



## **Covenant Enforcement (Policy No. 7)**

The Covenants: The Declaration of Restrictions, Covenants and Easements for Snoqualmie Ridge were recorded April 25, 1997 and have been amended five times. As amended the Covenants affect all lots within Snoqualmie Ridge. Recording numbers for the Covenants and amendments are: 9704250998, 19990713002070, 19991027000922, 19991115001487, 20000314001537, 20000314001538.

Community Wide Standard: Snoqualmie Ridge is an attractive, pleasant place to live which adds value to each home within the development and enriches the lives of those who live here. The community wide standards were put in place at Snoqualmie Ridge's inception and retaining them is important. They are embodied in the Governing Documents which were recorded in King County and are, therefore, part of every deed to every Snoqualmie Ridge home.

The Governing Documents assign to each Owner certain responsibilities and delegate to the Association certain authority to make decisions and take actions, of which both are meant to preserve and advance the Community Wide Standard.

The Covenants make each Owner responsible for complying with specific restrictions found in the Covenants (Exhibit C), for getting prior written approval from the Association before doing certain things described in the Covenants (Section 4.2) and for following rules and regulations the Board adopts from time to time (Section 7.4).

Voluntary Compliance: The primary means for preserving and advancing the Community Wide Standard is for each Owner to voluntarily perform the responsibilities of an Owner. Snoqualmie Ridge has achieved its existing neighborhood character largely because individual Owners take their responsibilities seriously. The Board believes that the actions of responsible Owners will continue to minimize the need for the Board to create compliance with the Covenants through enforcement action.

However, for a variety of reasons, occasionally Owners will fail to comply with requirements clearly set forth in the Covenants and something more is needed to bring them into compliance. This Policy is meant to guide the Board in acting to restore an Owner's compliance with the covenants through a process that is fair, efficient and effective.

Board Authority: the Covenants give the Board broad authority and a variety of tools to use in preserving and advancing the Community Wide Standard. They are authorized to create rules, regulations, procedures and penalties. They are authorized to resort to various remedies to restore compliance with the Covenants, including:

- a) imposing a fine
- b) curing the violation and charging all costs of the cure to the Owner
- c) charging the Owner for all legal fees incurred by the Association
- d) preventing a contractor, agent, or others from continuing work

- e) requiring an Owner, at their own expense, to remove a violation and to restore a unit to its previous condition
- f) bringing a lawsuit to get a court order requiring compliance, as well as a judgment for all damages, attorneys' fees and costs incurred.

### ***Covenants Enforcement Policy***

WHEREAS Section 7.4 of the Declaration of Covenants, Conditions and Restrictions for Snoqualmie Ridge states that all Owners must comply with the Governing Documents, and that the Board has authority to ensure compliance through a variety of measures;

NOW THEREFORE BE IT RESOLVED that the following Covenants Enforcement Policy (the "Policy") is adopted to govern actions by the Residential Owners Association, the Board of Directors and the Owners regarding the enforcement of the Covenants.

#### **Section 1: Authority Reserved to Association and to Each Owner**

This Policy is a general approach and exists to advance the purpose of restoring compliance with the Snoqualmie Ridge Residential Covenants, Conditions and Restrictions. It is not meant to impair the Association's ability to pursue this purpose. The Board retains whatever authority it otherwise has to employ any available means or remedy in pursuit of this purpose.

#### **Section 2: Maintaining Awareness**

To lower the chance that an Owner will violate a Covenant through ignorance or inadvertence, the Board may take actions to periodically remind all Owners of the responsibilities which the Covenants assign to each Owner.

#### **Section 3: Identifying a Possible Violation**

A possible violation of the Covenants may be identified by a periodic drive through inspection done to monitor compliance by Association and/or Board investigation, by an Owner's written complaint, or by other reasonable reliable means.

#### **Section 4: Monitoring Compliance**

The Association and/or the Board will periodically monitor Covenants compliance by drive through inspections. A drive through will be conducted by Association staff at least once a month and may be conducted more often. A written record of each Covenants violation observed from the street will be made and a list of homes observed to be in violation will be used to promptly check against approvals issued by the appropriate Committee used to approve modifications. Assuming a) the condition is a violation, and b) it is determined to be a material violation that justifies correction, and c) that no certificate of approval has been issued; a compliance request will be sent to the violator.

#### **Section 5: Written Complaint**

A person may bring a possible violation to the Board's attention through a written complaint. The complaint must identify the property, describe the violation and include a reference to the specific Covenant, rule or regulation being violated. The Board may designate a member to see if the condition described still exists. If the ROA determines that a) the condition is a violation, and b) it is determined to be a material violation that justifies correction, and c) that no certificate of approval has been issued, a compliance request will be sent to the violator.

#### **Section 6: "Three Steps" Approach**

This Policy uses a "three steps" approach. Three violations of the same restriction within twelve months of the first violation will result in a \$150.00 fine. That fine is imposed at the time the third Compliance Request is sent and applies for the first thirty (30) days after the date the fine is imposed. Continued presence of the violation

on the day following the thirtieth day will result in an additional \$250.00 fine. An additional \$350.00 fine will be imposed for the continued presence of the violation on the first day following the thirtieth day of another fine's effective period. Fines of \$350.00 will continue to accrue in like manner until the violation is cured.

### **Section 7: Compliance Request**

If a compliance request is sent to an owner it will contain the following information:

- a) identify the property's address
- b) describe the violation
- c) identify the specific restriction being violated
- d) request prompt compliance with the restriction
- e) state that this serves as a determination that the violation has occurred
- f) state this determination is final unless appealed to the Board in writing within 10 days of the date of the Compliance Request
- g) state that a fine as outlined in Section 6 above, will be imposed for every month of noncompliance starting with the third Compliance Request sent to the Owner for a violation of the same restriction within a successive twelve month period

### **Section 8: Strike Three**

The third written Compliance Request sent to an Owner within a successive twelve (12) month period for violation of the same restriction, as identified in two prior Compliance Requests sent to that Owner within that period, shall contain the information described in paragraph 7 above; except that item (f) will state that a \$150.00 fine **is now imposed** and that additional fines as described in Section 6 above will be imposed for every successive month in which the violation remains uncured.

### **Section 9: Issuing a Stop Work Order**

The Board may issue a Stop Work Order to any person engaged in an unauthorized activity. An unauthorized activity is any activity which requires the prior written approval of the Board, but has not received prior written approval of the Board. A Stop Work Order will:

- a) identify the property's address
- b) describe the unauthorized activity
- c) identify the specific prior approval requirement being violated
- d) require the immediate cessation of the unauthorized activity
- e) state that this serves as a determination that a violation has occurred
- f) state that this determination is final unless it is appealed to the Board within 10 days of the date of the Compliance Request
- g) state that failure to immediately comply with the terms of the Stop Work Order will cause a \$350.00 fine to be imposed and that for each week thereafter in which noncompliance with the Stop Work Order takes place, a separate \$350.00 fine will be imposed.

### **Section 10: Curing Landscape Non-Compliance**

Any property which does not meet the Community Wide Standards, or other rules or policies developed by the Board is in violation of the Covenants. The Association may correct such landscaping violations using its power of self-help which is authorized by the Covenants Section 7.4, according to the following procedure. When a landscaping violation is identified, the Board may issue a Landscaping Compliance Request, which will:

- a) Identify the property address.
- b) Describe the landscaping violation.
- c) Require the violation be cured within 15 days (the "Restoration Date"). For major landscape work, as determined by the Association, correction of the violation must have substantially commenced

within 15 days and the Owner must demonstrate that the work will be complete within 60 days of the original written notice of violation.

- d) Explain that if the violation is not cured prior to the Restoration Date, the Association will implement its decision to have workers enter the property and restore the property into compliance with the Community Wide Standard.
- e) State that the Association will hold an Appeal Hearing to give the Owner an opportunity to appeal its decision. At the Appeal Hearing the Association will re-affirm its decision to restore the property and will determine the amount of its assessment against the property for such work.
- f) State the Date, Time, and Location of the Appeal Hearing.
- g) State that the bill for the services will be billed to the owner and will be considered a specific assessment against the property.
- h) State the request serves as a determination that a violation has occurred.
- i) State that the determination is final, unless it is appealed at the Appeal Hearing.

In the case that an Owner has properly appeared, or appealed in writing, before the Association at the Appeal Hearing, and if after the Appeal Hearing the Association decides to proceed with self-help to cure the landscaping violation, then the Association must give the Owner notice of the Date on which the landscaping crew may enter the property.

The Association strongly encourages education and voluntary compliance with the Community Wide standards, concerning landscaping. The Association may provide referrals to landscaping companies, and information on where to get help with landscaping questions.

#### **Section 11: Paying Fine Does Not Cure a Violation**

Paying a fine does not relieve a person from the responsibility to cure a violation.

#### **Section 12: Voluntary Compliance Agreement**

The Board may reach a Voluntary Compliance Agreement with an Owner in which the Owner admits the violation exists, agrees to take specific actions to cure the violation within a specific time frame, and agrees that failure to perform the specified actions within the specified time frame will entitle the Board to impose a fine or fines in a specified amount.

#### **Section 13: Board's Limited Discretion to Waive Fines**

A fine or fines imposed under this Policy may be partly or entirely waived by the Board upon the Board's determination that special circumstances exist in the particular instance to warrant the granting of such a waiver.

#### **Section 14: Protection of Board Members**

Section 7.6 of the CC&R's provides that persons exercising authority of the Board are not liable for action or inaction done in good faith. Board action under this Policy shall not create any liability of the Board or the Association.

#### **Section 15: Effective Date**

The Covenants Enforcement Policy set forth in this Resolution (Policy #7) shall take effect on October 30, 2004.

Policy #7 (Revised)  
Adopted by the Board of Directors  
October 21, 2004