

COLUMBINE TOWNHOUSES ONE ASSOCIATION
Enforcement Policy

The following enforcement policy was adopted by the Board of Directors (BOD) of Columbine Townhouses One Association ("Association") pursuant to CCIOA 38-33.3-209.5 at a regular meeting of the BOD.

Effective Date: June 11, 2014

1. Pursuant to the Association's Declaration and pursuant to the Colorado Common Interest Ownership Act ("CCIOA"), the Association or any member of the Association, or both, may bring an action to enforce the terms of the Association's Declaration. The collection of delinquent assessments shall be governed by the Association's collection policy, except to the extent that the Association desires to suspend an Owner's membership privileges for the non-payment of assessments, in which case the suspension procedure addressed herein shall apply (but it shall not apply to the Association's efforts to collect the assessments).
2. The Association's primary objective is to uphold the terms of the Declaration and other governing documents that benefit the community at large. To the extent that a neighbor-to-neighbor dispute exists, the BOD encourages the neighbors to resolve the dispute in an informal and cooperative manner if possible. In some cases, a community mediator may be brought in to resolve such disputes at the Owner's expense.
3. In the event that a claimed violation of the Association's governing documents is brought to the BOD's or the Association's managing agent's attention through written complaint, the elected BOD shall review the complaint to determine by a majority vote whether the BOD should take further action. As used in this policy, the term "BOD" shall mean the BOD, any committee of the BOD, or any other body established by the Association's government documents such as, but not limited to, an independent architectural control committee.

Any complaint submitted to the BOD or the Association's managing agent shall be sufficiently detailed to provide the provisions of the governing documents alleged to have been violated together with the time, date, and place of the violation and any witnesses thereto. If the majority of the elected BOD determines, in the exercise of its reasonable discretion, that the claim merits no further action, the minutes shall document such a decision. The BOD may, but need not, review claimed violations that are submitted anonymously or verbally. The BOD may also enforce alleged violations of the Association's governing documents without receipt of a written complaint if two or more of the BOD members have personal knowledge of an alleged violation.

4. If the BOD determines that the complaint sets forth a potential violation of the Association's governing documents and that the BOD is justified in pursuing the matter further, the BOD shall direct the managing agent to send a notice to the Owner claimed to have caused the potential violation. If the person causing the potential violation is a guest, tenant, family member, or invitee or licensee of an Owner, then the Owner shall be responsible for the act or omission (the term "Owner" used in this policy shall refer to the responsible Owner). The BOD may, but need not, send a notice to the person causing the potential violation if such person is not also an Owner.

5. The notice of violation shall be sent to the address of the Owner's property within the Association's community. The Association, upon the written request of the Owner delivered to the Association personally or by certified mail, return receipt requested, postage prepaid, will mail the notice of violation to another address as set forth in the Owner's written request. The notice of violation shall state with reasonable detail the circumstances of the claimed violation as known by the BOD and shall provide the Owner an opportunity for a hearing before the BOD to refute the complaint. If the person charged with a violation responds in writing and requests a hearing, a hearing shall be set and written notice of the date, time, and place of the hearing shall be provided to the Owner.

6. If the Owner does not respond in writing with a request for a hearing within 15 days after the Association's managing agent places the notice of violation in the United States Mail, first class postage paid, return receipt requested, then the Owner shall be deemed to have admitted the facts set forth in the notice of violation at which time the BOD may impose a fine or penalty, or both, for the violation and may suspend the Owner's privileges as the BOD deems appropriate and pursuant to the governing documents of the Association.

7. The procedure to be followed at a hearing during an Executive Session shall be as follows:

a. The President of the BOD or his/her designee shall be the chairperson of the meeting ("Chair"). The Chair shall conduct the hearing and shall recognize people prior to them speaking and shall direct them to stop speaking as the Chair deems appropriate. At the conclusion of the hearing, the BOD may, but need not, make a final decision at the hearing. In any case, the Association's managing agent shall send written notice of the BOD's decision to the Owner within a reasonable time after the meeting. Any fine, penalty, or suspension of privileges shall not take effect until at least 5 days after the BOD's decision.

b. If any person(s) present at the hearing continues to speak or continues to be disruptive during the remainder of the meeting, the BOD may vote to adjourn the hearing. In the alternative, or in addition to adjourning the hearing, the Chair, in the exercise of his/her reasonable discretion, shall be entitled to contact law enforcement and request that the disruptive person(s) be removed from the hearing.

8. The BOD shall exercise its discretion with regard to the amount of a fine levied on a particular subject matter but shall be limited to the following fine schedule:

a. First violation: warning letter;

b. Second violation: up to a \$50 fine;

c. Third violation: up to a \$100 fine;

d. Forth and subsequent violations: up to a \$200 fine.

e. Continuing violations of the same subject matter shall be considered a separate violation for each 24-hour period that the violation continues. First violations are sent if the subject matter differs from ongoing ones. All fines assessed shall be collectible as assessments.

9. The above-listed fine schedule shall not limit the Association's ability to assess the Owner for any damages arising from the Owner's (or a guest, tenant, family member, or invitee or licensee of same) violation of the governing documents.

10. Notwithstanding anything in this policy to the contrary, the Association shall have the right, at any time and without proceeding through the steps outlined herein and without regard to the fine schedule, to bring an action at law to compel compliance with the terms of the Association's governing documents. Nothing in this paragraph constitutes an election of remedies nor precludes the BOD from levying fines as set forth above while at the same time seeking injunctive relief for violations of a continuing nature or violations that affect the health, safety, or welfare of the residents or the property. The prevailing party to any action shall be entitled to recover its costs, expenses, and reasonable attorneys' fees.

11 Failure of the Association to enforce its governing documents pursuant to the policy shall not constitute a waiver of the right to enforce the same thereafter.

In the event that a court of competent jurisdiction finds any portion of this policy void or otherwise unenforceable, the other provisions shall remain in full force and effect.

The undersigned hereby certifies that the foregoing resolution was adopted and made a part of the minutes of the meeting to the Board of Directors of the Association conducted on the 1st day of MAY, 2014.

COLUMBINE TOWNHOUSES ONE ASSOCIATION

Tim C. Sprinkle

By: Tim C. Sprinkle its president