

Blue Ribbon Farms Property Owners Association

VIOLATION RESOLUTION PROCEDURES

5-15-2023

1. Members have the right and ability to report any perceived violations of the Blue Ribbon Farms Property Owners Association (HOA) By-Laws and Covenants, Conditions and Restrictions (CC&Rs), the Clallam County Codes and any other governmental codes (governing documents) that apply to our HOA. Members shall report the perceived violation by providing the HOA's Board of Directors (Board) a written description of the location, time, type and other pertinent information regarding a perceived violation. The Board will encourage members to settle perceived violations between themselves, unless they are unsure if the other party has a violation of a governing document or they feel it is inappropriate to contact the other party.
2. Upon the Board's receipt of a complaint, the Board shall investigate the matter and make a preliminary determination regarding whether or not a violation exists. This investigation and determination may include, as the Board deems appropriate, inspecting the parcel, speaking with persons with pertinent information and/or such other techniques as the Board deems appropriate under the circumstances. The investigation process may include, but is not required to, informally contact the owner allegedly in violation to see if the matter can be informally resolved.
3. If the Board determines that no violation exists, a letter shall be sent to the person who submitted a written complaint regarding their notification to the board should that person have given their contact information.
4. If the Board determines that a violation exists, the Board shall send a letter to the owner of record for the parcel which includes the following information:
 - a) A description of the violation, with the appropriate section of the governing documents specified
 - b) A time limit of not more than *thirty (30) calendar* days, except in the case of extenuating circumstances, to correct the violation. In some cases, the Board may request a plan to correct the violation with dates for completion.
 - c) A statement that the determination of the existence of the violation may be appealed to the Board within *ten (10) calendar* days of the date of the letter, according to appeal process set forth below; and
 - d) A statement that if the violation determination is not appealed, such violation will be deemed to exist, final and enforceable.
 - e) If the violation is of a Clallam County Code or a governmental code the member will be notified of the code section and given a chance to correct the violation per

subsection b) above. If the violation is not corrected the Board may contact the proper authorities to investigate and require correction of the violation.

5. Letters. Any letter sent to an owner regarding a violation shall be sent by first class, registered or certified mail, return receipt requested, to the most recent address for that owner of record provided to the Association, should the Board not have this information it will use the address for the owner of record shown in the Clallam County tax records.

6. Appeals. The owner of record may appeal a determination of violation directly to the Board.

a) Any member may appeal any determination, by filing a written appeal within *ten (10) calendar days* of the date of the letter containing such determination, or order. The letter of appeal must include the following information:

1) the name and parcel number of the appellant filing the appeal.

2) contact information for the appellant, including address, telephone number and e-mail information.

3) a statement identifying precisely what is being appealed.

4) an explanation, including relative facts, explanation, etc. of why the appellant believes the determination is wrong; and

5) a statement of what relief the appellant is requesting. The letter of appeal may also request an opportunity to be heard by the Board.

b) The Board will make a determination on the merits of the appeal in a timely manner.

c) The determination will be communicated in writing to those parties involved in the appeal.

d) No person in the decision making process of the appeal shall be directly involved in issues regarding the appeal or have a conflict of interest.

e) The Board shall affirm, reverse, or modify its original determination of violation.

g) The Board's determination of the meaning and application of governing documents is considered the final authority regarding interpretation of governing documents.

7. Mediation. The Board may conduct a meeting with the offending owner. To this effect, they shall consult and negotiate with each other in good faith and, recognizing their mutual interests, attempt to reach a just and equitable solution satisfactory to all parties.

If the violation is not resolved to the satisfaction of the Board and the offending owner, then no earlier than thirty (30) calendar days nor more than 60 calendar days following written notice to the alleged offending owner, either Party may initiate mandatory, non-binding mediation hereunder by giving a notice of mediation (a "Mediation Notice") to the other Parties to the

dispute. In connection with any mediation, the mediator shall be jointly appointed by the Parties to the dispute and the mediation shall be conducted in Clallam County unless otherwise agreed by the Parties to the dispute. All costs and expenses of the mediator appointed to mediate the dispute shall be shared equally by the Parties to the dispute. The then-current Model ADR Procedures for Mediation of Business Disputes of the Center for Public Resources, Inc., either as written or as modified by mutual agreement of the Parties to the dispute, shall govern any mediation. In the mediation, each Party to the dispute shall be represented by one or more representatives who shall have authority to resolve any disputes. If a dispute has not been resolved within 30 calendar days after the receipt of the Mediation Notice, then either Party to the dispute may refer the resolution of the dispute to litigation.

8. Judicial Enforcement. The Association may enforce these governing documents by bringing an appropriate action in Clallam County Superior Court or other court with jurisdiction. The Association may seek any appropriate relief available in law or equity, including but not limited to, affirmative or negative injunction and authorizing the Association to cause work to be performed on a parcel to bring it into compliance with these governing documents and charging all costs thereof to the owner of that parcel. All costs and expenses of the Association, including, but not limited to attorney's fees, in enforcing the governing documents with respect to a parcel, shall be paid by the owner of that parcel.