

FRENCH CREEK TOWNHOME ASSOCIATION, INC.
RESOLUTION REGARDING COVENANT ENFORCEMENT

WHEREAS, The Board of Directors of French Creek Townhome Association, Inc. is empowered to govern the affairs of the Association pursuant to Article II of the Bylaws;

WHEREAS, There is a need to adopt a specific policy on Covenant Enforcement;

WHEREAS, It is the intent that this rule shall be applicable to all members of the association and this resolution shall remain in effect until otherwise rescinded, modified, or amended by a majority of the Board of Directors;

NOW, THEREFORE, Be it resolved that the following rules on Covenant Enforcement are hereby adopted by the Board of Directors:

Filing a Complaint:

1. All complaints pertaining to infractions of the Governing Documents, including Rules and Regulations, must be in writing addressed to the Board through the Managing Agent.
2. The complaint must state the following:
 - a. Name or identity of individual(s) committing the infraction;
 - b. The Unit number with whom the individual is associated and some description of the nature of the relationship, i.e. Visitor, Owner, Resident, Tenant, etc., if known;
 - c. The date, time and place of the infraction;
 - d. The nature of the violation
 - e. The name, association address, and telephone number of the person making the complaint;

Action Upon Receipt of Complaint:

1. Issue a "Violation Letter" containing:
 - a. Notice of the alleged violation;
 - b. Consequences if the violation is not corrected;
 - c. The action required to end the violation;
 - d. A time in which to correct the violation;
 - e. The nature of the violation;
2. If violation does not end, and no contact is made regarding an intent to correct the violation in a timely manner, issue a "Notice of Hearing" containing:
 - a. Notice that the violation has not been corrected;
 - b. Notice informing the owner of the right to have a hearing before the Board of Directors;
 - c. A date to respond by (in writing) to appeal and be scheduled for a hearing;
 - d. Notice of presumptive fine;
 - e. The action that will be taken if no response is received;

3. Conduct a "fair and impartial" fact finding process concerning whether the alleged violation actually occurred and whether the unit owner is the one who should be held responsible for the violation. This process may be informal but shall, at a minimum, guarantee the unit owner notice and an opportunity to be heard before an impartial decision maker.
4. Conduct a default hearing in the absence of an alleged violator.
5. Issue a "Result of Hearing" letter, informing the owner of the finding of the Board regarding the alleged violation.

Fine Schedule:

1st Offense: \$50.00

2nd Offense: \$75.00

3rd and Subsequent Offense: \$100.00


1. A unit will not be fined without notice being sent to the unit owner.
2. Unit owners are responsible for ensuring that their tenants are aware and in compliance with the association's governing documents. All fines for infractions are the responsibility of the unit owner.
3. If the association brings action against an owner due to non-compliance, the association shall seek reimbursement for any costs or attorneys fees.

PRESIDENT'S

CERTIFICATION: The undersigned, being the President of the French Creek Townhome Association, Inc., a Colorado non-profit corporation, certifies that the foregoing Resolution was adopted by the Board of Directors of the Association, at a duly called and conducted meeting of the Board of Directors on, June 10, 2008 and in witness thereof, the undersigned has subscribed his/her name.

FRENCH CREEK TOWNHOME ASSOCIATION, INC.,

a Colorado non-profit corporation

By: 
President