

Pacific Union Property Management

Hiddenbrooke Property Owners Association, Inc.

Annual Policy Statement 2016/2017

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APPLICATION FOR HEARING

SUAMMRY OF HARC POLICIES & DISCLOSURES

Pacific Union Property Management
3392 Mendocino Ave.
Santa Rosa, CA 95403
707-544-2005 phone / 707-546-4321 fax

HIDDENBROOKE PROPERTY OWNERS ASSOCIATION, INC.

POLICY STATEMENT 2016 /2017

PRIMARY CONTACT FOR THE ASSOCIATION

In accordance with California Civil Code §4035 and §5305, any official communication intended for the Association must be in writing and delivered via first class mail to the person designated to receive documents on behalf of the Association. The communication may be delivered in person or by e-mail, facsimile, or other electronic means, **only if** the Association has already assented to this method of receiving communication. The person designated to receive communication for your Association is:

General:

Jennifer Pollard, President
850 Hiddenbrooke Parkway
Vallejo, CA
94591

Accounting:

Jody Burton
Pacific Union Property Management
3392 Mendocino Avenue
Santa Rosa, CA 95403
707-544-2005
707-546-4321 fax
jburton@pacunionpm.com

SECONDARY ADDRESS FOR DELIVERY OF DOCUMENTS

In accordance with California Civil Code §4040 (b), upon receipt of a request by a Member to have notices sent to up to two different specific addresses, the Association shall deliver an additional copy of those notices to the secondary address identified in the request.

OVERNIGHT PAYMENT OF ASSESSMENTS

Pursuant to California Civil Code Section §5655, the mailing address for overnight payment of assessments (and regular payment of assessments) is:

Union Bank

**3320 Holcomb Bridge Road
Norcross, GA 30092**

GENERAL NOTICES FROM THE ASSOCIATION

If a Member requests in writing (pursuant to §4035) to receive general notices by individual delivery, all general notices to that Member shall be delivered pursuant to §4040 of the California Civil Code.

POSTING OF NOTICES

General notices are not posted on site.

MINUTES

In accordance with California Civil Code §4950, please be advised that the 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 an Association, other than an Executive Session, shall be available to Members within 30 days of the meeting. The Minutes, proposed Minutes, or summary Minutes shall be distributed to any Member of the Association upon written request pursuant to Section §4035 and upon reimbursement of the Association or managing agent's costs in making that distribution.

MEMBERSHIP INFORMATION

In accordance with California Civil Code §5260(d), a Member of the Association may opt out of the sharing of his or her name, property address, and mailing address by notifying the Association in writing that he or she prefers to be contacted via the alternative process described in subdivision of Section §8330 of the Corporations Code. This opt-out shall remain in effect until changed by the Member.

RESERVE STUDY

The Association is not required to produce an annual Reserve Study as it does not own any property; therefore, is not responsible for any maintenance.

ALTERNATIVE DISPUTE RESOLUTION

In accordance with California Civil Code §5975, you will find attached a summary of the code language which addresses Association Member rights to sue the Association or another Member of the Association regarding the enforcement of the governing documents.

INSURANCE

In accordance with California Civil Code §5300(b) (9), a summary of the Association's property and general liability coverage's and deductibles is included with this mailing in the Budget Disclosure Packet.

MEETINGS

All meetings of the Board are open to all Owners except for Executive Session meetings of the Board (which may be called to address third party contracts, litigation or legal action, personnel issues, or Member discipline).

ARCHITECTURAL PROCEDURE SUMMARY

No architectural changes may be made without prior written authorization (or waiver) from the CC&R Manager. An Architectural Application will be provided to homeowners upon request to the Manager. Please refer to the Architectural Procedures as outlined in the Association's governing documents.

HIDDENBROOKE PROPERTY OWNERS ASSOCIATION, INC. 2016 /2017 DELINQUENT ASSESSMENT COLLECTION POLICY

1. It is the fiduciary responsibility of the Board of Directors to collect all assessments for the costs of management and operation of Hiddenbrooke, of conducting the business and affairs of the Association, to promote the recreation, health, safety, welfare, benefit and interests of the Owners and Residents in Hiddenbrooke, and to the extent provided for in the Governing Documents or by law, of the Lots situated within Hiddenbrooke or which, in the opinion of the Board, shall be deemed to be necessary or proper for the management of Hiddenbrooke or of the affairs of the Association, or the benefit of the Lot Owners, or for the enforcement of the Governing documents. The Association is entitled to recover assessments, reasonable collection costs, reasonable attorney's fees, late fees and interest. The Association shall comply with requirements of §5740 or §5700 of the Civil Code when collecting delinquent assessments. If an error is made that requires termination of any collection proceeding or beginning a collection process over, the Association shall bear the cost; otherwise, the owner is responsible for all costs as identified above. (Note: Civil Code Section 5740 applies to the collection of liens recorded before January 1, 2003, and §5700 applies to the collection of liens recorded on or after that date.)

2. Annual assessments are due on July 1st and are delinquent if not received within 90 days, at which time a late charge of \$5.00 will be applied to your account. All delinquent balances after 90 days will be subject to interest and late charges not to exceed the maximum rate permitted by law, not to exceed 1% per month, as well as all other Additional Charges. The Board, on behalf of the Association, may enforce the payment of any delinquent Assessment plus Additional Charges by bringing an action at law against any Owner. Prior to recording a Notice of Delinquent Assessment, the Association shall provide notice to the Owner in accordance with Civil Code Section 5650 or successor statute. **No procedures shall be initiated to foreclose the lien securing any Assessment levied under Article 10 of the CC&Rs.** Upon the recording of the Notice of Delinquent Assessment referred to above, the Association may, at its option, declare the entire balance of all sums then due or to become due from the Owner, immediately due and payable, which total sum may then be included in any suit, action, or other procedure initiated to collect said sums, including all Additional Charges. Notwithstanding any other provision of this Declaration, the Association must comply with the requirements of Civil Code 5650 or successor statute when collecting delinquent assessments. All such amounts must be paid in full and the Association shall not be required to accept partial payments absent a written agreement.

3. At least 30 days prior to recording a lien upon the separate interest of the Owner of record to collect a debt that is past due under Section 5650, a Pre-Lien Notice may be prepared and sent, by certified mail, to the delinquent record Owner(s) at the Owner's last mailing address provided to the Association. If the delinquent record Owner(s) have provided a written notice of a secondary address, all notices shall be sent to that address also. Such notice will include an itemized statement of the total amounts delinquent, including but not limited to, assessments, late charges, interest and costs of collection, if any, and a notice that the Owner is entitled to ask to meet with the Board or Board representative(s) pursuant to the Association's internal dispute resolution "meet and confer" program.

5. The decision to record a lien 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 name of the owner. Likewise, the decision to file in small claims shall be made by the Board and not the Association's agent.

6. On or about the 30th day after the Pre-Lien Notice is sent, the Association may record a lien on the property to secure the debt.

Hiddenbrooke Property Owners Association, Inc.
Delinquent Assessment Collection Policy
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7. All charges assessed to the assessment account must be paid in full as a condition to curing and releasing a recorded lien. The Association is not required to accept any partial installment payments, except with execution of a mutually agreeable payment agreement. Arrangements for such an agreement must be made with the Association's agent assigned to the collection of the account or the Board or Board representative, at a meeting arranged under the "meet and confer" process of the Association.

8. When a payment is made, the Owner may request a receipt and the Association will provide it. On the receipt, the Association shall indicate the date of payment and person who received it.

9. Each payment from an Owner shall be applied first to the principal sum owed, then, in descending order, to interest, late and collection expenses, unless an alternate agreement is entered into between the Association and the Owner.

10. An Owner may request the Association to consider a payment plan to satisfy a delinquent assessment. The Board will inform the Owners of the standards for payment plans; to the extent standards have been adopted by the Board. Certain timelines apply as follows: If an Owner's request is mailed within 15 days of the date of the postmark of the notice of delinquency (lien), the Board will meet with the Owner in Executive Session within 45 days of the postmark of that request. However, if there is no regularly scheduled Board meeting during that period, the Board may designate one or more Directors to meet with the Owner. Payment plans may incorporate any assessments that accrue during the payment plan period, however they shall not impede an Association's ability to record a lien to secure payment of delinquent assessments. Additional late fees shall not accrue during the payment plan period if the owner is in compliance with the terms of the payment plan. In the event of a default on any payment plan, the Association may resume its efforts to collect the delinquent assessments from the time prior to entering into the payment plan.

11. Any check returned by the bank for insufficient funds, stop payment or any other reasons will be charged back to the unit and a \$25.00 administrative fee plus any bank fees will be assessed to the account. If the account has been turned over to the Association's agent for collection and a check is returned, the account will be assessed whatever administrative fees as the Agent provides.

12. The mailing address for overnight payment of assessments is the same as that for routine assessment payments unless otherwise noted.

13. An Owner of a separate interest has the right to inspect the Association's financial books and records to verify the delinquency, per laws related to inspection of HOA records.

14. Except where prohibited by law, the Board of Directors of the Association may revise this policy, either generally or on a case-by-case basis, if it finds good cause to do so. To the extent there are any general discretionary changes (rather than compliance related to the law or governing documents); the Board shall circulate the policy to Owners at least 30 days before the meeting at which the revisions will be considered.

Pursuant to California civil Code Section 5730, the following is a required statement regarding the collection procedure of the Association:

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NOTICE ASSESSMENTS

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.

HIDDENBROOKE PROPERTY OWNERS ASSOCIATION, INC.

INTERNAL DISPUTE RESOLUTION PROCEDURE

All Sections referred to are the California Civil Code.

§5900. APPLICATION OF ARTICLE

(a) This article applies to dispute between an association and a member involving their rights, duties, or liabilities under this act, under the Nonprofit Mutual Benefit corporation Law (Part 3) (commencing with Section 7110) of division 2 of title 1 of the Corporations Code), or under the governing documents of the common interest development or association.

(b) This article supplements, and does not replace, Article 3 (commencing with Section §5925), relating to alternative dispute resolution as a prerequisite to an enforcement action. §1363.820.

§5905. FAIR, REASONABLE, AND EXPEDITIOUS PROCEDURES

(a) An association shall provide a fair, reasonable and expeditious procedure for resolving a dispute within the scope of this article.

(b) In developing a procedure pursuant to this article, an association shall make maximum, reasonable use of available local dispute resolution programs involving a neutral third party, including low-cost mediation programs such as those listed on the Internet Web sites of the Department of consumer Affairs and the United states Department of Housing and Urban Development.

(c) If an association does not provide a fair, reasonable, and expeditious procedure for resolving dispute within the scope of this article, the procedure provided in Section §5915 applies and satisfies the requirement of subdivision (a).

§5910. MINIMUM REQUIREMENTS OF ASSOCIATION PROCEDURE

A fair, reasonable, and expeditious dispute resolution procedure shall at a minimum satisfy all of the following requirements:

(a) The procedure may be invoked by either party to the dispute. A request invoking the procedure shall be in writing.

(b) The procedure shall provide for prompt deadlines. The procedure shall state the maximum time for the association to act on a request invoking the procedure.

(c) If the procedure is invoked by a member, the association shall participate in the procedure.

(d) If the procedure is invoked by the association, the member may elect not to participate in the procedure. 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.

(e) A resolution of a dispute pursuant to the procedure, which is not a conflict with the law or the governing documents, binds the association and is judicially enforceable. An agreement reached pursuant to the procedure, which is not a conflict with the law or the governing documents, binds the parties and is judicially enforceable.

(f) The procedure shall provide a means by which the member and the association may explain their positions.

(g) A member of the association shall not be charged a fee to participate in the process.

§5915. DEFAULT MEET AND CONFER PROCEDURE

(a) This section applies to an association that does not otherwise provide a fair, reasonable, and expeditious dispute resolution procedure. The procedure provided in this section is fair, reasonable, and expeditious, within the meaning of this article.

(b) Either party to a dispute within the scope of this article may invoke the following procedure:

- (1) The party may request the other party to meet and confer in an effort to resolve the dispute. The request shall be in writing.
- (2) A member of an association may refuse a request to meet and confer. The association may not refuse a request to meet and confer.
- (3) The board shall designate a director to meet and confer.
- (4) The parties shall meet promptly 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.
- (5) A resolution of the dispute agreed to by the parties shall be memorialized in writing and signed by the parties, including the board designee on behalf of the association.

(c) An agreement reached under this section binds the parties and is judicially enforceable if both of the following conditions are satisfied:

- (1) The agreement is not in conflict with law or the governing documents of the common interest development or association.
- (2) The agreement is either consistent with the authority granted by the board to its designee or the agreement is ratified by the board.

(d) A member may not be charged a fee to participate in the process.

§5920. NOTICE IN POLICY STATEMENT

The annual policy statement prepared pursuant to Section §5310 shall include a description of the internal dispute resolution process provided pursuant to this article.

HIDDENBROOKE PROPERTY OWNERS ASSOCIATION, INC.

ALTERNATIVE DISPUTE RESOLUTION PREREQUISITE TO CIVIL ACTION

All Sections referred to are the California Civil Code.

§5925. DEFINITIONS

As used in this article:

(a) "Alternative dispute resolution" means mediation, arbitration, conciliation or other nonjudicial procedure that involves a neutral party in the decision making process. The form of alternative dispute resolution chosen pursuant to this article may be binding or nonbinding, with the voluntary consent of the parties.

(b) "Enforcement action" means a civil action or proceeding, other than a cross-complaint, for any of the following purposes:

(1) Enforcement of this act.

(2) Enforcement of the Nonprofit Mutual Benefit corporation Law (Part 3 (commencing with Section §7110) of division 2 of title 1 of the Corporations Code).

(3) Enforcement of the governing documents.

§5930. ADR PREREQUISITE TO ENFORCEMENT ACTION

(a) An association or a member may not file an enforcement action in the superior court unless the parties have endeavored to submit their dispute to alternative dispute resolution pursuant to this article.

(b) This section applies only to an enforcement action that is solely for declaratory, injunctive, or writ relief, or for that relief in conjunction with a claim for monetary damages not in excess of the jurisdictional limits stated in Sections 116.220 and 116.221 of the Code of civil Procedure.

(c) This section does not apply to a small claims action.

(d) Except as otherwise provided by law, this section does not apply to an assessment dispute.

§5935. REQUEST FOR RESOLUTION

(a) Any party to a dispute may initiate the process required by Section 5930 by serving on all other parties to the dispute a Request for Resolution. The Request for Resolution shall include all of the following:

(1) A brief description of the dispute between the parties.

(2) A request for alternative dispute resolution.

(3) A notice that the party receiving the Request for Resolution is required to respond within 30 days of receipt or the request will be deemed rejected.

(4) If the party on whom the request is served is the member, a copy of this article.

(b) Service of the Request for Resolution shall be by personal delivery, first-class mail, express mail, facsimile transmission, or other means reasonable calculated to provide the party on whom the request is served actual notice of the request.

(c) A party on whom a Request for Resolution is served has 30 days following service to accept or reject the request. If a party does not accept the request within that period, the request is deemed rejected by the party.

§5940. ADR PROCESS

(a) If the party on who a Request for Resolution is served accepts the request, the parties shall complete the alternative dispute resolution within 90 days after the party initiating the request receives the acceptance, unless this period is extended by written stipulation signed by both parties.

(b) Chapter 2 (commencing with Section 1115) of Division 9 of the Evidence Code applies to any form of alternative dispute resolution initiated by a Request for Resolution under this article, other than arbitration.

(c) The costs of the alternative dispute resolution shall be borne by the parties.

§5945. TOLLING OF STATUTE OF LIMITATION

If a request for Resolution is served before the end of the applicable time limitation for commencing an enforcement action, the time limitation is tolled during the following periods:

(a) The period provided in Section 5935 for response to a Request for Resolution.

(b) If the Request for Resolution is accepted, the period provided by Section 5940 for completion of alternative dispute resolution, including any extension of time stipulated to by the parties pursuant to Section 5940.

§5950. CERTIFICATION OF EFFORTS TO RESOLVE DISPUTE

(a) At the time of commencement of an enforcement action, the party commencing the action shall file with the initial pleading a certificate stating that one or more of the following conditions are satisfied:

- (1) Alternative dispute resolution has been completed in compliance with this article.
- (2) One of the other parties to the dispute did not accept the terms offered for alternative dispute resolution.
- (3) Preliminary or temporary injunctive relief is necessary.

(b) Failure to file a certificate pursuant to subdivision (a) is grounds for a demurrer or a motion to strike unless the court finds that dismissal of the action for failure to comply with this article would result in substantial prejudice to one of the parties.

§5955. STAY OF LITIGATION FOR DISPUTE RESOLUTION

(a) After an enforcement action is commenced, on written stipulation of the parties, the matter may be referred to alternative dispute resolution. The referred action is stayed. During the stay, the action is not subject to the rules implementing subdivision (c) of Section 68603 of the Government Code.

(b) The costs of the alternative dispute resolution shall be borne by the parties.

§5960. ATTORNEY'S FEES

In an enforcement action in which attorney's fees and costs may be awarded, the court, in determining the amount of the award, may consider whether a party's refusal to participate in alternative dispute resolution before commencement of the action was reasonable.

§5965. NOTICE IN ANNUAL POLICY STATEMENT

(a) An association shall annually provide its members a summary of the provisions of this article that specifically references this article. The summary shall include the following language: "Failure of a member of the association to comply with the alternative dispute resolution requirements of Section 5930 of the Civil Code may result in the loss of the member's right to sue the association or another member of the association regarding enforcement of the governing documents or the applicable law."

(b) The summary shall be included in the annual policy statement prepared pursuant to Section 5310.



Standing Rules

Standing Rules can be changed by the Board of Directors at any regular Board Meeting. The main purpose of the Standing rules is to call attention to selected information so future Boards are cognizant of processes and protocols already set in place.

1. **Minutes** – Within 30 days of approval, the Board minutes will be posted on the web at www.hiddenbrookeonline.org. Once a year, either in our newsletter or the Annual Letter to owners, we will remind everyone that minutes can be requested by asking the Secretary. (Amended September 25, 2008 and April 23, 2009)
2. **Board Meeting Dates** shall be posted under Important Dates in our Newsletter for at least the following two months. (Adopted December 21, 2005)
3. **Parliamentary Procedure** will be *Roberts Rules of Order, Newly Revised*, per Bylaws Article 4.4. (Adopted December 21, 2005)
4. **Committee Year** — Shall be September 1 through August 31. (Adopted December 21, 2005)
5. **Time Limit** for members to speak at a Board Meeting shall be set by the Board of Directors per Bylaws Article 4.4. The Board has set the time limit at three minutes. The following will appear on the agenda for all regular Board Meetings:

Anyone wishing to address the Board on any matter for which another opportunity to speak is not provided on the agenda, and which is within the jurisdiction of HPOA may speak now. Each speaker should state his /her name, and address for the record. Each speaker is limited to three minutes. Secretary will track the time.

(Adopted December 21, 2005)

6. **Fiscal Year of corporation shall be July 1 to June 30th. (Adopted August 24, 2006)**
7. Standing Rule re. Payment of Bills: All invoices for payment must be submitted to HPOA's Management Services Company the 15th of the month to be paid at the following Board Meeting. (Adopted August 24, 2006, revised 6/1/07 for VMS, revised 6/1/16 correcting reference to HPOA's Management Services Company)
8. CC&R Complaints from Neighborhoods with an HOA - If HPOA receives a complaint from a neighborhood with an HOA, it will be forwarded to their HOA Management Company with a copy to the resident. (Approved February 22, 2007)
9. Financial Reserves: Agreed to build a \$100,000 reserve before the annual assessment is reduced. (Approved August 23, 2007 and Confirmed July 23, 2009)
10. Purchase CD's: Future CD's will be approved/managed by the HPOA Treasurer and HPOA's Management Services Company. All CD's will be FDIC insured and will be for a period of 24 months or less unless a longer period is approved by the Board. The Board further approves using any bank that is FDIC insured to obtain the best available rate of return to the Association. The Treasurer will be responsible for maintaining sufficient checking account balances to pay our bills on a timely basis. (Approved by email vote March 2010, revised 6/1/16 correcting reference to HPOA's Management Services Company)

11. 15 Day Notices to Correct: must be posted by the 1st Day of the Month, inspected on or after the 16th and then gardener can come sometime the next week with the bill being approved based on the hours we contract for. (Approved July 24, 2008).
12. Insurance: Officers, Directors must carry a minimum \$300,000 of auto liability either with their Auto Insurance or via an Umbrella per policy with Granite Bay. (Approved July 24, 2008).
13. Board Meeting Location has been changed to the Hiddenbrooke Golf Club. The Club will be paid each September. (Approved August 28, 2008, revised 6/1/16 removing room reference)
14. Web Site <http://www.HiddenbrookeOnline.org>. HPOA's Management Services Company is responsible to verify correct contact information on file with Networksolutions.com every October. They will send email confirmation of Registration Fee of \$239.80 paid for 20 years until October 18, 2028. (revised 6/1/16 correcting reference to confirmation)
15. Annual Meeting Cutoff: When the annual meeting is set for June, you must be an owner of record by May 31st in order to vote in the election. The Board may change this date if the annual meeting is moved. (Approved April 23, 2009).
16. Hiddenbrooke TIMES newsletter (first published June 2009) will be published each March, June and September and will be sent via standard mail to all residences and businesses in Hiddenbrooke. Non-resident owners will be informed of the publication dates each year and the fact that the Newsletter may be viewed on the Hiddenbrooke website. Non-resident owners may also sign up on the Yahoo News Group HB TIMES to be notified when the latest Newsletter has been published. Banks have been inconsistent in providing mailing addresses and so it will be up to their agent to forward the newsletters/ballot from the homes they own. (Approved April 23, 2009, modified by Estes March 2010, and the Board on January 2012).
17. Dumping & Graffiti: The President is authorized to approve up to \$100 per month to clean up small problems like dumping and graffiti within Hiddenbrooke. If estimated cost is more than \$100, it needs to go to a Board vote. (Approved July 23, 2009).
18. Collection: Delinquent accounts which owe more than \$250 in assessments, interest and statement fees will be considered for referral to our collection service at the August board meeting. Fines not paid can be sent to Small Claims Court at any time upon approval of the Board. (Approved April 22, 2010).
19. HB-TIMES advertisements are intended to cover the direct printing and administrative costs as well as allow a reasonable profit to the HPOA. Ads should advertise products and/or services that any reasonable person would believe would be beneficial to Hiddenbrooke residents and families. Ads which promote items which are of questionable value, are known to cause addiction or be detrimental to families cannot be placed in HB-TIMES. The Editor should refer possible problem ads to the HPOA President for final decision. (Approved May 27, 2010).
20. **Equipment Owned by HPOA (updated Jun 2016)**
 - PC Laptop Computer
 - 1 Banner - two by six feet
 - 1 lock and extra key for St John Mines Rd gates
 - 1 Epson LCD projector



Hiddenbrooke Property Owners Association, Inc.

www.HiddenbrookeOnline.org — Email Board: hpoaboard@hiddenbrookehpoa.org

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 per month. 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, in pre-foreclosure or has been foreclosed on and there is a CC&R violation, 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 have the work done to correct the violation. 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 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 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&R's and be subject to the regular CC&R 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 July 1st – 10th
 - **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 and will incur interest of 1% per month, 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 HPOA's Management Services Company 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. HPOA's Management Services Company 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 amounts 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 to over \$2,200 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. **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, 1-855-355-4762 x2, at least seven days prior to the next scheduled Board Meeting.
14. **Financial Record Inspection:** An owner has the right to copies of the Association's financial books and records upon written request to Pacific Union Property Management. Records will be produced within 10 days of receipt of request and actual copy and mailing charges will apply. (Bylaws Article 11.1)
15. **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)
16. **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.
17. **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.
18. **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.
19. **City Street Trees** Per the Vallejo Tree Ordinance, in most cases residents are responsible for the maintenance of city trees located on their property. To trim trees, residents are required to obtain a valid tree trimming permit. All trimming must follow the city's trimming criteria. **Tree Removal.** A tree Removal Permits is required for the removal of a City tree. If approved, a City crew, a privately hired contractor or a contractor hired by the City, may complete the removal Homeowners are not to trim City street trees (usually one or two per lot) unless an application is first filed and approved by the city of Vallejo.
20. **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
 Actual costs

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

Pacific Union Property Management (Fees set by them)

- | | |
|--|--------|
| • Statement processing fee for each past due statement/fines | \$5.00 |
| • Certified Mail | 10.00 |
| • Returned check fee | 20.00 |
| • 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

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.

Financial Management: Pacific Union Property Management

iburton@pacunionpm.com p. 707-544-2005
 3392 Mendocino Avenue, Santa Rosa, CA 95403

Hiddenbrooke Architectural Review Committee: Custom home approvals and landscape plans are mailed to:

850 Hiddenbrooke Parkway, Vallejo CA 94591
 Email: harc@hiddenbrookehpoa.org Phone: 1.855.355.4762 ext. 3



Hiddenbrooke Property Owners Association, Inc.
850 Hiddenbrooke Parkway
Vallejo CA ,94591

APPLICATION FOR HEARING

Homeowner(s) Name: _____

Subject property address: _____

Phone: _____ Email: _____
Daytime Evening

Owner's mailing address if different: _____

I have reviewed the Hearing/Fine Notice sent by the Association which is dated _____.
I am formally requesting a hearing with the Board of Directors to discuss the violation. I have carefully reviewed the notice, the condition of my property, and the Association's Governing Documents (Rules & Regulations, CC&Rs, By-Laws and Design Guidelines which are available at <http://HiddenbrookeOnline.org>) and have determined the following:

No violation exists at my property, based on the following facts/reasons:

A violation does exist at my property, however I request a 30 day extension to comply. My plan is to do the following to comply with the Association's rules:

Waive any/all fines which have been assessed against my property for the following reasons:

I wish my hearing with the Board of Directors to be held in closed session.

Other Comments:

Applicant signature: _____ Date: _____
Only one owner need sign this side.

You will be called or emailed with the time of your hearing.

Hiddenbrooke Property Owner's Association, Inc.

CODE OF CONDUCT

The Board of Directors welcomes homeowners to attend hearings to resolve disputes and rule compliance issues. In order for the Association to work, we need homeowner involvement. Although all homeowners are welcome and encouraged to attend hearings, there is a code of conduct that we all must adhere to. Although lively and spirited debate is healthy in a community meeting, we must all be accountable for our personal behavior. Homeowners, Board Members and guests must always be respectful and polite towards others. Shouting, personal insults, loud outbursts, rude interruptions and threatening behavior must not, and will not, be tolerated. Failure to adhere to this code of conduct will result in the adjournment of the hearing.

I have read and agree to adhere to the code of conduct:

Applicant signature: _____

Date: _____

Applicant signature: _____

Date: _____

SCHEDULE OF FEES AND MONETARY FINES

Selected Portions

(refer to the form "Summary of CC&R Complaint Procedures, Notices and Fines" for complete schedule)

Administrative Fees

Fees/Fines

Documents available free at: <http://www.HiddenbrookeOnline.org>.

Click on Property Owners Tab: Articles of Incorporation, Bylaws, CC&Rs, Minutes, List of Directors and Committees, Landscape Forms

Interest:

1% per month

Returned Check:

Actual Costs

Hiddenbrooke Architectural Review Committee—Effective January 1, 2007

Email: harc@hiddenbrookehpoa.org

Landscape Application:

\$50.00

HARC may waive the fee by returning the check when the application is for a single item such as a mail box or tree (cost under \$200), application is complete and approval can be made without a site visit.

Violation of CC&Rs—Effective October 1, 2006

- **Violations – 1st and 2nd Month Offense** \$50/month
(After a Courtesy and Final Notice and Board Hearing)
- **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** \$350.00/week
(After the normal notice process, the Board may, at its sole discretion, designate an offense or offender as chronic and impose this fine level)



**Hiddenbrooke Property Owners Association (HPOA)
Hiddenbrooke Architectural Review Committee (HARC)
Summary of HARC Policies & Disclosures -- Design Guidelines – Appendix B**

Applications with checks made payable to Hiddenbrooke Property Owners Association, Inc. may be mailed to:

Hiddenbrooke Property Owners Association
850 Hiddenbrooke Parkway
Vallejo CA, 94591

All forms may be found at: <http://www.hiddenbrookeonline.org/hpoa/harc>

The fee for a custom home application is \$150 and for Landscaping is \$50.

Hiddenbrooke Architectural Review Committee and Landscape Approval Chair: harc@hiddenbrookehpoa.org

Hiddenbrooke Architectural Review Committee

This five member committee and alternates are appointed by the HPOA Board to staggered, two-year terms. The Committee Year is September 1 through August 31. Volunteers for this committee should contact the HARC Chair or HPOA President. For a list of current HARC members and HPOA Board Members, please go to the web site.

Hiddenbrooke Property Owners Association, Inc.

This is an elected seven-member Board with staggered two year terms. Elections are held each June.

Summary of HARC Disclosures, Policies, and Procedures

1. **Disclosures:** Listed on the web site are the current members of HARC and HPOA. Members of HARC and HPOA own homes in Hiddenbrooke (HB).
2. **Meetings** are generally held monthly at the Garden Room at the Hiddenbrooke Club House. Meeting times may vary. Call or email the HARC Chair at the number above to confirm meeting time, date and location.
3. **HARC Minutes:** The approved HARC minutes will be posted on <http://www.HiddenbrookeOnline.org> within one month of approval. Draft minutes can be emailed to owners upon request.
4. **CC&R Complaints** are handled by the CC&R Manager who refers HARC-related issues to the Committee for discussion and decision. Complaints should be submitted using the form on the Hiddenbrooke website under Property Owners/CC&R Information.
5. **Ethics**—HARC members, HPOA Board members and our independent contractors will at all times act in the best interests of Hiddenbrooke and respond to requests in a timely and professional manner.
6. **Assessments**—Annual HPOA assessments, HARC fees and any amounts due HPOA must be paid before HARC can issue the final approval letter for a Custom Home, Addition and/or Landscaping project.
7. **Landscape Approvals** are handled by the Landscape Manager. Refer to the Design Submittal Requirements or Appendix B (Item G-10) on the website for the full policy.
8. **Landscape Appeals**—An application that is not approved may be appealed to the HPOA Board by sending a letter or email stating the basis of the appeal to HPOA, at 850 Hiddenbrooke Parkway, Vallejo CA 94591, and requesting that HARC forward their file to the Board for review. The owner will be notified of the date of their hearing. The HPOA Board will make every effort to hear the appeal at the next regularly scheduled Board Meeting.
9. **Custom Homes**—The submittal process for Custom Homes is a 4-step process, which is detailed in the Design Guidelines. Custom Home applicants should deliver plans and notify HARC one week before the meeting with the name and address of the applicant and the address of the custom home site to be placed on the agenda. HARC will make every effort to process the plans received by the next monthly meeting and when possible will authorize a member of the committee to approve specific plan changes so the owner can move forward to the next submittal step. Within two weeks of the meeting, HARC will send a letter to the owner listing the items that need to be changed and/or submitted at the next step. HARC recommends that custom homeowners notify owners within 500 feet of the proposed construction before submittal step two.

10. **City of Vallejo** approved the original Hiddenbrooke CC&Rs and Design Guidelines in 1999, including the required submittal steps. However, neither HARC nor HPOA can guarantee that what is approved by HARC will be accepted by the City of Vallejo. Each Applicant is responsible for obtaining the required approvals from the City of Vallejo.
11. **Related Parties**—HARC and/or HPOA Board members who have an interest in a property being submitted for approval by HARC may not vote on that project. They may be allowed to discuss the application at the HARC meeting. If this reduces HARC to fewer than four members, the HPOA President may appoint temporary members for the duration of this project.
12. **Record Retention**—HARC Approval Letters should be kept by the applicant and provided to the next owner of the property.

HARC wishes to call attention to the following items, which are included in the Hiddenbrooke Design Guidelines, Appendix B.

1. **Red Colored Bark, White Rock, Colored Tarps and Palm Trees** are not allowed in Hiddenbrooke.
2. **Utility Netting for Golf Course Fences:** HARC has chosen a standard type of bi-oriented poly propylene utility netting with no visible edges along the top or bottom. This allows the netting to visually disappear into the wrought iron fencing, especially if wound through fence every 4 feet or so.
3. **Fence Maintenance & Stain:** To assist homeowners, HARC has pre-approved specific stain colors. As long as a pre-approved color is chosen, HARC approval is not required. If a resident wants to stain or paint a fence a color that is not on the approved list, you must submit a HARC Application.
4. **Cement Guidelines**
 - a. Two car driveways can be expanded or extended subject to all the following:
 - i. Maximum total expansion not to exceed 80 square feet (width multiplied by length), and
 - ii. Width of expansion not to exceed 8'-0" wide (laterally) and,
 - iii. Length of expansion not to exceed 10'-0" length (Longitudinal), and
 - iv. No more than 30% of available "green area" can be removed on front or side yards to accommodate driveway expansion.
 - b. Three car driveways can be expanded or extended subject to all the following:
 - i. Maximum total expansion not to exceed 30 square feet (width multiplied by length), and
 - ii. Width of expansion not to exceed 3'-0" wide (laterally), and
 - iii. Length of expansion not to exceed of 10'-0" length (Longitudinal), and
 - iv. No more than 5% of available "green area" can be removed on front or side yards to accommodate driveway expansion.
 - c. All driveway expansions are subject to the following:
 - i. Driveway expansions must have HARC approval and any required City permits BEFORE work begins.
 - ii. Driveway expansions must match the existing hardscape (driveway) to appear part of the original design. This can include new surfaces for both the existing driveway and expansion.
 - iii. The expansion must be architecturally compatible and pleasing with the home and its surrounding, which may include adding more landscaping elements (bushes, plants, trees etc.).
 - iv. Subject to the 30%, and 5% restrictions above, expansions must preserve existing landscaping, as approved by HARC or new landscaping must be approved.
 - v. City of Vallejo will not allow curb cuts. Vallejo City permits are required for drainage holes.
 - d. Failure to observe these design guidelines will subject property owners to fines and the request for all work to be removed.
5. **Holiday Decorations** may be put up 15 days before the Holiday and must come down 15 days after the Holiday except December decorations may go up December 1st and must be down by January 31st or are subject to fine.
6. **Driveway Storage—Inoperable Cars and Cars without Current DMV Tags:** The CC&Rs are very clear that ALL cars are to be contained on the driveway and in the garage and that the driveway isn't for storage. We will no longer tolerate cars without current license tags or cars that can't be driven on the street to be parked in the driveway on a long term basis (more than 7 days).
7. **Mail Box Replacements** should be the same color as the original box or black, the same shape when possible, no larger than 13" wide x 23" long x 12 "high, and no smaller than 6" wide, 20" long, 10" high. Boxes on the same post should match or owner needs to submit application for HARC approval.
8. **Artificial Turf:** Due to extended drought conditions in California, HARC has recommended the acceptance of applications to replace backyard lawns with approved artificial Turf materials. Artificial turf shall be considered hardscape. Hardscape refers to all components of landscape other than the home itself, planted landscape areas and shade structures. Hardscape includes concrete, pavers, patios, walkways and decks and artificial turf.

9. **Fences – White Picket (Design for The Village subdivision) (approved 7/19/15):** All white picket fences shall comply with the Design Guidelines specifically designed for The Village and shall be subject to the approval of the HARC. All fences walls or trellises approved by the HARC and constructed by Owner or Builder shall also comply with the regulations and ordinances of the City of Vallejo, including, but not limited to any applicable restrictions with respect to the height of front yard fences.