

## RESOLUTION

Eagleridge Estates Homeowners Association of Pueblo, Inc.  
(the “Association”)

### Policy & Procedures for Covenant Enforcement

**SUBJECT:** Enforcement of covenants, and procedures for the notice of alleged violations, conduct of hearings and imposition of fines.

**PURPOSE:** To adopt a uniform procedure to be followed when enforcing covenants.

**AUTHORITY:** Articles of Incorporation, Bylaws and Declaration of Conditions, Covenants, Restrictions and Easements (the “Declaration”) of the Association, and Colorado law.

**EFFECTIVE DATE:** October 24, 2019

**RESOLUTION:** The Association hereby adopts the following Policy & Procedures (hereinafter “P&P”) to be followed when enforcing the Declaration covenants of the Association.

1. Reporting Violation. A complaint regarding alleged breach of a Declaration covenant (“Violation”) may be reported by: a) homeowner(s) within the community, b) Association's management company, if any, or c) Association’s Executive Board (the “Board”) or Committee member(s), and will be reported by submission of a written complaint.
2. Complaint. (a) A Complaint by homeowner(s) shall be in writing and submitted to the Board. The complaining homeowner(s) shall have observed the alleged violation and shall identify the complainant (the "Complainant") and the homeowner responsible for the Violation (the “Owner”), and shall set forth a statement describing: i) the alleged Violation, referencing the specific Declaration provision(s) which is alleged to have been violated, ii) when the Violation was observed, and iii) any other pertinent information. A non-written complaint, or written complaint failing to include any information required by this provision, may or may not be investigated or prosecuted in the sole discretion of the Board. (b) A complaint by Board or committee member(s), or by the management company, if any, may be submitted in writing or by any other means deemed appropriate by the Board, but must otherwise include all the information required by 2.(a) above.
3. Investigation. Upon receipt of the Complaint by the Board, and if additional information is needed, the Complaint may be returned to the Complainant or may be investigated further by a Board designated individual or committee. The Board shall have sole discretion in appointing an individual or committee to investigate the matter.
4. Notice of Violation. If a Violation is found to exist, a Notice of Violation shall be sent to the responsible Owner, notifying Owner of the: a) specific Violation, b) right to request a Board hearing regarding the Violation, and c) explaining the amount of the fine, if any, to be imposed for not curing the Violation pursuant to this P&P. The Notice shall further state the Owner has fourteen (14) days to either cure the Violation or request a Board hearing, provided such request is received by the Board within fourteen (14)

days of the date on the Notice of Violation.

5. Notice of Hearing. If a Hearing is requested by the Owner, the Board, or committee or other person assigned to conduct such hearing (as determined in the sole discretion of the Board) shall serve a written Notice of Hearing to all parties involved at least ten (10) days prior to the Hearing date, specifying the date, time and location of the Hearing.
6. Hearing. At the beginning of a Hearing, the presiding Board representative shall introduce the case by describing the Violation and the procedure to be followed during the hearing. Each party or designated representative, may, but is not required to, make an opening statement, present evidence and testimony, present witnesses, and make a closing statement. The presiding Board representative may also impose such other rules of conduct as appropriate under the given circumstances. Neither the Complainant nor the Owner is required to be in attendance at the Hearing. The Board shall base its decision solely on the information set forth in the Complaint, results of the investigation, and such other credible evidence as may be presented at the Hearing. Unless otherwise determined by the Board, hearings shall be open to attendance by all homeowners. After all testimony and other evidence has been presented at a Hearing, the Board shall, within a reasonable time, not to exceed fourteen (14) days, render its written findings and decision, and impose a fine, if applicable. A finding either for or against the Owner shall be by a majority of the Board members present at the Hearing. Failure to strictly follow the Hearing procedures set forth above shall not constitute grounds for appeal of the decision absent a showing of denial of due process.
7. Failure to Timely Request Hearing. If the Owner fails to request a hearing within fourteen (14) days of the Notice of Violation, or fails to appear at the Hearing, the Board may make a final decision with respect to the Violation based on the Complaint, results of the investigation, and any other available information, and without the necessity of holding a Hearing. The Owner may immediately be assessed a fine pursuant to these policies and procedures.
8. Notification of Hearing Decision. The decision of the Board shall be in writing and provided to the Owner and Complainant within fourteen (14) days of the scheduled Hearing date, regardless of whether Owner, or designated representative, is present at the Hearing.
9. Fine Schedule. The following schedule of fines has been adopted for all continuing & recurring Violations:

First Violation - uncured	\$100.00
Second Violation (w/i one year of first violation)	\$250.00
Third & subsequent Violations (w/i one year of first Violation)	\$500.00

Third and subsequent Violations may be immediately turned over to the Association's attorney for appropriate legal action, without further notices or actions. All uncured Violations may be enforced by action for damages, suit for injunction, mandatory and prohibitive, and other relief, and by any other appropriate legal remedy. None of these remedies precludes the Board from utilizing any and all other enforcement means which are available to the Association through its Articles of Incorporation, Bylaws, Declaration or Colorado law.

10. Waiver of Fines. The Board may waive all, or any portion, of the fines if, in its sole discretion, such waiver is appropriate under the circumstances. Additionally, the Board may condition waiver of the entire fine, or any

portion thereof, upon the Owner coming into and staying in compliance with the Articles, Bylaws and Declaration.

- 11. Definitions. Unless otherwise defined in this Resolution, initially capitalized terms defined in the Declaration shall have the same meaning herein.
- 12. Supplement to Law. The provisions of this Resolution shall be in addition to and supplement the provisions of the Declaration and the applicable law of the State of Colorado.
- 13. 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.
- 14. Amendment. This Policy may be amended from time to time by the Board.

**CERTIFICATION:**

The undersigned, President of Eagleridge Estates Homeowners Association of Pueblo, Inc., a Colorado nonprofit corporation, certifies that the foregoing Resolution was adopted by its Executive Board at a duly called and held Board meeting on the 24th day of October, 2019.

Eagleridge Estates Homeowners Association of Pueblo, Inc.  
(a Colorado Non-Profit Corporation)

By: 

Edward A. Thomson, President