

# Resolution of the Board of Directors of Tomahawk Destiny Association Adopting a Formal Enforcement Policy and Fine Schedule

WHEREAS, Article III, Section 1 and Article IV, Section 12 of the Tomahawk Destiny Association ("TDA") Bylaws require the Board of Directors to enforce the Association's Covenants, Conditions and Restrictions (CC&Rs), Articles of Incorporation, Bylaws, and duly adopted Rules and Regulations; and

WHEREAS, Article IX of the Bylaws authorizes the Board to take enforcement action, collect assessments, and impose special assessments necessary to remedy violations; and

WHEREAS, Oregon Revised Statutes (ORS) 94.630 and 94.709 empower the board of a planned community to adopt rules, levy fines, and enforce restrictions while affording due process to members; and

WHEREAS, Article XX, Section 2 of the Bylaws provides that no failure to enforce shall be deemed a waiver of the Association's rights; and

WHEREAS, the Board recognizes that a clear, predictable fine schedule helps ensure fairness, consistency, and compliance, while protecting the property values and harmony of the community;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the Tomahawk Destiny Association hereby adopts the Formal Enforcement Policy and Procedure attached hereto as Exhibit A and incorporated by reference;

**FURTHER RESOLVED**, that the Board hereby adopts the following Fine Schedule, which shall apply to violations of the CC&Rs, Bylaws, and Rules (subject to adjustment in special circumstances and in compliance with law):

**FURTHER RESOLVED**, that the Board hereby adopts the Fine Schedule attached hereto as Exhibit B, which shall apply to violations of the Association's CC&Rs, Bylaws, and Rules. The Board may modify or update the Fine Schedule by subsequent motion or resolution, provided that all members are notified of any change before enforcement.

**FURTHER RESOLVED**, that violation notices shall be delivered by certified mail, specify the alleged violation, cite the applicable governing provision, state the potential fines and remedies, and inform the member of the right to request a hearing within fifteen (15) days (or such period as consistent with ORS 94.709);

**FURTHER RESOLVED**, that the Board directs the Secretary to distribute (or mail) to every member a copy of the adopted policy and fine schedule within thirty (30) days, and to maintain enforcement records in the Association's books;

**FURTHER RESOLVED**, that **this policy and fine schedule shall take effect 30 days following adoption and distribution to members**, unless otherwise amended by further resolution of the Board;

**FURTHER RESOLVED**, that the Board may periodically review and adjust this schedule (within legal limits) in light of community experience and inflation, subject to compliance with the governing documents and applicable law.

## CERTIFICATION

The undersigned, being the duly elected Secretary of the Tomahawk Destiny Association, hereby certifies that the foregoing Resolution was duly adopted by the Board of Directors on the **26 day of January, 2026**, and remains in full force and effect.

  
Secretary

  
President

# Exhibit A

## Tomahawk Destiny Association Formal Enforcement Policy and Procedure

### Authority

This policy is adopted pursuant to Article III, Section 1; Article IV, Section 12; and Article IX of the Tomahawk Destiny Association Bylaws, and in compliance with ORS 94.630 and ORS 94.709. The Board of Directors is authorized to enforce the governing documents, levy fines, and take remedial action, subject to due process.

### Policy Statement

The Association favors voluntary compliance and neighborly resolution of issues. Informal resolution will be encouraged whenever possible. Formal enforcement will be pursued only when necessary to protect the safety, property, and harmony of the community. The Board retains discretion regarding the timing, manner, and extent of enforcement.

### Informal Resolution

- Neighbors are encouraged to communicate directly to resolve concerns.
- If informal resolution fails, an ARC or Board member may discuss the matter with the involved parties.
- A reminder of potential enforcement and fines may be given.
- If unresolved, the matter proceeds to formal enforcement.

### Formal Enforcement Steps

#### 1. Notice of Violation:

Sent by certified mail, return receipt requested. Must include: description of the violation, applicable governing provisions, potential fines/assessments, and the member's right to a hearing. Must state that the member has 15 days to request a hearing, or the right to contest is waived. If legal action is authorized by the Board, the Association's attorney will prepare and serve all required legal notices or court documents in accordance with Oregon law."

#### 2. Hearing:

Conducted at a Board meeting. The member and affected parties may present evidence. Proceedings and decision are recorded in the minutes. The Board may decide immediately or defer decision. Written notice of the decision is delivered to the member.

#### 3. Decision and Compliance Window:

The Board may allow a cure period or defer fines if good-faith compliance efforts are shown. If no compliance by the deadline, fines are assessed from the original compliance date.

#### 4. Continuation and Escalation:

If violation persists after deadlines, fines continue as provided in the adopted fine schedule. After 45 days, the Board may authorize summary abatement and/or special assessment to recover costs.

#### 5. Record keeping:

Notices, hearing records, and enforcement actions will be retained in the member's file for five (5) years.

### Summary Abatement

Violations affecting health, safety, property, or security may be summarily abated as authorized by the Bylaws and ORS. Costs of abatement are assessed against the responsible member.

## Exhibit B

### Tomahawk Destiny Association – Schedule of Fines

Category	Examples	Initial Action	Formal Notification	Initial Fine	Continuing Fine	Notes
Minor Violations	Disruptive Conduct, Improper Disposal, Noise Nuisance, Off Leash Pets	Courtesy Warning	Board Delivers Formal Notice	\$50	\$50/Month	May Waive if Corrected within 7 Days
Maintenance / Architectural	Debris, Neglected Upkeep Exterior Alterations w/o ARC Approval	Notification by ARC	Board Delivers Formal Notice	\$50	\$100/Month	May Escalate after 4 Weeks
Use Restrictions	Prohibited use of Common Areas, Unapproved Short Term Rental, Improper Parking,	Courtesy Warning	Board Delivers Formal Notice	\$250	\$250/Month	May Escalate after 4 Weeks
Health & Safety Violations	Fire and/or Electrical Hazards, Blocked Emergency Access, Unsafe Structures	Formal Notice	Immediate Ruling & Assessment Following Hearing after 15 (Business Days)	\$250	\$250/Month	Allows for Summary Abatement if Unresolved
Egregious / Willful Conduct	Vandalism, Harassment, Hazardous/Dangerous Acts	Formal Notice or Summary Abatement	Immediate Ruling & Assessment Following Hearing after 15 (Business Days)	\$500	\$500/Month	Reserved for Intentional or Repeated Violations. At its Discretion – Board May Escalate Fines
Summary Abatement (Emergency Conditions)	Imminent Threat to Safety, Property or Infrastructure	Immediate Action + Board Ratification	Immediate Ruling & Assessment Following Hearing after 15 (Business Days)	\$500 + Legal & Service of Process Fees	\$500/Month	At its Discretion – Board May Bypass Fine Schedule

#### Notes / guidelines:

1. No fine shall be imposed until after written notice (with opportunity to cure or request hearing).
2. The Board may escalate fines (e.g., double the rate) in the case of repeated or willful violations.
3. For violations that create immediate health, safety, or structural danger, the Board may impose higher fines or take abatement action more rapidly.

All costs incurred by the Association to enforce, repair, or abate a violation (*including all legal fees*) shall be added to the Owner's account in addition to fines.

#### Limitation on Fines:

Fines are intended solely to promote compliance and shall bear a reasonable relationship to the nature, severity, and duration of the violation. The Association will not pursue foreclosure solely for the collection of fines. When violations persist after due process, the Board may instead pursue abatement, suspension of privileges, or legal action to compel compliance. Fines are not a revenue source and shall be reviewed periodically for fairness and proportionality.

**Note:** No single continuing violation shall exceed \$1,000 in total fines without further Board review.