

# **RANCHO VENTANA RV RESORT COMMUNITY ASSOCIATION INC.**

*A California Nonprofit Mutual Benefit Corporation*

## **ENFORCEMENT PROCEDURE**

**MARCH 2010**

**IF THIS DOCUMENT CONTAINS ANY RESTRICTION BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, NATIONAL ORIGIN, SOURCE OF INCOME AS DEFINED IN SUBDIVISION (p) OF SECTION 12955 OR ANCESTRY, THAT RESTRICTION VIOLATES STATE AND FEDERAL FAIR HOUSING LAWS AND IS VOID, AND MAY BE REMOVED PURSUANT TO SECTION 12956.2 OF THE GOVERNMENT CODE. LAWFUL RESTRICTIONS UNDER STATE AND FEDERAL LAW ON THE AGE OF OCCUPANTS IN SENIOR HOUSING OR HOUSING FOR OLDER PERSONS SHALL NOT BE CONSTRUED AS RESTRICTIONS BASED ON FAMILIAL STATUS.**

## **TABLE OF CONTENTS**

<b><u>Description</u></b>	<b><u>Page</u></b>
ENFORCEMENT PROCEDURE .....	2
VIOLATION REPORT .....	9
WARNING NOTICE .....	10
WRITTEN COMPLAINT – NON-ARCHITECTURAL VIOLATION NOTICE .....	11
NOTICE OF DEFENSE FOR NON-ARCHITECTURAL VIOLATION .....	12
WRITTEN COMPLAINT - ARCHITECTURAL VIOLATION NOTICE .....	13
NOTICE OF DEFENSE FOR ARCHITECTURAL VIOLATION .....	14
HEARING NOTICE IN RESPONSE TO NOTICE OF DEFENSE .....	15
EXPEDITED HEARING NOTICE .....	16
LOT OWNER HEARING PROCEDURE .....	17
RULING NOTICE .....	18
ENFORCEMENT PROCEDURE FLOW CHART .....	19

## **RANCHO VENTANA RV RESORT COMMUNITY ASSOCIATION INC. ENFORCEMENT PROCEDURE**

This document is the Rancho Ventana RV Resort Community Association's (hereafter the "Association") enforcement process; it may be referred to in the Governing Documents as either the Enforcement Procedure or Compliance Procedure. The entities engaged in enforcing the Association's CC&Rs, Bylaws, Articles of Incorporation, Architectural Guidelines and Rules and Regulations (hereafter, collectively, Governing Documents) are:

**Board of Directors** — The Board of Directors is charged with overseeing the enforcement of the Association's Governing Documents. It has the authority to conduct violation hearings, impose individual special assessments, including but not limited to monetary penalties, and cause violations to be remedied. The Board of Directors, in its sole discretion, may review any committee or panel decision and thereafter modify any ruling in the Board's discretion regardless of an appeal from a Member, provided, however, that it gives notice to the Member and committee within ten (10) business days of the panel's/committee's date of its Ruling Notice.

**Architectural Control Committee** — The Architectural Control Committee (hereafter the "Architectural Committee") is charged with reviewing and advising the Board on proposed landscape and architectural modifications and assisting the Board in promulgating Architectural & Landscape Guidelines (hereafter "Architectural Guidelines").

For the purposes of this Enforcement Procedure, the following definitions shall apply:

- a. The term *violation* shall mean and include any failure to follow and/or observe the Association's Governing Documents.
- b. The term recurring violation shall mean any violation of the Association's Governing Documents which has a definite commencement and cessation, but has occurred more than once. Examples of recurring violations are: (1) violation of leash rules regarding pets on more than one occasion; or (2) speeding or other motor vehicle violations on more than one occasion.
- c. The term *continuous violation* shall mean any violation of the Association's Governing Documents which is ongoing and has not ceased for a period of time in excess of seventy-two (72) consecutive hours. Examples of continuous violations are: (1) a poorly-maintained Recreational Vehicle Lot or (2) retaining an unapproved improvement on the Owner's Recreational Vehicle Lot. Upon the Owner's curing the violation, the Board of Directors may, but is not obligated to, waive any portion or all of the monetary fine imposed for a continuous violation.

The Enforcement Procedure related to any disciplinary action shall be as indicated below. For enforcement of the Governing Documents related to parking violations unrelated to disciplinary action against the Owner, such as towing, the enforcement procedure may begin at Step 5.

### **STEP 1. INITIATION**

If a **Violation Report** is completed by a Lot Owner, Renter/Resident, Board member, Association staff, Architectural Committee member, or another designated representative of the Association, the Violation Report will be verified as set forth in the next Step (2).

### **STEP 2. VERIFICATION**

Verification of a Violation Report for non-architectural violations is accomplished by a review of the Association's Governing Documents and/or inspection by Association staff, Board of Directors, appropriate committee or other designated Association representative. Verification of a Violation Report for architectural violations is accomplished by a review of the Association's Governing Documents and/or inspection by the Architectural Committee. Violation shall be defined as an act in direct conflict with the Association's Governing Documents, and/or local, county or state requirements.

### STEP 3. DOCUMENTATION

#### A. FOR NON-ARCHITECTURAL VIOLATIONS BY OWNERS, RENTERS & GUESTS

1. The Owner is ultimately responsible for his Renter(s) or Guest(s). As a Renter or Guest has no standing before the Board, the Association will simply remind the Renter/Guest/Violator of the regulations. The Lot Owner will be officially notified of their Renter/Guest violation as the Owner is the responsible party before the Association. Renters or Guests may be evicted by either the Board or the Lot Owner, without refund, and in serious situations, without opportunity to return.
2. The Board has the following three options for enforcing non-architectural violations by Owners:
  - a. A Warning Notice is completed by the Association or designated representative and forwarded to the violating Lot Owner, (hereinafter "Violator"). At the discretion of the Board this step may be skipped if, based on the seriousness of the violation, more immediate action is warranted; or
  - b. If the violation persists after the Warning Notice has been issued OR if the Board determines to proceed directly to the written complaint, then a **Complaint Notice** will be sent to the Violator, stating a deadline by which to cure the violation; or
  - c. If the violation warrants immediate action, an **Expedited Hearing Notice** is sent to the Violator, stating a date, time and place where the Violator may be heard before the Board of Directors.
3. If a Complaint Notice or Expedited Hearing Notice is sent to an Owner (Violator), the Owner has three options available to them:
  - a. Take immediate action to remedy the problem which caused the Complaint Notice or Expedited Hearing Notice to be sent and report the action taken to the Association Office or the Board.
  - b. Return the Notice of Defense/Request for Hearing within ten (10) days of issue, and the Board will send a Hearing Notice to the Violator, setting the date, place and time when the Violator may be heard before the Board.
  - c. Not return the Notice of Defense/Request for Hearing within the stated time, and the Violator will be deemed to have waived their right to a hearing. Pursuant to the Association's Bylaws, the Board may make its findings without a hearing and impose the applicable remedies. on the Violator.
4. Failure to (1) appear at any hearing, and/or (2) return the Notice of Defense, and/or (3) comply with a written Complaint could result in immediate disciplinary action including, but not limited to, imposition of an Individual Special Assessment, and/or suspension of voting and Common Area privileges, including use of the recreational facilities. The Association must give at least ten (10) days, but no more than thirty (30) days' written notice of the hearing to the Violator before any action is taken, pursuant to *Civil Code §1363* and the Association's Governing Documents.
5. When the violation is caused by a Renter or Guest, the following procedures will be taken:
  - a. A Warning Notice is completed by the Association Board or designated representative and delivered to the Renter or Guest, (Violator), with a copy to the Lot Owner. The Violator is reminded of their signed agreement to abide by the regulations, and the need to comply immediately.
  - b. Should the violation continue, or if the violation is of a serious nature, the Association shall issue a Complaint Notice to the Lot Owner, with a copy to the Renter/Guest/Violator, stating that if the violation is not cured immediately, the Board will ask the Owner to evict the Violator.
  - c. Should the violation damage or cause injury to (1) other Lot Owners or their property, (2) Park staff or Park Common Property, the Board will deal only with the Lot Owner.

## **B. FOR ARCHITECTURAL AND LANDSCAPE VIOLATIONS**

1. Examples of architectural violations are:
  - a. Owner of the property has not submitted the requisite application, related documents and plans and/or the requisite fees to the Architectural Committee, or the Board of Directors, if appropriate, or secured requisite written approval from the Association.
  - b. Owner of the property has obtained prior approval but has not complied with the approved final plans and specifications of the proposed work.
  - c. Owner has failed to maintain his/her/its Recreational Vehicle Lot and/or landscaping areas which Owner is responsible to maintain.
2. The Board has the following three options for enforcing architectural violations:
  - A **Warning Notice** is completed and forwarded to the violating Lot Owner (hereinafter "Violator"). At the discretion of the Board or Association, this step may be skipped, and the Association may proceed directly to a **Violation Notice** or an **Expedited Hearing Notice**; or
  - If the violation persists after the Warning Notice has been issued OR if the Board determines to proceed directly to a written complaint, then a **Complaint Notice** will be sent to the Violator stating a deadline by which to cure the violation;
  - If the violation warrants immediate action, an **Expedited Hearing Notice** is sent to the Violator, stating a date, time and place where the Violator may be heard before the Board of Directors
3. If a Complaint is sent and the Violator returns the **Notice of Defense/ Request for Hearing** within ten (10) days, a **Hearing Notice** will be sent to the Violator, setting forth the date, place and time upon which the Violator may be heard before the Board of Directors. If a Complaint is sent and the Violator fails to return the **Notice of Defense/ Request for Hearing** (or take the necessary action by the deadline given), the Violator will be deemed to have waived his/her/its right to a hearing pursuant to the Association's Bylaws and the Board may make its findings without a hearing and impose applicable remedies
4. Failure to: (1) appear at any hearing; and/or (2) return a Notice of Defense; and/or (3) comply with a written Complaint could result in immediate discipline including, but not limited to, imposition of an Individual Special Assessment and/or suspension of voting and Common Area privileges, including use of the recreational facilities. The Association must give at least ten (10) days, but no more than thirty (30) days' written notice of the hearing to the Violator before any action is taken, pursuant to *Civil Code* §1363 and the Association's Governing Documents.

### **STEP 4. LOT OWNER HEARING PROCEDURE**

- A. **Findings of Fact and Recommended Action:** The Board of Directors must make specific findings as it relates to the violation of the Governing Documents, noting them on the **Lot Owner Hearing Procedure form** and **Ruling Notice form** with the facts which support its decision. The decision of the Association and action recommended/ taken should also be noted on the Lot Owner Hearing Procedure form.

**NOTE:** If no violation is found, then no remedy is required, and the Association would then issue a Ruling Notice pursuant to Step 4.C below.

- B. **Remedies of the Board of Directors:** If it is determined a violation has taken place, the Board of Directors may take any or all the following actions:

1. **Individual Special Assessment** — Even if the violation is not of a continuing nature and does not lend itself to a self-help remedy, the Board of Directors still has the authority to impose an Individual Special Assessment for failure to comply with the provisions of the Governing Documents. The Board of Directors may only impose an Individual Special Assessment after providing notice and hearing to a Violator, pursuant to the minimum requirements set forth herein. The following Individual Special Assessment structure is based upon a reasonable determination of the costs (i.e. attorneys' fees, property management fees, etc.) expended by the Association in performing its functions in enforcing the Governing Documents, as well as the imposition of appropriate sanctions for violation of said Governing Documents.

<p><b>NOTE:</b> The Individual Special Assessment structure is detailed in Paragraph 4.D.</p>
---

2. **Right and Authority to suspend voting rights, Common Area privileges, use of the recreational facilities** and/or any other privilege of any Member or Person deriving rights from any Member for a period not to exceed thirty (30) days for each violation of the Governing Documents and/or for any period during which the Member is delinquent in the payment of any assessment, fine or monetary penalty, or as otherwise provided in the Governing Documents.
  3. **Self-Help Remedy for Continuing Non-Architectural Violations** — If the violation of the Governing Documents continues and can be cured through a self-help remedy, the Board has the right to demand correction of the continuing violation and a date certain upon which a Lot Owner must comply (a reasonable period of time shall be given to the Lot Owner) *via* the Notice of Ruling. The Notice should further indicate that if the Lot Owner fails to comply within the time provided by the Association, the Association would bring the Lot Owner into compliance and charge the cost of same to the Lot Owner as an Individual Special Assessment.
  4. **Self-Help Remedy for Continuing Architectural Violations** — If it is determined a violation has taken place, the Board of Directors shall make findings of fact and request corrective action (removal, replacement, repair and/or modification) by the Violator. If corrective action is not taken by the Member and the violation can be cured through a self-help remedy, the Ruling Notice shall further indicate that if the Member fails to comply within the time provided, the Board of Directors shall bring the Member into compliance and charge the cost of same to the Member as an Individual Special Assessment. **However, any demand letter which requires the Association to go onto a Members' property to rectify the violation should be reviewed and sent by Association's counsel.** *For example, if a Member's Recreational Vehicle Lot is becoming an eyesore for lack of maintenance, the Association can provide written notice to the violating Member that he/she must provide the appropriate maintenance and that he/she is in violation of the Governing Documents. The Notice would further provide that the Owner has a specific (and reasonable) period of time to correct the deficiency. If the Owner fails to correct said deficiency within the specified time given by the Association, the Association could then proceed with the maintenance and charge the cost to the Lot Owner as an Individual Special Assessment.*
  5. **Other Potential Remedies / Sanctions** — Notwithstanding anything set forth herein, the Board of Directors in its discretion shall have the power to require any other applicable remedy and/or sanction for as long as it deems necessary, provided, however, that said remedy/sanction is in accord with the Association's Governing Documents and law. If the violation is of such a serious nature that potential legal action is contemplated, the Association's general counsel should be consulted for determination whether Internal Dispute Resolution ("IDR") and/or Alternative Dispute Resolution ("ADR") should be offered to the Violator (as well as consideration of other potential remedies)
- C. **Ruling Notice:** Regardless what remedy the Board chooses to take, even if no violation is found, the Association must mail to the Violator a **Ruling Notice** within ten (10) days after the date of hearing. If it is ruled that an Individual Special Assessment shall be imposed against the Violator, then the Board must give notice of the ruling to the Violator and request payment of such assessment within thirty (30) days after the Ruling Notice is mailed. This is to be recorded in the Executive Session minutes or regular minutes, whichever is applicable.

- D. **Individual Special Assessment Structure:** If any Member's failure to comply with the provisions of the Governing Documents results in the Association's expenditures of monies or incurs costs related to the action or non-action of a Member, the Association may levy an Individual Special Assessment against such Member. Additionally, the Association may levy fines as Individual Special Assessments consistent with Tables 1 and 2 below. The amount of the Individual Special Assessments may be amended from time to time by the Board of Directors. The present structure of the Association for Individual Special Assessments for violations of the Governing Documents shall be as follows

<b>Table 1:</b>	<b>Individual Special Assessments for Violation of the Governing Documents</b>
First Violation	Costs incurred by the Association, if any, as well as a monetary fine up to \$250.00
Recurring Violation for a Second Time	Costs incurred by the Association, if any, as well as a monetary fine up to \$500.00
Recurring Violation for a Third or More Times	Costs incurred by the Association, if any, as well as a monetary fine up to \$750.00 plus possible legal action
Continuous Violation	Costs incurred by the Association, if any, as well as a monetary fine up to \$750.00 PLUS an amount up to \$40.00 per day from the date of the first notice of violation until violation is cured.

In addition to Table 1 above, the Board of Directors may levy the following Individual Special Assessments for architectural application violations, which may be added to any Individual Special Assessments.

<b>Table 2: Individual Special Assessments for Architectural Application Violations</b>	
Individual Special Assessments for commencing Architectural Improvement without <ul style="list-style-type: none"> <li>• Architectural Committee Approval and/or</li> <li>• Submitting Application</li> </ul> (even if Improvement is within Guidelines)	Up to \$3,000.00 plus legal costs and any other remedies available to the Association
Individual Special Assessments for failure to follow submitted plans and specifications and/or make corrections upon notice	Up to \$3,000.00 plus legal costs and any other remedies available to the Association

- E. **Collection of Individual Special Assessments:** Pursuant to the Association's collection policy and the CC&Rs, if an Individual Special Assessment was levied for failure to comply with the Governing Documents or for costs incurred by the Association in repair of damage to the Common Areas and is not paid within thirty (30) days after mailing the Ruling Notice, then the Board may suspend the Owner's voting and/or Common Area privileges, including use of the recreational facilities after notice and hearing as set forth in the Association's Governing Documents.

## **STEP 5. TOWING OF IMPROPERLY PARKED VEHICLES**

The towing of improperly parked vehicles relates to enforcement of the Governing Documents, unrelated to disciplinary action against an Owner. Accordingly, the Association has the right to tow vehicles without proceeding through Steps 1 through 4 above and, pursuant to California Vehicle Code §22658, the Association may have any improperly parked vehicles removed and towed to the nearest public garage including vehicles parked in a marked fire lane, within fifteen feet of a fire hydrant, in a parking space designated for handicapped without proper authority, in a manner which interferes with any entrance to or exit from ingress or egress in and to the subdivision or any residential unit or in violation of the Association's parking Rules and Regulations. In such an event, the Association shall not be liable for any damages incurred by the vehicle owner because of the removal of a vehicle or for any damage to the vehicle caused by the removal, including without limitation the charge for towing and storage of the vehicle by the towing company, the cost of which shall be the responsibility of the owner of the vehicle.



**EXHIBIT 1 TO ENFORCEMENT PROCEDURE**  
**RANCHO VENTANA RV RESORT COMMUNITY ASSOCIATION INC.**

**VIOLATION REPORT**

Person Making Report \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ email: \_\_\_\_\_

Description of the Violation: (Fill in as completely as possible.)

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Location: \_\_\_\_\_

Description - Please Print: \_\_\_\_\_

\_\_\_\_\_

Description of the Violator: (Fill in as completely as possible.)

Male: \_\_\_\_\_ Female: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Vehicle License Number: \_\_\_\_\_ State/Prov: \_\_\_\_\_

Additional Witness:

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Violation Verification: By: \_\_\_\_\_

-----  
(To be complete by the Association.)  
The above Violation Report has been reviewed and the following action taken:

☐  
☐  
☐  
☐  
☐

No Action Taken: \_\_\_\_\_

Warning Notice to be sent: \_\_\_\_\_

Violation Notice to be sent: \_\_\_\_\_

Hearing Notice to be sent/ Hearing Date \_\_\_\_\_

Expedited Hearing Notice to be sent/ Hearing Date \_\_\_\_\_

For Architectural Violation

☐  
☐  
☐  
☐

Incomplete application and/or missing requisite plans submitted

No Architectural Committee and/or Board approval

Construction inconsistent with approved plans and specifications

Other: \_\_\_\_\_

Other comments: \_\_\_\_\_

RANCHO VENTANA RV RESORT COMMUNITY ASSOCIATION INC.

By: \_\_\_\_\_ Date Signed: \_\_\_\_\_

**EXHIBIT 2 TO ENFORCEMENT PROCEDURE**  
**RANCHO VENTANA RV RESORT COMMUNITY ASSOCIATION INC.**

**WARNING NOTICE**

Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

**In accordance with the Association's Governing Documents, you are hereby notified of your violation of the following rule(s), based upon a Violation Report, dated: \_\_\_\_\_**

Date of Incident: \_\_\_\_\_ Time of Incident: \_\_\_\_\_

☐  
☐  
☐  
☐  
☐

**PARKING / VEHICLE:**

Speeding

Illegal parking

Ignoring stop sign

Other: \_\_\_\_\_

Location: \_\_\_\_\_

Vehicle Type: \_\_\_\_\_ Color: \_\_\_\_\_

License Number : \_\_\_\_\_ Prov/State: \_\_\_\_\_

☐  
☐  
☐  
☐  
☐  
☐

**PET:**

Pets in Common Areas or on unauthorized private property

Failure to take pet to Approved Pet Areas, and/or to dispose of pet wastes

Unleashed/ or uncontrolled

Incessant noise

Other: \_\_\_\_\_

Description of animal: \_\_\_\_\_

Location: \_\_\_\_\_

☐

POOL/SPA: \_\_\_\_\_

☐

COMMON AREA / RECREATIONAL FACILITIES: \_\_\_\_\_

☐

PROPERTY MAINTENANCE: \_\_\_\_\_

☐

RESIDENT/RENTER/ GUEST/ VISITOR: \_\_\_\_\_

☐  
☐  
☐  
☐  
☐

**ARCHITECTURAL VIOLATION:**

Incomplete application and/or missing requisite plans submitted

No Architectural Committee and/or Board approval

Construction inconsistent with approved plans and specifications

Other: \_\_\_\_\_

☐

OTHER: \_\_\_\_\_

Other comments: \_\_\_\_\_

RANCHO VENTANA RV RESORT COMMUNITY ASSOCIATION INC.

By: \_\_\_\_\_ Date Signed: \_\_\_\_\_

**EXHIBIT 3A TO ENFORCEMENT PROCEDURE**  
**RANCHO VENTANA RV RESORT COMMUNITY ASSOCIATION INC.**

**WRITTEN COMPLAINT - NON-ARCHITECTURAL VIOLATION NOTICE**

Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

**You are hereby notified of your violation of the Association's Governing Documents and the need for immediate correction based upon:**

☐ **Violation Report Dated** \_\_\_\_\_

☐ **Warning Notice Dated** \_\_\_\_\_

Date of Incident: \_\_\_\_\_ Time of Incident: \_\_\_\_\_

☐ **PARKING / VEHICLE:**

☐ Speeding

☐ Illegal parking

☐ Ignoring stop sign

☐ Other: \_\_\_\_\_

Location: \_\_\_\_\_

Vehicle Type: \_\_\_\_\_ Color: \_\_\_\_\_

License Number : \_\_\_\_\_ Prov/State: \_\_\_\_\_

☐ **PET:**

☐ Pets in Common Areas or on unauthorized private property

☐ Failure to take pet to Approved Pet Areas, and/or to dispose of pet wastes

☐ Unleashed/ or uncontrolled

☐ Incessant noise

☐ Other: \_\_\_\_\_

Description of animal: \_\_\_\_\_

Location: \_\_\_\_\_

☐ **POOL/SPA:** \_\_\_\_\_

☐ **COMMON AREA / RECREATIONAL FACILITIES:** \_\_\_\_\_

☐ **PROPERTY MAINTENANCE:** \_\_\_\_\_

☐ **RESIDENT/RENTER/ GUEST/ VISITOR:** \_\_\_\_\_

☐ **OTHER:** \_\_\_\_\_

**Necessary action to conform with the Association's Governing Documents:** \_\_\_\_\_

**Date by which remedial action must be taken:** \_\_\_\_\_

Failure to comply with this order by the above time and/or date shall constitute a willful violation and you will be subject to any and all remedies of the Association, including but not limited to imposition of an Individual Special Assessment, suspension of your voting and Common Area privileges and use of the recreational facilities, or any other remedy available to the Association. Unless a written request for a hearing signed by or on behalf of the person named as Respondent in this Complaint is delivered or mailed to the Board of Directors within ten (10) days after the Complaint, the Board of Directors may proceed upon the Complaint without a hearing, and you will have thus waived your right to a hearing. The request for a hearing may be made by delivering or mailing the enclosed form entitled "Notice of Defense" to the Board of Directors at the following address: Board of Directors, Rancho Ventana RV Resort Community Association, 3410 N. Arrowhead Blvd., Blythe, CA 92225 or via fax at 760/921-3160. You may, but need not, be represented by counsel at any or all stages of these proceedings. If you desire the names and addresses of witnesses or an opportunity to inspect any relevant writings or items on file in connection with this matter in the possession, custody or control of the Board of Directors, you may contact the Association at 760/921-3600.

**RANCHO VENTANA RV RESORT COMMUNITY ASSOCIATION INC.**

By: \_\_\_\_\_ Date Signed: \_\_\_\_\_

**EXHIBIT 3A TO ENFORCEMENT PROCEDURE (CONTINUED)**  
**RANCHO VENTANA RV RESORT COMMUNITY ASSOCIATION INC.**

**NOTICE OF DEFENSE IN RESPONSE TO COMPLAINT FOR NON-ARCHITECTURAL VIOLATION**

**Date:** \_\_\_\_\_

This document shall represent my/our written request for a hearing signed by or on behalf of the person(s) named as Respondent in the Written Complaint dated \_\_\_\_\_ and is being delivered or mailed to the Board of Directors within ten (10) days after the Written Complaint.

I/We understand that I/we may, but need not, be represented by counsel at any or all stages of these proceedings. I/We also understand that if I/we desire the names and addresses of witnesses or an opportunity to inspect any relevant writings or items on file in connection with this matter in the possession, custody or control of the Board of Directors, I/we may contact the Association.

**Respondent Name(s):** \_\_\_\_\_

**Respondent Signature(s):** \_\_\_\_\_

**Address:** \_\_\_\_\_

-----

[For Association use only]

Dated Received: \_\_\_\_\_

Received by: \_\_\_\_\_

Hearing scheduled for [date]: \_\_\_\_\_

**EXHIBIT 4A TO ENFORCEMENT PROCEDURE**  
**RANCHO VENTANA RV RESORT COMMUNITY ASSOCIATION INC.**

**WRITTEN COMPLAINT - ARCHITECTURAL VIOLATION NOTICE**

Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

Lot # : \_\_\_\_\_ Telephone : \_\_\_\_\_

**Dear Owner:**

**You are hereby notified of the following violation of the Association's Governing Documents and the need for immediate correction based upon:**

- ☐ **Violation Report, Dated:** \_\_\_\_\_ **and/or**  
☐ **Warning Notice, Dated:** \_\_\_\_\_

This notice is being sent to you in an effort to call your attention to a problem that exists on your property. When you purchased your lot, you covenanted and promised to support the Association by conforming with the CC&Rs, local ordinances, the Association's Rules and Regulations, Architectural Guidelines and the Bylaws. Purchasers of lots at Rancho Ventana RV Resort Community Association Inc. are guaranteed by the CC&Rs that these covenants will be enforced, thereby protecting the values and rights of their property. As such, you are hereby notified of the following violation and the need for immediate correction:

**ARCHITECTURAL VIOLATION:**

- ☐ Incomplete application and/or missing requisite plans submitted  
☐ No Architectural Committee and/or Board approval  
☐ Construction inconsistent with approved plans and specifications  
☐ Other: \_\_\_\_\_

**DESCRIPTION OF VIOLATION:** \_\_\_\_\_

**LOCATION OF VIOLATION - LOT OR COMMON AREA** \_\_\_\_\_

**Necessary action to conform with the Association's Governing Documents and/or local ordinances:** \_\_\_\_\_

**Date by which remedial action must be taken:** \_\_\_\_\_

Failure to comply with this order by the above time and/or date shall constitute a willful violation and you will be subject to any and all remedies of the Association, including but not limited to imposition of an Individual Special Assessment, suspension of your voting and Common Area privileges and use of the recreational facilities, or any other remedy available to the Association. Unless a written request for a hearing signed by or on behalf of the person named as Respondent in this Complaint is delivered or mailed to the Board of Directors within ten (10) days after the Complaint, the Board of Directors may proceed upon the Complaint without a hearing, and you will have thus waived your right to a hearing. The request for a hearing may be made by delivering or mailing the enclosed form entitled "Notice of Defense" to the Board of Directors at the following address: Board of Directors, Rancho Ventana RV Resort Community Association Inc., 3410 N. Arrowhead Blvd., Blythe, CA 92225 or via fax at 760/921-3160. You may, but need not, be represented by counsel at any or all stages of these proceedings. If you desire the names and addresses of witnesses or an opportunity to inspect any relevant writings or items on file in connection with this matter in the possession, custody or control of the Board of Directors, you may contact the Association at 760/921-3600.

**RANCHO VENTANA RV RESORT COMMUNITY ASSOCIATION INC.**

**By:** \_\_\_\_\_ **Date Signed:** \_\_\_\_\_

**EXHIBIT 4A TO ENFORCEMENT PROCEDURE (CONTINUED)**  
**RANCHO VENTANA RV RESORT COMMUNITY ASSOCIATION INC.**

**NOTICE OF DEFENSE IN RESPONSE TO COMPLAINT FOR ARCHITECTURAL VIOLATION**

**Date:** \_\_\_\_\_

This document shall represent my/our written request for a hearing signed by or on behalf of the person(s) named as Respondent in the Written Complaint dated \_\_\_\_\_ and is being delivered or mailed to the Board of Directors within ten (10) days after the Written Complaint.

I/We understand that I/we may, but need not, be represented by counsel at any or all stages of these proceedings. I/We also understand that if I/we desire the names and addresses of witnesses or an opportunity to inspect any relevant writings or items on file in connection with this matter in the possession, custody or control of the Board of Directors, I/we may contact the Association.

**Respondent Name(s):** \_\_\_\_\_

**Respondent Signature(s)** \_\_\_\_\_

**Address:** \_\_\_\_\_

-----  
[For Association use only]

Dated Received: \_\_\_\_\_

Received by: \_\_\_\_\_

Hearing scheduled for [date]: \_\_\_\_\_.

**EXHIBIT 5 TO ENFORCEMENT PROCEDURE**  
**RANCHO VENTANA RV RESORT COMMUNITY ASSOCIATION INC.**

**HEARING NOTICE IN RESPONSE TO NOTICE OF DEFENSE**

Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

PROPERTY ADDRESS OF VIOLATION: \_\_\_\_\_

Dear Owner:

You have been sent a written complaint for your violation of the Association's Governing Documents to which you responded by filing a Notice of Defense. As such, in accordance with the *Civil Code* and the CC&Rs, we are hereby serving Notice upon you that a hearing will be held before the Association's Board of Directors at the time/place listed below, to address the charges made in the Written Complaint served upon you. You may be present at the hearing, may but need not be represented by counsel, may present any relevant evidence, and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to request the attendance of witnesses and the production of books, documents or other items by applying to the Board of Directors of the Association. The outcome of this Hearing may result in an imposition of an Individual Special Assessment, suspension of your voting and Common Area privileges, including the use of the recreational facilities, or any other remedy available to the Association.

VIOLATION REPORTED: \_\_\_\_\_

HEARING DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

PLACE: \_\_\_\_\_

If you have any questions, please contact: \_\_\_\_\_

RANCHO VENTANA RV RESORT COMMUNITY ASSOCIATION INC.

By: \_\_\_\_\_ Date Signed: \_\_\_\_\_

**EXHIBIT 6 TO ENFORCEMENT PROCEDURE**  
**RANCHO VENTANA RV RESORT COMMUNITY ASSOCIATION INC.**

**EXPEDITED HEARING NOTICE**

Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

PROPERTY ADDRESS OF VIOLATION: \_\_\_\_\_

Dear Owner:

**The violation noted below is considered a very serious violation by the Association. Therefore, the Association believes an immediate hearing regarding the violation is necessary.** In accordance with the *Civil Code* and the CC&Rs, you are hereby notified that a hearing will be held before the Association's Board of Directors at the time/place listed below, to address the charges made in the Written Complaint served upon you. You may be present at the hearing, may but need not be represented by counsel, may present any relevant evidence, and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to request the attendance of witnesses and the production of books, documents or other items by applying to the Board of Directors of the Association. The outcome of this Hearing may result in an imposition of an Individual Special Assessment, suspension of your voting and Common Area privileges, including the use of the recreational facilities, or any other remedy available to the Association.

VIOLATION REPORTED: \_\_\_\_\_

\_\_\_\_\_

HEARING DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

PLACE: \_\_\_\_\_

If you have any questions, please contact: \_\_\_\_\_

RANCHO VENTANA RV RESORT COMMUNITY ASSOCIATION INC.

By: \_\_\_\_\_ Date Signed: \_\_\_\_\_



**EXHIBIT 7 TO ENFORCEMENT PROCEDURE**  
**RANCHO VENTANA RV RESORT COMMUNITY ASSOCIATION INC.**

**LOT OWNER HEARING PROCEDURE**

1. Review of all documentation submitted by the Association staff.
2. Statement of Violation by acting chairperson.
3. Review requirements of Association's Governing Documents.
4. Statement by Violator.
5. Statement of any third-party witnesses.
6. Discussion and questioning of the Violator by Association.
7. Questions (if any) and final statement by the Violator.
8. Hearing ends. Violator and any of his/her representatives excused.
9. Board deliberates.
10. Ruling made by Board of Directors.
11. Enforcement procedures as applicable.

**Documentation:**

Name of Violator(s): \_\_\_\_\_

Address/ Lot: \_\_\_\_\_

Phone: \_\_\_\_\_

Nature of Violation: \_\_\_\_\_

\_\_\_\_\_

Findings of Fact: *[attach additional pages, if necessary]* \_\_\_\_\_

\_\_\_\_\_

Additional Comments: \_\_\_\_\_

\_\_\_\_\_

Recommended Action: \_\_\_\_\_

\_\_\_\_\_

RANCHO VENTANA RV RESORT COMMUNITY ASSOCIATION INC.

By: \_\_\_\_\_ Date Signed: \_\_\_\_\_

**EXHIBIT 8 TO ENFORCEMENT PROCEDURE**  
**RANCHO VENTANA RV RESORT COMMUNITY ASSOCIATION INC.**

**RULING NOTICE**

Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

**RE: Violation Hearing held on:** \_\_\_\_\_

**Dear Owner:**

**You have been notified of your violation of the Association's Governing Documents. In accordance with the violation hearing, this matter has been reviewed by the Board of Directors which makes the following findings of fact:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Based on the foregoing, the Association takes the following action:

- ☐ No action taken.
- ☐ Suspension of Violator's Membership Privileges (which includes voting and Common Area privileges, and use of the recreational facilities), commencing on \_\_\_\_\_ and terminating on \_\_\_\_\_.
- ☐ Bring Lot / Violator into compliance by taking the required action on or before the close of business on the date specified. \_\_\_\_\_
- ☐ Demand to remove the unauthorized improvement or other work and to further restore the property to its original condition (prior to the commencement of the unauthorized improvement) by the date of \_\_\_\_\_. Failure to comply could result in removal and restoration by the Association, and, if the Association pays for any costs for such action, an Individual Special Assessment may be levied against the Violating Owner in accordance with the Association's Governing Documents.
- ☐ Individual Special Assessment levied in the amount of: \$ \_\_\_\_\_
- ☐ Other: \_\_\_\_\_

Individual Special Assessments must be paid within thirty (30) days of the date of this Ruling Notice. If said assessment is not paid within thirty (30) days, the Board may suspend the Member's Membership Privileges until such time as the Individual Special Assessment is paid.

APPROVED AND ADOPTED FOR ENFORCEMENT BY

THE BOARD OF RANCHO VENTANA RV RESORT COMMUNITY ASSOCIATION INC.

By: \_\_\_\_\_

Date Signed: \_\_\_\_\_

## ENFORCEMENT PROCEDURE FLOW CHART

