

5 - Cobble Creek Homeowners Association

Policies and Procedures For Covenant Enforcement Policy and Procedure

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

The following Procedures have been adopted by the Cobble Creek Homeowners Association ("the Association") pursuant to Colorado Revised Statute ("C.R.S.") 38-33.3-209.5, at a regular meeting of the Board of Directors ("The Board"). Additional policies, procedures and rules may exist separately.

PURPOSE:

To adopt a policy governing the enforcement of the Declaration of Covenants, Conditions and Restrictions and the Bylaws of the Association.

NOW, THEREFORE, IT IS RESOLVED that the Association does hereby adopt the following procedures to govern the enforcement of the Association's Covenants and Bylaws:

- A. Violations may be observed by the Board of Directors, the management company, a committee member or reported via written correspondence through e-mail, fax or mail service. The complaint must state specifically the violation observed and include who the violating party was, what was observed, the date, place and time of the violation and any other pertinent information such as license plate numbers etc.
- B. If full details are not provided with a complaint, further action beyond additional observation cannot be made. The Board and the management company will investigate the complaint further and will make additional observations if required.
- C. If a violation is found and documented the following actions will be taken:
 1. A certified letter, return receipt requested will be sent to the unit owner (and tenant if it is known that the unit is being used as a rental) stating that a violation has occurred while referring them to the governing documents which appear to be in violation. This letter will allow the unit owner to forward documentation, in writing, if they believe the violation did not occur. The unit owner will have 30 days to respond to the letter or to correct the violation.
 2. If the violation is still observed after 30 days, a second certified letter, return receipt requested, will be sent to the Owner (and tenant if it is known that the unit is being used as a rental) stating that if the violation continues then fines will be imposed. The unit owner will have 30 days to correct the violation or request a hearing with the Board (see Dispute Resolution Policy for specifics).
 3. If at the hearing it is found that the violation did/does occur, the Owner will be charged a fine beginning on the 1st day after the second letter. The Association will charge a \$50.00 fine per occurrence for all CC&R non-compliance violations of the governing documents of the Association.
- D. Owners are responsible for any fines that may be levied against their property due to non-compliance of their tenants.
- E. Non-payment of fines will fall under the Collection Policy.

- F. In the event a perceived violation is also a violation of Federal, State, or local laws or regulations, the Board or management company will log the information however, the Board will refer the issue back to the complaining resident to contact the appropriate government entity to report the perceived violation.
- G. These enforcement provisions may be in addition to other specific provisions outlined in the Governing Documents and the Association is not required to follow these enforcement provisions before seeking such other remedies. The Association may choose a legal remedy or seek assistance from other enforcement authorities, such as Code Enforcement, Police, Fire, or Animal Control, as it deems appropriate.
- H. The Association's primary objective is to uphold the terms of the Governing Documents that benefit the community at large. To the extent that a neighbor-to-neighbor dispute exists, the Board encourages the neighborly approach to resolve the dispute in an informal and cooperative manner if possible; particularly with issues that impact the parties involved, but not necessarily other members of the community. In some cases, an involved party may wish to seek formal resolution, or a community mediator may be brought in to resolve such disputes.

CONFLICTS BETWEEN DOCUMENTS:

In case of discrepancies between this Policy and Procedure and the Declaration of Covenants, Conditions, and Restrictions (the Declaration), or the Bylaws or the Association, the Declaration shall control.

The undersigned, being the President of the Association, certifies that the foregoing resolution was adopted by the Board of Directors of the Association at a duly called and held meeting of the Board of Directors on the 31st day of July, 2024.

Cobble Creek Homeowners Association

Gregory A Horton

Gregory A Horton (Jul 31, 2024 16:59 MDT)

President

Cobble Creek HOA

Fee Schedule

Violation Process with Fee Schedule outline

1. Courtesy Letter- Sent to enforceable CCRs' violations. First attempt of legal recourse for HOA Board. Must wait 30-days to verify violation has been cured or not. If cured, disregard further action. If not proceed.
2. Violation Letter fine letter- Sent within 1st week of expiration of courtesy letter. If violation enforceable, first fine would be \$50.00. Another 30- days must be given to homeowner to cure. If cured, disregard further action. If not, proceed.
3. 2nd Violation letter fine letter- Sent within 1 week of expiration of 1st violation letter. If violation enforceable, second fine would be \$150.00.
4. 3rd Violation letter with fine- Sent within 1 week of expiration of 2nd violation letter. If violation enforceable, third fine would be \$300.00.
5. If homeowner owes just fines. Process stops at this point. If the homeowner owes dues or special assessments. An Intent to lien can be placed. Liens cannot be placed on a homeowner just over fines.
6. Last recourse- File a lien. We recommend liens be placed for amounts over \$1000.00.

Fees from Heritage in regards to process violations are:

Courtesy letter, 1, 2, and 3rd violation letters are all certified letters to owners. \$14.25/ea

Intent to lien is \$14.25

Filing lien \$126.00 (\$100.00 processing, \$26.00 filing fees to file and release lien). With additional certified mailing and posting to door. \$14.25.

If violation is not cured from beginning to end. Cost to process is: See Definition 5 for explanation of fines.

No Dues just fines: \$57.00 (violation fines only – no lien)

Dues including fines: \$211.50 (dues & fines – lien)

President's certification: The undersigned, being the President of the Association, certifies that the foregoing policy was adopted by the Executive Board of the Association, as a duly called and held meeting of the Executive Board on 15/05/24.

Cobble Creek Home Owners Association, Inc.

Gregory A Horton

Gregory A Horton (Jul 31, 2024 16:59 MDT)

President