

COLUMBINE TOWNHOUSES TWO ASSOCIATION  
Enforcement Procedure

The following enforcement procedure was adopted by the Board of Directors of Columbine Townhouses Two Association, ("Association") pursuant to C.R.S. 38-33.3-209.5, at a regular meeting of the Board of Directors.

**Effective Date:** January 1, 2006.

1. Pursuant to the Association's Declaration and pursuant to the Colorado Common Interest Ownership Act (the "Act"), 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 set forth 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 Board 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.
3. In the event that a claimed violation of the Association's governing documents is brought to the Board's (as used in this procedure, the term "Board" shall mean the Board of Directors, any committee of the Board, the Association's managing agent, or any other body established by the Association's governing documents such as, but not limited to, an independent architectural control committee) attention through written complaint, the Board shall review the complaint to determine whether the Board should take further action. Any complaint submitted to the Board 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 Board determines, in the exercise of its reasonable discretion, that the claim merits no further action, the Board shall document such a decision in the minutes of the Association. The Board may, but need not, review claimed violations that are submitted anonymously or verbally. The Board may also prosecute alleged violations of the Association's governing documents without receipt of a written complaint if one or more of the Board members have personal knowledge of an alleged violation.
4. If the Board determines that the complaint sets forth a potential violation of the Association's governing documents and that the Board is justified in pursuing the matter further, the Board shall send a notice to the Owner claimed to have caused the violation. If the person causing the 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 Board may, but need not send a notice to the person causing the violation if such person is not also an Owner.

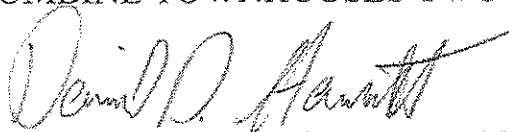
5. The notice of violation shall be sent to the address of the Owner's property within the Association's community. The Association, upon the written request of the Owner delivered to the Association personally or by certified mail, return receipt, postage prepaid, will mail the notice of violation to 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 Board and shall provide the Owner an opportunity for a hearing before the Board 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 hearing shall be provided to the accused.
6. If the Owner does not respond in writing with a request for a hearing within fifteen days after the Board 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 Board may impose a fine or penalty, or both, for the violation and may suspend the Owner's privileges as the Board deems appropriate and pursuant to the governing documents of the Association.
7. The procedure to be followed at a hearing shall be as follows:
  - a. The President of the Board 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 Board may but need not make a final decision at the hearing. In any case, the Board shall send written notice of its 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 five days after the Board's decision.
  - b. If any person present at the hearing continues to speak or continues to be disruptive during the remainder of the meeting, the Board 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 be removed from the hearing.
8. The Board shall exercise its discretion with regard to the amount of any particular fine levied 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. Fourth and subsequent: up to a \$200 fine.
  - e. Continuing violations shall be considered a separate violation for each 24-hour period that the violation continues. 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 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 Board 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 this 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 of the Board of Directors of the Association conducted on the 26 day of JANUARY, 2005.

COLUMBINE TOWNHOUSES TWO ASSOCIATION



By: Daniel D. Howatt, its: President