

COLORADO'S TIMBER RIDGE HOMEOWNERS ASSOCIATION COVENANT AND RULE ENFORCEMENT POLICY

Effective Date: 9/12/2011

In compliance with the Colorado Common Interest Ownership Act, the Board of Directors desires to adopt a uniform and systematic policy to address covenant and rule enforcement.

The Association hereby adopts the following policies and procedures for covenant and rule enforcement:

1. Enforcement Procedure. The Board shall not impose fines, exercise self help remedies, or commence legal action unless and until the Association has sent or delivered written notice to the Owner and provided an opportunity for a hearing as provided below.

A. Complaint. Any Owner within the community may send the Association a formal, written complaint via either electronic mail or regular mail of a covenant or rule violation, with as much information as is known. Complaints may also be initiated by any member of the Board of Directors or of the Environmental Control Committee. The Board shall have no obligation to consider oral complaints or anonymous complaints that cannot be independently verified. The Board shall have the authority to determine whether a written complaint is justified before continuing with the Notice and Hearing Procedure.

B. Notice of Alleged Violation. A Notice of Alleged Violation of any provisions of the Declaration, Bylaws, Rules and Regulations, or Resolutions shall be provided in writing to the applicable Owner as soon as reasonably practicable following the receipt of a complaint or discovery by the Board of such violation. The Board may also, at its option, provide a copy of such notice to any non-Owner violator. The notice shall describe the nature of the violation and the possible fine that may be imposed or legal action that may be taken, the right to request a hearing before the Board to contest the violation or possible fine, and may further state that the Board may seek to protect its rights as they are specified in the governing legal documents. All notices shall be delivered by messenger or sent by regular U.S. Mail.

C. Request for Hearing. If an Owner desires a hearing to challenge or contest any alleged violation and possible fine, or to discuss any mitigating circumstances, the Owner must request such hearing, in writing, within 14 days of the date of the Notice of Alleged Violation. The request for hearing shall describe the grounds and basis for challenging the alleged violation or the mitigating circumstances. In the event a proper and timely request for a hearing is not made as provided herein, the right to a hearing shall be deemed forever waived. If a hearing is not requested within the 14 day period, the Board shall determine if there was a violation based upon the information available to it, and if so, assess a reasonable fine as set forth in the fine schedule, within 14 days of the expiration of the 14 day period. The Board of Directors shall give written notice of said fine to the applicable Owner.

D. Board of Directors to Conduct Hearing. The Board shall hear and decide cases set for hearing pursuant to the procedures set forth herein. The Board may appoint an officer or other Owner to act as the Presiding Officer at any of the hearings. The Board shall determine whether a violation exists and impose fines.

E. Conflicts. Any Board member who is incapable of objective and disinterested consideration on any hearing before the Association shall disclose such to the President of the Association prior to the hearing on the case, if possible, or, if advance notice is not possible, then such disclosure shall be made at the hearing, and the Board member shall be disqualified from all proceedings with regard to the hearing. If disqualification of any Board member(s) results in an even number of remaining Board members eligible to hear a case, the Presiding Officer may

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appoint an Association member, in good standing, to serve as a voting member of the hearing board.

F. Hearing. The Board shall inform the Owner of the scheduled time, place and date of the requested hearing by regular U.S. mail. The Presiding Officer may grant continuances for good cause. At the beginning of each hearing, the Presiding Officer shall establish a quorum, explain the rules, procedures and guidelines by which the hearing shall be conducted and shall introduce the case before the Board. The complaining parties and the Owner shall have the right, but not the obligation to be in attendance at the hearing. Each party may present evidence, testimony, and witnesses. The decision of the Board at each hearing shall be based on the matters set forth in the Notice of Alleged Violation and Hearing, Request for Hearing, and such evidence as may be presented at the hearing. Unless otherwise determined by the Board of Directors in accordance with the terms of the Colorado Common Interest Ownership Act, all hearings shall be open to attendance by all members of the Association. If a complaining party is unable to attend the Hearing, he or she may instead submit a letter to the Board explaining the basis of the complaint.

G. Decision. After all testimony and other evidence have been presented to the Board at a hearing, the Board shall render its written findings and decision, and impose a reasonable fine, if applicable, within 14 days after the hearing. A decision, either a finding for or against the Owner, shall be by a majority vote of the Board members present.

2. Fine Schedule.

A. See attached Fine Schedule for the fines that may be levied for violation of the provisions of the Declaration, Bylaws, Rules and Regulations and Resolutions of the Association. In addition to the Fine Schedule a \$25 a day fine may be levied in situations where the violation continues and does not come into compliance

The Board may waive all, or any portion, of the fines if, in its reasonable 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 compliance with the Declaration, Bylaws or rules.

B. All fines shall be due and payable upon notice of the fine and will be late if not paid within 30 days of the date that the Owner is notified of the imposition of the fine. An interest charge of 18% per annum shall be invoked, plus a \$2.50 late charge. All fines and late charges shall be considered an assessment and may be collected as set forth in the Declaration. Fines shall be in addition to all other remedies available to the Association pursuant to the terms of the Declaration and Colorado law, including the Association's right to collect attorney fees as authorized by Colorado law.

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3. Legal Action. The Association may pursue legal action against an Owner to enforce the provisions of the Declaration, Bylaws, rules or resolutions without first levying a fine, if the Board determines that such action is in the Association's best interests. The Owner will be given notice and an opportunity for a hearing before legal action is commenced.

4. Failure to Enforce. Failure of the Association to enforce the Declaration, Bylaws, rules and resolutions will not be deemed a waiver of the right to do so for any subsequent violations or of the right to enforce any of the above referenced governing documents for the Association.

IN WITNESS WHEREOF, the undersigned certify that this Covenant and Rule Enforcement Policy was adopted by resolution of the Board of Directors of the Association on this

COLORADO'S TIMBER RIDGE HOMEOWNERS
ASSOCIATION, a Colorado nonprofit corporation,

By: _____
Its: President

ATTEST:

By: _____

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NOTICE OF ALLEGED VIOLATION - FINE SCHEDULE

Date of Visual Report _____

Notice Number _____

Owner Name _____

Address _____ Lot Number _____

✓	Violation	Governing Document Reference	Fine Category
	CONSTRUCTION		
	Site preparation/construction started without permit	CSA	3
	Property improvement not approved by IRC	PIP	3
	Property improvement not as approved/permit violation	PIP	3
	Exterior not compliant with permit	PIP	3
	Building improvement permit not posted	VI.C	2
	Construction permit expired	IX.A.1	3
	Setback violation	VIII.B	4
	Variance without written approval	V.I.H	3
	Alteration/interference of natural drainage	SIA	3
	Improvement not used for residential use	VII.A	4
	Occupied temporary structure without permit	CSA	2
	Construction material/equipment storage violation	CSA	2
	Construction noise before 7 am or after 7 pm	CSA	2
	Construction vehicles/machinery blocking/eroding roadway	CSA	3
	Portable toilet on site during construction	CSA	3
	Removal of excess building/excavation materials	CSA	2
	Inadequate trash or debris removal	CSA	3
	Cleanup of cut trees required	CSA	2
	Mud/debris not removed from road	CSA	2
	Improper concrete supplier/owner washout	CSA	3
	Blasting without proper notification to all residents	CSA	3
	Building occupied during construction	CSA	3
	Construction trailer/portable field office not authorized	CSA	2
	Damage by construction/property owner to roads, open space, other lots	CSA	4
	Vehicles/delivery trucks damage to other properties	CSA	3
	Removal of rocks, topsoil, plant material from open spaces or other lots	CSA	3
	PROPERTY		
	Noxious weeds/grasses	IX.A.7	1
	Non-compliant signs or advertising	IX.B.1	2
	Bare soil not reseeded after construction	IX.A.S.	3
	Noxious or offensive activity	IX.B.3	2
	Hazardous activity	IX.B.4	3
	Non-compliant commercial or business use	VII.E	2
	Propane tank visible	VIII.J	1
	Fence exceeds height restrictions	VIII.L	1

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✓	Violation	Governing Document Reference	Fine Category
	Fence encloses more than 75% of property	VIII.L	2
	Accumulated refuse or manure removal needed	VIII.J	1
	Non-compliant defensible fire zone	VIII.K	3
	Antennae or free standing device exceeds height restrictions	VIII.N	2
	Failure to maintain property (roof, fence, structures, siding)	IX.B	2
	Garbage storage not kept in closed area	VIII.J & X.I	2
	Non-authorized structure (mobile home, tent, shack, outbuilding, etc.)	IX.A.5	4
	VEHICLES		
	Recreational vehicle not garaged	VIII.H	1
	Recreational vehicle visible to street/neighbor	VIII.H	1
	Guest recreational vehicle on site more than 30 days	VIII.H	1
	Abandoned or inoperable vehicle	IX.B.2	2
	Vehicle parked on street		1
	ANIMALS/WILDLIFE		
	Contractor dog confinement issue	CSA	1
	Owner animal confinement issue	X.B	1
	Number of domestic animals in excess of allowed	IX.B.H	1
	Wildlife feeding	X.G	1
	Barnyard animal(s)	X.E	1
	Livestock grazing	X.C	1
	TREES		
	Trees removed in excess of building footprint	VIII.O	5
	Trees over 5" in diameter removed without permit	VIII.O	5
	MEETINGS		
	Misconduct	P&P	1

Violation(s) specifics: _____

Cease and desist relative to issue(s) identified - Immediate attention/action required - Please notify the committee within 14 days, in writing, of remedies/corrective action proposed or taken.

Please review these items and respond to the CTRHOA, PO Box 5436, Pagosa Springs, CO 81147 or go to our website www.ctrhoa.org for the committee chair's contact information if clarification is needed prior to your response. You may request in writing a hearing before the Board of Directors within 14 days of Receipt of Notice of Alleged Violation.

FAILURE TO RESPOND OR COMPLY IMMEDIATELY WITH A "CEASE AND DESIST" REQUEST WILL RESULT IN FINES AND/OR LEGAL ACTION.

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Signed: _____

Date of Notification: _____

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FINE SCHEDULE:

Category 1:

\$50 first offense

\$100 second offense

Category 2:

\$125 first offense

\$250 second offense

Category 3:

\$250 first offense

\$500 second offense

Category 4:

\$500 first offense

\$1,000 second offense

Category 5:

\$500 5"-12"

\$1,000 13"-20

\$2,500 21" and over

Note:

A \$25 per day may be assessed if the violation continues and does not come into compliance.

GOVERNING DOCUMENTS:

Declaration of Covenants, Conditions, Restrictions & Easements (Roman Numerals)

Construction Standards Agreement (CSA)

Property Improvement Procedure (PIP)

Policies & Procedures (P&P)