



Hiddenbrooke Property Owners Association, Inc.
SUMMARY OF CC&R COMPLAINT PROCEDURES, NOTICES AND FINES

HOW TO FILE A COMPLAINT: If you have a complaint you would like the Board to review you must fill out a complaint form on the Hiddenbrooke website or the complaint will not be accepted (under Property Owners/CC&R Information). Complaints about a home in the Village, Villas, Reflections or Summit should FIRST be submitted to their respective HOA.

HOW COMPLAINTS ARE HANDLED:

- **Complaint Verification–Courtesy Notice:** The violation will be verified and approved for a violation notice by the CC&R Manager. The owner/agent may be called for more information. A courtesy letter will be sent to the owner within two weeks unless the violation is referred to the Hiddenbrooke Architectural Review Committee (HARC). If front yard landscaping is not being watered, the Courtesy Notice may be skipped, and a Final Notice sent.
- **Complaint Verification–Final Notice:** Two weeks or later after the first letter, the CC&R Manager will re-inspect to see if the violation has been repaired or removed. If the CC&R Manager has not been notified of when and how the violation will be fixed, a second letter shall be sent which will explain the fines and sanctions which could be imposed by the Board. If the same violation re-occurs within nine months of the Courtesy Letter, the procedures will be continued where they last stopped, including continuation of fines. The Final Notice will give the scheduled hearing date before the Board where an owner can present information as to why a fine should not be levied and it will also provide information on how to obtain a Hearing Form.
- **Fines** must be approved by the Board and start at \$50 for the first 2 month, and \$100 thereafter. Fines will be recorded on the last day of the month and statements will be sent to owners with the decision of the hearing and the amount owed. A statement processing fee of \$5.00 will be added for each statement sent.
- **15 Day Notice to Correct CC&R Violation:** When a home is vacant,(e.g., pre-foreclosure or has been foreclosed on) and the landscaping in the front yard is not being maintained and has become an eyesore, HPOA can issue a 15 Day Notice to Correct which is posted to the front door of the property and mailed to the non-resident owner/agent. If the violation is not corrected within 15 days of posting, HPOA can hire a landscape company to clean up the yard at the owner’s expense. The Board will hold a hearing at the next regularly scheduled Board meeting to approve a reimbursable assessment on the property. If the hearing upholds the reimbursable assessment, the cost of the work will be billed to the owner, including a \$25 service charge. Charges and/or fines will be billed on a monthly basis for continued failure to maintain the property.

UNAUTHORIZED BUILDING/LANDSCAPING/PAVING/ETC: When a complaint involving unauthorized building/landscaping/paving, etc. is reported, HARC will verify that there was no application for the work, and HPOA or an HPOA assignee will immediately issue a notice of violation and a request that the violating owner cease and desist all work. The appropriate Vallejo City inspectors will be copied on the notice. Owners will be asked to submit plans to HARC for approval and will be reminded to obtain the required permits from the City of Vallejo. Failure to submit plans to HARC (or follow HARC's recommendations) will constitute a violation of the CC&Rs and enforcement actions.

The HPOA Policy is to insure, that all complaints are evaluated and our Board, management company and various committees work in collaboration with all the owners to keep Hiddenbrooke beautiful. HPOA Board meetings are open to all owners, subject to available seating. See the Hiddenbrookeonline.org website for dates, times and location of Board meetings.

BILLING, ASSESSMENT AND COLLECTION POLICY

References are to the First Amended and Restated Hiddenbrooke CC&Rs Recorded 7/20/06.

1. **Mailing Address: It is the responsibility of each owner to provide the Association with their current mailing address.** All owners have the right to submit a SECONDARY address so legal notices can be sent to the primary and secondary addresses. When mail going outside of Hiddenbrooke is returned by the Post Office and no other mailing address can be located, the mailing address of record will be changed to the Hiddenbrooke address.
2. **Board Responsibility:** It is the power and duty of the Board of Directors to levy all annual, special and reimbursable assessments. In hardship cases, the Board of Directors, in its sole discretion, may allow lot owners to make quarterly payments. (Article 10.1 and 10.1.1)
3. **Obligation to Pay Assessments and Additional Charges** and the right and power of the Association to initiate all actions and procedures for collection shall run with the land. Each successive Owner(s) of record of any Lot shall be liable to pay all Assessments and Additional Charges assessed while they are the Owner of such Lot. (Article 10.2)
4. **Delinquent Assessments** are as follows: Any installment or other portion of an Assessment not paid within thirty (30) days after its due date shall be delinquent and shall be subject to interest not to exceed 1% per month and other Additional Charges as stated in Item 6 below. (Article 10.5) Billings and reminder notices will be sent as follows:
 - **First Mailing of Annual Assessment:** Annually between June 1 –20th
 - **2nd, 3rd, 4th Delinquent Mailings:** Past due statements are mailed in October, January, and April of each year with a processing fee of \$5.00 except statements with fines and/or landscape charges (Reimbursable Assessments) will be mailed monthly.
5. **Home Listed for Sale:** Any time a home is listed for sale, the owner, agent or title officer must contact OMNI Community Management to obtain a Certification that the account is current and to confirm that there are no outstanding violations which must be disclosed to any buyer. OMNI Community Management will provide a current statement of account, and if there are outstanding charges, they must be brought current.
6. **Additional Charges** shall mean all costs, fees, charges, and expenditures, including without limitation, interest, late charges, attorneys' fees, recording and filing fees, and all other costs actually incurred by the Association in collecting and/or enforcing payment of Assessments, fines, and/or penalties. (Article 2.1) The Board has set the Processing Fee for past due statements at \$5.00 which is the amount that the management company charges to prepare past due statements.
7. **Returned Check:** Any check returned by the bank for insufficient funds, stop payment or any other reasons will be charged back to the owner plus any bank fees, management processing fees, collections costs and agents' fees.
8. **Lien Recorded in Error:** If a lien is recorded against an owner's property in error, the party who recorded the lien is required to record a lien release within 21 days of verification of the error, and to provide an owner certain documents in this regard.
9. **Pre-Lien Notice:** For unpaid assessments 120 days after the billing date, at the direction of the HPOA Board, Notice of the Intent to File a Lien may be issued by certified mail to the delinquent owner(s) of record. Notice will be sent to their last mailing address of record. Such notice will include an itemized statement of the total amount delinquent (assessments, late charges, interest, statement fees, other costs and costs of collection, if any), notice that the owner is entitled to meet with the Board or Board representatives pursuant to the "meet and confer" program (see Item 14 below) and a copy of this notice. Prior to recording a Notice of Delinquent Assessment, the Association shall provide notice to the Owner which items have been summarized above. (Article 10.5)
10. **Decision to Record a Lien (Notice of Delinquent Assessment), File in Small Claims Court, or Referral to an Attorney** shall be made by the Board of Directors, approved by a majority vote in an open meeting. The Board shall record the vote in the minutes of that meeting referring to the property by parcel number, and not the name of the owner. The management company will send one final notice by certified and regular mail to the last known mailing address giving the owners 15 days to pay the balance owed before referral for collection action. HPOA will never foreclose on any property, but interest, fees, processing fees and all collection costs, etc. will be added to the owner's account. These fees can quickly increase after referral to a collection agency.

11. **Recording Lien:** After the 60th day after the Pre-Lien Notice is sent, the Association may record a lien on the property to secure the debt. **“No procedures shall be initiated to foreclose the lien securing any Assessment levied under this Article 10.”** (Article 10.5)
12. **Release of Lien:** Upon payment in full of a delinquent Assessment, including any Additional Charges, the Board shall cause to be recorded a certificate stating the satisfaction thereof and the release of the lien. (Article 10.7)
13. **Overnight Payment of Assessment.** Owners can mail an assessment by overnight delivery to: OMNI Community Management, 9807 Fair Oaks Blvd., Fair Oaks CA 95628.
14. **Meet and Confer Program:** An owner may request to meet with the Board at any Board meeting in Closed Session limited to Board Members, financial services company and invited guests to discuss any request for payment plan, delinquent account, violation notice or Board procedure. The request should be made to the CC&R Manager, 916-965-8964, at least seven days prior to the next scheduled Board Meeting.
15. **Financial Record Inspection:** An owner has the right to copies of the Association’s financial books and records upon written request OMNI Community Management. Records will be produced within 10 days of receipt of request and actual copy and mailing charges will apply. (Bylaws Article 11.1)
16. **Violations of CC&Rs—Fines:** The Board of Directors shall have the power to impose monetary sanctions against an owner due to an infraction by the owner, owner’s family, or tenants according to the adopted and published schedule of monetary fines (page 4). Each owner shall be provided written notice of the scheduled hearing and may appear at the HPOA Board Meeting to dispute this monetary sanction. The sanction will be recorded on the last day of the month. Any fine not paid within fifteen (15) days of being levied shall accrue a statement processing fee of \$5.00. Unpaid fines which total \$500 or more may be sent to Small Claims Court. Owner is further liable for all costs of collection of the fine including Court costs and attorneys’ fees. (Article 12.1.5)
17. **Violations of CC&Rs—Vacant Homes and Homes in Foreclosure or Pre-Foreclosure—**For homes that have existing violations, the Board has the right to post a notice on the house to correct the violation, and if not corrected in 15 days, to enter the Lot where such violation or breach exists, correct the violation and after a hearing to bill the owner for the cost of correction/removal including a \$25 service charge (Reimbursement Assessments). (CC&Rs 10.1.3 and 12.1.2) Reimbursable Assessments attach to the land and will need to be paid prior to any sale or refinance.
18. **Violations of CC&Rs—New Owners:** New owners will have 30 days from close of escrow to start corrective action on CC&R Violations that existed at close of escrow or be subject to fines, except a landscape watering program must be started immediately.
19. **Architectural Changes-Annual Notice.** —At least once a year, the Board will issue a reminder to all owners via Newsletter or regular mail reminding owners that any architectural or landscape changes to an owner’s home and/or front or backyard need to be approved by the Hiddenbrooke Architectural Review Committee (HARC). Procedures and an application form are available on the Hiddenbrooke website.
20. **City Street Trees:** Homeowners are not to remove City Street trees without prior approval of HARC. HARC may request that the owners consult an arborist before removing the tree to determine its condition and can require owners to replace the City Tree with an approved tree from the City of Vallejo’s Master tree list. Owners are also encouraged to have trees trimmed by a qualified arborist or tree care company and are never to “top” a City tree ruining its shape and structure.
21. **Policy Changes** may be made by the Board of Directors at any time except where prohibited by law.

SCHEDULE OF FEES AND MONETARY FINES – UPDATED 10/29/15

Administrative Fees

- Interest
- Returned check

Fees/Fines

1% per month
\$35.00

Documents available free at: <http://www.HiddenbrookeOnline.org>. Click on tab for Property Owners/ Documents: Articles of Incorporation, Bylaws, CC&Rs, Minutes, List of Directors and Forms

OMNI Community Management (Fees set by them)

- Statement processing fee for each past due statement/fines \$5.00
- Certified Mail 10.00
- Returned check fee 35.00
- Transfer Fee – Escrow Compliance 150.00
- Expedite Fee 25.00
- Referral for Collection 40.00

Hiddenbrooke Architectural Review Committee—Effective January 1, 2007

Email: harc@hiddenbrookehpoa.org

- **Landscape Application** \$50.00

HARC may, at their discretion, waive the fee and return the check when the application is for a single item (i.e., mail box or tree), the application is complete, and approval can be made without a site visit.

Custom Home Application – 4 step process

- **Step 1:** Pre-Design Conference (Optional)
Prior to step 2 – At the request of the City of Vallejo Planning Department, the owner must notify surrounding owners within 500 feet and provide proof to HARC
- **Step 2:** Preliminary Architectural Submittal for Home Builder—Fee Due \$150.00
- **Step 3:** Final Architectural and Landscape Submittal and Approval by HARC
- **Step 4:** City of Vallejo Approval and Permits

Custom home approvals and landscape plans are mailed to: 850 Hiddenbrooke Parkway, Vallejo CA 94591

If more than three meetings with HARC are needed, you will be notified of any additional fee which may include fees for an architect or other costs.

HARC Fees subject to change based upon actual costs for outside consultants, if needed.

Violation of CC&Rs–Fines

• Violations – 1st and 2nd Month Offense <i>(After a Courtesy and Final Notice and Board Hearing)</i>	\$50/month
• Violations – 3rd Month Offense and continuing violations	\$100.00/month
• Correction of CC&R Violation (Reimbursable Assessment)	Actual cost + \$25 service charge per occurrence + fines
Chronic Offenses or Offenders <i>(After the normal notice process, the Board may, at its sole discretion, designate an offense or offender as chronic and impose this fine level)</i>	\$350.00/week, \$10,000 cap

This page contains important information about the Hiddenbrooke Property Owners Association, Inc. (HPOA) which enforces the Hiddenbrooke Master CC&Rs. Save this document with your CC&Rs and HARC approval letters for landscaping and modifications. You will need it when you sell your home.

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