date.

7. To meet the landscape requirements, all exposed dirt between the house and street must be covered with lawn, ground cover, bark or gravel and the required number of trees must be planted. The architecture committee will have the final determination on whether the intent of these rules has been met. For additional information, refer to Rules and Regulations Section IV. Property Maintenance and Bylaws Article X Property Maintenance Responsibilities. **A list of suggested view friendly shrubs and trees is available.**

XVII. ENFORCEMENT

Any person(s) found in non-compliance with the Rules and Regulations of CBHA shall be subject to loss of CBHA privileges as provided I Article II Section 1B of the CBHA By-laws. Person(s) found on non-compliance shall further be subjected to interest charges, fines, shut off water service and a lien placed on their property title.

ISSUE #1

The following enforcement covers all rules and regulation violations that are not covered by an enforcement statement within the corresponding section.

1. Members in non-compliance with the Rules and Regulations shall receive a letter which describes the infraction and requests that it be remedied within Ten (10) business days of the date of the letter

2. If, ten (10) business days after the date of the above letter, the infraction has not been remedied and CBHA has not received a satisfactory written response describing a plan to remedy the infraction, CBHA will send a certified letter which restates the infraction and assess a fine of **$100** plus associated costs.

3. If, ten (10) business days after the date of the certified letter, the infraction has not been remedied and no satisfactory written response describing a plan to remedy the infraction has been received by CBHA, CBHA shall send a second certified letter, restating the infraction and assessing an additional fine of **$200** plus associated costs.

4. Ten (10) business calendar days after the date of the second certified letter the infraction has not been remedied, and no satisfactory written response describing a plan to remedy the infraction has been received by CBHA, CBHA will assess a $300 find plus all associated costs and shall have cause to place a lien on the property for the amount of the fines thus far assessed plus any additional amount owed by the member. The members' water service may be shut off if the fines are not paid in full. Also, the member will be fined an additional ten dollars ($10) per day until the infraction is resolved.

MARKUP #1 ->

MARKUP #1 · POTENTIAL STATUTE CONFLICT — BOARD & COUNSEL REVIEW

Sec. XVII (p. 24): Covenant authorizes unlawful self-help termination of essential residential utilities, warrantless self-help lot/unit entry or demolition, lockouts, or denial of ingress/egress.

Statutory / Legal Reference: RCW 64.90.405(2)(k) (WUCIOA Notice, Opportunity to be Heard & Fine Schedule); RCW Ch. 64.90 (Washington Uniform Common Interest Ownership Act - WUCIOA); Restatement (Third) of Property: Servitudes § 4.9...

Statutory Comparison: Under Washington law (RCW 64.90.405(2)(k) (WUCIOA Notice, Opportunity to be Heard & Fine Schedule); RCW Ch. 64.90 (Washington Uniform Common Interest Ownership Act - WUCIOA)), an association may not impair an owner's appurtenant right of vehicular and pedestrian ingress and egress to their residence or engage in non-judicial self-help termination of essential residential utilities (water, electricity, gas, sewer).

CURRENT WORDING IN DOCUMENT:
ENFORCEMENT Any person(s) found in non-compliance with the Rules and Regulations of CBHA shall be subject to loss of shall further be subjected to interest charges, fines, shut off water service and a lien placed on their property title. The following enforcement covers all rules and enforcement statement section. letter

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Under no circumstances shall any suspension of privileges impair the right of an Owner or occupant to have vehicular and pedestrian ingress to and egress from their Lot or Unit, nor shall the Association disconnect essential residential utility services, execute non-judicial self-help entry/demolition, or conduct non-judicial lockouts, in accordance with RCW 64.90.405(2)(k) (WUCIOA Notice, Opportunity to be Heard & Fine Schedule); RCW Ch. 64.90 (Washington Uniform Common Interest Ownership Act - WUCIOA); Restatement (Third) of Property: Servitudes § 4.9 (Washington Prohibition on Self-Help Lockout & Utility Termination).