

**RESOLUTION
OF THE
HILAND HILLS TOWNHOME ASSOCIATION
REGARDING ENFORCEMENT OF ASSOCIATION RULES AND
REGULATIONS**

SUBJECT: Enforcement Policy of Association Rules and Regulations

PURPOSE: To adopt a procedure to be followed that allows for an enforcement hearing process. This procedure does not change any of the existing Bylaws or rules and regulations of the association.

AUTHORITY: Bylaws Article X, Section 9; Rules and Regulations Section 8 and 1.05.

EFFECTIVE DATE: December 1, 2015

RESOLUTION: The Association hereby adopts the following procedures in the enforcement of the Rules and Regulations not cited in the Bylaws or the Rules and Regulations.

1. **Scope:** Enforcement Bylaws are outlined in Article X, Section 9 and the enforcement Rules and Regulations are outlined in Section 8 and 1.05. This policy shall address issues relating to the enforcement of the Rules and Regulations not cited in the Bylaws or the Rules and Regulations. This policy will define hearing procedures.

2. **Specifics:**

Complaints regarding alleged violations may be reported to the Association by an Owner, resident, group of Owners or residents, the Association's managing agent, if any, a Board member or committee member by submission of a written complaint.

If a violation is found to exist upon the receipt of a complaint, a warning letter shall be sent to the alleged violator explaining the nature of the violation and giving the alleged violator a specified number of days to come into compliance.

If the alleged violator does not come into compliance within the time specified in the 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 shall then 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 shall 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 10 days of the date on the second violation letter.

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, which shall be the next regular monthly Board meeting.

Hearing Procedures

- a. Upon proper notification of a violation and at the next regular monthly Board meeting the Board of Directors shall provide an opportunity for a hearing.
- b. The unit owner in violation shall be afforded an opportunity to address the issue either in person or in writing.
- c. The Board of Directors will resolve the issue at the meeting or will table the issue pending receipt of further information. The Board of Directors will adhere to the Bylaws, rules and regulations and shall enforce all Bylaws, & rules and regulations equally. A decision shall be made by a yea or nay vote of the Board of Directors.
- d. The Property Manager will notify the unit owner of the outcome of the hearing in writing within ten days of the hearing if they are not present.
- e. Unit owners may request reconsideration of the decision within 30 days of the hearing.
- f. The request must be made in writing by the unit owner in violation and forwarded to the Manager and Board of Directors and must state why they disagree with the Board of Director's decision or they must submit new information for consideration.
- g. The Board of Directors must review the initial hearing decision within 60 days of the request for reconsideration. The Board of Directors must review their decision in light of any new information that has been received.

If the alleged Violator fails to request a hearing within 10 days of the second 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.

The following fine schedule has been adopted for all recurring covenant violations:

First violation

Warning letter

| | |
|--|-------|
| Second violation (of same covenant or rule) | \$50 |
| Third Violation (of same covenant or rule) | \$100 |
| Fourth and subsequent violations (of same covenant or rule) | \$200 |

Third and subsequent covenant violations may be turned over to the Association's attorney to take appropriate legal action.

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.

3. **Definitions:** Unless otherwise defined in this resolution, bolded words/capitalized words defined in the declaration shall have the same meaning herein.
4. **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 Association.
5. **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 and clearly stated in the minutes.
6. **Amendments:** This Procedure may be amended from time to time by the Board of Directors.

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 held on the 10TH day of NOVEMBER, 2015 and in witness thereof, the undersigned has subscribed his/her name.

HILAND HILLS TOWNHOME ASSOCIATION

By: Chris Ricketts
Chris Ricketts, CMCA®, CAM
Its: President