

POLICY FOR COVENANT AND RULE ENFORCEMENT

This Policy for Covenant and Rule Enforcement supersedes and replaces the Resolution of the Villages of Parker Master Association, Inc. Regarding Policies and Procedures for Covenant and Rule Enforcement effective January 1, 2014.

PURPOSE: Adoption of a Policy regarding the Enforcement of Covenants and for the notice of violations, conduct of hearings and imposition of fines.

AUTHORITY: The Declaration, Articles of Incorporation, Bylaws of the Association, and Colorado law including §38-33-101 et. seq., C.R.S. and §38-33.3-209.5, C.R.S.

**EFFECTIVE
DATE:**

January 1, 2014

RESOLUTION:

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

Complaints

1. 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, or by Board member(s) or committee member(s) by submission of a written complaint.
2. All Complaints shall be in writing and submitted to the Board of Directors. The Complaint Form attached at Exhibit A should be completed and submitted to the Association. The Complainant shall have observed the alleged violation and shall identify themselves and the alleged violator ("Violator"), if known. The Complaint shall also set forth a statement describing the alleged violation, referencing the specific provisions which are alleged to have been violated, when and where the violation was observed and any other pertinent information.
3. 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.

4. Copies of written complaints by Owners or residents shall be provided to the alleged violator if requested at any hearing conducted pursuant to these Rules.
5. 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.

Initial Warning Letter

1. If a violation is found to exist, a warning letter may be sent to the owner by first class mail to the address on file with the Association, explaining the nature of the violation.
2. The owner will be given not less than seven (7) days from the date of the Initial Warning Letter to come into compliance except for violations relating to Declaration sections 9.7 (garbage cans) and 9.18 (Restricted Vehicles) and signage and the applicable Rules and Regulations pertinent to these sections, unless the Board reasonably determines that an emergency exists requiring a shorter time frame.
3. For violations relating to Declaration section 9.7 and Rules and Regulations section 2.04 (garbage cans) and Declaration section 9.18 and Rules and Regulations section 2.01 (Restricted Vehicles) and for signage violations, the Association may demand immediate compliance.
4. The time afforded to a homeowner to come into compliance with other covenants, Rules and Regulations or ARC Guidelines may vary depending on the type and degree of the violation.

Notice of Fine Letter

1. If the owner does not come into compliance within the time frame provided in the Initial Warning Letter, the violation will be deemed to be a second violation for which a fine may be imposed following notice and opportunity for a hearing.
2. A Notice of Fine Letter shall be sent to the owner by first class mail at the address on file with the Association, identifying the alleged violation(s), explaining that a fine and other penalties may be imposed, and providing an opportunity for a hearing. The Notice of Fine Letter shall state that the owner is entitled to a hearing on the merits of the matter provided that such hearing is requested in writing received by the Association within ten (10) days of the date on the Notice of Fine Letter.

Notice of Hearing

If a hearing is requested by the owner, the Board, committee or other person conducting such hearing as may be determined in the sole discretion of the Board, must serve a written Notice of the Hearing to all parties involved at least ten (10) days prior to the hearing date by first class mail to the address on file with the Association.

Hearing

1. 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.
2. 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.
3. The presiding officer may also impose such other rules of conduct as may be appropriate under the given circumstances.
4. The Complainant is not required to be in attendance at the hearing.
5. 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.
6. All hearings shall be open to attendance by all Owners.
7. After all testimony and other evidence has been presented at a hearing, the Board shall, within a reasonable time, not to exceed five (5) days, render its written findings and decision, and impose a fine, suspend the owner's voting rights and/or impose other penalties permitted by the Declaration, Bylaws, rules or Colorado law. A decision shall be by a majority of the Board members present at the hearing.
8. 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.

Failure to Timely Request Hearing

1. If the owner fails to request a hearing within 10 days of any letter, or fails to appear at any hearing, the Board may make a decision with respect to the

alleged violation based on available information without the necessity of holding a formal hearing.

2. If a violation is found to exist, the Board may impose a fine, suspend the owner's voting rights and/or impose other penalties permitted by the Declaration, Bylaws, rules or Colorado law.

Notice of Decision

The Board, committee or other person, shall issue a written Notice of Decision and mail it, by first class mail to the address on file with the Association, to the owner within five (5) days of the hearing, or if no hearing is requested, within five (5) days of the final decision by the Board.

Status Letter Notification

Once the Board issues a Notice of Decision finding that a violation exists, whenever a Status Letter request is received for that Property, the Board will determine if the violation has been corrected. If the violation remains, it will be reported on the Status Letter as an existing covenant violation.

Fine Schedule

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

- First violation: **Initial** Warning Letter
- Second violation (of same covenant or rule): \$100.00
- Third and subsequent violations (of same covenant or rule): \$200.00

Continuous Violations

1. Continuous violations are defined as violations of an Owner's obligations that are uninterrupted by time. Each day of noncompliance constitutes a separate violation. For example: the failure to remove an unapproved exterior Improvement or continuous parking of a Restricted Vehicle.
2. 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 daily fine of up to \$25.00 per day, per covenant, if not corrected, following a notice and opportunity for a hearing as set forth above.

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 owner coming into and staying in compliance with the Articles, Declaration, Bylaws or Rules.

Violations of Architectural Guidelines

Procedures for enforcement of the Architectural Guidelines are set forth in the Architectural Guidelines or Rules and Regulations and in this Policy.

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.

Definitions

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

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.

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.

Amendment

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

CERTIFICATION:

The undersigned, being the President of the Board of Directors of the Villages of Parker Master Association, Inc., a Colorado nonprofit corporation, certifies that the foregoing Resolution was approved and adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors of the Association on February 28, 2013 and in witness thereof, the undersigned has subscribed his/her name.

**THE VILLAGES OF PARKER MASTER
ASSOCIATION, INC.,**
a Colorado non-profit corporation

By: John Gallacher
Its: President

Notice of Violation

Date: _____

Your Name: _____

Your Address: _____

Your Phone Number: _____

Your E-mail address: _____

Information regarding incident(s): (Please include as much information as possible)

Name of person committing the alleged violation: _____

Address of person committing the alleged violation: _____

Date(s) of alleged incident(s): _____

Please describe the incident(s) in as much detail as possible (use additional sheet(s) if necessary):

What statues, covenants, or other rules were violated (please identify specific sections):

Did anyone else witness these incidents: _____

If the answer is "Yes," please state the witnesses' names, addresses, and telephone numbers: _____

Please sign below:

Date:

Please send this form to:

Canterberry Crossing Master Assn., Inc.
19751 E. Mainstreet, Suite 275
Parker, CO 80138
303-841-8658
staff@canterberrycrossinghoa.com