

**COMBINED RULES FOR ENFORCEMENT  
OF RESTRICTIONS AND OBLIGATIONS  
AS DESCRIBED IN THE  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
OF MCNARY ESTATES, A PLANNED COMMUNITY**

The following Policies and Rules of Enforcement have been adopted through Homeowner Association Resolutions by its Board of Directors under the listed Authorities of said Declaration (CC&R's) and Bylaws. The purpose of this document is to consolidate the Rules of Enforcement adopted into one document.

**NOTE:** This document is a consolidation of all adopted resolutions approved by the Board of Directors to date and incorporates the actual language of all resolutions currently adopted by the Board of Directors. If you are interested in obtaining a copy of the actual resolution covering a specific subject please contact the current President of the Homeowners' Association.

The Board of Directors of the Association hopes that all new and current homeowners become familiar with the provisions of the Declaration and the Architectural Design & Review Manual so that the enforcement actions outlined in this document are not necessary to implement.

**General Rules of Enforcement As Amended (Adopted 6/1/2000; Last Amended 7/14/2005)**

1. The Board of Directors is authorized to enforce all use restrictions and obligations with respect to Common Property and private property as described in the aforesaid Declaration in accordance with these rules.
2. Any violation of the Declaration and of these rules may be initiated by motion, made, seconded and duly carried at a regular or special Board of Directors meeting called for that purpose. A complaint alleging a rules violation may be made by a member of the Board of Directors in open meeting or by written complaint signed by any other complainant, delivered to any member of the Board of Directors for consideration at a regular or special meeting. A written complaint shall be investigated by or at the direction of the Board within thirty (30) days from the date of the regular or special meeting of the Board where such complaint is first considered.
3. Upon a probable cause finding by the Board that a violation has occurred, a First Written Notice shall be sent to the violator by certified mail, return receipt requested to the last known address of the violator and shall constitute a warning to comply with the Declaration and the rules of the association with thirteen (13) days from the date of mailing of this notice.
4. If the violation has not been cured within thirteen days after the mailing of the aforesaid notice, a Second Written Notice shall be served upon the violator by personal service or upon an occupant over the age of 18 years, at the violator's residence. The Second Written Notice shall advise the violator that serious action, including a fine, imposition of a lien upon the violators property, the foreclosure of said lien, the imposition of attorneys fees and costs and other remedies available by law, may be taken if the violation is not cleared within a stated number of days which shall not be less than 10 days. Said notice shall advise the violator that the Board of Directors will meet on a specified date at a specified time and location to consider the violation and to assess a penalty therefore and shall invite the violator's attendance.
5. If the violation has not been cured by the specified date, the Board shall meet in regular or special session called for the purpose of considering said violation as stated in the Second Written Notice. The Board shall hear evidence and testimony presented by or on behalf of the violator and by or on behalf of any complainant

and shall thereafter during said meeting, or at a subsequent meeting called for the purpose thereof, determine by majority vote whether or not a violation exists.

If the Board finds that a violation exists, then the Board may declare a Rules Enforcement Fee against the violator and the violator's property of not more than \$10 per day, or per occurrence, until the violation is cleared, provided that when the Rules Enforcement Fee reaches \$100 and remains unpaid, a lien may be filed against the real property of the owner who is in violation pursuant to the procedure described in Article XII, Sections 6, 7 & 8 of the Declaration. Upon foreclosure or other enforcement action, the owner shall be liable for costs of such enforcement action including reasonable attorney's fees to be fixed by the court, or a stipulated arbitrator, on both trial and appeal.

6. In the event of any violation of Article IV, Section 2, of the Declaration, a designated member of the Architectural Committee may issue an immediate Stop Work Order in writing and may deliver the same to the homeowner. The homeowner must then submit a plan for the proposed modification or improvement to the Architectural Committee for review and approval in accordance with Section 2 of the Architectural Manuel. If the plan is approved, the Stop Work Order will be rescinded. If the plan is disapproved, the homeowner's property must be returned to its original state within 15 days. If the homeowner fails to comply with the Stop Work Order or with the directive to return the property to its original state, the Architectural Committee will refer the matter to the Board of Directors for further action if deemed necessary.

If the Board of Directors determines that the homeowner has willfully violated this rule, citations may be issued in accordance with the procedure established in the Rules of Enforcement of June 1, 2000. A separate citation may be issued weekly to each homeowner who fails to comply with this rule. The amount of the fine for each weekly or continuing violation shall be entered upon the citation and shall be determined as follows:

- First violation - \$100.00
- Second violation - \$200.00
- Third violation - \$500.00
- Fourth and subsequent violations \$1,000.00

The board may also assess reasonable administrative fees and attorney fees, actually incurred, as additional costs. The unpaid fines and costs will become liens upon the homeowner's property as specified in the June 1, 2000 Rules for Enforcement.

**CC&R's Article V Rules of Enforcement As Amended (Adopted 2/8/2001; Last Amended 8/10/2006)**

1. The Board of Directors is authorized to enforce all use restrictions and obligations with respect to the Property of the Homeowners as described in Article V of the aforesaid Declaration, and as described in Section 2.05 of the aforesaid Architectural Manuel, in accordance with these Rules. Any violations of Sections 2, 3, 4 or 6 of the aforesaid Article V of the Declaration or any violations of Section 3.21 of the aforesaid Architectural Manuel which occurs in the presence of a board member or an agent of the board duly appointed by the board to enforce said rules will be subject to the immediate issuance of a citation to the person committing the violation or to the property owner of the Property upon which the violation is occurring. Citations issued pursuant to the aforesaid Architectural Manuel shall be issued only after compliance with the provisions of Section 2.05 (Enforcement Process) of the Architectural Manuel.

**Note:** See Section (H) under AUTHORITIES below for rules adopted 8/10/2006 regarding the placement of Sanitation and Recycling Containers.

2. Any citation issued in accordance herewith shall state the date and time that the violation was observed, a reasonable explanation of the nature of the violation including the section of the use restrictions and obligations upon which the violation was based, the amount of the fine to be levied as a result of the violation and the printed name and signature of the member of the Board of Directors or their agent who has observed the violation and issued the citation. The citation shall state that the recipient thereof must either pay the fine within ten (10) days from the date of the issuance of the citation or notify the association in writing, which writing shall be signed by the recipient of the citation, that the recipient requests a hearing upon the citation before the Board of Directors at a time to be set by the Board of Directors after receipt of said notice. The fine shall be paid or the notice shall be delivered by mail, addressed to McNary Estates Homeowner's Association, PO Box 20788, Keizer, Oregon 97303, postmarked not later than ten (10) days after receipt of the citation. The fine shall be paid by personal check, money order or a certified check made payable to McNary Estates Homeowner's Association.
3. A separate citation may be issued upon each observation of the violation, provided that not more than one citation shall be issued for each particular violation in any 24-hour period. Additional citations may be issued for each particular violation within and subsequent to the ten (10) day period described in Section 2 after the issuance of the initial citation. Each separate citation must be answered as provided in Section 2 within ten (10) days after the issuance thereof. The amount of the fine for each specific violation shall be entered upon the citation and shall be determined as follows:
  - First violation -- \$10;
  - Second violation -- \$50;
  - Third violation -- \$75;
  - Fourth and subsequent violations -- \$100.

In the event the recipient of the citation fails to either pay the fine or request a hearing within ten (10) days of the issuance of the citation, then the fine will automatically double and the citation shall so provide.

4. If the recipient of the citation requests a hearing before the board, the board shall meet in a regular or special session called for the purpose in considering said violation as stated in the citation. The board shall hear evidence and testimony presented by or on behalf of the recipient of the citation and by or on behalf of the person issuing the citation and shall thereafter, during said meeting, or at a subsequent meeting called for that purpose determine by majority vote, excluding the vote of the board member who issued the citation, whether or not a violation exists. If the board finds that a violation exists, then the board may either affirm the fine levied in the citation by the person issuing the citation or may set a different fine which may be either lesser or greater than the amount specified in the citation, but in no event more than the amount specified in Section 3 herein.
5. If no hearing is requested and if the fine is not paid within thirty (30) days after the issuance of the citation or if a hearing is requested and the amount of any fine levied by the Board is not paid within thirty (30) days after the fine is levied, then a lien may be filed against the real property of the property owner property upon which the violation occurred pursuant to the procedure described in Article XII, Section 6, 7 and 8 of the Declaration. Upon foreclosure or other enforcement action, the owner shall be liable for costs of such enforcement action including reasonable attorney's fees to be fixed by the court, or a stipulated arbitrator, on both trial and appeal.

## **Garage & Estate Sales (Adopted 6/08/2006)**

- 1. Individual Garage/Estate Sales:** Individual Garage Sales are not allowed except as particularly provided herein. If there is a death or the owners are moving in or out of the residence, then and only then the moving parties or the family, survivors or personal representatives of the decedent may request authority from the McNary Estates Homeowners (MEHOA) board to hold a Garage/Estate sale. The request for the sale must outline the reason, time and date of the sale. The request may be granted or denied in the sole and exclusive discretion of the board.

A determination by the board that any violation of paragraph 1, above, has occurred, may result in a fine not to exceed \$150.00 for each occurrence.

- 2. Annual Garage Sale:** McNary Estates Homeowners Association may have one Community Garage Sale in a calendar year. The sale shall be for only one day (Saturday) in either July or August. The hours for the sale will be from 9:00 am to 5:00 pm.

A committee, approved by the board, will be formed to oversee the operation of the sale. The committee will have the following duties and authority:

- a. The committee will advertise the sale to McNary Estates residents at least two months prior to the sale date.
- b. The Committee will advertise the sale in local papers no more than two weeks prior to the Sale.
- c. The committee will work with the Keizer Police to control traffic leading into and out of McNary Estates and will coordinate with the Keizer Fire Department to assure emergency ingress and egress for emergency vehicles.
- d. The committee will coordinate with the Gate manager to insure the McClure St. Gate will be open during the Sale.
- e. The committee may work with the Marion/Polk Food Share in collecting voluntary canned food or cash donations for entry into McNary Estates on the day of the sale.
- f. The committee shall apply and pay for a "Special Events Permit" with the City of Keizer.

The Committee will set the fee for each resident participating in the sale. Said fee will cover costs of advertising, hiring security personnel to control traffic within McNary Estates and any necessary administrative supplies. Any excess funds will be donated to organizations who help pass out information and collect the canned food and monetary donations.

During the day of the sale, residents will not be allowed to sell food or drinks except for sealed containers of water and soft drinks which may be sold only on the residents premises.

Participating residents will not be allowed to bring in commercial products of any kind to be sold at the sale. Participants also may not provide loud music or live entertainment during the sale.

A determination by the board or one of its directors, either prior to, during, or following the day of the sale that any violation of sections 4 & 5 herein has occurred, may result in a fine of up to \$150.00 for each separate violation.

**Sanitation and Recycling Containers (Adopted 9/11/ 2008):**

1. Sanitation and Recycling Containers shall be kept in a Service Area or otherwise screened from public and neighboring view pursuant to Article 3.13 and 3.22 of the Architectural Design and Review Manual.
2. Sanitation and Recycling Containers shall be placed at curbside as designated by the sanitary service company no early than 5 PM the night prior to collection. The containers shall be removed from the curbs and returned to its service area storage no later than 7 PM the day of collection.

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**AUTHORITIES:**

- (A). Article VI, Section of the Declaration of Covenants, Conditions and Restrictions of McNary Estates, a Planned Community, (recorded at Reel 419, Page 80, Marion County Records on October 3, 1985) makes the Homeowners Association "responsible to operate and maintain (the Common Property) and any facilities thereon in good repair and in an attractive appearance. . ."
- (B). Article V, Section 10 of the Declaration of Covenants, Conditions and Restrictions of McNary Estates, a planned community (Recorded at Reel 419, Page 80, Marion County Records on October 3, 1985) authorizes the Board of Directors to "...adopt, modify or revoke rules and regulations governing the conduct of persons and the operational use of the Property as it may deem necessary or appropriate in order to assure the peaceful and orderly use and enjoyment of the Property".
- (C). Article V, Section 2 of the Bylaws of McNary Estates Homeowners Association, Inc. (recorded at Reel 419, Page 79 Marion County Records on October 3, 1985) authorizes the Board of Directors to:
  - (a) Adopt and publish rules and regulations, including fees, if any, governing the use of Common Property and facilities, and the personal conduct of members and their guests thereon;
- (D). Article XII, Section 1 of the aforesaid Declaration obligates "each Owner and Occupant (to) comply with the Declaration, Bylaws and rules and regulations adopted pursuant thereto."
- (E). Article XII, Section 2 of said Declaration requires the Board of Directors to "take prompt action against any violator to enforce the provisions of the Declaration, Bylaws, rules and regulations adopted pursuant thereto...(and to) "exercise one or more of the remedies separately or concurrently, specified in the Declaration or Bylaws, as well as any other remedies which may be available by law."
- (F). Article XII, Section 4 of said Declaration authorizes the board to "levy reasonable fines for violation of the Declaration, Bylaws, and rules and regulations adopted pursuant thereto."
- (G). Article XII, Section 8 of said Declaration specifies that "In the event the Board commences suit or action ... to seek ... enforcement of any provision of the Declaration, Bylaws, or rules and regulations adopted pursuant thereto, the defendants, jointly and severally, will be liable for the costs of such suit or action, including reasonable attorneys fees to be fixed by the court or courts, both at trial and on appeal, in addition to all other sums or obligations."

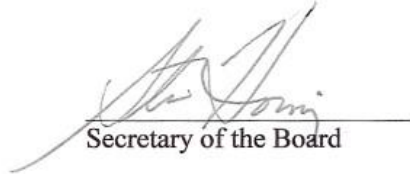
- (H).** Article V, Sections 2 (animals), 3 (vehicles), 4 (signs), and 6 (trash collection and storage) of the aforesaid Declaration are of such a nature that enforcement of violations by property owners requires that one or more authorized members of the board or a duly appointed agent of the board have authority to issue an immediate citation to any person or property owner when a violation of such sections occurs in the presence of said board member or agent.

Combined Rules for Enforcement of Restrictions and Obligations  
As Described in the  
Declaration of Covenants, Conditions and Restrictions  
Of McNary Estates, a Planned Community

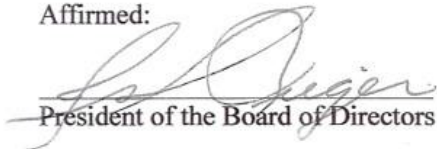
The Policies and Rules of Enforcement listed in this combined document have been adopted through Homeowners Association Resolutions by its Board of Directors under the listed Authorities of said Declaration (CC&R.'s) and Bylaws.

It is a consolidation of all adopted resolutions approved by the Board of Directors to date and incorporates the actual language of all resolutions currently adopted by the Board of Directors.

This combined document is adopted by the board of Directors on this 9<sup>th</sup> day of November 2006 by a vote of 5 ayes and 0 nays.

  
Secretary of the Board

Affirmed:

  
President of the Board of Directors