

# Wedding Canyon Estates II Owners Association

## Covenant Enforcement Policy and Procedure Pursuant to C.R.S. §38-33.3-209.5(1)(b)(IV)

BE IT RESOLVED, the Association hereby adopts the following policy and procedures to be followed for enforcing rules and regulations for violation of covenant restrictions and other governing documents of the Association.

**1. Scope:**

To adopt a policy and procedure for the enforcement of rules and regulations for the governing documents of the Association.

**2. Specifics:**

Violations may be observed by the Board of Directors, the HOA management company, a DRC committee member or by any Association member. Violations must be reported by written correspondence through personal electronic messaging, or first-class mail service to the HOA management company, presently HOA Services, or any member of the Board of Directors. The complaint must state the violation observed specifically citing the Governing Document, CC&R article, number, and letter (if applicable), and include a picture of the violation (if applicable), who the violating party was, what was observed, the date, place and time of the violation, and any other pertinent data, such as license plate or other identifying information. If full details are not provided with a complaint, action may not be taken until the Board investigates the complaint further and makes additional observations validating the legitimacy of the complaint.

A violation submission and accompanying documentation are not available to the public or Owners for viewing at the management company or Association addresses. Submissions are received and considered by the Board of Directors in Executive Sessions only at the next scheduled Board meeting. This means if you are an Owner receiving a Violation, you will be provided only with information relevant to the complaint but no information on how the Violation was brought to the attention of the Board.

Any complaint that is found to be in violation of a municipal code will be reported to the appropriate authorities by the Board immediately for Association health and safety reasons.

If a violation is confirmed by the Board or management company and fully documented, the following actions will be taken:

- **1<sup>st</sup> Notice:** A letter of notification and photo will be sent to the Owner (and lease tenant if it is known that the residence 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. The 1<sup>st</sup> Notice letter allows the Owner to forward documentation if they believe the Violation did not occur. The Owner has fourteen (14) days to respond to the letter or to correct the Violation.

- **2<sup>nd</sup> Notice/Violation Letter:** If the Violation is still observed after fourteen (14) days from Board confirmation, a second letter will be sent to the Owner (and lease tenant if applicable) stating that a fine of \$25.00 has been added to the Owners account. The Owner will have seven (7) days to correct the violation or request a hearing with the Board (see Dispute Resolution Policy for specifics).
- If after seven (7) days the Violation is found to still exist, the Owner will be charged an additional \$50.
- If a hearing is not requested by the owner within seven (7) days of the second violation letter, fines of \$50/day, will continue until the documented Violation is corrected. The \$50/day fine starts twenty-one (21) days after the first letter was sent if no hearing is requested.
- It is the responsibility of the Owner to notify and submit proof to the Board that a Violation has been rectified.
- The Board of Directors may also give the Owner 14 days' notice that if the Violation is not corrected, the Association will fix the issue and charge the Owner directly for all associated costs to remedy the situation. The remedial costs shall be in addition to any accumulated fines for the violation.
- Accumulation of fines for any one violation shall be capped at \$500.
- For a recalcitrant Owner that is non-compliant with this policy and fine assessments, after an accumulated \$500 of fines per any one violation, they will be given notice that conformance to the CC&Rs and fine repayment will be pursued through legal action.

Owners are responsible for any fines that may be levied against their property due to non-compliance of their tenants.

Non-payment of fines will fall under the Dues Collection Policy.

Voting rights will be suspended for any Owner who is or has been in Violation of the CC&Rs in the previous thirty (30) days.

3. **Definitions:** Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning therein.
4. **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.
5. **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.
6. **Amendment:** The Board of Directors may amend this procedure from time to time.

**President's Certification:** The undersigned, being the President or elected Director 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.

**Wedding Canyon Estate II Owners Association**

Will J. Baum

**President**

**Effective Date:** 2.24.2025