

COLUMBINE LAKE COUNTRY CLUB
NOTICE OF VIOLATIONS AND HEARING POLICY AND
PROCEDURES

The following policies and procedures are adopted by the Board of Directors of Columbine Lake Country Club, Inc. ("CLCC"). The Board of Directors are authorized by the Declaration of Covenants for Columbine Lake Country Club, Inc and by applicable Colorado law to implement and clarify those requirements, which are contained in the Covenant Declaration, the Bylaws and applicable rules and regulations of CLCC, and are enforceable as provided therein. The Board of Directors reserves the right to amend these policies and procedures at any time.

ARTICLE I. Purpose

Section 1.01 These policies and procedures are intended to provide CLCC property owners ("Property Owners") an opportunity for a hearing for the resolution of disputes arising between CLCC and Property Owners and for the imposition of fines against Property Owners.

Section 1.02 It is not intended that these policies and procedures allow for a forum to address acts or omissions of CLCC or its representatives which affect Property Owners generally. The intended forum for such matters shall be the Member Forum at regular meetings of the Board of Directors.

ARTICLE II. Fines

Section 2.01 Property Owners shall be subject to such fines as may be specified in writing and adopted and approved by the Board of Directors including, but not limited to, those fines provided in CLCC's Owners' Regulations, and CLCC's Building Criteria and Information, as amended from time to time. The fine structures are set forth in the respective documents.

ARTICLE III. Notice of Violations

Section 3.01 Violations That Threaten Public Safety or Health

If CLCC reasonably determines that an Owner's violation of any provision of the governing documents or any rule or regulation threatens public health or safety, CLCC shall:

- A. Provide the Owner written notice of the violation and inform the Owner that it has 3 days (72 hours) from the date of the notice to cure the violation or CLCC may fine the owner. The notice will identify the violation and the actions required to cure the violation.
- B. The notice will be sent by regular US mail and by email if CLCC has an email address on file for the owner.
- C. Any fines imposed will be as set forth in the applicable governing document, rule or regulation. The total amount of fines MAY EXCEED \$500.00.
- D. CLCC will provide the notice in a language other than English and/or provide a copy of the notice to a designated contact if the Owner has notified CLCC in accordance with the requirements set forth in Article IV of the CLCC Collection Policy and Procedure.

- E. After the 72 hours has passed, CLCC will conduct an inspection to determine whether the Owner has failed to cure the violation. If not cured, then CLCC may impose the applicable fine every other day until the violation is cured. CLCC also may refer the matter to an attorney for legal action.

Section 3.02 Violations That Do Not Threaten Public Health or Safety

If CLCC reasonably determines that an Owner's violation of any provision of the governing documents or any rule or regulation does not threaten public health or safety, CLCC shall:

- A. Provide the Owner written notice of the violation and inform the Owner that it has 30 days from the date of the notice to cure the violation or CLCC may fine the owner. The notice will identify the violation and the actions required to cure the violation.
- B. The notice will be sent by certified US mail, return receipt requested and by email if CLCC has an email address on file for the owner.
- C. Any fines imposed will be as set forth in the applicable governing document, rule or regulation. The total amount of fines May NOT EXCEED \$500.00.
- D. CLCC will provide the notice in a language other than English and/or provide a copy of the notice to a designated contact if the Owner has notified CLCC in accordance with the requirements set forth in Article IV of the CLCC Collection Policy and Procedure.
- E. After the 30 days to cure has passed, and if CLCC has not received a notice from the Owner that the violation has been cured (see below), CLCC must conduct an inspection within 7 days of the initial 30-day cure period. If CLCC determines the violation has not been cured, CLCC shall:
 - i. Impose fines every 30 days as set forth in the applicable governing document, rule or regulation.
 - ii. Provide the Owner an additional period of 30 days to cure the violation.
 - iii. If the violation is not cured within the second 30 day period, CLCC may refer the matter to an attorney for legal action.
- F. If the Owner cures the violation within the required cure period, then the Owner may notify the Association of the cure, and may include visual evidence that the violation has been cured. If the Owner provides visual evidence of the cure, then the violation is deemed cured on the date the Owner sends the notice. If the Owner does not provide visual evidence of the cure, then CLCC will conduct an inspection as soon as practicable to determine whether it has been cured.
- G. CLCC will provide the notice in a language other than English and/or provide a copy of the notice to a designated contact if the Owner has notified CLCC in accordance with the requirements set forth in Article IV of the CLCC Collection Policy and Procedure.

ARTICLE IV. Request for Hearing

Section 4.01 Excluding matters involving the imposition of fines and subject to Section 1.02 above, a Property Owner who disputes any action of CLCC or its representatives taken with respect to such Property Owner may, by written notice, request a hearing to resolve such dispute. Such notice must be addressed to CLCC, to the attention of the Manager, and must contain a full description of the disputed matter, the Property Owner's position on such matter, a summary of any evidence that may support such position and the resolution or action sought by such Property Owner. Additional information may also be required to accompany the request if specified under other requirements adopted or approved by the Board of Directors including, by way of example, the Building Criteria and Information.

Section 4.02 Following receipt of notice of the imposition of a fine, a Property Owner may, by written notice, request a hearing on whether the alleged violation, for which the fine is to be imposed, actually occurred and whether the Property Owner is the person to be held responsible for such violation. Such written request must be addressed to CLCC, to the attention of the Manager, and be received within two (2) weeks following the date of receipt or deemed receipt of the notice under Section 3.01 above. Failure to provide a timely written request for a hearing shall be deemed a waiver thereof by the Property Owner.

ARTICLE V. Hearing

5.01 Following a timely and proper request for a hearing in accordance with Article IV above, a Property Owner shall be entitled to a hearing by an impartial decision maker ("Decision Maker") as defined by applicable law and appointed by the Board of Directors from time to time. The Decision Maker may consist of, but is not limited to, one or more or all members of the Board of Directors.

5.02 The Property Owner shall be informed of the location, date and approximate time of the hearing, which may be included in the notice under Section 3.01 above or may otherwise be communicated verbally or in writing to the Property Owner. The Property Owner shall be similarly informed of any change in the location, date or time of the hearing.

5.03 At least seven (7) days prior to the hearing date specified in accordance with Section 5.02 above or such other date as may be notified to the Property Owner, the Property Owner must provide CLCC with a summary of his or her position and any supporting evidence, together with a copy of all supporting materials upon which the Property Owner intends to rely. Such materials may include, but are not limited to, written documentation, signed written statements and photographs.

Section 5.04 The Property Owner may make a brief oral presentation to the Decision Maker summarizing his or her position and any supporting evidence provided under Section 5.03 above. Such presentation shall be limited to five (5) minutes or such longer period as the Decision Maker may determine in its sole discretion as reasonable and appropriate.

Section 5.05 For hearings involving the imposition of fines, the hearing shall address whether the alleged violation actually occurred and whether the Property Owner is the one who bears the responsibility.

Section 5.06 Subject to Section 1.02 above, for hearings not involving fines, the hearing shall address the matter described in the Property Owners' notice under Section 4.01 above.

Section 5.07 If the Decision Maker consists of one or more persons, its decision shall be determined

by a majority of such persons. Any such person who has a direct personal or financial interest in the outcome of a matter shall recuse himself or herself and shall not be counted for purposes of determining a majority. A person shall be deemed not to have a direct personal or financial interest in the outcome if such person will not, as a result of the outcome, receive a materially greater benefit or detriment than will Property Owners generally.

Section 5.08 A Property Owner shall be provided with written notice indicating the decision of the Decision Maker. The decision of the Decision Maker shall be final.

Section 5.09 Any hearing concerning violations of any provision of the governing documents or any rule or regulation shall be conducted in executive session so as not to constitute an unwarranted invasion of individual privacy.

CERTIFICATION OF ADOPTION

The undersigned certifies the foregoing Policy was adopted by the Board of Directors of Columbine Lake Country Club, Inc., at a duly called and held meeting of the Board of Directors on _____ and in witness thereof, the undersigned have subscribed their names.

COLUMBINE LAKE COUNTRY CLUB, INC.
A Colorado Non-Profit Corporation

By:

President
CLCC Board of Directors

Secretary
CLCC Board of Directors