

UPLAND GREEN HOMEOWNERS ASSOCIATION

“ADDITIONS TO BYLAWS PER ARTICLE X”

(PER BYLAWS, PAGE 15, ARTICLE X. AMENDMENTS)

(PREVIOUSLY ENTITLED “RULES AND REGULATIONS”)

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Introduction

In order to maintain an orderly and pleasurable living environment within Upland Green, reasonable policies and regulations must be established and enforced. These “Bylaws Amendments” provide information regarding policies and regulations as determined by resolution of the Board of Directors for the benefit of all property owners, residents and guests within the development.

These “Bylaws Amendments” are enacted (if accepted upon final tally of vote) being presented to the shareholders (homeowners) under Bylaws Article X; Article III (a, b), Articles of Incorporation of Upland Green Community Organization dated February 18, 1981; Washington State Code RCW 64.38.020 (Association Powers).

A copy of these Rules and Regulations will be delivered to each present and future Occupant by mail. The owner of each home (and/or the owner’s authorized agent) shall have the responsibility to inform renters, occupants and guests of the provisions of all governing documents, including these “Bylaws Amendments”.

These “Bylaws Amendments” will be binding to all Occupants and their guests, and will be enforceable to the same extent as if they were specifically set forth as provisions of the CC&Rs and Bylaws. Any homeowner and/or the Board of Directors may enforce such provisions by all appropriate legal proceedings, including but not limited to, by injunction, eviction (in the case of a renter(s)), abatement of nuisance, and damages.

1.0 Scope

The following “Bylaws Amendments” are a supplement to the Bylaws of Upland Green Homeowners Association (Bylaws) and Declaration of Covenants, Conditions and Restrictions for Upland Green Homeowners Association (CC&Rs) to be used by the Board of Directors and homeowners for specific actions and consequences for violations of all documents.

2.0 Reference Documents

TABLE 1 – REFERENCE DOCUMENTS (referenced to collectively as “governing documents”)

Document

Declaration of Covenant, Conditions and Restrictions for Upland Green Homeowners’ Association (CC&Rs)

Articles of Incorporation of Upland Green Community Organization

Bylaws of the Upland Green Homeowners Association

Washington State Code RCW 64.38

3.0 Collection of Assessments

- 3.1. The full amount of Homeowners Dues are due January 21st of each year. Quarterly payments can be made and will be offered to all homeowners at the beginning of the year with their first bill/statement. The quarterly payment due dates will be reflected on that bill/statement.
 - 3.1.1. Dues are to be made payable to Upland Green Homeowners Association (HOA) and sent to P.O. Box 8543, Kirkland, WA 98034.
- 3.2. All assessments that are “past due,” statements will be sent fourteen (14) after the due date to notify the appropriate homeowners of delinquency.
- 3.3. A FINAL notice will be sent to those homeowners who are still delinquent after thirty (30) days after the due date. Interest on past due assessments will be added at a rate of 12% per annum beginning thirty (30) days after the due date.
- 3.4. After forty-five (45) days after the due date, a NOTICE OF DELINQUENT ASSESSMENTS will be sent by certified and regular mail.
- 3.5. If the past dues are not paid within sixty (60) days of receipt of the certified notice, a lien will be placed on the lot(s). The occupant is now responsible for all assessments, together with any interest, costs and any reasonable attorney’s fees incurred to collect such assessments.

Note: If an occupant refuses or ignores a notification receipt of a certified mail, it will be documented that the occupant has been notified (per Bylaws, Article IV, Section 5, “Notice”).

4.0 Filing Complaints

- 4.1. Owners and/or residents who observe any violation of any Upland Green governing document should report the violation to the Upland Green Homeowners Association Board of Directors in writing.

- 4.2. Upland Green Homeowners Association, P.O. Box 8543, Kirkland, WA 98034.

- 4.3. Notification should cite the governing document and article that is being violated.

5.0 Handling of Complaints

- 5.1. Upland Green Homeowners Association will handle routine violation(s) notices. The Secretary will then forward a copy of the complaint and any action they have taken to the Board members within 3 business days.
- 5.2. The Board of Directors will investigate the claims made and render a decision and/or course of action at the next scheduled meeting of the Board.
- 5.3. In the case of an emergency or harmful situation, please call 911.
- 5.4. If the Board finds the respondent to be in violation of the governing documents, a certified letter will be mailed detailing the violation, the applicable offense, and course of action required remedying the situation.
 - 5.4.1 If respondent believes the claim to be false, he/she should contact Upland Green Homeowners Association in writing within 14 days of receipt of the Board's letter for action.
 - 5.4.2 Failure by the respondent to remedy the violation within in fourteen (14) days will result in fines as described in Section 6.0.
- 5.5. The respondent may request a hearing as described in Section 7.2.
- 5.6. The Board may chose to investigate the claim further or may request a hearing as described in Section 7.2.

6.0 Schedule of Fines

6.1 General Infractions. Infractions of the governing documents include, but are not limited to:

Violation:	Fine:
-Noise Nuisance (City of Kirkland Ordinance 11.84A.070)	\$50.00
-Violation of pet leash law (Title 8, Chapter 8.04, Section 8.04.030 of the City of Kirkland Code)	\$50.00
-Violation of pet licensing (King County Code 11.04.030(A))	\$50.00
-Attraction of wild and/or feral animals and confirmed violation of animals on the property of other homeowners	\$50.00
- Trash cans not hidden from sight of street or Lot	\$50.00
- Failure to clean up after pet	\$50.00
- Yard Maintenance: mowing, excessive weeds throughout yard, maintenance of any visible flower beds	\$100.00
- Any excessive growth in driveway cracks	\$100.00
-Maintenance of shared driveway plant beds	\$100.00
-Parking on or blocking community sidewalks	\$100.00

6.1.1 The Violator(s) will be notified by a certified letter from the Upland Green Homeowners Association describing the violation and the applicable CC&R. The violator will have seven (7) days from receipt of notice to correct violation. If violation(s) remain uncorrected within the (7) seven day period, a second notice will be sent out to the violator(s) and a fine will be assessed. (See above for fine amounts)

6.1.1.(a) The initial warning will stay in effect for a (6) six month period. If in that (6) six month period the violation(s) remain(s) uncorrected; a fine will be automatically assessed without another second warning.

6.1.1.(b) If a homeowner is a habitual violator (described as someone who continues to violate without regard to the fine schedule or time table), the above fine will be assessed for each thirty (30) day period the violation(s) remains uncorrected. No further warning letter warning letter will be sent out notifying the homeowner. If the violation(s) is corrected, the homeowner will then be held applicable to the above listed rule 6.1.1.(a).

6.2 Exterior Appearance Maintenance Infractions. Exterior Appearance Maintenance Infractions of the governing documents include, but are not limited to:

Violation:	Fine:
-Roof Maintenance: excessive moss & debris	\$150.00
-Extended parking (in excess of 30 days) of a vehicle(s) in driveways or right-of-ways.	\$150.00
- RV's, campers, boats, or trailers (in excess of 48 hours) in driveways or right-of-ways.	\$150.00

-Parking of any non-licensed vehicles in driveways or right-of-ways.	\$150.00
- Worn paint on garage door	\$200.00
-Mismatched garage door colors (if attached)	\$200.00
-Worn / Peeling paint on exterior of home	\$200.00
-Failure to request Board approval of architectural plans	\$200.00
-Failure to complete approved architectural plans within (30) thirty days of the Board's approval.	\$200.00

6.2.1 The Violator(s) will be notified by a certified letter from the Upland Green Homeowners Association describing the violation and the applicable CC&R. The violator will have (15) fifteen days from receipt of notice to correct violation. If violation(s) remain uncorrected within the (15) fifteen day period, a second notice will be sent out to the violator(s) and a fine will be assessed. (See above for fine amounts)

6.2.1 (a) The initial warning will stay in effect for a (6) six month period. If in that (6) six month period the violation(s) remain uncorrected; a fine will be automatically assessed without another second warning.

6.2.1.(b) If a homeowner is a habitual violator (described as someone who continues to violate without regard to the fine schedule or time table), the above fine will be assessed for each thirty (30) day period the violation(s) remains uncorrected. No further warning letter will be sent out notifying the homeowner. If the violation(s) is corrected, the homeowner will then be held applicable to the above listed rule 6.2.1.(a).

6.3 Refusal to Comply. Refusal to comply with the governing documents as determined by the Due Process Hearing Board.

6.3.1 The Violator(s) will be notified by a certified letter from the Upland Green Homeowners Association describing the violation and the applicable CC&R. The violator(s) will have (15) fifteen days from receipt of notice to correct violation. If violation(s) remains uncorrected within the (15) fifteen day period, a second notice will be sent out to the violator(s) and a \$500 fine will be assessed.

6.2.1 (a) The initial warning will stay in effect for a (6) six month period. If in that (6) six month period the violation(s) remain uncorrected; a \$500 fine will be automatically assessed without a second warning.

6.2.2 Habitual Violators. The \$500 fine will be assessed for each (30) thirty day period the violation has not been corrected, and no warning letter will be sent out notifying violator(s).

7.0 Hearing Procedures

7.1. Board of Directors to Serve as Due Process Hearing Board.

7.1.1. Members. The Due Process Hearing Board shall be comprised of at least three (3) members of the Board of Directors of the Association. The Hearing Board may also include members of the community and other impartial parties. The Hearing Board shall not exceed five (5) members.

7.1.2. Authority. The Due Process Hearing Board is authorized and empowered to investigate, hear and determine all complaints concerning violations of governing documents by any owner, occupant, guest, or the Association. The Hearing Board is also authorized to impose a fine as provided in Section 6.0 of this document.

7.1.3. Officers. The President of the Board of Directors shall serve as Chairman of the Due Process Hearing Board.

7.2. Request for Due Process Hearing

7.2.1. Claimant. If the remedy for the violation cited in Sections 4.0 and 5.0, is not to the claimant specifications a hearing may be requested.

7.2.2. Respondent. If the respondent feels the claim made against him/her is not valid, this individual may request a hearing.

7.2.3. Homeowners. Any homeowner may request a hearing when a disagreement over a Board or committee decision occurs.

7.2.4. Board of Directors. The Board may at any time request a hearing concerning a violation of the governing documents

7.2.5. Architectural Committee. The Committee may request a hearing when a decision is being questioned.

7.2.6. Requests Made. All requests for a hearing must be made in writing to Upland Green Homeowners Association. The request should state why the Hearing should take place.

7.3. Due Processing Hearing Procedure

7.3.1. Date for Hearing. The Due Process Hearing Board will respond to each hearing request within thirty (30) days after receiving the written request by scheduling a hearing.

7.3.1.1. The date of the hearing will be not less than ten (10) days and not more than thirty (30) days from the receipt of the request for a Hearing.

7.3.1.2. If the date of the hearing is not acceptable the parties have ten (10) days from receipt of notice to request a new hearing date.

7.3.1.3. Only in cases of emergency will a hearing be rescheduled after the ten (10) days. The Hearing Board will determine the acceptability of the emergency.

7.3.2. Cancellation. Either party involved in the hearing may cancel a hearing one (1) time up to ten (10) days prior to the hearing date.

7.3.3. Parties at the Hearing. The hearing will be attended by the Due Process Hearing Board as described in Section 7.1, the complaining party, the party requesting the hearing, and any witnesses or other persons who may have an interest in the hearing.

7.3.3.1. Each party has the right to representation by counsel at his/her own expense.

7.3.3.2. Due to the limitations of space or the issue to be discussed, the Hearing Board may conduct the hearing in executive session.

7.3.4. Procedure at the Hearing. The hearing will be a formal meeting with a Chairman as described in Section 7.1.3. At the beginning of the hearing the Chairman will explain the rules and procedures by which the hearing is to be conducted.

7.3.4.1. Both sides will present evidence, witnesses and testimony regarding the complaint without interruption.

7.3.4.2. Either party may make a claim in writing to the Hearing Board instead of being present at the hearing. Note: This will preclude the Hearing Board from asking relevant or clarifying questions prior to rendering a decision.

The Hearing Board may expel any person from any hearing for improper, disorderly or contemptuous conduct.

7.3.4.3. Detailed minutes will be kept.

7.3.5. Default. If either party concerned in the claim fails to appear for reasons other than an emergency, the Hearing Board will base their findings on whatever evidence is presented at the hearing, regardless of that party's presence.

7.3.6. Decision. The Hearing Board will notify all parties concerned of its decision within thirty (30) days of the hearing. The decision will be in writing and will include findings of fact and the conclusions based on cited rules. The decision will be entered in the Association's minute books and become a permanent part of the Association's records.

7.3.7. The decision will be public record unless either party requests a closed file.