

# PINEHURST ESTATES HOMEOWNERS ASSOCIATION

## ELK HUNTING AND RETRIEVAL RULE

*REVIEWED BY THE ACTING BOARD OF DIRECTORS - JULY 2015*

After review of the Pinehurst Estates Homeowners Association (HOA) governing documents, Oregon licensed legal counsel opinion, and direction from the Tillamook and Clatsop County Oregon State Police District Game Warden it has been determined by the existing Board of Directors that:

- 1) Article II, Section 2.6 of the HOA CC&R's prohibits any and all hunting activities within the community boundaries. "No hunting of any kind is permitted within Pinehurst Estates. There shall be no pursuing, trapping, killing, injuring or molesting of any bird or animal except in the interest of eradication of pests such as rodents or vectors."  
No one is permitted to engage in hunting activities within the HOA.
- 2) The Oregon Department of Fish and Wildlife's granting of licenses and tags to any hunter, does not affect the validity and enforceability of the HOA CC&R's and the restrictive covenant against hunting within HOA.
- 3) Hunters in Oregon do not have an absolute right to track, trail, or pursue injured animals, regardless of the animals' location. The HOA does have a right to obstruct the taking of wildlife within Pinehurst Estates under Article IX, Section 9.1 of the Pinehurst CC&R's. The HOA acting through its Board of Directors, has the right to act on violations of any Declaration or Bylaw provision by any lot owner who is in violation of Article II, Section 2.6 of the CC&R's.
- 4) The restrictive covenant prohibiting hunting activities within Pinehurst Estates takes precedence over the state's grant of hunting licenses to any hunter. Further, hunters in Oregon do not have an absolute right to hunt wildlife wherever they choose.
- 5) Retrieval of an animal by a hunter is not allowed on "No Hunting" or "No Trespass" posted property unless given "Courtesy Permission" to do so by the HOA.

- 6) An owner of property in Pinehurst Estates attempting to hunt or retrieve a wounded or dead animal on HOA property, will be considered at that time to be a “Hunter” not a property owner and will be treated as such within the parameters of the governing documents and the Oregon Trespass statutes.
- 7) If an animal dies on HOA private property it is up to the HOA to arrange disposal. The hunter would have no jurisdiction. Contact with the state police with regards to hunting or retrieval is not required unless a trespass violation by the hunter occurs, who would then be subject to arrest, removal and fine as defined by Oregon statute.

The existing CC&R rule regarding hunting will apply to any and all aspects of the hunting process, including retrieval of hunted and or injured animals and not be allowed within the boundaries of the Pinehurst Estates Homeowners Association.