

SILVER CREEK

c/o JCHiggins&Associates

PO Box 731029

SILVER CREEK

Puyallup, WA 98373

Resolution for Appeals Policy and Procedures

Whereas the Board of Director of the Silver Creek Homeowners Association may as in the Bylaws Article 13 Rules and Regulations and also in the Master Declaration Article 3 Section 3.8 Rules a regulations adopt as may be necessary or advisable to insure compliance with or to the supplementary covenants, conditions and restrictions.

PURPOSE: To establish a standard procedure for homeowners to obtain a hearing by on matters relating to association decisions that they feel are not within the requirements of the governing documents of the association, and/or they feel they were not given due process. Appeals apply to fines and fees as required;

RCW 64.38.020 Association powers, (1) Impose and collect charges for late payments of assessments and, after notice and an opportunity to be heard by the board of directors or by the representative designated by the board of directors and in accordance with the procedures as provided in the bylaws or rules and regulations adopted by the board of directors, levy reasonable fines in accordance with a previously established schedule adopted by the board of directors and furnished to the owners for violation of the bylaws, rules, and regulations of the association;

Appeal Request

1. Any homeowner may request an appeal on any matter directly affecting their person or property that they feel was improperly applied or enforced.
2. Requests must be submitted in writing within 30 days of the date of the compliance notice either by USPS or e-mail to the Management Company. Contact information is listed on the association website. Verbal or phone requests are not accepted.
3. Appeal Requests received at least 14 days ahead of the next Board Meeting will be scheduled for that meeting. Requests received less than 14 days in advance will fall to the following HOA Board meeting. Any deviation from this timeline requires notification to the affected homeowner of the reason and a new date established by the HOA Board and the homeowner.
4. Homeowner is to be notified by the Management Company via email of the appeal appointment no less than five (5) working days prior to the hearing.
5. A no-show of a homeowner to a scheduled hearing will result in an automatic recommendation (i.e. fine stands).

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6. Written notification received at least 24 hours of inability to attend by the homeowner prior to a scheduled hearing will result in re-scheduling during the following thirty (30) day period. Totalling no more than 60 days from the date of the appeals request.
7. All fines for the specific disputed incident applied prior to the request for appeal will remain in a dormant state pending final decision by the Appeals Committee. Rules must be followed during the appeal process.

Procedure for Appeals

The Appeals Committee will hear the appeals at the end of a regularly scheduled board meeting and may schedule additional dates as needed. Appealing Party will be notified accordingly.

1. Appeal hearings will be informal and each homeowner will be given the opportunity to present their case in whatever manner they choose, however a time limit may be enforced by the Appeals Committee if needed.
2. The Management Company will schedule all appeals and furnish the HOA Board with all documents and correspondence prior to each hearing.
3. Appeals require no less than three (3) members of the HOA Board to be present.
4. Members of the Appeals Committee will recuse themselves from any hearing that would appear to have a conflict of interest, i.e. their own request.
5. Evaluation of the appeal is to be completed by the committee and forwarded to the HOA Board within fourteen (14) days of the hearing. So the Board may instruct the management company to inform the Appealing Party of the outcome.
6. HOA Board decision is final and binding.

Items to be considered by the committee are

1. Was the proper procedure followed by both the HOA and the property owner?
2. Was the decision rendered by the Association a requirement specified by the governing documents of the affected area?
3. Was adequate correspondence present between the homeowner and the HOA?
4. Was the ruling by the HOA consistent with similar rulings within the community?
5. The effect of the request for appeal upon neighboring properties and the community in general.
6. Attempt to arrive at a recommendation that is acceptable to both the homeowner and the Association. However, decision will be consistent with the HOA governing documents and policies.

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The HOA Board will record all appeal hearings to serve as minutes of the hearing. Recordings will be held by the HOA Board and will be accessible only to the homeowner, the HOA Board of Directors, the Management Company or as required by law. The HOA Board of Directors appeals decisions are final.

Appeal Ruling

The Board of Directors will evaluate the findings and recommendations received from the committee and issue the final ruling to the Management Company. The Board will make this ruling within forty five (45) days of submission by the committee. In the event this timeline cannot be met, the homeowner is to be notified of the delay and advised of a probable time for final decision.

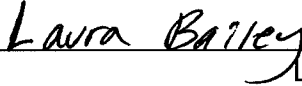
Upon receipt of the final decision from the Association, the Management Company will forward this information and any necessary instructions to the affected homeowner.

The HOA Board of Directors may modify this Policy and Procedure Document as the needs of the Association change.

This resolution was adopted by the Board of Directors on March 15, 2018.



Michael Morrey
President



Laura Bailey
Secretary