadows-Ferndale Rules and Regulations is hereby revised and replaced in its entirety by the following section:

**7.4 Penalties and Delinquencies (Ref: CC&R 4.21 and 7.8)**

The Board has enacted a process to enable enforcement of the Governing Documents. If there were no penalties for violation, then the CC&Rs, Bylaws, and R&Rs would be essentially voluntary and there would be no way to ensure that the Meadows-Ferndale Community is maintained in a state consistent with the desires of the owners.

The process starts with a Notice to Comply (Courtesy Letter) which is sent to the home/lot owner to inform them of the nature of the alleged violation, along with the applicable section of any portion of the Governing Documents allegedly violated. The owner will be provided an opportunity to discuss the details and negotiate a resolution with the Board within ten (10) days of receipt of such Notice. If the owner and the Board do not come to a mutually satisfactory agreement, then the first Notice to

Comply/Courtesy Letter ("NTC-1") may be followed by additional notices that will convey the possibility of, or impose, any of the following:

1. Penalties and fees,
2. Revocation of voting privileges on MFHOA matters until such time as the delinquency is satisfied,
3. Attachment of a lien upon the owner's property.

In furtherance of this Notice To Comply ("NTC") process, the Board will use the following Penalty Notification and Fine Schedule:

- **NTC-1: first offense.** Courtesy Letter. Non-punitive notice of noncompliance and request to correct the violation.
- **NTC-2: second offense.** Warning Letter / Notice to Comply. Will be at least 10 days after NTC-1 and will include explicit warning of potential fines if the violation is not resolved.
- **NTC-3: third offense.** Notice to Comply. Will be at least 15 days after NTC-2 and will include a one-time \$50.00 fine.
- **NTC-4: fourth and subsequent offenses.** Notice to Comply. The NTC-4 and each subsequent NTC will be at least 15 days after previous NTC and will include fines not to exceed \$50.00 per day.

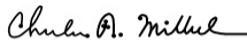
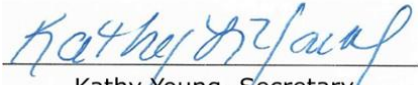
The owner of any Meadows property, upon receipt of an NTC, has the right to request a hearing before the Board of Directors regarding the alleged violation or may appeal their case in writing for review by the Board. Such requests and/or written appeals must be made within ten (10) days of the NTC or the owner shall be deemed to have acknowledged the validity of the said violation and accepted responsibility for it. In the event a hearing is requested by an owner, no sanction will be imposed until the requested hearing is held. Upon receipt of a request for hearing, a Notice of Hearing shall be prepared which will include the location, date and time of the hearing. If the owner fails to appear at any scheduled hearing, the owner will be in default and the Board may render its decision forthwith.

Each NTC and Notice of Hearing will be sent via USPS Certified Mail, return receipt requested, to get a delivery receipt. The cost will be borne by the HOA for NTC-1 and NTC-2, but subsequent delivery costs (e.g., for NTC-3 and beyond) will be added to the fines.

Signed and attested this 11<sup>th</sup> day of September 2021.

Signed:

Attested:

 _____ Charles A. Millard, President	 _____ Kathy Young, Secretary
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