

**RESOLUTION OF
THE WOODLAND PONDS HOMEOWNER'S ASSOCIATION,
REGARDING POLICIES AND PROCEDURES
FOR COVENANT AND RULE ENFORCEMENT.
Policy 5**

SUBJECT: Adoption of a policy regarding enforcement of the Declarations of Woodland Ponds Homeowner's Association (the "Declaration"), and Association Rules and Procedures for the Woodland Ponds Homeowner's Association, (the Association"). Policy for the notice of alleged violations, conduct of hearings and imposition of fines of the Association.

PURPOSE: To adopt a uniform procedure to be followed when enforcing the Declaration Association rules; to facilitate the efficient operation of the Association.

AUTHORITY: The Declaration, Articles of Incorporation and Bylaws of the Association any amendments thereto (the "Governing Documents") and Colorado Law.

EFFECTIVE DATE:

7/23/2018

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

- 1) **Reporting Violations.** 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, Executive Board member(s) or committee member(s) **by submission of a written complaint or email.** In the event of immediate action being necessary in an emergency situation, a phone call or text shall suffice.
- 2) **Complaints.** (a) **Complaints by Owners or residents shall be in writing** and submitted to the Executive Board. The complaining Owner or resident shall have observed the alleged violation and shall identify the complainant ("Complainant"), the alleged violator ("Violator"), if known, and set forth a statement describing the alleged violation, referencing the specific provision which are alleged to have been violated, when the violation was observed and any other pertinent information. 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.

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Policy 5

- (b) Complaints by a member of the Executive Board, a committee member, or the Manager, if any, may be made in writing or by any other means deemed appropriate by the Executive Board if such violation was observed by the Director or Manager.
- 3) Investigation. 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 an Executive Board designated individual or committee. The Executive Board shall have sole discretion in appointing an individual or committee to investigate the matter. An impartial decision maker is a person or committee, appointed by the Executive Board, that has the authority to make a decision regarding the enforcement of the Association's Governing Documents. The impartial decision maker shall have no direct personal or financial interest in the outcome and will receive no greater benefit or detriment from the decision than will the general membership of the Association.
- 4) Initial Warning Letter. If a violation is found to exist, a warning letter shall be sent to the Violator explaining the nature of the violation. The Violator shall have 10 days from the date of the letter to come into compliance.
- 5) Continued Violation After Initial Warning Letter. If the alleged Violator does not come into compliance within 10 days of the first warning letter, this will be considered a second violation for which a fine may be imposed following notice an opportunity for a hearing. A second letter shall then be sent to the alleged Violator, providing notice and an opportunity for a hearing, and explaining if a violation is found to exist, a fine may be imposed pursuant to this Policy. The letter shall further state that the alleged Violator is entitled to a hearing on the merits of the matter provided that such hearing is requested within 10 days of the date of the second violation letter.

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- 6) Notice of Hearing. If a hearing is requested by the alleged Violator, the Executive Board, committee or other person conducting such hearing as may be determined in the sole discretion of the Executive

Board, may serve written notice of the hearing to all parties involved at 10 days prior to the hearing date.

- 7) Hearing. 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. 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. The presiding officer may also impose such other rules of conduct as may be appropriate under the given circumstances. Neither the Complainant nor the alleged Violator is required to be in attendance at the hearing. The Executive 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. Unless otherwise determined by the Executive Board, all hearings shall be open to attendance by all Owners. After the testimony and other evidence has been presented at a hearing, the Executive Board shall, within a reasonable time, not to exceed 15 days, render its written findings and decision, and impose a fine, if applicable. A decision, either a finding for or against the Owner, shall be by a majority of the Executive Board members present at the hearing. If it is determined that the unit owner should not be held responsible for the alleged violation, the Association shall not allocate to the unit owner's account with the Association any of the Associations' costs or attorney fees incurred in asserting or hearing the claim. Failure to strictly follow the hearing procedures set forth above shall not constitute ground for appeal of the hearing committee's decision absent a showing of denial of due process.
- 8) Failure to Timely Request Hearing. If the alleged Violator fails to request a hearing within 10 days of any letter, or fails to appear at

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any hearing, the Executive Board may make a decision with respect to the alleged violation based on the Complaint, results of the investigation, and any other available information without the necessity of holding a formal hearing. If a violation is found to exist, the alleged Violator may be assessed a fine pursuant to the policies and procedures.

- 9) Notification of Decision. The decision of the Executive Board, committee or other person, shall be in writing and provided to the Violator and Complainant within 15 days of the hearing, or if no hearing is requested, within 15 days of the final decision.
- 10) Fine Schedule. The following fine schedule has been adopted for all recurring covenant violations:

1st Violation	Warning Letter
2 nd Violation	\$25.00
3 rd Violation	\$50.00
4 th Violation and subsequent violations (of same covenant violation)	\$100.00

Third and subsequent covenant violations may be turned over to the Association's attorney to take appropriate legal actions. Any Owner committing 3 or more violations in a 6-month period, whether such violations are of the same covenant or different covenants, may be immediately turned over to the Association's attorney for appropriate legal action.

- 11) Waiver of Fines. The Executive Board may waive all, or any portion, of the fines if, in its sole discretion, such waiver is appropriate under the circumstances. Additionally, the Executive Board may condition waiver of the entire fine, or any portion thereof, upon the Violator coming into and staying in compliance with the Articles, Declaration, Bylaws or Rules.
- 12) 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

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Incorporation and Colorado law. The use of this process does not preclude the Association from using any other enforcement means.

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

14) Supplement to Law. The provision 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.

15) Deviations. The Executive Board may deviate from the procedures set forth in this Resolution if in its sole discretion such deviation is reasonable under the circumstances.

16) Amendment. This Procedure may be amended from time to time by the Executive Board. This policy supersedes any previous or current policy regarding Covenant Violations

PRESIDENT'S CERTIFICATION: The undersigned, being the President of the Association, certifies that the foregoing Resolution was adopted by the Executive Board of the Association, at a duly called and held meeting of the Executive Board on 7/23/18 and in witness thereof, the undersigned has subscribed his/her name.

WOODLAND PONDS HOMEOWNER'S ASSOCIATION.

By: _____

President

By: _____

Vice President

By: Jeanne Wolfert

Secretary

By: Bruce Campbell

Treasurer

By: Bonnie L Young

Member

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**Policy #5
Amendment 1**

Enforcement of Declaration Architectural Scope of Authority and Design Guidelines. The Architectural Review Board (ARB) shall have primary responsibility for the enforcement of architectural requirements for the Declaration and Architectural Review Board Guidelines (Guidelines). The ARB will investigate written complaints of Owners for violations of architectural requirements per the Declaration and/or Guidelines; all complaints must be dated and signed by the Owner. The ARB and the Board of Directors shall use all reasonable means to maintain the anonymity of complaining Owners. The ARB shall be allowed access to the property of the Owner filing the complaint for purposes of verification of the complaint. If a violation is found, the ARB shall notify the Owner whose property is in violation, in writing requesting that appropriate action be taken to achieve compliance. If such Owner does not bring his/her property into compliance with the Declaration and ARB Guidelines within thirty (30) days, or the time specified in the notice, the ARB will request that the violation be referred to the Board of Directors for enforcement action, which may include the Board fining the Owner for such non-compliance. Depending on the violation, the Board of Directors also may require that the item in non-compliance be removed from the Owner's property.


Homeowners who are uncertain whether or not an ARB application is required may contact any of the ARB members to determine the necessity of completing the ARB process and submitting an ARB application. It is the responsibility of the ARB to use reason, discretion and objective standards when reviewing any ARB application including but not limited to meeting with Owners to reach an agreement on the proposed project. Owners who do not file an ARB application per the Declaration and ARB Guideline scope of authority will be fined an immediate amount of \$150.00 payable within one week of the written notification to the Owner. Further, the work must cease until such time as an ARB application has been submitted, reviewed and approved by the ARB. The ARB will make every attempt to review the application within a two week frame of time. Owners who choose not to follow this process may be subject to additional fines determined by the Board of Directors, and the case may be turned over to an attorney for management and enforcement.

PRESIDENT'S CERTIFICATION: The undersigned, being the President of the Association, certifies that the foregoing Resolution was adopted by the Executive Board of the Association, at a duly called and held meeting of the Executive Board on 8/4/2016 and in witness thereof, the undersigned has subscribed his/her name.

THE WOODLAND PONDS HOMEOWNERS ASSOCIATION, INC.

By: 

President

By: 

Vice-President

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By: Jeanne Wolfelt
Secretary

By: Bruce A Young
Treasurer

