

## **POLICY # 0004: ENFORCEMENT OF COVENANTS AND RULES**

The following procedures have been adopted by the North Crest Subdivision Homeowners Association ("Association") pursuant to the provisions of C.R.S. §38-33.3-209.5, C.R.S. §38-33.3-308, the Association Documents, and The Act, at a regular meeting of the Board of Directors.

**Purpose:** The Board of Directors has the duty to manage the Association and regulate the use of the common elements. The Association Documents establish rules and obligations of the Members. This Policy sets forth the procedures for enforcing the provisions of the Association Documents and The Act.

NOW, THEREFORE, IT IS RESOLVED that the Association does hereby adopt the following Policy to govern the enforcement of the Association's Documents, Rules, and Restrictive Covenants:

**Authority.** The Board has the power and duty to hear and make decisions regarding violations of the Association Documents to impose fines or other sanctions against Members. The Board may determine appropriate enforcement action on a case by case basis and take other actions as it may deem necessary to assure compliance with the Association Documents and to create a safe and harmonious living environment.

Violations may be observed by the Board of Directors, the management company, a committee member or reported via written correspondence through email or mail service. The complaint must state specifically the violation observed and include who the violating party was, what was observed, the date, place and time of the violation and any other pertinent information such as license plate number, etc.

If full details are not provided with a complaint, further action beyond additional observations cannot be made. The Board or the management company will investigate the complaint further and will make additional observation if required.

If a complaint is found to be in violation of a municipal code, the complaint will be forwarded to the appropriate authorities.

If a violation is found and documented the following actions will be taken:

- A letter will be sent to the owner stating that the violation has occurred while referring them to the governing documents which appears to be in violation. This letter will allow the unit owner to forward documentation if they believe the violation did not occur. The unit owner will have 14 (fourteen) days to respond to the letter to correct the violation.
- Violations that Constitute a Present Danger. If, in its sole discretion, the board deems that any violation or alleged 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 sanctions as necessary to abate the threat to health, safety, or welfare of the community or individual, without conducting a hearing as provided in this Policy. Following any actions of the Association to abate a present danger, the matter shall be addressed as provided in this policy.

If the violation is not corrected and/or a hearing is not requested or after hearing the Owner is still found to be in violation the Association will levy the following fines:

Schedule of Fines: Number of violations in a 12-month period

Violation of Restrictive Covenants

- First Notice of Violation is a warning.
- Second Notice of Violation is a \$50.00 – if violation is not corrected within 14-days from receipt of First Notice
- Third Notice of Violation is \$100.00 – if violation is not corrected within 14-days from receipt of Second Notice

Parking Violations

- Each violation: \$100.00 per day for each occurrence.

Architectural Violations

- Each violation: \$150.00 plus \$50.00 per day until plans have been submitted.

For Each subsequent violation within a 12-month period: \$250.00

It is the responsibility of the Owner to notify the Board that a violation has been rectified. Non-payment of fines will fall under the Collection of Unpaid Assessments Policy #0003. Voting rights will be suspended for any Owner who is in violation of the CC&R's Owner Obligation. The Member (Owner(s) of Record) of real estate subject to the Declaration shall have the primary 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 a Special Assessment imposed against the Member's (Owner(s) of Record) real estate and enforceable as provided in the Declaration.

PRESIDENT'S CERTIFICATION:

The undersigned, being the President of the North Crest Subdivision HOA, a Colorado nonprofit corporation, certifies that the foregoing Resolution # 0004 was introduced for first reading at a duly called and held meeting of the Board on September 16, 2020, and is hereby approved and adopted by the Board, at a duly called and held meeting of the Board on September 16, 2020, and in witness thereof, the undersigned has subscribed his/her name.

North Crest Subdivision HOA

By:  \_\_\_\_\_  
President

By: *Michelle Spitzer*  
Vice President

By: *May Kusack*  
Secretary