

The Alpine Village Homeowners Association

Policies and Procedures

as required by C.R. S. 38-33.3-209.5

The following Policies and Procedures were adopted by the Board of Directors of the Alpine Village Homeowners Association ("the Association") pursuant to Colorado Revised Statute ("C.R.S.") 38-33.3-209.5.

ENFORCEMENT OF COVENANTS AND RULES

The following procedures shall apply to a violation of the Declaration of Covenants, Conditions, Restrictions (CCR's), By-Laws, or the Rules and Regulation of the Alpine Village Homeowners Association ("the governing documents"). However, this resolution shall not apply to payment and collection of assessments.

a. Informal Resolution of Violation

Any Member or Agent of the Association may directly request that a Member or resident cease or correct any act or omission, which appears to be in violation of the governing documents. It is the preference of the Board that members of the Association attempt informal resolution prior to seeking formal resolution.

In the event the perceived violation is also a violation of Federal, state, or local laws or regulation, the Board may request the complaining Member to contact the appropriate government entity to report the perceived violation.

b. Mediation

The Association prefers to use mediation as a tool to address complaints alleging violations of the Association's governing documents. The decision of whether or not to employ mediation will be with the reasonable discretion of the Board of Directors. The Association encourages members of the Association to seek mediation on issues not having an impact on multiple members of the Association.

c. Formal Resolution of an Alleged Violations

- I. The Board may initiate Formal Resolution of alleged violations by filing a written notice with the Board of Directors.
- II. The notice must clearly indicate the specific nature of the alleged violation, the date, time, and location of the alleged violation, witnesses of the alleged violation and the name(s) of the alleged violator(s). At this time, the name of the Member making the complaint will not be divulged to persons other than the Board of Directors.
- III. If within the discretion of the Board, the written notice does not allege facts necessary to constitute a violation, the complainant will be notified in writing as to why no action was taken. The complainant may request a reconsideration of the complaint.
- VI. If the Board, having reviewed the allegations contained in the notice, believes a violation of the Association's governing documents may have occurred, the accused Member will be notified in writing via U.S. Mail that a complaint has been made citing the nature, date, time, and location of the violation. If the

accused individual is a tenant, family member, guest, invitee, or agent of the Member, that Members will be notified. The letter will request correction within 15 days and will require a written response.

d.

Response

1. If written response is received by the Board of Directors via U.S. Mail within the 15 days and either adequate correction is made or the Board determines from the response that there has been no continuing violation, the matter may be considered closed. If the matter is considered closed the Board will notify the parties either in writing or with verbal communication. The accused Member may, within the 15 days, request a hearing with the Board to dispute the violation.
2. Failure to respond to such notification will be construed as an admission of the violation at which point the Board may levy a fine against the Member(s) for the alleged violation.
3. If the Member charged with a violation responds requesting a hearing, a hearing shall be set and a written notice of the date, time, and place of the hearing shall be provided via U.S. Mail or verbal communication to the accused and the complainant.

e.

The hearing procedures shall be as follows:

1. The Board, through its Chair, shall direct the proceedings at the hearing or may appoint a Hearing Board and Chair as needed.
2. The Chair will poll all members of the Board requiring that any Members of the Board that cannot be impartial in the determination of this matter recuses themselves from the hearing.
3. The Hearing will be conducted informally under the control of the Chair of the Hearing Board.
4. The Complainant will be given an opportunity to be heard. The Accused will be given an opportunity to be heard. Other persons having information bearing on the alleged violation will be given an opportunity to be heard.
5. The Hearing Board shall have the opportunity to question any presenters.
6. At the closing of the Hearing the Hearing Board shall have 15 days to reconvene to discuss the issue and decide whether or not a violation has occurred and notify the parties in writing via U.S. Mail of the determinations.
7. The Hearing Board shall vote on all determinations. The Chair of the Hearing Board shall not vote except as required to break a tie. If the Hearing Board determines that a violation has occurred it will then also:
 - determine what corrective action shall be required including a time frame to complete the corrective action,
 - an appropriate fine based on the Association's fine schedule below, and
 - the date payment of the fine is due.
8. In the event the Owner fails to pay the fine consistent with the notification, the fine will be subject to the policies and procedures in. The collection of fines will be handled separately from the collection of assessments.
9. The Hearing Board must use reasonable discretion in levying fines in accordance with the severity of the violation.

f. **Miscellaneous Provisions**

- 1) Person charged shall include the Owner of real property subject to the Association's Governing Documents whether it is a natural person or legal entity.
- 2) Fines for violations of the governing documents will be imposed against the Owner and the real property subject to the Declaration.
- 3) Any and all money collected from such fines may be deposited in the Association's general operating fund.
- 4) In the event the violation is of a continuing nature or if the violation constitutes a threat to the health, safety, or welfare of the residents of the property within the community, the Association acting through the Board of Directors may at any time institute an action in a court of competent jurisdiction.
- 5) The Association may seek reimbursement of its attorney fees and costs.

In the case of any conflict between the Articles of Incorporation, the Bylaws, or the Declaration of Covenants, Conditions, Restriction, and these listed "Policies & Procedures", such provisions of the Articles, Bylaws and the Declaration of Covenants shall take precedence and supersede any provisions of these "Policies & Procedures."

In the event a Court of competent jurisdiction finds a provision of any of these Policies and Procedures void or otherwise unenforceable, the other provisions shall remain in full effect.

Approved by the Board of Directors of the Alpine Village Homeowners Association after a 30 day review by the membership.

Richard J. Smith Date 1-11-10

Bonita J. O'Hara Date 1-11-10

John E. DeKleva Date 1-11-10

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