

Bryant Woods Homeowners Association

Legal Status

Tax Status **Federal Tax ID is 93-0681550, Oregon BIN 100370-18**

Nonprofit type – Mutual Benefit with Members

Oregon Entity – Domestic Nonprofit Corporation Registered 2-8-1973

Federal & State – BWHOA is taxed as a residential real estate association. We pay tax on non-exempt functions if there is *taxable income* (revenue exceeds expenses). This is comprised of Pool Income less % of Pool Expense which is usually a net loss, so no tax is due. If there is taxable income, the federal tax rate is 30%.

To qualify as a residential real estate association the following must apply:

- At least 60% of the association's gross income for the tax year must consist of exempt function income
- At least 90% of the association's expenses for the tax year must consist of expenses to acquire, build, manage, maintain, or care for its property.

Internal Revenue Code Section (IRC § 528)

Oregon tax-exempt organization (ORS 317.067)

Tax Filings

Tax Status for Federal – File 1120-H is filed by April 15

Tax Status for Oregon – extract from Form OR-20 Instructions 2016

Oregon also requires form 1120-H be filed with the state. If there is no *taxable income*, BWHOA is not required to file an Oregon Corporation Excise Tax Return (Form 20) and is not subject to the minimum tax. Send a copy of Federal Return with “Oregon” written at the top.

Extract from Form OR-20 Instructions 2016

Homeowners associations A homeowners association organized and operated under IRC §528(c) may elect to be treated as a tax-exempt organization (ORS 317.080). The association must make the election no later than the time prescribed by law for filing the return. A copy of the federal Form 1120-H filed with the IRS will constitute this election when filed with us. Tax-exempt status will only exempt the association from tax on the exempt function income, such as membership dues, fees, and assessments from member-owners of residential units in the particular condominium or subdivision involved. Oregon follows the federal definition of nonexempt function income.

Don't file Form OR-20 if you don't have nonexempt function income for Oregon tax purposes. Only file a copy of your federal Form 1120-H with us.

File an Oregon Form OR-20, with a copy of federal Form 1120-H, if the association has taxable income.

Homeowners association taxable income for Oregon is generally the same as for federal purposes. It's gross nonexempt income less directly-related deductions, less the specific \$100 deduction. However, net capital gains are included in the computation and receive no special treatment.

An association filing Oregon Form OR-20 is subject to the greater of calculated excise tax or Oregon minimum tax. For minimum tax purposes, include in “Oregon sales” only Oregon nonexempt function income. “

Property Tax

BWHA does not pay property tax; most Oregon nonprofit organizations are exempt.

State Statutes Governing Planned Communities

ORS 94.550 through 94.785

BWHA is subject to these statutes even though our governing document may be inconsistent with the statute because BWHA was formed prior to 1 Jan 2002. Oregon statutes recommend a method to amend governing documents, which BWHA has not done as of March 2017.

Planned Unit Development (PUD 67-3)

When Bryant Woods HOA was developed, the City permitted smaller lot sizes than existing Code, in exchange for greenspace buffer zones which is our Common Area, including Friendship Park. In September 2016, City Attorney for the City of Lake Oswego explained that the Bryant Woods neighborhood was created by City ordinance, and that the ordinance required the Common Area remain open to all members. Because of this ordinance, no common area property can be sold or given to any other use.

2. The City does hereby approve and adopt Exhibits B, B-1, and B-2, Landscape Plan, Bryant Woods Planned Unit Development with the following modifications:

a. That the developer be required to landscape the right of ways on all collector streets with the right of ways 60 feet and over in accordance with plans to be prepared by the developer and approved by the City.

b. That the developer be required to provide parking for park to be in accordance with Chapter 42, Section 42.710 through 42.830 of the Code of the City of Lake Oswego, relating to driveways.

c. That all common properties are maintained, including recreational areas by the property owners association and that appropriate restrictive covenants and documents providing for the maintenance of these common properties and recreational areas including agreements by the property owners association, dedicatory deeds or reservations are provided and approved by the City attorney prior to recording of the final plat.

Disposal of Common Area Property

While the Article of Incorporation mention “dispose of real or personal property”, the City Attorney (see below) made it very clear that the City Ordinance would not allow that. City Attorney also said the City should be notified if anyone files adverse possession for Common Areas because the City would need to be named in any legal action.

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BRYANT WOODS PLAT NO. 6



Special Condition:
 This plat is filed subject to all the terms and conditions set forth in City of Lake Oswego Ordinance No. HCO, a Certified Copy of which is on file in the Office of the City Recorder of Lake Oswego, Oregon.

CENTER LINE CURVE DATA

CURVE NUMBER	DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING
1	40° 40' 00"	200.00'	128.71'	197.98'	N 68° 16' 00" E
2	51° 14' 30"	200.00'	109.08'	170.71'	N 48° 40' 18" E

LOT CURVE DATA

LOT NUMBER	DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING
1	18° 30' 00"	200.00'	67.48'	67.48'	N 18° 30' 00" E
2	28° 00' 00"	200.00'	64.94'	64.94'	N 28° 00' 00" E
3	37° 30' 00"	200.00'	62.40'	62.40'	N 37° 30' 00" E
4	47° 00' 00"	200.00'	59.86'	59.86'	N 47° 00' 00" E
5	56° 30' 00"	200.00'	57.32'	57.32'	N 56° 30' 00" E
6	66° 00' 00"	200.00'	54.78'	54.78'	N 66° 00' 00" E
7	75° 30' 00"	200.00'	52.24'	52.24'	N 75° 30' 00" E
8	85° 00' 00"	200.00'	49.70'	49.70'	N 85° 00' 00" E
9	94° 30' 00"	200.00'	47.16'	47.16'	N 94° 30' 00" E
10	104° 00' 00"	200.00'	44.62'	44.62'	N 104° 00' 00" E
11	113° 30' 00"	200.00'	42.08'	42.08'	N 113° 30' 00" E
12	123° 00' 00"	200.00'	39.54'	39.54'	N 123° 00' 00" E
13	132° 30' 00"	200.00'	37.00'	37.00'	N 132° 30' 00" E
14	142° 00' 00"	200.00'	34.46'	34.46'	N 142° 00' 00" E
15	151° 30' 00"	200.00'	31.92'	31.92'	N 151° 30' 00" E
16	161° 00' 00"	200.00'	29.38'	29.38'	N 161° 00' 00" E
17	170° 30' 00"	200.00'	26.84'	26.84'	N 170° 30' 00" E
18	180° 00' 00"	200.00'	24.30'	24.30'	N 180° 00' 00" E
19	189° 30' 00"	200.00'	21.76'	21.76'	N 189° 30' 00" E
20	199° 00' 00"	200.00'	19.22'	19.22'	N 199° 00' 00" E
21	208° 30' 00"	200.00'	16.68'	16.68'	N 208° 30' 00" E
22	218° 00' 00"	200.00'	14.14'	14.14'	N 218° 00' 00" E
23	227° 30' 00"	200.00'	11.60'	11.60'	N 227° 30' 00" E
24	237° 00' 00"	200.00'	9.06'	9.06'	N 237° 00' 00" E
25	246° 30' 00"	200.00'	6.52'	6.52'	N 246° 30' 00" E
26	256° 00' 00"	200.00'	3.98'	3.98'	N 256° 00' 00" E
27	265° 30' 00"	200.00'	1.44'	1.44'	N 265° 30' 00" E