

TAMARRON ASSOCIATION OF CONDOMINIUM OWNERS, INC.

Responsible Governance Policy

ENFORCEMENT OF COVENANTS AND RULES, INCLUDING NOTICE AND HEARING PROCEDURES, SCHEDULE OF FINES

The following policy and procedures have been adopted by the Tamarron Association of Condominium Owners, Inc., a Colorado Non-Profit Corporation (“Association”) pursuant to the provisions of the Colorado Common Interest and Ownership Act (the “Act”) C.R.S. 38-33.3-209.5, at a meeting of the Executive Board.

NOW THEREFORE, IT IS RESOLVED that the Association does hereby adopt the following policy:

Section 1. Abatement and Enjoinment of Violations by Owners. The violation of any of the Rules and Regulations adopted by the Board of Directors or the breach of any provision of the Declaration shall give the Board of Directors the right, after prior written notice to the Owner of the violation and providing a 30 day period to cure said violation (except in case of an emergency), in addition to any other rights set forth in these Bylaws:

(a) To enter the Unit or limited common element in which, or as to which, the violation or breach exists and to summarily abate and remove, at the expense of the defaulting Owner, any structure, thing or condition (except for additions or alterations of a permanent nature that may exist in that Unit) that is existing and creating a danger to the common elements contrary to the intent and meaning of the provisions of the Governing Documents. The Board of Directors shall not be deemed liable for any manner of trespass by this action; or

(b) To enjoin, abate or remedy by appropriate legal proceedings, either at law or in equity, the continuance of any breach.

Section 2. Fine for Violation. By resolution, following notice and hearing, the Board of Directors may levy fines on a monthly basis or levy a fine per day for each day that a violation of the Declaration, or any rules and regulations of the Association persists, but this amount shall not exceed that amount necessary to ensure compliance with the rule or order of the Board of Directors. The Board, in its discretion, may adopt in connection with its Rules and Regulations, or Policies and Procedures, a “schedule of fines” to be applied for particular violations. The schedule of fines adopted by the Executive Board is set forth in the Rules and Regulations. Said schedule of fines may be amended from time to time pursuant to the procedures for amending rules and regulations.


Section 3. Interest on Overdue Assessments. Interest on overdue assessments or other payments due hereunder shall accrue interest at the rate established by the Executive Board from time to time. The Association Executive Board may, by resolution, adopt any such interest rate as it deems appropriate so long as in compliance with Colorado law.

Section 4. Notice and Hearing. In compliance with C.R.S. 38-33.3-209.5 of CCIOA, the following procedures for notice and hearing shall apply in the enforcement of the Declarations, Bylaws, Policies and Procedures and the Rules and Regulations (the “Governing Documents”).

- i. Actions prior to initiation of formal special resolution process. The Board of Directors has the authority to request that an Owner or an Owner’s guests or tenants cease or correct any act or omission which appears to be a violation of the Governing Documents. (“Alleged Violation”). Such informal request may be made (and is encouraged) before the formal process (as described herein) is initiated.
- ii. Written statement. If the actions described in 4.1 (i) above prove unsuccessful, the violation procedures process shall be initiated upon filing a written statement by any officer or member of the Board. Such written statement may be acted upon by the Rules Committee Chairperson or Maintenance Director (the “Chairperson”). The written statement shall set forth in ordinary and concise language the acts or omissions which the author believes occurred and shall include as many specifics as are available as to time, date, location and persons involved, so that the complaint may be investigated and verified.
- iii. Letter to Owner. If it is determined that an Alleged Violation has occurred, the Chairperson shall send via regular mail, email, or hand-delivery, a letter regarding same to the Owner. The letter shall require the Alleged Violation cease within such period of time as the Rules Committee deems reasonable, based upon the nature of the Alleged Violation. The letter shall be mailed to the last known address of the Owner.
- iv. Imposition of Fine. If the Alleged Violation has not ceased within the manner and period of time set forth in the letter to Owner, the Chairperson shall notify via regular mail, email, or hand-delivery the Owner that the Board shall proceed to levy a fine pursuant to the Schedule of Fines described in the Rules, charge attorney fees or take such other actions as authorized by the Governing Documents.
- v. Dispute by Owner. In the event an Owner disputes the Alleged Violation, the Owner may request a hearing from the Rules Committee within fifteen (15) days of the date of the letter to Owner. Such request for hearing shall be in writing and addressed to the Chairperson. The Chairperson shall send a second letter to the Owner then informing the Owner of the time and place at which the Rules Committee will hear the matter; that the Owner has an opportunity to attend (in person or by telephone) and be heard at such meeting; and that the Rules Committee has the authority, upon determination that a Violation has occurred, to levy fines, charges, attorney’s fees and other monies, and to take such other action as is authorized by the Association’s Governing Documents and Colorado law. At the discretion of the Rules Committee, fines may be retroactive to the date of the original imposition of said fine.

- vi. Constraints on the Committee. It shall be incumbent upon each member of the Rules Committee to make a determination as to whether he or she is able to function at the hearing in a disinterested fashion. If such member is incapable of objective consideration in the case, he or she shall disclose such to the committee and remove himself or herself from the proceedings and have it so recorded in the minutes.
- vii. Hearing. The hearing will not be conducted according to technical rules relating to evidence and witnesses. Generally, any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Decisions of the Rules Committee may be made “under advisement,” i.e. at a later date and time but not to exceed 7 days from the date of the hearing. All decisions of the Rules Committee are effective three days after written notice is sent to the Owner via regular mail, email or otherwise hand-delivered.
- viii. Failure to Attend. If the accusing party fails to attend the hearing (in person or by telephone), the violation shall be deemed to have occurred and the Rules Committee shall be authorized to impose the fine, charges and/or attorney’s fees.
- ix. Joint and Several Liability. If there are multiple Owners, each shall be jointly and severally liable for any fine or other monetary penalty imposed pursuant to the enforcement of the Governing Documents, including, but not limited to, all attorney’s fees, expert witness fees and costs incurred by the Association resulting from or in any way related to the violation or the collection of fines.
- x. Remedy. Each remedy set forth herein shall be in addition to all other remedies, whether available at law or in equity, and all such remedies, whether or not set forth in the Governing Documents, shall be cumulative and nonexclusive.

THIS POLICY AND PROCEDURE was adopted at the meeting of the Board of Directors on September 9, 2015, by an affirmative vote of more than 66 2/3rds of the Board of Directors for Tamarron Association of Condominium Owners, Inc.





W. A. Roth

Please attach my signature to each of the six Board policies that were passed by the Board on September 9, 2015. Also, please attach my signature to the amended and restated bylaws that were passed by the Board on September 9, 2015.



