

Indian Springs Landowners Association

Statement of Policies

This policy allows for implementation of a formal process in support of Indian Springs Landowners Covenants and is structured from the Colorado Common Interest Ownership Act (CCIOA). enacted in 2018 to "... promote effective and efficient property management through defined operational requirements that preserve flexibility for such homeowner associations;..." (CCIOA 38-33.3-102d) and the ISLA Covenants. Indian Springs Landowners Association, Inc., is in 'Good Standing' with the Colorado Secretary of State. The ISLA Articles, By-Laws and Covenants are filed with the Colorado Secretary of State and recorded with Fremont County, Colorado. ISLA is registered with the Colorado Department of Regulatory Agencies, HOA29343.

0.0 Definitions

0.1 Impartial decision maker (IDM): An individual appointed by the ISLA board to mediate a conflict and who has no direct personal or financial interest in the outcome. An example would be a board member or a member in good standing.

0.2 Colorado Common Interest Ownership Act: Enacted by the state of Colorado in 2018 to "... promote effective and efficient property management through defined operational requirements that preserve flexibility for such homeowner associations;..." (CCIOA 38-33.3-102d)

1.0 Overview Covenant, By-Law and Enforcement (non-assessment) Policy.

1.1 The Covenant, By-Law and Policy Enforcement (non-assessment) Policy is intended to achieve the following:

1.1.1 Support the ISLA governing documents.

1.1.2 Protect and enhance the value, desirability and attractiveness of property within Indian Springs.

1.1.3 Provide a uniform process for;

1.1.3.1 The reporting and verification of suspected governing covenant violations,

1.1.3.2 Creating an atmosphere of open communication between the Board of Directors and property owners regarding the alleged violation and to seek mutually agreeable solutions,

1.1.3.3 Allowing the Board and the Owner the opportunity to have an impartial observer to determine if the allegations exist and if warranted recommend corrective measures,

1.1.3.4 Providing the Owner an opportunity to contest the findings,

1.1.3.5 Providing the Board enforcement tools in situations where an Owner refuses to correct verified violations.

1.2 An Owner who believes a violation involves only county or other governmental regulations, rules, codes, ordinances or laws and not ISLA covenants shall follow the procedure required by the governing body having jurisdiction.

1.3 Violations of the ISLA covenants may occur as a result of misinformation; the Owner being uninformed of the requirement or by willful choice to commit a violation. Therefore, the following procedure is established as a standard plan for receiving violation information and providing notice of violations to an Owner in an effort to bring resolution.

2 Procedure

2.1 Any Owner or Board member who believes the ISLA covenants are being violated shall submit the following information, in writing, to the Board.

2.1.1 The suspected Owner's name and lot number.

2.1.2 The statement of the alleged violation which includes cited paragraphs from the ISLA covenants.

2.1.3 The date the violation was first observed (limitations may apply depending on the violation and may be determined by Colorado Statutes).

2.2 When the Board receives a letter of an alleged violation, the Board shall make efforts to substantiate the existence of the violation. The board will include dated verbal and/or written communications with the Owner having the alleged violation as part of their investigation. If the nature of the alleged violation is a circumstance that the Board cannot tangibly observe by visiting the site at a given time, the Board shall ask the complainant to give detailed information about the violation observed (in writing) upon which it may rely for further action. If the complainant does not provide sufficient written information, the Board reserves the right to not pursue further action and will notify the parties of this decision.

2.3 Once verification has been made that a violation exists (or reasonable determination that such circumstances occurred), the Board shall send a "Courtesy Notice" to the Owner simply stating the nature of the alleged violation and the dated by which remedy must be completed. Following the completion date, the Board shall re-inspect the property to verify compliance. If requested remedy has been met, no further action shall be taken and the Board shall send a letter to the Owner stating that the remedy and completion date was met.

2.4 If the remedy has not been met, a "Second Notice" of violation shall be sent to the Owner, stating the nature of the violation and the action required for remedy. This notice shall also state that an Owner may request an extension or provide an alternative plan through verbal or written notification that should be received by the Board no later than 30 days of the date on the "Second Notice".

2.5 If the Owner does not contact the Board or provide an alternative plan by the required date, the Board shall send a "Third Notice" of violation that states the required remedy, the date for completion and the fine if the remedy is not completed by the required date. The Owner may ask the Board for a time extension to complete the remedy for causes beyond the Owner's control. The Board shall inspect the property as needed to verify compliance. When the remedy is met, no further action shall be taken and letters will be sent to all parties the remedy was met.

2.6 Board Review

2.6.1 When a Board Review is scheduled, the Owner must be notified and given an opportunity to attend. Each meeting shall be held at the scheduled time, place and date to be included in the Notice to the Owner. The Board may grant further meeting(s) for good cause. Each meeting shall be open to attendance by all members of the Association.

2.6.2 The Board shall appoint an "Impartial Decision Maker" (IDM) (example would be a board member, members in good standing, or those who have no direct personal or financial interest in the outcome; CCOIA 38-33.3-209.5 (2)(b)).

2.6.3 The Board may exercise its discretion as to the specific manner in which a meeting shall be conducted.

2.6.4 The IDM Responsibilities are:

2.6.4.1 To prepare a report of the facts found during their investigation that includes alleged violations, review of impacted ISLA covenants, a statement of observations made and facts gathered, any other testimony and relevant information that was considered during the investigation. A written copy of the report shall be given to the Board and the Owner.

2.6.4.2 Determine whether the alleged violation actually occurred and whether the Owner is the one who should be held responsible.

2.6.5 The Board will discuss violation(s), review evidence, and determine actions as deemed appropriate or desirable to reach a just decision.

2.7 The decision shall have an effective date determined as fitting after the board review.

2.8 If the Board does not inform the Owner of the IDM's decision at the time of the meeting, or if no meeting is held, the Board will provide a written notice of the IDM's decision to the accountable member's current address of record via return receipt mail within five (5) days of the decision.

2.9 If the meeting finds the Owner in violation, the Board may determine enforcement action on a case by case basis and take other actions as it may deem necessary and appropriate to assure compliance with the covenants.

2.10 If the Owner does not respond or if resolution is not reached within a reasonable time following the required completion date, the Board may TAKE FURTHER ACTION. That action may include, but not be limited to, distributing a final demand notice by certified mail which may include additional sanctions (as allowed by CCIOA 38-33.3-209.5 (2)(a), placement of a lien, and/or using an Alternative Dispute Resolution policy (ADR).

3 Violation Assessment and Schedule

3.1 Fines and schedules may be assessed if the remedy is not completed by the required date. The Board shall deliver the Owner, in writing, a report that provides a detailed description of the remedy, the completion date and the fine. If the remedy is completed by the required date, the Board shall send a letter to the parties stating that the remedy and completion date was met.

3.1.1 **Courtesy Letter** (1st notice) will request resolution, communication, or an alternate plan relative to the stated violation thirty (30) days from the date of the courtesy letter.

3.1.2 **Second Notice** requesting compliance will be issued thirty (30) days after the Courtesy Notice. The Board will arrange a meeting and invite the Owner to attend and inform them that they may incur a ten dollar (\$10) fine which will accrue monthly with continued non-compliance until the specified remedy is met.

3.1.3 **Third Notice** will be sent by certified mail to the Owner thirty (30) days after the second notice has passed without resolution.

3.1.4 If resolution is not found with the Lot Owner the Board will determine further actions.

3.2 Violations include but are not limited to nuisance matters including excessive noise, loose animals, outside storage of trash, blockage of easements, fence repairs, non-operating and/or unlicensed motor vehicles, misplaced fences, and unfinished structure exteriors.





