



## **POLICIES AND PROCEDURES FOR ENFORCEMENT OF DECLARATIONS, BYLAWS, AND RULES AND REGULATIONS**

**1. Authority of Board.** The Board of Directors has the broad authority to manage the Kahler Glen Community Association pursuant to RCW Chapter 24.03A, the Association's Articles of Incorporation and Bylaws, and the Declaration of Protective Covenants (CCRs) for Kahler Glen. These powers include the authority to:

- a) Adopt Rules and Regulations for Kahler Glen;
- b) Administer and enforce the CCRs, Bylaws, and Rules and Regulations.
- c) Adopt and levy fines for violations of the CCRs, Bylaws, and Rules and Regulations; and
- d) Pursue legal action against Owners and occupants for damages and/or injunctive relief for failure to comply with the CCRs, Bylaws, and Rule and Regulations.

### **2. Violation Complaints.**

2.1 Complaints alleging Owner or occupant violations of the CCRs, Bylaws, or Rules and Regulations may be reported to the Board by a Director, staff, an Owner or an occupant.

2.2 A complaint shall be in writing and provide information regarding the alleged violation(s), including the following:

- a) The complainant's name and contact information
- b) The name and Kahler Glen address of the alleged violator(s).
- c) The time, date and place of the alleged violation(s), to the best of the complainant's knowledge; and
- d) A narrative description of the violation(s).

The written complaint may include photographs, audio recordings and/or video recordings documenting the allegations.

### **3. Investigation.**

3.1 Upon receipt of a complaint, the Board shall conduct an investigation to determine if the complaint allegations violate the CCRs, Bylaws, and/or Rules and Regulations and if the alleged violation(s) occurred or continue. The Board may assign the investigation to the Association's General Manager.

3.2 The investigation shall include attempts to contact the Owner and/or occupant to discuss the alleged violation(s) and to educate the Owner and/or occupant regarding obligations under the CCRs, Bylaws, and Rule and Regulations.

3.3 Reasonable efforts may be made to informally resolve the complaint during this investigation stage.

#### **4. Notice of Violation(s) and Order.**

4.1 If, after investigation, the Board finds substantial evidence the Owner and/or occupant has violated the CCRs, Bylaws, and/or Rules and Regulations, and also finds reasonable efforts to resolve the violation(s) have not been successful, the Board shall issue a Notice and Order directed to the Owner and/or occupant.

4.2 The Notice and Order shall include the following information:

- a) Date;
- b) Name of Record Owner;
- c) Name of Occupant (if applicable);
- d) Location of Violation(s);
- e) Narrative Description of Violation(s) and Evidence of Violation(s);
- f) Bases for Violations in CCRs, Bylaws and/or Rules and Regulations;
- g) Remedial Action Necessary to Comply and Deadline for Compliance;
- h) Enforcement Actions for Failure to Comply - Fines and/or Civil Action; and
- i) Explanation of Appeal Rights.

4.3 The Notice and Order may include orders to comply with the CCRs, Bylaws and Rules and Regulations, including orders to stop work, alter work, remove structures and lot development, restore the site, and to submit plans to the Architectural Committee and obtain Committee approval prior to any further work.

4.4 If the Owner and/or occupant fails to comply, the Notice and Order may impose fines on the Owner until there is full compliance. In addition to imposition of fines on the Owner, the Board may commence a civil action against the Owner and/or occupant for damages and equitable relief. The Owner's voting rights and Association services are suspended until the Owner fully complies with the Notice and Order.

**5. Service of Notice.** Copies of the Board's Notice and Order shall be served on the Owner and, if applicable, on the occupant:

- a) By personal service; or
- b) By certified mail, return receipt requested and by regular, first-class mail. (If certified mail is returned by the Postal Service, service shall be deemed complete five (5) days after mailing.)

A copy of the Notice and Order shall be provided to the Owner and the complainant by email.

## **6. Appeal and Request for Hearing.**

6.1 An Owner has the right to appeal the Notice and Order to the Board of Directors and to request a hearing before the Board.

6.2 An appeal and request for hearing shall be in writing and must be received by the Board not more than 14 days after the Notice and Order was served on the Owner. The appeal and request for hearing may be served by USPS mail at the Board's mailing address or by emailing to the Board's KGCA email address. The USPS mailing address and the Board's email address shall be stated on the Notice and Order.

6.3 The written appeal shall identify all reasons the Notice and Order is believed to be erroneous and shall state the specific relief requested.

6.4 Failure to submit a timely appeal constitutes a waiver of administrative and judicial challenges to the Notice and Order.

## **7. Hearing Before Board**

7.1 An appeal hearing before the Board shall be set not more than thirty (30) days after receipt of a timely appeal and request for hearing. The Board shall provide the appellant and the complainant not less than 14-days' notice of the hearing date, time and place. The appellant may request a different hearing date upon a showing of good cause.

7.2 The President shall be the Presiding Officer at the hearing. If the President is unwilling or unable to preside, the Board shall appoint a Presiding Officer from among its members to conduct the hearing

7.3 The hearing shall be informal. The appellant, the Board and the complainant each have the right to be represented by an attorney. The appellant has the burden of proof.

7.4 The appellant shall present evidence and argument, then the Board and/or complainant shall present evidence and argument. Witnesses are subject to cross-examination. Any relevant evidence which is not privileged is admissible. The Presiding Officer may exclude irrelevant, immaterial or unduly repetitious evidence. Any member of the Board may question any party or witness.

7.5 Based upon the evidence presented, the Board shall issue a written decision within ten (10) days after the hearing. The Board may affirm, modify or rescind the Notice and Order based upon the evidence presented. The Board may order the non-prevailing party to reimburse the Association for its costs, including reasonable attorney's fees, incurred in connection with the proceeding. A copy of the Board's decision shall be sent to the appellant and to the complainant by email.

7.6 If the appellant fails to appear at the scheduled hearing, then the appeal shall be deemed abandoned unless the good cause is shown for the failure to appear.

## **8. Emergency Action by Board.**

8.1 If the Board becomes aware of a property condition or activity by an Owner or occupant that immediately endangers Kahler Glen common areas or private property, or that threatens the health and safety of Kahler Glen residents, guests and the recreating public, the Board may issue an Emergency Order.

8.2 The Emergency Order shall state the reason for the order and the conditions that must be immediately remedied or the activities that must be immediately ceased.

8.3 If the Owner and/or occupant fails to immediately comply, then the Board may immediately commence a civil action against the Owner and/or occupant for damages and equitable relief, together with the Associations' attorney's fees and costs of suit.

## **9. Fines.**

9.1 The purpose of imposing fines for violations of CCRs, Bylaws and/or Rules and Regulations is to obtain the Owner's compliance and to deter the Owner from future violations. With these purposes in mind, the amount of any fine imposed by the Board in a Notice and Order shall be fair and reasonable under all of the circumstances, and may take into account the scope of the violation, its effect on the community, the difficulty of remedying the violation, any excuse or explanation, the degree of culpability, the cooperation of the violator after discovery, the need to deter other such violations, and any other relevant factors.

9.2 Fines shall not exceed \$500 for a first violation, shall not exceed \$1,000 for a second violation of the same provision within twelve (12) months, and shall not exceed \$2,000 for a third violation of the same provision within twenty-four (24) months.

9.3 The Board may address conditions and/or activities that are continuing violations by imposing daily fines. Examples of possible continuing violations are those involving structures, landscaping maintenance, refuse and trash accumulation, parking of trailers, boats and recreational vehicles, and prohibited commercial activity. Daily fines for continuing violations shall not exceed \$100 per day. Fines will continue to accrue until there is full compliance.

9.4 Any fine imposed by the Board in a Notice and Order shall be the personal obligation of the person against whom it is imposed and shall constitute an Assessment secured by a lien upon the Kahler Glen property owned by that person. Fines, attorney's fees and costs may be collected as an Assessment in the manner provided in CCRs and may be collected as damages in a civil action. The Owner's

voting rights and Association services are suspended until the Assessment is paid in full.

9.5 The fines imposed by the Board for violations of CCRs, Bylaws and/or Rules and Regulations are in addition to all other remedies available to the Board, the Association and the Owners of Kahler Glen properties.

## **10. Judicial Enforcement.**

10.1 Failure to comply with a provision of the CCR's, the Bylaws, and/or the Rules and Regulations, or to comply with a Notice and Order issued by the Board, shall be grounds for a civil action by the Association to recover damages, which shall include any fines levied by the Board and any attorney's fees and costs incurred by the Association in connection with the proceedings before the Board. Such failure to comply shall also be grounds for injunctive relief.

10.2 The Association is not required to exhaust its internal enforcement procedures before commencing the action if the Board deems immediate legal action to be necessary or appropriate.

10.3 If the Board fails or refuses to enforce a failure to comply, an aggrieved Owner may maintain an action for damages and/or injunctive relief, against the party failing to comply.

10.4 In any action brought by the Association or by an Owner as provided in this Paragraph, the prevailing party shall be entitled to recover its reasonable attorney's fees and costs.

Adopted by the Board at a regular meeting held on the 15th day of November, 2025.

Attested by:

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Peter Petesch, Board Secretary