

REVISED June 2009 - 2nd Revision June 2012- 3rd Revision January 2018
**RESOLUTION OF THE KENTFIELD MASTER ASSOCIATION, INC. REGARDING POLICIES AND PROCEDURES
FOR COVENANT AND RULE ENFORCEMENT**

SUBJECT: Adoption of a policy regarding the enforcement of covenants and rules and procedures for the notice of alleged violations, conduct of hearings and imposition of fines.

PURPOSE: To adopt a uniform procedure to be followed when enforcing covenants and rules to facilitate the efficient operation of the Association.

AUTHORITY: The Declaration, Bylaws, and Articles of Incorporation of the Association, and Colorado law.

EFFECTIVE

DATE: January 1, 2006 – *REVISED June 1, 2009 , 2nd Revision June 2012, 3rd Revision January 2018*

RESOLUTION: The Association hereby adopts the following procedures to be followed when enforcing the covenants and rules of the Association:

1. Reporting Violations. Complaints regarding alleged violations may be reported by an Owner or resident within the community, a group of Owners or residents, the Association’s management company, if any, Board members(s) or committee member(s) by submission of a written complaint.

2. Complaints. (a) Complaints by Owners or residents shall be in writing and submitted to the Board of Directors. The complaining Owner or resident shall have observed and alleged violation and shall identify the complainant (“Complainant”), the alleged violator (“Violator”), if known, and set forth a statement describing the alleged violation, referencing the specific provisions which are alleged to have been violated, when the violation was observed and any other pertinent information. Non-written complaints, or written complaints failing to include any information required by this provision may not be investigated or prosecuted at the discretion of the Association. (b) Complaints by a member of the Board of Directors, a committee member, or the manager, if any, may be made in writing or by any other means deemed appropriate by the Board if such violation was observed by the Director or manager.
 1. Investigation. Upon receipt of a complaint by the Association, if additional information is needed, the complaint may be returned to the Complainant or may be investigated further by a Board designated individual or committee. The Board shall have sole discretion in appointing an individual or committee to investigate the matter.
 2. Initial Warning. If a violation is found to exist, a warning notice shall be mailed via regular US Mail explaining the nature of the violation. If the violation is such that it can be corrected immediately, at the discretion of the Board, the Violator shall come into compliance immediately upon receipt of the warning notice. If the violation is such that it cannot be corrected immediately, the Violator will have 14 days from the date of the letter to come into compliance.
 3. Continued Violation After Initial Warning Letter. If the alleged Violator does not come into compliance within the time frame specified in the first warning letter, this will be considered a second violation for which a fine may be imposed following notice and opportunity for a hearing. A second notice in the form of a letter shall then be sent to the alleged Violator, providing notice and an opportunity for a hearing. This letter will permit 14 days to remedy.. The letter shall further state that the alleged Violator is entitled to a hearing on the merits of the matter provided that such hearing is requested in writing within 5 days of the date on the second violation letter.

4. Hearing. At the beginning of each hearing, the presiding officer, shall introduce the case by describing the alleged violation and the procedure to be followed during the hearing. Each party or designated representative, may, but is not required to, make an opening statement, present evidence and testimony, present witnesses, and make a closing statement. The presiding officer may also impose such other rules of conduct as may be appropriate under the given circumstances. The Board shall base its decision solely on the matters set forth in the Complaint, results of the investigation and such other credible evidence as may be presented at the hearing. Unless otherwise determined by the Board, all hearings shall be open to attendance by all Owners. After all testimony and other evidence has been presented at a hearing, the Board shall, within a reasonable time, not to exceed 10 days, render its written findings and decision, and impose a fine, if applicable. A decision, either a finding for or against the Owner, shall be by a majority of the Board members present at the hearing. Failure to strictly follow the hearing procedures set forth above shall not constitute grounds for appeal of the hearing committee's decision absent a showing of denial of due process.
5. Failure to Timely Request Hearing. If the alleged Violator fails to request a hearing within 5 days of the second letter, or fails to appear at the hearing, the Board may make a decision with respect to the alleged violation based on the Complaint, results of the investigation, and any other available information without the necessity of holding a formal hearing. If a violation is found to exist, the alleged Violator may be assessed a fine pursuant to these policies and procedures.
6. Notification of Decision. The decision of the Board, committee or other person, shall be in writing and provided to the Violator and Complainant within 10 days of the hearing, or if no hearing is requested or if a hearing is requested, but the Violator fails to appear and a fine is assessed, within 24 hours of the final decision.
7. Fine Schedule. The following fine schedule has been adopted for all recurring covenant violations:

First violation	Warning letter
Second violation after hearing (of same covenant or rule)	2 nd Letter with notice of Hearing
Third violation (failure to remedy in 14 days) (of same covenant or rule)	\$100 fine imposed on account
Fourth and subsequent violations (of same covenant or rule)	*Referred to Association Attorney

Fourth and subsequent covenant violations may be turned over to the Association's attorney to take appropriate legal action. Any Owner committing three or more violations in a six month period (whether such violations are of the same covenant or different covenants) may be immediately turned over to the Association's attorney for appropriate legal action.

8. Continuous Violations. Continuous violations are defined as violations of Owner obligations that have not been corrected after the imposition of the \$100 fine above. If an Owner is determined as having a continuous violation, in accordance with the terms of this Policy, such Owner may be subject to additional fines of \$100 each per week per covenant if not corrected, following a notice and opportunity for a hearing as set forth above.
9. Waiver of Fines. The Board may waive all, or any portion, of the fines if, in its sole discretion, such waiver is appropriate under the circumstances. Additionally, the Board may condition waiver of the entire fine, or any portion thereof, upon the Violator coming into and staying in compliance with the Articles, Declaration, Bylaws or Rules.

10. Other Enforcement Means. This fine schedule and enforcement process is adopted in addition to all other enforcement means which are available to the Association through its Declaration, Bylaws, Articles of Incorporation and Colorado law. The use of this process does not preclude the Association from using any other enforcement means.
11. Definitions. Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning herein.
12. 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 law of the State of Colorado governing the Project.
13. 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.
14. Amendment. This policy may be amended from time to time by the Board of Directors.

**PRESIDENT'S
CERTIFICATION:**

The undersigned, being the President of Kentfield Master Association, Inc., a Colorado nonprofit corporation, certifies that the foregoing Resolution was adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors on June 1, 2009 and in witness thereof, the undersigned has subscribed his/her name.

**KENTFIELD MASTER
ASSOCIATION, INC.,**
a Colorado nonprofit corporation

By: Ruth Nester
President

**PRESIDENT'S
CERTIFICATION:**

The undersigned, being the President of Kentfield Master Association, Inc., a Colorado nonprofit corporation, certifies that the foregoing Resolution was adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors on June 1, 2012 and in witness thereof, the undersigned has subscribed his/her name.

**KENTFIELD MASTER
ASSOCIATION, INC.,**
a Colorado nonprofit corporation

By: Ruth Nester
President

**PRESIDENT'S
CERTIFICATION:**

The undersigned, being the President of Kentfield Master Association, Inc., a Colorado nonprofit corporation, certifies that the foregoing Resolution was REVISED by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors on January 28, 2018 and in witness thereof, the undersigned has subscribed his/her name.

**KENTFIELD MASTER
ASSOCIATION, INC.,**
a Colorado nonprofit corporation

By: Ruth Nester
President