

before a Tribunal appointed by the President of the Association.

Additional information of the following types is required by me:

Signed: _____

Owner of Lot: _____

Dated: _____

Section 12.3 Tribunal. The President shall appoint a hearing committee ("Tribunal") of three (3) natural persons who are Owners upon receipt of a written Complaint as provided in Section 2 of this Article IX. In appointing the members of the Tribunal, the President shall make a good faith effort to avoid appointing next-door neighbors of the Respondent or any Owners who are witnesses to the alleged violation giving rise to the Complaint. The appointments of the President shall be final, except that the Respondent may challenge any member of the Tribunal for cause, where a fair and impartial hearing cannot be afforded, at any time prior to the taking of evidence for the hearing. In the event of such challenge, the Board shall meet to determine and vote on the sufficiency of the challenge. The President may not vote on such matter. If such a challenge is sustained, the President shall appoint another Owner to replace the challenged member of the Tribunal. All decisions of the Board in this regard shall be final. The Tribunal shall elect a Chairman to preside at the hearing, who shall appoint a hearing officer who shall not be a member of the Tribunal and who shall present evidence. The Chairman shall ensure that a proper record of all proceedings is maintained.

Section 12.4 Notice of Hearing. The Tribunal shall serve a notice of hearing, as provided herein, on all parties at least ten (10) days prior to the hearing. The hearing shall be held no sooner than thirty (30) days after the Complaint is mailed or delivered to the Respondent, as provided in Section 7 of this Article IX of these Bylaws. The notice to the Respondent shall be substantially in the following form but may include other information:

"You are hereby notified that a hearing will be held before a Tribunal appointed by the President of Trail Ridge

Homeowners Association, Inc., at

on the _____ day of _____, 19____, at the hour of _____, upon the charges made in the Complaint served upon you. You may be present at the hearing; may, but need not, be represented by counsel; may present any relevant evidence; and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to compel the attendance of witnesses and the production of books, documents, or other items by applying to the Board of Directors of the Association."

Section 12.5 Hearing.

a. In the event that the Tribunal has commenced to hear the matter and a member of the Tribunal is forced to withdraw prior to a final determination by the Tribunal, the remaining members shall continue to hear the case and the hearing officer shall replace the withdrawing member. Oral evidence may be taken. However, use of affidavits and written interrogatories in lieu of oral testimony shall be encouraged by the Tribunal.

b. Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine witnesses on any matter relevant to the issues; to impeach any witness; and to rebut the evidence against him. If Respondent does not testify in his own behalf, he may be called and examined as if under cross-examination.

c. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing, and irrelevant and unduly repetitious evidence shall be excluded.

d. Neither the person filing the Complaint nor the Respondent must be in attendance at the hearing. The hearing shall be open to all Owners, to the extent the capacity of the hearing room permits. In rendering a decision, official notice may be taken at any time of any generally accepted matter within the Declaration, the Articles, these Bylaws, the Rules and Regulations, the decisions or resolutions of the Association or the Board, or the workings of the Association. Persons present at the hearing shall be informed of the matters to be noticed by the Tribunal, and these matters shall be made a part of the record of proceedings. The Tribunal may grant continuances on a showing of good cause.

Section 12.6 Decision. If the Respondent fails to file a Notice of Defense as provided in Section 2 of this Article IX or fails to appear at a hearing, the Tribunal may take action based upon the evidence presented to it without notice to the Respondent. However, the Respondent may make any showing by way of mitigation. After all testimony and documentary evidence have been presented to the Tribunal, the Tribunal shall vote by secret written ballot upon the matter, with a majority of the entire Tribunal controlling. The Tribunal will prepare written findings of fact and recommendations for consideration by the Board, a copy of which shall be posted by the Board at a conspicuous place where all Owners shall have access, and a copy shall be served by the President on each person involved in the matter and his attorney, if any. The Tribunal shall make its determinations only in accordance with these Bylaws. Disciplinary action and the levy of a fine under the Declaration, the Articles, these Bylaws, or the Rules and Regulations shall be imposed only by the Board and in accordance with the findings and recommendations of the Tribunal. The Board may adopt the recommendations of the Tribunal in their entirety, or the Board may reduce the proposed penalty and adopt the balance of the recommendations. In no event shall the Board impose more stringent disciplinary action than that recommended by the Tribunal. The decision of the Board shall be in writing and shall be served and posted in the same manner as the findings and recommendations of the Tribunal. The decision of the Board shall become effective ten (10) days after it is served upon the Respondent, unless a longer period is ordered in writing by the Board. On its own motion or on petition by any party, the Board may order a reconsideration at any time within fifteen (15) days following service of its decision on the involved parties. However, no motion against the Respondent arising from the alleged violation shall take effect prior to the expiration of: (1) fifteen (15) days after the

Respondent's receipt of the Notice of Hearing, and (ii) ten (10) days after the hearing required herein, if any.

Section 12.7 Notices. Any notices, demands, or other communications required or permitted to be given by any provision of this Article IX shall be given in writing, delivered personally or sent by U.S. mail, postage prepaid, addressed to the person for whom intended at the address then appearing in the records of the Association for such person. Notice shall be considered given when personally delivered or mailed, and shall be considered received on the earlier of the day on which such notice is actually received by the party to whom it is addressed or on the third day after such notice is given.

ARTICLE XIII

MISCELLANEOUS

Section 13.1 Notice to Association. Every Owner shall timely notify the Association of the name and address of any Mortgages, purchaser, transferee or lessee of his Lot. The Association shall maintain such information at the office of the Association.

Section 13.2 Proof of Ownership. Except for those Owners who initially purchase a Lot from Declarant, every person becoming an Owner shall immediately furnish to the Board of Directors a photocopy of the recorded instrument vesting in the Person such Ownership, which instrument shall remain in the files of the Association. A member shall not be deemed to be in good standing and shall not be entitled to vote at any annual or special meeting of members unless this requirement is first met.

Section 13.3 Character of Association. This Association is not organized for profit. No member, member of the Board of Directors, officer or Person for whom the Association may receive any property or funds shall receive a pecuniary profit from the operation thereof, and in no event shall any part of the funds or assets of the Association be paid as salary or compensation to, or distributed to, or inure to the benefit of, any of the Board of Directors, officers, or members, except upon a dissolution of the Association, provided however, (1) that reasonable compensation may be paid to any member, manager, director, or officer while acting as an agent or employee of the Association for service rendered in effecting one or more of the purposes of the Association, and (2) that any member,