

## **Architectural Control Committee Remediation and Fine Policy and Procedure**

### **Policy:**

It will be the responsibility of the Beaver Creek Architectural Control Committee (ACC) to remediate violations of any code or standard identified in the Declaration of Rights, Restrictions, Affirmative Obligations and Condition for Beaver Creek On The Plains Subdivision, Filings 1,2,3 and inclusive of all future Filings which have occurred without resolution within a designated and reasonable period of time. The ACC is authorized to administer all facets of the ACC Fine Schedule for violations inclusive of the assessment, collection, security of fees associated with any violation and the litigation thereof when called upon to do so.

### **Procedure:**

This document is written for the specific purpose of outlining procedure and actions of this Committee in the fulfillment of remediation when violations occur and the implementation of a Fee Schedule when a violation of any code or standard identified in the Declarations of Rights, Restrictions, Affirmative Obligations and Conditions for Beaver Creek On The Plains Subdivision, Sediton 1,2,3 and inclusive of all future Filings, has occurred without resolution within a reasonable period and sent for resolution by the ACC.

In accordance with this policy and procedure, the ACC may

- Notify property owners in writing of recognized violation(s) of any code or standard identified in the Declaration of Rights, Restrictions, Affirmative Obligations and Conditions for the Beaver Creek Subdivision all Filings current and future.
  
- Issue mailed and/or electronic notification to the address and/or email where the observed violation(s) occurred. Should a property owner have provided the ACC and/or HOA with an address, in writing, as an alternative address for correspondence, the provided address will be used for notification.
  
- The notification will identify the observed violation(s).
  
- Any Injunction, Judgment and/or Lien filed will remain separate and apart from any prior or future legal action taken by the ACC and HOA.
  
- Unresolved homeowner accounts may additionally be filed with credit reporting bureaus.
- The homeowner may submit a project request at any time during this process thereby allowing the ACC to consider issuance of a Conditional Waiver during which time the homeowner may bring the property into compliance.

- Any property with prior and outstanding violations to adoption of the amended procedure are bound to the Remediation and Fine Schedule in force at the time of the property violation.

**Remediation Failure:**

In the event that any Owner fails to cure, commence or proceed with due diligence in the completion of tasks necessary to cure the identified code, standard or restriction subsequent to written notice, the Committee shall at its discretion, notify and direct the property owner to pay a schedule of fees relative to the continuing period said code, standard or restriction continue as a non-remedied encumbrance to the property owners of the Beaver Creek Subdivision and all affiliate authority or agents representing said Subdivision up to and including legal actions to rectify violation in the form of an Injunction, Judgment or Property Lien for fines accrued and outstanding.

**Notification and Fine Schedule:**

'Observed' refers to a survey that is completed once each month.

- Upon first observation of the violation-the 'Friendly Reminder' notification issued to homeowner;
- upon second observation of same violation a \$25 fine and notification issued to homeowner;
- upon third observation of same violation a \$50 fine and notification issued to homeowner;
- upon fourth observation of same violation a \$75 fine and notification issued to homeowner and direct contact with the homeowner will be attempted;
- upon fifth observation of same violation a \$100 fine issued to homeowner and the mailed notification will be by certified mail;
- upon the sixth and final observation of the same violation a \$150 fine issued to the homeowner, the mailed notification will be by certified mail, and referred to legal support for enforcement.