

**RESOLUTION  
OF  
THE DAKOTA RIDGE VILLAGE COMMUNITY ASSOCIATION  
REGARDING POLICIES AND PROCEDURES FOR COVENANT AND RULE  
ENFORCEMENT**

**SUBJECT:** Adoption of a policy regarding the enforcement of covenants and rules and procedures for the notice of alleged violations, conduct of hearings and imposition of fines.

**PURPOSE:** To adopt a uniform procedure to be followed when enforcing covenants and rules to facilitate the efficient operation of the Association.

**AUTHORITY:** The Declaration, Bylaws, Articles of the Association, and Colorado law.

**EFFECTIVE  
DATE:** September 30, 2011

**RESOLUTION:** The Association hereby adopts the following procedures to be followed when enforcing the covenants and rules of the Association:

1. 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.
2. Complaints. (a) 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 and shall identify the complainant ("Complainant"), the alleged violator ("Violator"), if known, 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 at the discretion of the Association. Furthermore, complaints such a noise disturbances or other nuisance related complaints may not be investigated or prosecuted at the discretion of the Association unless there are at least two independent

corroborating reports of such incident; (b) 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.

3. Investigation. Upon receipt of a complaint by the Association, if additional information is needed, the complaint may be returned to the Complainant or may be investigated further by a Board designated individual or committee. The Board shall have sole discretion in appointing an individual or committee to investigate the matter.

4. Initial Warning Letter. If the violation is a continuous violation, meaning one that continues and is uninterrupted by time, the letter shall advise the Violator that he or she will have 30 days from the date of the letter to come into compliance without further sanction. If the violation is not a continuing one, meaning the violation is a one-time discrete violation, such as noise violations, the letter shall contain a statement advising the Violator that any additional similar violations could result in the imposition of a fine after notice and hearing.

5. Continued Violation After Initial Warning Letter. If the alleged Violator does not come into compliance within 30 days of the warning letter or any subsequent letter, if the violation is a continuous one, such continued violation will be considered a subsequent violation. In such a case, or if the alleged Violator subsequently violates a covenant or rule previously violated and for which the alleged Violator has received a prior violation letter, a fine letter shall then be sent to the alleged Violator, providing notice and an opportunity for a hearing, and explaining a fine may be imposed pursuant to this Policy. The letter shall further state that the alleged Violator is entitled to a hearing on the merits and same will be scheduled in the event that the alleged Violator requests same in writing within 10 days.

6. Impartial Decision Maker. Pursuant to Colorado law, the alleged Violator has the right to be heard before an "Impartial Decision Maker". An Impartial Decision Maker is defined under Colorado law as "a person or group of persons who have the authority to make a decision regarding the enforcement of the association's covenants, conditions, and restrictions, including architectural requirements, and other rules and regulations of the association and do not have any direct personal or financial interest in the outcome. A decision maker shall not be deemed to have a

direct personal or financial interest in the outcome if the decision maker will not, as a result of the outcome, receive any greater benefit or detriment than will the general membership of the association." Unless otherwise disqualified pursuant to the definition of Impartial Decision Maker, the Board may appoint to act as the Impartial Decision Maker the entire Board, specified members of the Board, any other individual or group of individuals.

7. 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 10 days prior to the hearing date.

8. Hearing. At the beginning of each hearing, the presiding officer, shall introduce the case by describing the alleged violation and the procedure to be followed during the hearing. Each party or designated representative, may, but is not required to, make an opening statement, present evidence and testimony, present witnesses, and make a closing statement. The presiding officer may also impose such other rules of conduct as may be appropriate under the given circumstances. Neither the Complainant nor the alleged Violator are required to be in attendance at the hearing. The Board shall base its decision solely on the matters set forth in the Complaint, results of the investigation and such other credible evidence as may be presented at the hearing. Unless otherwise determined by the Board, all hearings shall be open to attendance by all Owners. After all testimony and other evidence has been presented at a hearing, the Board shall, within a reasonable time, not to exceed thirty (30) days, 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. Failure to strictly follow the hearing procedures set forth above shall not constitute grounds for appeal of the hearing committee's decision absent a showing of denial of due process.

9. Failure to Timely Request Hearing. If the alleged Violator fails to request a hearing within 10 days of the fine letter, or fails to appear at the hearing, the Board may make a decision with respect to the alleged violation based on the Complaint, results of the investigation, and any other available information without the necessity of holding a formal hearing. If a violation is found to exist, the alleged Violator may be assessed a fine pursuant to these policies and procedures.

10. Notification of Decision. The decision of the Board, committee or other person, shall be in writing and provided to the Violator and Complainant within 30 days of the hearing, or if no hearing is requested, within 30 days of the final decision.

11. Appeals. The Violator may file a written appeal to the Board of Directors of any adverse decision of the hearing committee or individual within 10 days of the decision.

12. Fine Schedule. The following fine schedule has been adopted for all recurring covenant violations:

First violation	Warning letter		
Second violation (of same covenant or rule)	Warning Letter		
Third violation (of same covenant or rule)	<u>Type I</u> \$75	<u>Type II</u> \$150	<u>Type III</u> \$250
Fourth Violation (of same covenant or rule)	\$150	\$300	\$500
Fifth and subsequent Violation (of same covenant or rule)	\$300	\$750	\$1,000

Fifth and subsequent covenant violations may be turned over to the Association's attorney to take appropriate legal action. Any Owner committing four or more violations in a twelve 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.

13. Types of Violations.

(a) Type I Violation: Minor violations that do not create a significant risk of injury to persons or property for which nominal fines are appropriate. These shall include, but not be limited to, the posting of improper signage, failure to close garage door, improper placement of personal property in the public areas, pet violations, parking offenses, failure to maintain property, placing or failure to clean debris in the common areas, placing improper items on patios, improper use of trash cans.

(b) Type II Violation: Slightly more serious or significant violations that may create a more significant risk of injury to persons or property than a Type I violation, and for which greater fines are appropriate. These shall include, but not be limited to the improper use of charcoal grills, various nuisances, activities that damage property, and unauthorized or unapproved building modifications.

(c) Type III Violation: Major violations of the Association's restrictions and covenants that may create a serious risk of injury to persons or property. These shall include, but not be limited to, the unlawful use of a home or unit (including leasing violations) and hazardous prohibited activities.

14. 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 and staying in compliance with the Articles, Declaration, Bylaws or Rules.

15. 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.

16. Definitions. Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning herein.

17. 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.

18. 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.

19. Amendment. This policy may be amended from time to time by the Board of Directors.

**PRESIDENT'S**

**CERTIFICATION:** The undersigned, being the Secretary of The Dakota Ridge Village Community Association, a Colorado nonprofit corporation, 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 9.13.11, and in witness thereof, the undersigned has subscribed his/her name.

**The Dakota Ridge Village  
Community Association**  
a Colorado nonprofit corporation

By: [Signature], Secretary  
[Signature] President