

**RESOLUTION
OF
THE HOMEOWNERS ASSOCIATION OF DOUBLE TREE IN HEATHERRIDGE
REGARDING ENFORCEMENT OF COVENANTS AND RULES POLICY**

SUBJECT: Enforcement of covenants and rules; notice and hearing procedures; fine schedule.

PURPOSE: To adopt a Policy setting forth a process for enforcement of covenants and rules, including notice and hearing procedures and fine schedule as required by Colorado law. If this policy is inconsistent with a previously adopted policy the portions of this policy which are subject of the inconsistency will control.

AUTHORITY: The Declaration, Bylaws, Articles of **THE HOMEOWNERS ASSOCIATION OF DOUBLE TREE IN HEATHERRIDGE** and Colorado law.

EFFECTIVE DATE: 04/10/19

RESOLUTION: **THE HOMEOWNERS ASSOCIATION OF DOUBLE TREE IN HEATHERRIDGE** ("Association") gives notice of its adoption of a Resolution establishing a fine schedule and enforcement procedure.

The resolution adopted is as follows:

Article III and Article VIII of the Declaration grant the Association the power to enforce the provisions of the Declaration;

The Association's documents authorize and the Colorado Common Interest Ownership Act requires the Board of Directors to adopt rules, procedures and resolutions for carrying out its duties, and to enforce such rules, procedures and resolutions,

IT IS RESOLVED that the Association will enforce the Articles, Declaration, Bylaws and Rules subject to the following procedure:

- A. 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 member(s) or committee member(s) by submission of a written complaint.

- B. Complaints. (1) Complaints by owners or residents shall be in writing and submitted to the Board of Directors. The complaining owner or resident shall have observed the alleged violation. The complaint shall identify the complainant ("Complainant"), the alleged violator ("Violator"), 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. (2) 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.
- C. Investigation. Upon receipt of a complaint by the Association, if more information is needed, the complaint will be investigated by a designated individual or committee within a reasonable time. The Board shall have sole discretion in appointing an individual or committee to investigate the matter.
- D. Initial Warning Letter. If a violation is found to exist, a warning letter will be sent to the Violator explaining the nature of the violation. The Violator will have 14 days from the date of the letter to come into compliance.
- E. Continued Violation After Initial Warning Letter. If the alleged Violator does not come into compliance within 14 days of 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 letter will be sent to the alleged Violator, providing notice and an opportunity for a hearing, and explaining if a violation is found to exist, a fine may be imposed pursuant to this Policy. The letter will 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 14 days of the date on the second violation letter.
- F. Notice of Hearing. If a hearing is requested by the alleged Violator, the Board, committee or other person conducting such hearing as may be determined in the sole discretion of the Board, may serve a written notice of the hearing to all parties involved at least 14 days prior to the hearing date.
- G. Hearing. At the beginning of each hearing, the presiding officer, shall introduce the case by describing the alleged violation. Each party may make opening statements, may present evidence and testimony, may present witnesses, and may make closing statements. Neither the Complainant nor the alleged Violator must be in attendance at the hearing. However, failure to appear at the hearing will result in the Board making a unilateral decision based solely on the matters set forth in the Complaint, results of the investigation and such evidence as may be presented at the hearing. Unless otherwise determined by the Board, all hearings shall be open to attendance by all members of the Association. After all

testimony and other evidence has been presented at a hearing, the Board shall, within a reasonable time, 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.

- H. Failure to Timely Request Hearing. If the alleged Violator fails to request a hearing within 14 days of the second letter, or fails to appear at the hearing, the Board may unilaterally make a decision with respect to the alleged violation based on the Complaint, results of the investigation, and any other available information. If a violation is found to exist, the alleged Violator may be assessed a fine pursuant to paragraph K.
- I. 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, within 10 days of the final decision.
- J. Appeals. The Board, committee or other person, may order an appeal at any time within 10 days following the delivery of its decision at the request of the Complainant, Violator or Board member.
- K. Fine Schedule. The following fine schedule has been adopted for all recurring covenant violations:

First violation	Warning letter
Second and subsequent violations (of same covenant)	\$25.00

Second and subsequent covenant violations may also be turned over to the Association's attorney to take appropriate legal action. Any Owner committing 2 or more violations in any 6 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.

- L. Continuous Violations. Continuous violations shall be defined as on-going violations of Owner obligations that are perpetual in nature. Each day/incidence of noncompliance with such perpetual obligations constitutes a separate violation. *For example: the failure to remove an unapproved exterior improvement is a breach of the perpetual covenant requiring Owners to obtain Board approval prior to making exterior modifications. Therefore, every day the Owner fails to remove the improvement constitutes a breach of the covenant.*

If an Owner is determined as having a continuous violation, in accordance with the terms of this Policy, such Owner may be subject to a weekly fine of \$25.00 each week the covenant is not corrected.

- M. 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 compliance with the Articles, Declaration, Bylaws or Rules.
- N. 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.
- O. Definitions. Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning herein.
- P. 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.
- Q. 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.

PRESIDENT'S CERTIFICATION: The undersigned, being the President of the Association, 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 04/10/19, 20__ and in witness thereof, the undersigned has subscribed his/her name.

THE HOMEOWNERS ASSOCIATION OF DOUBLE TREE IN HEATHERRIDGE

By: 
Its: President