

# WOODS MANOR CONDOMINIUM ASSOCIATION, INC.

## NOTICE AND HEARING AND ENFORCEMENT POLICY AND PROCEDURES

Adopted 28, 2012

The following procedures have been adopted by the Woods Manor Condominium Association, Inc. ("Association") pursuant to C.R.S. 38-33.3-209.5.

It is understood that the Association may enforce the Association's Documents that all owners (whole units and time share units) are liable and responsible for all violations by themselves, their family, guests, tenants and invitees. It is recommended that owners use a rental/lease agreement that contains a provision stipulating that their tenants will comply with the Association Documents as a covenant of the rental/lease agreement, and a violation thereof is a breach of the rental/lease agreement.

NOW, THEREFORE, IT IS RESOLVED that the Association does hereby adopt the following policies and procedures for the enforcement of the Association's restrictive covenants and Documents:

1. **Power.** The Board of Directors shall have the power and duty to make decisions regarding violations of the Association's Documents; and to impose fines or other sanctions, pursuant to these Policies and Procedures. The Board may determine enforcement action on a case by case basis, and take such action as it may deem necessary and appropriate to assure compliance with the Declaration Of Covenants, Conditions, Restrictions and Easements for the Woods Manor Condominiums, the Association's Articles of Incorporation, Bylaws, and Rules and Regulations promulgated there under (collectively referred to as Documents), in order to create a safe and harmonious environment.

This Enforcement Policy may be in addition to other specific provisions outlined in the Documents. The Association shall follow this Enforcement Policy before seeking remedies. The Association may choose a legal remedy or seek assistance from other enforcement authorities, such as police, fire, or animal control, as it deems appropriate.

2. **Complaint.** Complaint(s) must be in writing and sent to the Association's Board. All complaints must state the specific provision(s) of the Documents alleged to have been violated and as many specifics as are available as to time, date, location and persons involved.
3. **Notice of Complaint and Right to Hearing.** If the Board determines that the allegations in the Complaint are sufficient to constitute a violation of the Documents and that action is warranted, the Association shall send a notice to the owner (the "Respondent") alleged to have violated the Documents, by United States mail addressed to the mailing address of the Respondent appearing on the records of the Association. The notice to the Respondent will include the following: (1) a copy of the Complaint; (2) the action that may be taken; (3) the Respondent's right to be heard, either orally or in writing, by the Board at the next scheduled Board meeting, date and location determined by the Board; (4) the date on which the hearing will be scheduled; and (5) advise the Respondent that failure to appear at the specified location, date and time or otherwise respond to the Complaint, the Board's right to proceed, with or without a hearing at its discretion, and to make its determination of the allegations contained in the Complaint based on relevant facts and circumstances. The Board may determine that the Respondent's failure to respond or appear at the hearing constitutes a no-contest plea to the Complaint, and enforce the provisions of the Documents.
4. **Hearing.** The hearing shall be held at the scheduled time, place and date, unless the Respondent has failed to respond or appear at the hearing. The Board may grant continuance(s) for good cause. The Board may: (a) exercise its discretion as to the specific manner in which a hearing will be conducted; (b)

question available witnesses and review evidence; and (c) act as it may deem appropriate to reach a just decision by the Board. Neither the Complainant nor the Respondent must be in attendance at the hearing, but both are encouraged to attend. Any party may elect not to present evidence at the hearing. The action taken by the Board will be fair and reasonable taking into consideration all of the relevant facts and circumstances. The hearing is open to attendance by all members of the Association.

5. **Decision.** If the Respondent does not appear but a written response is filed, the Board shall render its decision based on the information contained in the Complaint and the written response, considering all of the relevant facts and circumstances. If neither an appearance nor a written response is made, the Board need not conduct a hearing or take any further evidence except that it may determine that the Respondent's failure to appear or respond constitutes a no-contest plea to the Complaint, and impose a remedy or enforce the provisions of the Documents, or both. If an appearance or written response is made, then after all testimony and other evidence has been presented to the Board at a hearing, the Board shall make findings of fact and render its decision as to the remedy and enforcement, taking into consideration all of the relevant facts and circumstances. Except as provided herein, the Board's decision also will set an effective date. If the Board does not inform the Respondent of its decision at the time of the hearing, or if no hearing is held, the Board will provide a written decision to the Respondent's address of record via regular U.S. mail.
6. **Enforcement, Attorney's Fees, and Fines/Remedies.** The Association shall have all of the enforcement rights set forth in the Documents and as allowed by law, including but not limited to damages and injunction. The Association shall be entitled to reimbursement of all reasonable attorney's fees and costs incurred by the Association in connection with any enforcement action, including any proceeding under this Enforcement Policy. Without limiting the Association's remedies under the Documents, the Association may assess fines and suspend owner's privileges (as provided in the Documents) in accordance with this Enforcement Policy. If the violation involves damage to Association property or the property of another owner, the violator shall pay the costs of repair or replacement. The Board may suspend the violator's voting privileges for a period of time not to exceed 90 days following the Board's decision of any violation by such owner unless such violation is a continuing violation, in which case such suspension may continue for so long as such violation continues.

Fines may be levied for violations of any Documents as follows:

Number of Violations	Fine
First Violation	Warning
Second Violation	\$25.00
Third Violation	\$50.00
Fourth Violation	\$100.00
Subsequent Violations	\$200.00

The owner shall have the obligation to pay fines imposed for their actions and actions of their tenants, family members, and guests. Fines imposed pursuant to these enforcement policies and procedures shall become an "assessment" imposed against the Member and the Member's Unit and enforceable as provided in the Documents.

7. **Violations or Offenses that Constitute a Present Danger.** If, in its sole discretion, the Board deems that any violation is or may be an immediate or substantial threat to the health, safety or welfare of the community or an individual, the Board may impose any appropriate sanction or remedy as necessary to abate the threat to health, safety or welfare of the community or individual without prior compliance with Sections 1 through 6 above. Provided, however, the Board shall commence the Complaint process as soon as reasonably practical thereafter.

**8. Miscellaneous.**

- a. Failure by the Association to enforce any provision of these Policies and Procedures shall in no event be deemed to be a waiver of the right to do thereafter.
- b. The provisions of this Enforcement Policy shall be independent and severable. The invalidity of any one or more of the provisions hereof by judgment or court order or decree shall in no way affect the validity or enforceability of any of the other provisions, which other provisions shall remain in full force and effect.

Woods Manor Condominium Association, Inc.

By: Jay Rust, President

Attest: Karen Schilling, Secretary

This Notice and Hearing and Enforcement Policy and Procedures was adopted by the Board of Directors at a special meeting held on the 28 day of April, 2012, for that purpose; and is effective the 28 day of April, 2012, and is attested to by the Secretary of the Woods Manor Condominium Association, Inc.