

## MyHOAAppeal - Educational worksheet

### Statute of Limitations Issues for HOA Fines

Educational use only. Not legal advice. Verify against your CC&Rs and state law.

#### == VISUAL SUMMARY ==

Five takeaways to remember about time bars on collection and enforcement claims. Use them as a one-page briefing before you write or speak.

- \* Start with procedure: Map notice, cure, hearing, and decision duties before debating the aesthetics of time bars on collection and enforcement claims.
- \* Make the decision point explicit: Your appeal should answer whether age of the fine creates a defense with exhibits, not adjectives.
- \* Compare options deliberately: Know whether you are closer to Recent fine, Stale fine, or Revived / restated charge before you argue.
- \* Write one remedy sentence: Boards skim-state waive, reduce, re-notice, or reverse in a single line tied to time bars on collection and enforcement claims.
- \* Keep escalation proportionate: Match collections risk and dollar amount to mediation, counsel, or court only after the packet is sent.

#### == PROCESS FLOW ==

##### 1. Capture the trigger [Same day (30-90 min)]

Save the notice, portal message, invoice, or verbal summary that started the dispute about time bars on collection and enforcement claims. Note the date received.

Documents: Violation notice, invoice, or portal message; Envelope postmark or delivery receipt; Dated note of when you first learned of the fine.

Avoid: Relying on a verbal warning without a written artifact; Forgetting to photograph the notice date and cited rule.

##### 2. Pull controlling text [1-3 days]

Locate the statute, CC&R, rule, and fine-schedule language that supposedly authorizes action on time bars on collection and enforcement claims.

Documents: CC&R / rule pages cited in the notice; Current fine schedule; Bylaws appeal or hearing clause

Avoid: Arguing fairness before confirming the board cited a real rule; Using an outdated schedule that no longer matches the current CC&Rs.

##### 3. Build the evidence spine [2-5 days]

Assemble dated photos, correspondence, ledgers, and comparables that speak directly to whether age of the fine creates a defense.

Documents: Dated photos or maintenance logs; Correspondence export; Comparable-neighbor notes (when relevant); One-page summary of evidence.

Avoid: Photos without dates, landmarks, or consistent angles; Dumping unsorted emails instead of labeled exhibits.

##### 4. Choose the procedural path [Per notice window (often 7-14 days)]

Pick cure, informal dispute, formal hearing, payment under protest, ADR, or counsel based on deadlines and stakes around time bars on collection and enforcement claims.

Documents: Deadline calendar from the notice and bylaws; Draft remedy sentence (waive / reduce / re-notice / reverse); Proof of payment.

Avoid: Missing the internal appeal deadline while still gathering evidence; Asking for conflicting remedies in the same letter.

##### 5. Submit a written ask [1-2 hours to finalize + send]

Send one clear remedy request (waive, reduce, re-notice, or reverse) tied to whether age of the fine creates a defense, with exhibits attached.

Documents: Signed appeal or dispute letter; Indexed exhibits; Certified-mail / portal delivery proof

Avoid: Sending exhibits without a clear ask on the first page; Failing to keep delivery proof for the appeal packet.

##### 6. Confirm the outcome in writing [1-7 days after hearing or board action]

Demand or calendar a written decision, update your ledger notes, and decide whether escalation is still proportionate.

Documents: Written decision or refusal-to-decide record; Updated ledger screenshot; Post-decision deadline calendar

Avoid: Assuming silence means the fine was waived; Paying without noting payment under protest when escalation continues.

#### == CHECKLIST ==

Documents on hand

[ ] Written notice or invoice tied to time bars on collection and enforcement claims

[ ] Current CC&Rs, rules, and fine schedule excerpts

[ ] Delivery proof (certified mail, portal export, or email headers)

Evidence quality

[ ] Dated materials that address whether age of the fine creates a defense

- [ ] One-page timeline of key events
- [ ] Exhibit index with short labels (A, B, C...)

#### Procedural safeguards

- [ ] Appeal / cure / hearing deadline calendared
- [ ] Clear written remedy (waive, reduce, re-notice, reverse)
- [ ] Plan for payment under protest if lien pressure rises

#### Before you stop working the file

- [ ] Confirm whether recent fine or stale fine better describes your posture
- [ ] Save a PDF export of the full packet
- [ ] Note any verbal promises in a same-day email

#### == TIMELINE ==

##### Trigger / notice | Day 0

Violation letter, invoice, or demand referencing time bars on collection and enforcement claims arrives.

Documents: Violation letter or invoice; Delivery proof / portal export

Avoid: Ignoring early inspection photos that later become exhibit A; Losing the envelope that shows the mailing date

##### Document pull | Days 0-3

Gather CC&Rs, schedules, and records that control whether age of the fine creates a defense.

Documents: CC&Rs and rules cited; Fine schedule; Prior correspondence on the same issue

Avoid: Starting to write before you have the controlling text; Mixing draft rules with recorded covenants

##### Cure or early response | Per notice (often 7-14 days)

Cure if appropriate; otherwise send a written dispute preserving hearing rights.

Documents: Cure photos or vendor invoice; Written dispute letter if not curing; Delivery proof

Avoid: Curing without asking for written confirmation; Letting the cure window expire while waiting on a phone call

##### Hearing / board review | Often 2-6 weeks after request

Present indexed exhibits focused on time bars on collection and enforcement claims; ask for a written decision.

Documents: Indexed exhibit packet; Hearing agenda or appearance confirmation; One-sentence remedy ask

Avoid: Showing up without copies for the board; Skipping a written decision request on the record

##### Written decision | Promptly after hearing (document-driven)

Confirm outcome in writing; calendar any post-decision deadlines.

Documents: Written decision letter; Updated ledger entry; Minutes request (if decision is oral only)

Avoid: Accepting an oral outcome without a dated writing; Missing post-decision escalation clocks

##### Escalation fork | After denial or silence

Choose payment under protest, ADR, counsel, or court based on stakes around time bars on collection and enforcement claims.

Documents: Full appeal record to date; Collections / lien notice if any; ADR clause or counsel intake notes

Avoid: Escalating before the internal record is complete; Paying without preserving dispute rights when a lien is threatened

#### == DECISION TREE (print path) ==

Use this yes/no path to decide your next action on time bars on collection and enforcement claims. Outcomes are educational starting points-confirm against your CC&Rs and state law.

Q (start): Do you already have written materials covering time bars on collection and enforcement claims?

- Yes - I have notices or governing excerpts -> go to quality

- No - I am starting from a verbal warning or rumor -> go to collect

Q (collect): Can you obtain the written notice, fine schedule, and relevant CC&R/rule pages within 48 hours?

- Yes - I can request or download them -> Request the file in writing today, then re-run

this tree for time bars on collection and enforcement claims. Do not rely on memory alone.

- No - the association will not provide records -> Send a dated records request, keep delivery proof, and note the refusal in your appeal packet about time bars on collection and

enforcement claims.

Q (quality): Does your packet clearly address whether age of the fine creates a defense?

- Yes - defects and facts are indexed -> go to deadline

- Not yet - gaps remain -> Fill gaps with dated exhibits before you argue time bars on collection and enforcement claims. Incomplete packets invite denials on procedure.

Q (deadline): Is an appeal, cure, or response deadline still open?

- Yes - time remains -> Calendar the deadline, submit a written position on time bars on collection and enforcement claims, and request a hearing or written decision in the same letter.

- Unsure / possibly missed -> Ask in writing for the controlling deadline and whether late submissions are accepted. Preserve time bars on collection and enforcement claims arguments even while clarifying timing.

- No - the window closed -> Document why the window was missed (late notice, portal failure, etc.) and escalate via payment-under-protest, mediation, or counsel depending on stakes.

## == COMPARISON SNAPSHOT ==

Columns: Recent fine | Stale fine | Revived / restated charge

Typical signal

[Recent fine] Clear written basis for recent fine

[Stale fine] Partial or contested basis for stale fine

[Revived / restated charge] High risk if you only have revived / restated charge

Owner priority

[Recent fine] Preserve recent fine with indexed proof

[Stale fine] Convert stale fine into a documented record

[Revived / restated charge] Do not rely on revived / restated charge alone

Board / manager reaction

[Recent fine] Harder to dismiss when exhibits are complete

[Stale fine] May stall or ask for more information

[Revived / restated charge] Often treated as insufficient without follow-up writing

Next educational move

[Recent fine] Advance the formal path for time bars on collection and enforcement claims

[Stale fine] Send a clarifying letter addressing whether age of the fine creates a defense

[Revived / restated charge] Collect missing documents before arguing substance

Escalation risk if ignored

[Recent fine] Lower if you stay on deadline

[Stale fine] Medium - ambiguity can harden into denial

[Revived / restated charge] Higher - revived / restated charge gaps feed collections narratives

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