

2019-20 ANNUAL POLICY STATEMENT

**SUMMARY OF ALTERNATIVE DISPUTE RESOLUTION
REQUIREMENTS (Civil Code §5920 & §5965)**

1. If an association, owner or member of an association files an action in Superior Court seeking either:
 - a. Declaratory or injunctive relief to enforce the governing documents, the Davis-Stirling Common Interest Development Act (Act), or the Corporations Code; or
 - b. Declaratory or injunctive relief to enforce the governing documents, the Davis-Stirling Common Interest Development Act, or the Corporations Code in conjunction with a claim for monetary damages not in excess of the limits stated in Sections 116.220-116.221 of the Code of Civil Procedure;

The parties must first attempt to submit the dispute to alternative dispute resolution (ADR), which includes mediation, arbitration, conciliation, or other non-judicial procedure that involves a neutral party in the decision-making process, BEFORE filing an action in Superior Court. The ADR process may be binding or non-binding. (Act Section 5930)

2. This requirement does not apply to disputes within the jurisdiction of the Small Claims Court or disputes over assessments.
3. The ADR process is commenced by one party serving the other party with a Request for Resolution. It must contain the following:
 - a. A brief description of the dispute;
 - b. A request for ADR; and
 - c. A notice that the party receiving the Request for Resolution must respond within 30 days or the Request for Resolution will be deemed rejected.
 - d. If the person on whom the Request for Resolution is served is an owner, a copy of the statutes governing ADR. (Act Sections 5925-5960)
4. Service of the Request for Resolution may be by personal delivery, first-class mail, express mail, facsimile or other means reasonably calculated to give the other party actual notice.
5. A party served with a Request for Resolution has 30 days to accept or reject the request. Failure to accept or reject is deemed a rejection.
6. If the Request for Resolution is accepted, ADR must be completed within 90 days from the date of acceptance. The deadline can be extended by a written agreement among all parties.
7. The costs of ADR shall be shared by the parties.
8. The time to file a civil action is suspended while ADR is pending.
9. Refusal to participate in ADR may result in the loss of the right to recover attorney fees in a

subsequent Superior Court action.

FAILURE OF A MEMBER OF THE ASSOCIATION TO COMPLY WITH THE ALTERNATIVE DISPUTE RESOLUTION REQUIREMENTS OF SECTIONS 5930 OF THE CIVIL CODE MAY RESULT IN THE LOSS OF YOUR RIGHT TO SUE THE ASSOCIATION OR ANOTHER MEMBER OF THE ASSOCIATION REGARDING ENFORCEMENT OF THE GOVERNING DOCUMENTS OR THE APPLICABLE LAW. (Act Section 5965)

INTERNAL DISPUTE RESOLUTION PROCEDURE (Civil Code §5910)

1. This policy applies to a dispute between the association and a member involving their rights, duties, or liabilities under the Act, the provisions of the Corporations Code relating to mutual benefit corporations (commencing with Corporations Code §7110), or the governing documents.
2. Either party to a dispute within the scope of this article may invoke the following procedure:
 - a. The party may request the other party to meet and confer in an effort to resolve the dispute. The request shall be in writing.
 - b. A member of the association may refuse a request to meet and confer. The association may not refuse a request to meet and confer.
 - c. The association's board of directors shall designate a member of the board to meet and confer.
 - d. The parties shall meet promptly, within 60 days of receipt of request, at a mutually convenient time and place, explain their positions to each other, and confer in good faith in an effort to resolve the dispute.
 - e. If the member participates but the dispute is resolved other than by agreement of the member, the member shall have a right of appeal to the Board.
 - f. A resolution of the dispute agreed to by the parties shall be memorialized in writing and signed by the parties, including the board's designee on behalf of the association. The agreement reached by this procedure, which is not in conflict with the law or governing documents, binds the parties and is judicially enforceable.
3. The member and association may be assisted by an attorney or another person in explaining their positions at their own cost.
4. A member of the association will not be charged a fee to participate in the process.

MINUTES DISCLOSURE

California Civil Code Section §4950 requires that the Association notify all owners of their right to have copies of the minutes of meetings of the Association's Board of Directors. The minutes, minutes proposed for adoption that are marked to indicate draft status, or a summary of the minutes, of any meeting of the Board of Directors of the Association, other than executive session, shall be available to members within 30 days of the meeting.

The minutes, proposed minutes, or summary of minutes shall be distributed to any member of the Association upon request and upon reimbursement of the Association's costs for making that distribution.

MEMBER CONTACT INFORMATION

Civil Code §4041 requires that all owners provide written notice on an annual basis to the Association of all the following:

- (1) the address or addresses to which notices from the Association are to be delivered.
- (2) Any alternate or secondary address to which notices from the Association are to be delivered.
- (3) The name and address of his or her legal representative, if any, including any person with power of attorney or other person who can be contacted in the event of the owner's extended absence from his/her property.
- (4) Whether the residence is rented out, vacant, or owner-occupied.

The Association shall enter this data into its books and records. If an owner fails to provide the information set forth above, the last address provided in writing by the owner, or if none, the property address, shall be deemed to be the address to which notices are to be delivered.

MEMBER ABILITY TO OPT-OUT OF MEMBERSHIP LIST

California Corporations Code Section §8330 requires that the Association provide a copy of the membership list, including the names, property address, mailing address and email address of each owner to any owner who requests the list. (E-mail addresses provided to the Bell Canyon Association are not subject to the e-mail address requirement because the BCA e-mail address form includes the promise of non-sharing.) The owner's request must be in writing and must set forth the purpose for which the list is requested, which purpose must be reasonably related to the requester's interests as a member of the Association.

Pursuant to Civil Code Section §5220, a member can "opt out" of sharing his or her name and mailing and property address(es) on a membership list which must be distributed to other owners upon request.

If you would like to "opt out" of having your name and addresses included on a membership list which may be distributed to another owner upon request, please complete the following form and return it to the Association. Please note that your "opt-out" will remain in effect until further notice from you.

Notice to Association

To Whom It May Concern,

Please remove my name and address(es) from the membership list in accordance with Civil Code Section §5220 until further notice from me.

Date: _____

Print Name: _____

Signature: _____

Lot Address: _____

GENERAL NOTICE LOCATION

In accordance with California Civil Code §4045(a)(3), the designated location for the posting of general notices for Bell Canyon Association is the bulletin board next to the front door of the Association office, 30 Hackamore Lane, Suite #8 and on the bellcanyon.com website.

ASSOCIATION'S DESIGNATED RECIPIENT

California Civil Code Section §4035 requires that the Association provide the name and address of the person designated to receive official communications to the Association.

Please send official communications for the Association to:

*Diane Rossiter
General Manager
Bell Canyon Association Office
30 Hackamore Lane, Suite #8
Bell Canyon CA 91307*

ADDRESS FOR OVERNIGHT PAYMENT OF ASSESSMENTS

California Civil Code Section §5655 requires that the Association provide a mailing address for overnight payment of assessments and provide it in the annual policy statement.

*Bell Canyon Association
C/O Seabreeze Management Company
ATTN: Collections Department
26840 Aliso Viejo Parkway | Suite 100
Aliso Viejo, CA 92656*

(It is suggested that it be sent with receipt signature required)

RIGHT TO INDIVIDUAL DELIVERY AND FOR TWO ADDRESSES

In accordance with Civil Code 4045(b) and 4040(b), a member may receive general notices by individual delivery and may submit a request to have notices sent to up to two different specified addresses.

CHARGES FOR DOCUMENTS PROVIDED AS REQUIRED BY SECTION 4525

The seller may, in accordance with Section 4530 of the Civil Code, provide to the prospective purchaser, at no cost, current copies of any documents specified by Section 4525 that are in the possession of the seller.

A seller may request to purchase some or all these documents but shall not be required to purchase ALL of the documents listed on this form.

Provider of the Section 4525 Items:

Condo Certs – condocerts.com for Bell Canyon Association; 800-310-6552

Document	Civil Code Section Included	Fee for Document	Not Available (N/A) or Not Applicable (N/App)
Articles of Incorporation	Section 4525(a)(1)	\$15.00	
CC&Rs	Section 4525(a)(1)	\$25.00	
Bylaws	Section 4525(a)(1)	\$25.00	
Operating Rules	Section 4525(a)(1)	\$15.00	
Age restrictions, if any	Section 4525(a)(2)		N/App
Annual budget report or summary, including reserve study	Sections 5300 and 4525(a)(3)	\$15.00	
Assessment and reserve funding disclosure summary	Sections 5300 and 4525(a)(4)	\$25.00	
Financial statement review	Sections 5305 and 4525(a)(3)	\$15.00	
Assessment enforcement policy	Sections 5310 and 4525(a)(4)	\$0	
Insurance summary	Sections 5300 and 4525(a)(3)	\$15.00	

Regular assessment	Section 4525(a)(4)	\$0	
Special assessment	Section 4525(a)(4)	\$0	
Emergency assessment	Section 4525(a)(4)	\$0	
Other unpaid obligations of seller	Sections 5675 and 4525(a)(4)	\$0	
Approved changes to assessments	Sections 5300 and 4525(a)(4), (8)	\$0	
Settlement notice regarding common area defects	Sections 4525(a)(6), (7), and 6100		N/App
Preliminary list of defects	Sections 4525(a)(6), 6000, and 6100		N/App
Notice(s) of violation	Sections 5855 and 4525(a)(5)	\$0	
Required statement of fees	<u>Section</u> <u>4525</u>	\$0	
Minutes of regular board meetings from the previous 12 months	Section <u>4525(a)(10)</u>	\$25.00	
Total fees for these documents*:		\$175.00	

* The information provided by this form may not include all fees that may be imposed before the close of escrow. Additional fees that are not related to the requirements of Section 4525 may be charged separately.

(Amended by Stats. 2017, Ch. 127, Sec. 2. (AB 690) Effective January 1, 2018.)

2019-20 BCA ASSESSMENT COLLECTION POLICY STATEMENT

Each year your Association is obligated to distribute to its members a statement of the Association's policies and practices in enforcing lien rights or other legal remedies for default in payment of its assessments. This Statement is being sent to you in compliance with that law.

1. General Summary of Association Policies and Practices. The Association's policy and practice is to follow the procedures and requirements of the Davis-Stirling Common Interest Development Act (Act) Assessment Payment and Delinquency Article (Civil Code Sections 5650-5740) and the Association's CC&Rs and By Laws in imposing and collecting assessments. This includes sending a budget as required by Act Section 5300 and giving notice of assessment increases as required by Act Section 5650(b). This Statement is meant to satisfy the requirements of Act Section 5310(a)(7).

2. When Do Assessments Become Delinquent? Regular assessments are due on the first day of each calendar month. A monthly assessment not paid by the 15th day of the month is late. Generally, special assessments are also due on the first day of each month, unless otherwise stated in the notice of the assessment, and special assessments are also delinquent if not paid by the 15th day after the due date.

3. What Expenses and Fees Can Be Recovered? When an assessment becomes delinquent, the Association is entitled to recover the following sums:

- (a) The delinquent assessment;
- (b) Costs incurred to collect the assessment (including reasonable attorney fees);
- (c) A late charge of 10 percent of the delinquent assessment;
- (d) Interest on all sums (assessments, costs, late charges, and legal fees) at a rate of 12 percent per annum. Interest begins to accrue once the delinquent assessment is 30 days past due.

4. Assessments Are the Owner's Personal Obligation and May Also Be Secured by a Lien.

Assessments, together with any late charges, interest, fees and costs of collection are the personal debt of the owner of the lot at the time the assessment is levied. In addition, payment of the owner's debt may be secured by a lien on the owner's lot. After a lien is recorded, the Association may pursue judicial foreclosure or non-judicial foreclosure as soon as it is permitted to do so unless the Board of Directors determines there is a good reason not to do so. The Association's CC&Rs provide at Section 8 of Clause V that "The personal obligation shall pass to [the owner's] successor."

5. 30-Days Pre-Lien Notice and Proceedings. Before recording an assessment lien, the Association will have a Pre-Lien Notice sent to the member by certified mail. The Pre-Lien Notice will be completed with the information pertinent to the member's lot and the delinquent assessment(s).

When a member receives a Pre-Lien Notice the member can do any of the following: (i) pay the debt set forth in the Pre-Lien Notice, (ii) request in writing a meeting in executive session with the Board to arrange a payment plan, (iii) dispute the debt by submitting a written request for dispute resolution through the Association's "meet and confer" program, and (iv) request alternative dispute resolution by a neutral third party pursuant to Act Article 3.

6. Application of Payments Made After Pre-Lien Notice. It is the Association's policy that, after sending a Pre-Lien Notice to a member, payments received from the member toward the debt set forth in the Pre-Lien Notice shall be applied first to the delinquent assessments as stated in the Pre-Lien Notice and, after those assessments are paid in full, to apply payments to fees and costs of collection, attorneys' fees, late charges and interest. If the member requests a receipt, the Association will provide one, showing the date of payment and the person who received it.

7. Address for Overnight Payment of Assessments. Checks for overnight payment of assessments may be mailed or delivered to,

Bell Canyon Association
C/O Seabreeze Management Company
ATTN: Collections Department
26840 Aliso Viejo Parkway | Suite 100
Aliso Viejo, CA 92656
(Suggestion – send signature required)

8. Association's Practice to Record a Lien. Unless the proceedings mentioned above in connection with Pre-Lien Notice have resulted in a resolution, it is the Association's policy and practice to have a lien for delinquent assessments recorded against a member's lot as soon as the proceedings mentioned above in connection with Pre-Lien Notice are completed, but not earlier than 30 days after the date the Pre-Lien Notice is sent to the member. The decision to record a lien is made by the Board of Directors in an open meeting as required by Act Section 5673.

9. Suspension of Voting Rights and Community Privileges. After a lien is filed for delinquent assessment, the Association's policy is to suspend the owner's Association voting rights and access, recreational, and facilities privileges. Such suspension lasts until the owner is in good standing again, current on all assessments. Voting rights include annual elections and any special membership votes. Privileges include automatic entry through resident lane, gym access, tennis court and social hall reservations, and any other Association amenities. At least 15 days prior to a suspension hearing with the Board of Directors, a notice will be mailed by regular U.S. Mail to the owner mailing address on file providing the hearing date, time, and location. After the hearing, the Board's decision on suspension will be mailed to the owner within 10 days.

10. Pursuit of Foreclosure to Collect Assessments. The Association's policy and practice is to pursue judicial or non-judicial foreclosure of an assessment lien as soon as the Association is permitted to do so, unless the Board determines there is good reason not to do so. Generally, the Association will pursue foreclosure after a period of 30 days has elapsed since the lien for delinquent assessment was recorded, when the amount of delinquent assessments (exclusive of late charges, fees and costs of collection, attorney's fees and interest) exceeds \$1,800 or any of the assessments secured by the lien are more than 12 months delinquent. The decision to foreclose is made by the Board in executive session.

11. Reversal of Expenses, Costs and Interest. It is the policy of the Association to reverse all late charges, fees, interest, attorney's fees, and all other costs of collection if it is determined that the Association has recorded a lien for delinquent assessments in error.

12. Annual Notice to Members of Assessment and Assessment Collection Rules. Act Section 5730 requires the Association to distribute to each member, within 30 to 90 days preceding

the beginning of the Association's fiscal year, the following notice:

NOTICE ASSESSMENTS AND FORECLOSURE

This notice outlines some of the rights and responsibilities of owners of property in common interest developments and the associations that manage them. Please refer to the sections of the Civil Code indicated for further information. A portion of the information in this notice applies only to liens recorded on or after January 1, 2003. You may wish to consult a lawyer if you dispute an assessment.

ASSESSMENTS AND FORECLOSURE

Assessments become delinquent 15 days after they are due, unless the governing documents provide for a longer time. The failure to pay association assessments may result in the loss of an owner's property through foreclosure. Foreclosure may occur either as a result of a court action, known as judicial foreclosure, or without court action, often referred to as nonjudicial foreclosure. For liens recorded on and after January 1, 2006, an association may not use judicial or nonjudicial foreclosure to enforce that lien if the amount of the delinquent assessments or dues, exclusive of any accelerated assessments, late charges, fees, attorney's fees, interest, and costs of collection, is less than one thousand eight hundred dollars (\$1,800). For delinquent assessments or dues in excess of one thousand eight hundred dollars (\$1,800) or more than 12 months delinquent, an association may use judicial or nonjudicial foreclosure subject to the conditions set forth in Article 3 (commencing with Section 5700) of Chapter 8 of Part 5 of Division 4 of the Civil Code. When using judicial or nonjudicial foreclosure, the association records a lien on the owner's property. The owner's property may be sold to satisfy the lien if the amounts secured by the lien are not paid. (Sections 5700 through 5720 of the Civil Code, inclusive)

In a judicial or nonjudicial foreclosure, the association may recover assessments, reasonable costs of collection, reasonable attorney's fees, late charges, and interest. The association may not use nonjudicial foreclosure to collect fines or penalties, except for costs to repair common area damaged by a member or a member's guests, if the governing documents provide for this. (Section 5725 of the Civil Code)

The association must comply with the requirements of Article 2 (commencing with Section 5650) of Chapter 8 of Part 5 of Division 4 of the Civil Code when collecting delinquent assessments. If the association fails to follow these requirements, it may not record a lien on the owner's property until it has satisfied those requirements. Any additional costs that result from satisfying the requirements are the responsibility of the association. (Section 5675 of the Civil Code)

At least 30 days prior to recording a lien on an owner's separate interest, the association must provide the owner of record with certain documents by certified mail, including a description of its collection and lien enforcement procedures and the method of calculating the amount. It must also provide an itemized statement of the charges owed by the owner. An owner has a right to review the association's records to verify the debt. (Section 5660 of the Civil Code)

If a lien is recorded against an owner's property in error, the person who recorded the lien is required to record a lien release within 21 days, and to provide an owner certain documents in this regard. (Section 5685 of the Civil Code)

The collection practices of the association may be governed by state and federal laws regarding fair debt collection. Penalties can be imposed for debt collection practices that violate these laws.

PAYMENTS

When an owner makes a payment, the owner may request a receipt, and the association is required to provide it. On the receipt, the association must indicate the date of payment and the person who received it. The association must inform owners of a mailing address for overnight payments. (Section 5655 of the Civil Code)

An owner may, but is not obligated to, pay under protest any disputed charge or sum levied by the association, including, but not limited to, an assessment, fine, penalty, late fee, collection cost, or monetary penalty imposed as a disciplinary measure, and by so doing, specifically reserve the right to contest the disputed charge or sum in court or otherwise.

An owner may dispute an assessment debt by submitting a written request for dispute resolution to the association as set forth in Article 2 (commencing with Section 5900) of Chapter 10 of Part 5 of Division 4 of the Civil Code. In addition, an association may not initiate a foreclosure without participating in alternative dispute resolution with a neutral third party as set forth in Article 3 (commencing with Section 5925) of Chapter 10 of Part 5 of Division 4 of the Civil Code, if so requested by the owner. Binding arbitration shall not be available if the association intends to initiate a judicial foreclosure.

An owner is not liable for charges, interest, and costs of collection, if it is established that the assessment was paid properly on time. (Section 5685 of the Civil Code)

MEETINGS AND PAYMENT PLANS

An owner of a separate interest that is not a time-share interest may request the association to consider a payment plan to satisfy a delinquent assessment. The association must inform owners of the standards for payment plans, if any exists. (Section 5665 of the Civil Code)

The board must meet with an owner who makes a proper written request for a meeting to discuss a payment plan when the owner has received a notice of a delinquent assessment. These payment plans must conform with the payment plan standards of the association, if they exist. (Section 5665 of the Civil Code)

ARCHITECTURAL GUIDELINES AND PROCEDURES

All improvements and modifications to the exterior of your home or property require Architectural Committee (AC) approval. This includes actions such as major landscaping or hardscaping, earth movement or grading, tree removal, window and/or door replacement, perimeter and pool fence construction or replacement, home expansion or alteration, change of paint scheme, roof replacement, pool resurfacing, driveway/ walkway/patio replacement or repair, installation of solar panels, and new home or outbuilding construction, among others.

Before starting any planning for projects and prior to submittal of any preliminary or final plans, homeowners, agents, architects and other applicants should review the *Bell Canyon Architectural Standards*, Section 6 – “Site Design Guidelines.” This will help avoid expensive alteration to submittal plans, caused by any inconsistency with the community's standards, and reduce the number and duration of Committee review and hearings.

OPTIONAL CONCEPTUAL OR PRELIMINARY REVIEW

The conceptual or preliminary review process can involve both informal and formal consultations with both AC staff and members. The Community desires that the architectural review process be as an efficient and collaborative process as possible. As such, prospective applicants are urged to approach the review process in a collaborative manner, seeking input from the Committee and its staff at the earliest possible instance. Whether just a phone call for simple projects or a formal consultation for more complex proposals, early and complete consultation is essential to assist in providing a smoothly functioning review process.

Preliminary Review Process

- Pre-application meeting with the AC consultant or staff. All corrections must be addressed in accordance with the Architectural Standards prior to the project being placed on the agenda.
- One set of the plans should then be provided to the AC, Monday through Friday during posted business hours. An electronic version of the plans in pdf format must also be e-mailed to the AC Coordinator.
- There is an application to fill out as well as an application fee to pay. Please see fee schedule.
- To be included on an AC meeting agenda, plans, application form, and fee must be submitted by 12:00 noon a minimum of seven working days before a scheduled meeting.
- The Committee meets the second and fourth Tuesdays of every month.
- Agendas are set by 3:00 PM on the Thursday before a meeting and are final.
- Late submittals will be held for the next meeting agenda.
- Neighboring property owners will be given an opportunity to inspect and comment on plans. Such comments will be considered by the AC during their deliberations.
- Once on the meeting agenda, the AC will provide written acceptance, or required corrections, or denial, by e-mail or mail within 30 days of the meeting date.

Pre-Submittal Plan Requirements

Requirements for conceptual or preliminary plan review include the following:

- Preliminary site plan
- Building schematics with color/material board
- Conceptual elevations; four-sided design is required
- Conceptual landscape plan
- Preliminary grading plan (if applicable) and drainage plan, erosion control plan and SWPPP
- Soils report
- For new construction - Plan Submittal Acknowledgement Form.
- For all additions, remodels, revisions, and as-builts - Amended Plan Submittal Acknowledgement Form
- Plan submittal fee

Plan Standards:

- Submitted plans must be professionally prepared and drawn to scale, accurate and legible. Plans must be submitted by the property owner or agent authorized in writing by the owner.
- Plot plan showing property lines, all dimensions, size and location of all existing and proposed improvements including buildings, edge of roads, driveways, walks, patios, terraces, pool, sport courts, walls, fences, service yards, heating and cooling equipment, pool equipment, trash enclosure, etc. Natural features including all mature trees, labeled by species, creeks or drainages, major rock outcroppings and boulders. Include all easements, setbacks, horse trails and other recorded land use restrictions. Provide topography and existing and finished grades and heights of all structures.
- Elevations showing all exterior design details. Four-sided design is required. Provide exterior architectural details such as eave details, door and window schedule (including manufacturer and type), door and window headers, jamb and sill details, decorative rails and/or balustrade details, and any other details, which might apply.
- Four-sided colored renderings.
- Conceptual landscape plan.
- A color board with samples of all materials and paint colors including manufacturer and color codes.
- A project breakdown including the square footages of living space, garage, decks and patios. Include new, existing and areas to be remodeled.
- Preliminary grading plan, if applicable, must include a calculation of the amount of dirt to be moved, whether it is balanced onsite and an estimate of the net amount of dirt to be exported and imported while grading, if any.

If for some reason you feel that you are unable to comply with the requirements of the “Site Design Guidelines,” you will be required to apply for a variance or a revocable license. In order to get these types of applications approved, the applicant must demonstrate that there are no reasonable alternatives.

After inspection of the property and review of your preliminary submittal, the Committee may require additional information including, but not limited to, surveys, story poles, Dig Alert

markings, etc. All issues should be resolved at this conceptual phase of review, prior to proceeding with final plans.

No plans will be reviewed if there are any delinquent assessments, violations, charges or penalties against the property. If there are any existing violations of the Architectural Standards or the CC&R's at the time of submission of plans, these must be corrected or resolved first.

FINAL REVIEW AND APPROVAL PROCESS

Submittal Requirements

Provide:

- Final, County stamped, approved building plans and permit.
- Standard AC Requirements must be listed on the cover sheet of the plans.
- Colored 3-D renderings
- One set of Stamped, County approved grading and drainage plans.
- County Grading Permit.
- Storm Water Pollution Control plan (SWPCP).
- Landscape professional prepared landscaping plan, which includes plant list and irrigation plan – in compliance with the published Ventura County Fire Department list of approved plants.
- Completed Plan Submittal Form and fee.
- Completed Grading Plan Submittal Form and fee.
- Statement from civil engineer relative to the total cut, total fill and quantities of any import or export.

Procedure

- To be included on an AC meeting agenda, plans, application form (s), and fee(s) must be submitted by 12:00 noon a minimum of seven working days before a scheduled meeting.
- The Committee meets the second and fourth Tuesday of every month.
- Late submittals will be held for the next meeting agenda.
- Agendas are set at 3:00 PM on the Thursday before a meeting and are final.
- Consent items (painting, like-for-like replacements) may be submitted by 3:00 PM Monday-Friday.
- Once on the meeting agenda, the AC will provide written approval, or required corrections, or denial, by e-mail or mail within 30 days of the meeting date.
- The Architectural Committee may condition its approval of plans on the further submission of a County hauling permit, or other requirements.

Inspections

- The AC may inspect or have inspected all properties for which plans have been submitted to the Committee for approval.
- The AC will give twenty-four (24) hours' notice to the owner before going onto the property for an inspection.
- Inspections will check for the following:
 - Accuracy of plans submitted.
 - Any existing violations, including but not limited to unapproved structures,

- structures within easements or setbacks, drainage onto parkways or trails, missing or inappropriate fences or enclosures.
- Compatibility of the proposed improvements with the neighborhood and/or lot.
- General condition of the property and existing structures.
- Prior to the refund of construction deposits, a final inspection and approval will be conducted to insure that projects conform to the approved plans, the Architectural Standards and the Community's CC&R's.

PRIOR TO STARTING CONSTRUCTION

Before grading or construction can begin, you need to be placed on the Approved Construction List by the AC, which requires the following:

- A letter of final approval from the Committee.
- Completion of all appropriate BCA construction forms.
- If applicable, a trucking schedule for any import/export of earth materials, include a start date of hauling. A certificate of auto liability must be submitted prior to hauling beginning.
- Payment of all applicable fees and deposits.
- All assessments current (your lot may be removed from the Approved Construction List and entry through the front gate of construction traffic to your lot denied, if your assessments become delinquent during the project).

PROCEDURE TO REQUEST RECONSIDERATION OF AN ARCHITECTURAL COMMITTEE DECISION
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If approval of plans for a proposed structure or proposed grading (or for proposed alterations) is withheld by the Architectural Committee, the member who presented the plans is entitled to request reconsideration of the Committee's decision by the Board of Directors. In addition, if an approval of plans presented to the Architectural Committee is subject to any condition or requirement imposed by the Committee, the member who presented the plans may request that the Board reconsider the Committee's decision.

To request reconsideration by the Board, the member should submit in writing, over the signature of the owner, a request to the Board. The request must be received at the Association's offices within 30 days of the date of the Committee's written disapproval. The Association will send notice to the member of the date and time at which the Committee's decision will be reconsidered by the Board. Reconsideration shall be at an open meeting. The meeting will be held, and the Board's written decision will be made not later than 30 days following receipt of the member's request.

Adopted: 7/23/2009

BELL CANYON ASSOCIATION ARCHITECTURAL COMMITTEE FINE SCHEDULE (this schedule does not preclude legal action)

Violation ¹	Violation which is not stopped within 24 hours of notice	Violation which is not corrected within 7 days of notice	Violation which is not corrected within 15 days of notice	Violation which is not corrected within 90 days of notice	Violation which is not corrected within 180 days of notice	Violation which is not corrected within 270 days of notice	Violation which is not corrected within 360 days of notice
1. Violation of the fencing policies, including the failure to install, maintain or repair fencing, as identified by Architectural Committee. See Illustration #1 below (see attached).				\$250	\$500	\$1,250	\$1,250
2. Failure to maintain approved structures on property.				\$250	\$500	\$1,250	\$2,500
3. Failure to commence, maintain or complete landscaping.				\$250	\$500	\$1,250	\$2,500
4. Outside storage excepting materials necessary for approved construction project, as specified in Clause II, Section 9 of the CC&Rs.				\$250	\$500	\$1,250	\$2,500
5. Failure to maintain construction site in accordance with established Bell Canyon standards, including CC&Rs architectural rules.		\$250	\$375	\$500	\$875	\$1,250	\$2,500
6. Failure to maintain, repair or replace name signs and/or mailboxes.				\$25	\$50	\$125	\$250
7. Working under an expired construction permit.				\$250	\$500	\$1,250	\$1,250
8. Failure to complete construction in accordance with approved plans.				\$250	\$500	\$1,250	\$1,250
9. Violating a Stop Work Notice issued by the Association.	\$250	\$500	\$687.50	\$875	\$1,250	\$2,500	\$3,750
10. Working outside published work hours. (Per occurrence after first warning)	\$250						

BELL CANYON ASSOCIATION ARCHITECTURAL COMMITTEE FINE SCHEDULE (this schedule does not preclude legal action)

Violation ¹	Violation which is not stopped within 24 hours of notice	Violation which is not corrected within 7 days of notice	Violation which is not corrected within 15 days of notice	Violation which is not corrected within 90 days of notice	Violation which is not corrected within 180 days of notice	Violation which is not corrected within 270 days of notice	Violation which is not corrected within 360 days of notice
11. Using an approved address to obtain gate access for contractors and concrete trucks to a property which is not on the approved list. (Per occurrence after first warning)	\$250						
12. Commencing construction or property improvements without obtaining Architectural Committee approval for items that comply with the Standards and are approvable by the Architectural Committee after-the-fact (fines will cease to accrue if plans are submitted and work stops). See Illustration #2 below (see attached)	\$250	\$375	\$500	\$875	\$1,250	\$2,500	\$3,750
13. Commencing construction or property improvements without obtaining Architectural Committee approval for items that do not comply with the Standards (fines will cease to accrue if work stops, other than removal of improvements and/or restoration of site to previous approved condition begins) ²	\$500	\$687.50	\$875	\$1,250	\$2,500	\$3,750	\$5,000
14. Deviating from a plan approved by the Architectural Committee without first obtaining approval from the Committee -- for items that comply with the Standards and are approvable by the Committee after-the-fact. (fines will cease to accrue if plans are submitted and work stops)				\$250	\$500	\$1,250	\$2,500

BELL CANYON ASSOCIATION ARCHITECTURAL COMMITTEE FINE SCHEDULE (this schedule does not preclude legal action)

Violation ¹	Violation which is not stopped within 24 hours of notice	Violation which is not corrected within 7 days of notice	Violation which is not corrected within 15 days of notice	Violation which is not corrected within 90 days of notice	Violation which is not corrected within 180 days of notice	Violation which is not corrected within 270 days of notice	Violation which is not corrected within 360 days of notice
15. Deviating from a plan approved by the Architectural Committee without first obtaining approval from the Committee - for items that do not comply with the Standards (Fines will cease to accrue if work stops, other than removal of improvements and/or restoration of site to previous approved condition begins)	\$500	\$687.50	\$875	\$1,250	\$2,500	\$3,750	\$5,000

Illustration #1: To illustrate the application of the fine schedule to fencing violations, if the Committee sends notice of an alleged violation of the fencing policies, no fine will be imposed if the alleged violation is corrected within thirty (30) days of the day of the notice is sent in accordance with the Associations Rules Enforcement Procedures (REP). If, after the hearing required by the Association's REP, the Committee determines as true that a fencing violation exists and that the violation was not corrected within 30 days of notice, a fine of \$500.00 will be imposed. If the violation is not cured within 60 days of notice, a second fine of \$1,000.00 will be imposed, for a total fine for the particular violation of \$1,500.00. The maximum total fine for fencing violations can be \$9,000.00.

Illustration #2: If the Committee sends notice of an alleged violation consisting of the commencement of construction without having first obtained the Committee's approval of the construction for items that comply with the standards, no fine will be imposed if work on the allegedly unapproved construction stops within twenty-four (24) hours of the time notice is sent in accordance with the Association's Rules Enforcement Procedures (REP); if the Committee determines as true the existence of the alleged violation and the work does not stop within that time period, a fine of \$500.00 will be imposed; if work does not stop within seven (7) days of the day notice is sent in accordance with Association's REP, an additional fine of \$750.00 will be imposed, for a total of \$1,250.00. Additional fines will be imposed as indicated by the schedule if the unapproved work does not stop and complete plans and specifications in accordance with the Committee's Rules are not submitted for construction within the indicated time periods. The maximum fine for this type of violation can be \$19,000.00.

¹This schedule shows when a monetary penalty (a fine) will be imposed if, after notice and hearing, the Architectural Committee determines as true the existence of an alleged violation of the CC&R's or the Committee's Rules. NOTICE: The fines indicated on this schedule are in addition to any action that may be taken pursuant to the instruction of the Board of Directors to remove the lot in question from the Approved Construction List. It is the property owner's responsibility to notify the BCA office when a violation has been cleared.

²Removal of the improvements and/or restoration of the site to its previous approved condition will be required in addition to any fine imposed.

BELL CANYON ASSOCIATION
30 Hackamore Lane, Suite #8
Bell Canyon CA 91307

RULES ENFORCEMENT PROCEDURES

Effective November 1, 2006

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Summary of Procedure

1. Introduction- The Association incurs significant costs in monitoring compliance with and enforcing the "governing documents." ("Governing documents" means the CC&Rs and any other documents, including but not limited to, the Articles of Incorporation, By-laws, Architectural Handbook, and rules and procedures adopted by the Association, including these Rules Enforcement Procedures.) The Association has determined that an enforcement system based solely upon voluntary compliance has not been effective and that procedures for imposing sanctions against those members responsible for a failure to comply with the governing documents are warranted.

2. Initial Enforcement Level- The Board of Directors shall have authority to impose sanctions under these Rules Enforcement Procedures. The Board has authorized certain committees to impose monetary penalties ("Fines"). For example, the Architectural Committee derives powers from the CC&Rs and, in addition, the Board has authorized the Architectural Committee to perform inspections with respect to matters indicated on the Fine Schedule attached to these Rules Enforcement Procedures. The Board has authorized the Maintenance Committee and the General Manager, to impose Fines. The Board may authorize other committees to perform similar functions as well. Ordinarily, unless the Board determines that circumstances require that the Board take immediate action, enforcement shall be conducted initially by the committee authorized to impose Fines for the alleged violation.

3. Responsibility for Compliance with Governing Documents - All members must comply with the governing documents and sanctions and/or Fines may be imposed upon a member for a failure to do so. In addition, each member is responsible for the acts of his or her family members, residents, and such guests, contractors, workmen and domestic help, as he/she shall authorize to enter and/or perform work on his or her behalf within the community. The Board is authorized to impose Fines and impose other sanctions and certain Committees and/or the General Manager are authorized to impose Fines against members in accordance with the procedures set forth herein for his or her own acts and failures to act and for the acts and failures to act of his or her family members, and such residents, guests, contractors, workmen and domestic help as he/she shall authorize to enter and/or perform work on his or her behalf within the community. The Association reserves the right to exclude any person who is not a member or resident from entering into the common areas owned by the Association (including prohibiting use of the roads) if such person refuses to comply with the governing documents.

4. Complaints- Members may file written complaints with the Board or a Committee or the General Manager for a violation of the Governing Documents consisting of an act, or a failure to act, or a condition for which the Board may impose a sanction and/or Fines, or the Committees or the General Manager may impose Fines. A complaint must be on the form provided by the Association. Forms are available at the gatehouse or at the Association Office. When a complaint about the Member or his or her family members, residents, guests, contractors, workmen or domestic help as he/she shall authorize to enter and/or perform work on his or her behalf within the community, is received the Member will be informed of the complaint. If appropriate, action in addition to action under these Procedures may also be taken by the Association against the Member, his or her family members, residents, guests, workmen, or domestic help, as he/she shall authorize to enter and/or perform work on his or her behalf within the community.

5. Inspections- The Board, a Committee and the General Manager may make periodic or routine inspections of any part of the subject property, including building sites and common areas, on its own volition or pursuant to a complaint, to determine if there are violations of the governing documents for which a sanction or fine may be imposed.

6. Notice of Alleged Violation- Upon receipt of a complaint alleging a violation of the governing documents, or upon a determination by the Board or a Committee that a violation has occurred, for which the Board may impose a sanction or a Committee may impose a fine, the Board or the Committee shall cause notification to be given to the member in accordance with this Section 6 as follows:

- a. Written notice shall be given which shall briefly describe the alleged violation;
- b. The notice shall state the date, time and place of the meeting at which the committee or board will decide whether the alleged violation exists;
- c. The notice shall indicate the possible sanctions that may be imposed if the Board or committee determines that the alleged violation exists;
- d. The notice shall be delivered to the member by either personal delivery or first-class mail at least ten (10) days prior to the meeting at which the Board or the Committee is to decide whether the alleged violation exists and whether sanctions are, or other action is appropriate; and

- e. The notice shall state whether the alleged violation is a "dangerous violation" or is a "blatant violation." A "dangerous violation" is a violation of a provision of a governing document that poses an unreasonable risk of either personal injury or material physical property damage, or both. A "blatant violation" is a violation of a provision of a governing document that is open to observation by one or more members and poses an unreasonable risk the violation will mislead others about enforcement of the provision. Whether an alleged violation is a "dangerous violation" or a "blatant violation" is to be determined in the discretion of the Board or of the Committee(s) or General Manager authorized to impose Fines for the nature of the violation in question.
- f. The notice shall include a statement that the member has a right to attend the meeting and may address the Board or the Committee at the meeting, that he or she has a right to request that the hearing be held in executive session, and that he or she has a right to present evidence in his or her defense and has the right to representation.

7. Continuance of Hearing- A member may in writing request that a hearing schedule set by a notice sent in accordance with Section 6 above shall be set for a different date and time. The written request for a different date and time for the hearing shall be signed and dated by the member, shall not be effective unless received by the Association at least 96 hours before the scheduled time. A request for a continuance shall do one of the following:

- a. State that the member admits that the violation indicated in the Notice exists and that the member agrees to pursue diligently curing the violation; or
- b. State that the member disputes, in whole or in part, that the violation indicated in the Notice exists and gives each and every reason a continuance is needed.

The Board or the Committee shall send notice, no less than 48 hours before the scheduled time, of (i) rejection of the request for a continuance, in which case the hearing shall be held at the date and time originally scheduled or (ii) the rescheduled date and time for the hearing. A request for a continuance shall NOT be accepted or considered to continue a hearing regarding an alleged "dangerous violation" or an alleged "blatant violation" (defined at 6.e above).

8. Hearing Procedures- The determination of whether an alleged violation in fact exists and, if so, whether sanctions should be imposed, shall be fairly and reasonably made by the Board or the Committee at a meeting as follows:

- a. Hearing. The member responsible for the alleged violation shall be given an opportunity to be heard, either orally or in writing, or both, at the hearing;
- b. Evidence. The Board or the Committee shall review the alleged violation and evaluate the evidence;
- c. Executive Session. The hearing shall be held in executive session if requested by the member but any matter discussed in executive session shall be generally noted in the minutes of the following meeting of the Board or of the Committee; and
- d. Factors. The Board or the Committee shall consider all aggravating and mitigating factors including without limitation:

- (1) The seriousness of the alleged violation;

- (2) The efforts of the member in curing the alleged violation;
- (3) The prior history of the member in connection with compliance with the governing documents; and
- (4) If requested by the member, the financial condition of the member.

If a decision regarding sanctions and/or Fines discipline is not reached at the hearing, the Board or the Committee shall set the date, time and place at which the hearing will be continued.

- e. Notice of Decision. If the Board imposes sanctions and/or Fines or the Committee imposes Fines, written Notice of Decision of the sanction and/or Fines shall be given by either personal delivery or first class mail to the member within fifteen (15) days following the decision to impose discipline. The notice shall specify the rule violated and the penalty or penalties imposed. For violations of the CC&Rs, a Notice of Violation shall be prepared and filed with the Association's records.
- f. Dispute Resolution. If after receiving the Notice of Decision, the member is dissatisfied with the decision of a Committee, the member may file an appeal with the Board. If after receiving the Notice of Decision, the member is dissatisfied with a decision of the Board, whether a decision on an appeal of a Committee decision or a decision initially made by the Board, he or she shall have the right to initiate (1) the Association's dispute resolution procedure required by Civil Code Sections 1363.810 through 1363.850, and (2) alternative dispute resolution pursuant to the provisions set forth in California Civil Code, Sections 1369.510 through 1369.590. An appeal of a Committee decision to the Board must comply with the following provisions:
 - (1) The member must deliver to the Association his or her written request for a hearing before the Board not later than ten (10) business days after the date of the Notice of Decision;
 - (2) The member's written request shall state the date of the Committee's decision and shall state all reasons the member believes the Committee's decision should be changed; and
 - (3) The member's written request shall indicate whether the member desires that the Board conduct the meeting concerning his or her appeal in executive session. The Association shall send to the appealing member notice of the date, time and place of the meeting at which the Board will decide the member's appeal. That meeting shall be held within 30 days of receipt of the member's request. All fines imposed by the decision of the Committee shall be suspended until such time as the Board's decision is rendered. The procedures stated above for the Committee's hearing shall apply to the hearing before the Board. The Association shall send notice of the Board's decision of the appeal in accordance with Civil Code Section 1363(h).

9. Sanctions- If the Board determines that a sanction and/or Fines should be imposed upon a member, the Board shall have the right to take any or all of the following actions:

- a. File a Notice of Violation against the property in the Association files.
- b. Impose an administrative charge against the member not to exceed \$500.00.
- c. Impose a fine in accordance with the then current schedule of Fines. Initial schedules are attached to and made a part of these Rules Enforcement Procedures.
- d. Any of the preceding actions shall result also in immediate suspension of the member's "Member in Good Standing" status and membership privileges shall be suspended for the member, the members of his/her household, his resident(s); contractors, workmen, and domestic help until the cause of the suspension has been cured and the sanctions imposed by this procedure have been satisfied. The suspension shall include, without limitation, the following:
 - i. **Priority Access Through Resident Lane.** Members, family members and residents shall be denied the right to use the resident lane at the entrance gate.
 - ii. **Use of Community Facilities.** Members and residents shall be prohibited from using community facilities and participating in community activities.
 - iii: **Voting on Association Matters.** Members shall be prohibited from voting on Association matters up to the maximum extent permitted by the CC&Rs and the Bylaws.

10. Assessments- The procedures in this document do not apply to the collection of assessments and related charges. The Association encourages the prompt payment of assessments and collects delinquent assessments and related charges in accordance with the CC&Rs, including but not limited to Section (5)(E) of Clause V, and the Civil Code. Please see the Association's statement of policies and practices under Civil Code Section 1365(d).

11. Publish Names- The Board shall have the right to publish names of all persons who violate the governing documents and who have had their privileges suspended.

12. Sanctions Cumulative of Other Enforcement- The sanctions imposed pursuant to this Rules Enforcement Procedures are intended to be cumulative of all other enforcement remedies available under the governing documents. The Association and members may take such actions as deemed necessary including but not limited to (i) any self help remedy provided for in the CC&Rs, and (ii) court actions for damages or injunctive relief, or both to enforce the governing documents and to collect any Fines.

SUMMARY OF PROCEDURE

Step 1: A notification of the alleged violation is sent to the member by the Board, committee and/or General Manager noting the provision of the governing documents alleged to have been violated (Section 6).

Step 2: A Hearing is held by the Board or a Committee authorized to impose fines. (Section 8)

Step 3: A Notice of Decision is sent to the member. (Paragraph 8.e)

Step 4: The member may appeal a Committee decision to the Board and may request alternative dispute resolution. (Paragraph 8.f.).

Step 5: The Association reserves the right to cure the violation by self-help, as authorized by the CC&Rs, and to seek judicial enforcement.

Revised 10/22/06

Revised 8/17/06

Adopted 4/12/01

Bell Canyon Association

Board of Directors