

HARRISON WEST CONDOMINIUMS OWNERS ASSOCIATION

Resolution of the Board of Directors

Termination of Utility Services and Access to Common Amenities

The following Resolution is adopted as of the 11th day of January, 2021, by the Board of Directors ("Board") of the Harrison West Condominium Owners Association ("Association").

WHEREAS, "Declaration" is the *Declaration Submitting Harrison West Condominiums to Condominium Ownership*, recorded May 2, 2006, as Document No. 2006-080487, as amended; "Bylaws" is the *Bylaws of Harrison West Condominium Owners Association*, recorded as Exhibit C to the Declaration, as amended, "Act" is the Oregon Condominium Act, ORS Chapter 100, and "Board" is the Board of Directors of the Association;

WHEREAS, Pursuant to Section 3.7 of the Bylaws, the Board has all of the powers and duties necessary for the administration of the affairs of the Association, except such powers and duties as by law, the Declaration, or Bylaws may not be delegated to the Board by the owners;

WHEREAS, Pursuant to ORS 100.405(4)(a) and Section 7.5(m) of the Bylaws, the Board, on behalf of the Association, may adopt, modify or revoke rules and regulations for the Condominium governing the conduct of persons, and the operation and use of units and the common elements of the Condominium, as it may deem necessary or appropriate in order to assure the peaceful and orderly use and enjoyment of the Condominium;

WHEREAS, Pursuant to the Act, at ORS 100.405(4)(l), the Board may terminate an owner's access to any recreational or service facility and/or terminate any utility service paid for out of common funds in order to compel the owner to correct any violation of the Declaration, Bylaws, or rules and regulations;

WHEREAS, Prior to terminating access to recreational or service facilities or terminating utility services, the Board must give the affected owner written notice and an opportunity to be heard;

WHEREAS, Due to certain owners' habitual delinquency in paying assessments and consistent refusal to cure violations, the Board finds it necessary to adopt rules providing for the termination of access to recreational and service facilities and the termination of utilities;

NOW, THEREFORE, IT IS RESOLVED that:

1. Failure to Pay Assessments. If any owner is more than ninety (90) days delinquent in the payment of any assessment, the Board, in its sole discretion, may terminate the domestic water service, ~~internet service~~, or any other utility paid for out of common funds to that owner's unit and deactivate all key fobs used to access common recreational or service facilities.

2. Failure to Cure Violations. If any owner fails to cure a violation of the Declaration, Bylaws or any rule or regulation within sixty (60) days after receiving a notice of violation, the Board, in its sole discretion, may terminate the domestic water service to that owner's unit and deactivate all key fobs used to access common recreational or service facilities.

3. Notice. The Board shall cause a written notice of its intent to terminate utility services and access to recreational and service facilities to be posted on the door of the unit and sent to the address on file of the unit owner not less than fourteen (14) days before any services or access is terminated. The notice shall provide instructions for requesting a hearing before the Board. If the owner requests a hearing within fourteen (14) days, the Board shall not terminate services or access until the hearing has been held.

4. Tenants. The Board may terminate utility services or access to recreational and service facilities regardless of whether the unit is occupied by the owner or the owner's tenants, guests, or invitees.

5. Restoration of Service. The Board shall cause any terminated utility service or access fobs to be restored or reactivated within two (2) days after being provided with evidence that the delinquency or violation has been cured.

6. Emergency Termination. Notwithstanding the foregoing, the Board may terminate utility services to any unit without prior notice in order to prevent property damage or personal injury. Likewise, the Board may deactivate any key fob that it believes is no longer in the possession of a lawful resident of the Condominium.

7. Remedies not Exclusive. In addition to the termination of utilities and access rights, the Board shall pursue any and all legal remedies, as set forth in the Declaration, Bylaws, and the Association's policies governing collection of assessments and enforcement of rules for any violations and any delinquency in the payment of assessments.

NOW, BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to all Owners at their last known address.

ATTEST:

T.A. Reichert
Chairperson, Board of Directors

Peggy McAtee
Secretary, Board of Directors