

## **VALLE VISTA HOMEOWNERS ASSOCIATION ADOPTION AND AMENDMENT OF POLICIES**

The following procedures have been adopted by the Valle Vista Homeowners Association, ("Association") pursuant to the provisions of C.R.S. §38.3-209.5, C.R.S. §38-33.3-123, §38-33.3-315, §38-33.33-316, the Association Documents, and The Act, at a regular meeting of the Board of Directors.

**Purpose:** To adopt a Policy setting forth procedures for the adoption and amendment of policies, procedures, and rules.

**NOW, THEREFORE, IT IS RESOLVED** that the Association does hereby adopt the following Policy governing adoption and amendment of policies, procedure and rules:

1. **Authority.** Pursuant to the Association Documents and C.R.S. §38-33.3-302, the authority to create, adopt, enforce, amend and repeal policies, procedures and rules lies with the Board.
2. **Solicitation of Information from Members.** Prior to adopting any Policy the Board has the right but not the obligation to solicit information regarding the proposed Policy from the Members. The Board may gather information by distributing draft policies, forming a committee, conducting an informational meeting or any other method determined by the Board to be appropriate considering all of the relevant circumstances.
3. **Adoption.** When the Board, in the exercise of its discretion, determines that a Policy should be adopted, amended or repealed, as appropriate, it shall do so at a meeting of the Board and pursuant to statute, Valle Vista Homeowners Association Bylaws, and Valle Vista Homeowners Association Covenants.
4. **Notice.** The Board shall then give notice of the adoption, amendment, or repeal of the Policy in writing by first class mail, postage prepaid, to each Member of the Association at the address for notices to Members as provided for in the Association Documents and shall publish the Policy by any reasonable means available, including but not limited to posting the Policy on the Valle Vista HOA website, if any, by e-mail, newsletter, or personal delivery. The Policy, along with all the other policies of Association, shall be available for inspection and copying in accordance with the Association's Policy regarding inspection and copying of Association records.
5. **Enforcement.** Any Owner's failure to receive the Policy shall not be a defense to any attempt by the Association to enforce the Policy or to levy fines, expenses, or attorney's fees as a result of a violation of the Policy.
6. **Definitions.** As used in the Association Policies, capitalized terms shall have the same meanings as defined in the Association Covenants and Bylaws.
7. **Conflicts.** The Policies adopted by the Association are supplemental to the Association Documents and statute. In the event of a conflict between the provisions of any Policy and the Declaration, the Covenants, Bylaws, and statute shall control.
8. **Severability.** The provisions of the Association Policies shall be independent and severable. The invalidity of any one or more of the provisions of any Association Policy by judgment or court order or decree shall in no way affect the validity or enforceability of any of the other provisions, which shall remain in full force and effect.

### **PRESIDENT'S CERTIFICATION:**

Approved and adopted by the Board of Directors and in witness thereof, the undersigned have subscribed their names.

Valle Vista Homeowners Association

By: Ronald Ameyers

President Date 3/23/2016

By: William Markell

Vice President Date 3-23-16

By: WJG 3-23-16

Secretary Date

By: WJG 3-23-16

# VALLE VISTA HOMEOWNERS ASSOCIATION

## Covenant Enforcement Policy and Procedure

**BE IT RESOLVED**, the Association hereby adopts the following procedure to be followed for enforcing policies, rules and regulations and other governing documents of the Valle Vista Homeowners Association.

### 1. Scope

To adopt a procedure and policy outlining procedures to be followed for enforcing policies, rules and regulation and other governing documents of the Association.

### 2. Specifics:

Violations may be observed by the Board of Directors, the management company, a committee member or reported via written correspondence through e-mail, fax or mail. The **signed** complaint must state specifically the violation observed and include who the violating party is, what was observed, date, place and time of violation and any other pertinent information such as license plate numbers, etc.

If full details are not provided with a complaint, further action beyond additional observation cannot be made. The Board of Directors will investigate the complaint further and will make additional observations if required.

If a violation is found and documented, the following actions will be taken:

- A letter will be sent to the owner (and tenant if it is a known rental) stating the violation. The owner will have 10 days to respond to the letter, request a hearing, or to correct the violation.
- If the violation is still observed after 10 days, a second letter will be sent to the owner (and tenant if it is a known rental) stating that if the violation continues, Valle Vista HOA will take legal action.
- Legal action may include hiring a contractor to correct the violation and the contractor's fees will be assessed against the homeowner.
- Legal action may include legal action to recover sums due, for damages or injunctive relief or both, and for costs of preparing and filing, reimbursement of all attorney's fees incurred in connection therewith, and court costs.
- Legal action may include a lien against the property.
- Legal action may include turning the bill over to collections to collect any judgements assessed by the courts.
- Returned check fee of \$20.
- Exterior maintenance upkeep violations (Article VIII - weeds/trash) are likely to be resolved by hiring a contractor to correct the violation and the contractor's fees will be assessed against the homeowner.
- Restrictive covenants violations (Article II) are likely to be resolved by legal action to recover sums due, for damages or injunctive relief or both, and for costs of preparing and filing, reimbursement of all attorney's fees incurred in connection therewith, and court costs.
- Collections, liens, and bill collecting are in accordance with the Declaration of Covenants, Conditions and Restrictions of Valle Vista Subdivision Article VIII, Section 4 and Article IX.

### 3. Supplement to Law:

The provisions of this Resolution shall be in addition to and in supplement of the terms and provisions of the Declaration and the laws of the State of Colorado governing the Project.

### 4. Deviations:

The Board may deviate from the procedures set forth in this Resolution if in its sole discretion such deviation is reasonable under the circumstances.

### 5. Amendment:

The Board of Directors may amend this procedure from time to time.

The undersigned, members of the Board of Directors of this Association, certify that the Board of Directors of the Association adopted the foregoing resolution and in witness, therefore, the undersigned have signed his/her name.

#### Valle Vista Homeowners Association

By: Ronald A. Meyer

President Date 3/23/2016

By: William Horn 3-26-16

Vice President Date

By: [Signature]

Secretary Date 3-23-16

By: Steen M. Davis 3-26-16

Board Member Date

By: John L. Williams

Board Member Date

By: William Siedler

Board Member Date

By: [Signature] - 7/27/16

Board Member Date

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

Board Member Date

# Valle Vista Homeowners Association

## Dues Collection Policy and Procedure

**BE IT RESOLVED**, that the following policy will govern the adoption and amendment of policies, procedures, and rules.

### 1. Scope:

To adopt a procedure and policy outlining procedures to be followed when owner accounts are past due.

### 2. Specifics:

The Association shall levy and enforce regular and special assessments. By accepting a deed to any lot, each owner agrees to pay to the Association all the assessments.

The Board of Directors will set assessments annually. These assessments shall be paid on or before March 1<sup>st</sup> of each year. Statements will be mailed to each owner before the due date.

Payments for assessments not paid by March 1<sup>st</sup> will be considered delinquent.

### The following list details penalties:

- If the assessments under Declaration of Covenants, Conditions and Restrictions of Valle Vista Subdivision Article VIII, Section 4 or under other sections are not paid by the due date of March 1<sup>st</sup> such assessment shall become delinquent and shall, together with such interest thereon, there upon become a continuing lien on the property which shall bind such property in the hands of the then owner, his heirs, devisees, personal representatives and assigns.
- 30 days delinquent (April 1<sup>st</sup>) – If the assessments under Declaration of Covenants, Conditions and Restrictions of Valle Vista Subdivision Article VIII, Section 4 or under other sections are not paid by the due date of April 1<sup>st</sup>, the assessment shall bear interest from the date of delinquency at the rate of 8% per annum, and the Association may bring an action at law against the owner personally obligated to pay the same or to foreclose the lien against the property, and there shall be added to the amount of such assessment the costs of preparing and filing the complaint in such action, and in the event a judgement is obtained such judgement shall include interest on the assessment as above provided, and a reasonable attorney's fee to be fixed by the court together with the costs of the action.
- Any assessment not paid by the due date of April 1<sup>st</sup>, the assessment shall bear interest from the date of delinquency at the rate of 8% per annum, and the Association may bring an action at law against the owner personally obligated to pay the same or to foreclose the lien against the property, and there shall be added to the amount of such assessment the costs of preparing and filing the complaint in such action, and in the event a judgement is obtained such judgement shall include interest on the assessment as above provided, and a reasonable attorney's fee to be fixed by the court together with the costs of the action. No owner may waive or otherwise escape the liability for the assessments provided for herein by non-use of the common area or abandonment of his lot or dwelling unit.
- The lien of the assessments provided for herein shall be subordinate to the lien of any first mortgage. Sale or transfer of any lot or dwelling unit does not affect the assessment lien. However the sale or transfer of any lot or dwelling unit pursuant to mortgage foreclosure or any proceeding in lieu thereof,

shall extinguish the lien of such assessments as to payments which became due prior to such sale or transfer. No sale or transfer shall relieve such lot or dwelling unit from liability for any assessments thereafter becoming due or from the lien thereof.

• Collections, liens, and bill collecting are in accordance with the Declaration of Covenants, Conditions and Restrictions of Valle Vista Subdivision Article VIII, Section 4 and Article IX.

### 3. Supplement to Law:

The provisions of this Resolution shall be in addition to and in supplement of the terms and provisions of the Declaration and the laws of the State of Colorado governing the Project.

### 4. Deviations:

The Board may deviate from the procedures set forth in this Resolution, if in its sole discretion such deviation is reasonable under the circumstances.

### 5. Amendment:

The Board of Directors may amend this procedure from time to time.

The undersigned, members of the Board of Directors of this Association, certify that the Board of Directors of the Association adopted the foregoing resolution and in witness, thereof, the undersigned have signed his/her name.

### VALLE VISTA HOMEOWNERS ASSOCIATION

#### Valle Vista Homeowners Association

By: Ronald A. Meyers

President Date 3/23/2016

By: William D. Smith 3-23-16

Vice President Date

By: Tim

Secretary Date 3-23-16

By: Glenn M. Day 3-23-2016

Board Member Date

By: William Giedler

Board Member Date

By: David A. Smith 3/23/16

Board Member Date

By: Stephen D. Wilkes

Board Member Date

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

Board Member Date