



## MS Homeowners Association

### Covenant and Rule Enforcement Policy and Procedure

Reference: SB 05-100- & 06-89; 38-33.3-123; CC&R Articles IV, V, VI, VII and VIII; and Rules and Regulations

**Policy:** The Declarations are in place for the betterment of our community. To be effective, they must be obeyed by all the Members of the Association and their guests, tenants, or invitees. It is the responsibility of the Association's purposes to provisions of the Declaration and any Policies, Procedures, Rules and Regulations are followed by everyone in the Association.

#### **Procedure:**

**First Notification:** A compliance courtesy letter will be sent via e-mail, USPS, or hand delivered. The courtesy letter will contain the address, alleged violation, the action required to correct the violation, a specific day within the violation must be corrected.

**Second Notification:** Should the alleged violation continue past the date set by the compliance letter, then a second letter will be sent to the allegedly violating Member stating again the type of violation, the action required to correct the violation, when fine will commence and the Member has the right to request a hearing before the Members of the Board to dispute the alleged violation. Member will have an opportunity to attend and be heard at the meeting. After determining that a violation has occurred, the Board has the authority, to levy fines, approve referral of the matter to a lawyer, or take any other action authorized by the Declarations, Policies, Procedures, Rules and Regulations or by Colorado law necessary to secure compliance.

The hearing will continue even if the allegedly violating Member fails to attend. Decisions of the Board need not be made or reported immediately and may be made at any time not in excess of 10 days after the conclusion of a hearing. All decisions of the Board are effective 3 days after written notification of the decision is sent to the violating Member by certified or regular mail.

#### **Fine Schedule**

The following are guidelines for violation of the Declaration, Colorado State Laws, Mesa County Ordinances, and the Rules and Regulations.

- First letter: Courtesy letter to correct within 5 days.
- Second letter: Letter to correct within 5 days w/ request to set a hearing. If no request for hearing is requested, fine will commence until violation is corrected.
- Subsequent violations: Not to exceed \$500.00.
- All fines are due and payable at the time a third letter is written.

Failure to pay fines within 30 days will constitute a termination of member voting, irrigation rights and will be sent to a collection agency

**The Homeowner Association reserves the right to fine for first violations of rules that involve health and safety issues and other violations where a warning may not be deemed necessary by the Association in its reasonable discretion. Additionally, on prior written notice, the Association reserves the right to levy fines in excess of the above referenced schedule, if the fines set forth in this schedule are not likely to provide effective incentives to induce compliance.**

The Association may waive all, or any portion, of the fines if, in its reasonable discretion, such waiver is appropriate under the circumstances. Additionally, the Association may condition waiver of the entire fine, or any portion thereof, on the violator coming into compliance with the Covenants, Colorado State Laws, Mesa County Ordinances, and the Rules and Regulations.

**Additional Enforcement Rights:** The Association, at any time, may seek legal action against an Owner to enforce the provisions of the Declaration, By-Laws, Colorado State Laws, Mesa County Ordinances, and Rules and Regulations without first following the preceding notice if the Association determines that such action is in the Association's best interest.

**Definitions:** Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning therein.

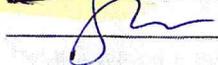
**Supplement to Law:** The provisions of this Resolution shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Colorado governing the Project.

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

**Amendment:** The Board of Directors may amend this procedure from time to time.

**President's Certification:** The undersigned, being the President/Directors of the Association, certifies that the Board of Directors of the Association adopted the foregoing resolution and in witness thereof, the undersigned has subscribed his/her name.

**MS Homeowners Association**

 Jesse Pryor Board Member

**President or Director**

**Effective Date:** 7-6-22