

RIVERCLIFF ESTATES HOMEOWNERS ASSOCIATION, INC.
Resolution of the Board of Directors

**POLICY FOR TERMINATION OF UTILITIES AND
ACCESS TO COMMON FACILITIES**

RECITALS

- A. Rivercliff Estates Homeowners Association, Inc. (“**Association**”) is charged with the management and operation of Rivercliff Estates Condominium. The Association is governed by the following documents recorded in the Records of Multnomah County, Oregon:
1. Preliminary Declaration Establishing a Plan for Condominium Ownership, recorded on November 2, 1972 in Book 891, Page 610, including any amendments or supplements thereto (“**Declaration**”).
 2. Bylaws of Rivercliff Estates Condominium, recorded on November 2, 1972 in Book 891, Page 657, including any amendments thereto (“**Bylaws**”).
- B. The Association is also governed by the Oregon Condominium Act, ORS Chapter 100.
- C. Article IV, Sections 1, 2, and 3 of the Bylaws vest the Board of Directors (“**Board**”) with all of the powers and duties necessary for the administration of the affairs of the Association.
- D. ORS 100.405(4)(a); Article A, Section 7 of the Declaration; and Sections 4.3(h) and 7.13 of the Bylaws empower the Board of Directors to adopt Rules and Regulations.
- E. “**Assessments**,” as used in this Resolution, includes all amounts assessed against a unit owner, including, but not limited to common expenses, interest, fees, fines, attorney fees, and all collection costs.
- F. Under Article VI, Section 1 of the Bylaws, unit owners are obligated to pay monthly assessments levied by the Association to meet all common expenses, including expenses for utility services and recreational and service facilities available to unit owners.
- G. ORS 100.405(4)(L) provides that the Association may adopt rules regarding the termination of utility services paid for out of assessments of the Association and access to and use of recreational and service facilities available to unit owners.
- H. From time to time, unit owners become delinquent in the payment of assessments. Therefore, the Board finds it to be in the best interests of the Association to adopt this

Resolution to set the procedure for termination of utility services and access to recreational and service facilities.

RESOLUTION

Pursuant to ORS 100.405(4)(L) and in consideration of the recitals above which are incorporated into this Resolution, the Board hereby resolves to adopt the following policies:

1. **Notice of Termination.** If any Assessment remains unpaid by a unit owner for more than thirty (30) days from the due date for its payment, the Board shall send a notice to the unit owner and any non-owner resident as provided in Section 2 below (“**Notice**”).
2. **Delivery of Notice.**
 - (a) **Unit Owners.** The Notice shall be personally delivered or mailed by first class and by certified United States mail, return receipt requested, to the unit owner at the address or addresses required for notice of meetings.
 - (b) **Non-Unit Owner Residents.** To the extent the Association’s Board is aware of non-unit owner residents residing in the unit, the Notice shall be either personally delivered, posted on the front door in an envelope, or mailed by first class mail, addressed to the “Occupants of Unit _____” at the property address.
3. **Contents of Notice.** The Notice required under Section 2 above shall contain:
 - (a) The amount due as of the date of the Notice, including late fees, interest, and other charges;
 - (b) A statement that the Board shall cause utility service and the use of and access to recreational and service facilities to be terminated unless either:
 - (i) Full payment is received within ten (10) calendar days of the date of the Notice; or
 - (ii) The unit owner requests a hearing within ten (10) calendar days of the date of the Notice;
 - (c) A statement identifying which utility services will be terminated and to which recreational and service facilities use and access will be denied; and
 - (d) The procedure to request a hearing.

A sample Notice is attached as Exhibit A to this Resolution for illustrative purposes only.
4. **Termination of Utilities.** If the unit owner and non-owner resident (if any) has received the Notice above, and the unit owner has not paid all delinquent Assessments in full or has not requested a hearing within ten (10) calendar days, the Board shall cause the utility

services and access to any recreational and service facilities listed in the Notice to be terminated.

5. **Hearing.** If a unit owner requests a hearing within ten (10) days of the date of the Notice, the Board shall set a hearing and give reasonable notice to the unit owner of the date, time, and place of the hearing. The Board shall either render its decision at the conclusion of the hearing, or take the matter under advisement and render the decision at a later Board meeting. All decisions of the Board shall be in writing, a copy of which shall be provided to the unit owner within seven (7) calendar days of the determination.
6. **Costs.** Costs associated with termination of utility services or use of or access to recreational or service facilities shall be added to the unit owner's monthly assessments and collected as provided in the Declaration and Bylaws.
7. **Other Remedies.** Nothing in this Resolution precludes the Board from taking further action in the collection of unpaid Assessments permitted by the Association's governing documents or applicable law.
8. **Delivery to Unit Owners.** A copy of this Resolution shall be sent to all unit owners at their last known address.

RIVERCLIFF ESTATES HOMEOWNERS ASSOCIATION, INC.

DATED: _____

President
Rivercliff Estates Homeowners
Association, Inc.

Secretary
Rivercliff Estates Homeowners
Association, Inc.

EXHIBIT A
SAMPLE
NOTICE OF TERMINATION OF UTILITIES

[Date]

[Name]

[Address]

RE: **NOTICE OF TERMINATION OF UTILITIES**

Dear Mr. Doe:

The records of Rivercliff Estates Homeowners Association, Inc. show that you are thirty (30) days' delinquent on the payment of your assessments. Our records reflect the following:

Principal Assessments Due:	\$ _____
Accrued Late Charges:	\$ _____
Accrued Interest:	\$ _____
Total Due:	\$ _____

The Association has the right to terminate your utilities services pursuant to Rivercliff Estates Homeowners Association, Inc. Termination of Utilities Resolution. You have a right to a hearing to challenge this notice. **If payment in full is not made or if you fail to request a hearing within ten (10) days of the date of this letter, the following utility services and access to recreational and service facilities will be terminated:**

All charges, including attorney fees, associated with collection of your assessment account are imposed against you and your unit as provided in the Declaration and Bylaws.

You may request a hearing if you disagree with the calculation of the above Total Due. To request a hearing, you may contact the undersigned in writing to voice your challenge. The Board must receive any written challenge of the calculation of these charges within ten (10) days of the date of this notice. If a hearing is not requested by the end of the 10-day period, your right to a hearing is forfeited. If you would like to set up a payment plan, arrangements must be made with the contact below before the 10 days expires.

Your prompt payment of the balance due is appreciated.

Sincerely,

[Name of Association Representative]

[Title]

[Phone number] [Email] [Physical Address]