

Canyon View Estates Homeowner Association (HOA)
November 2022
Enforcement of Covenants and Rules, Notice, and Schedule of Fines
Policy and Procedure

1. Scope

To adopt a policy and procedure outlining the steps to be followed for enforcing the Declaration of Covenants, Conditions and Restrictions (CC&Rs), policies, procedures, rules and regulations of Canyon View Estates HOA (**Association**).

2. Specifics

Violations may be observed by the Board of Directors, the management company, a committee member, or any owner in the **Association**. A Complaint Form is available on the Management Company's website. Completion of this form provides the Board of Directors (BOD) and HOA Manager with the information necessary to assess violations and act in accordance with Colorado law. Complaint forms may be sent to the Management Company by email or US mail.

- a. The BOD and HOA Manager (**Management/Manager**) will conduct a fair and impartial fact-finding process concerning whether the alleged violation occurred and whether the owner is the one who should be held responsible for the violation. This process may be informal with the owner receiving notice by phone, email or US mail and having an opportunity to be heard. Notice shall include the nature of the alleged violation, the action or actions required to cure the alleged violation, and the timeline for the fact-finding process.
- b. If **Management** determines that a violation threatens public safety or health, **Management** will notify the owner by sending notice by certified mail, return receipt requested, and physically post a copy of the notice of violation at the owner's home informing the owner that they have seventy-two hours to cure the violation, or the **Association** may fine the owner.

In addition, **Management** will contact the owner by one of the following means (**Contact**):

- i. First-class mail;
- ii. Text message to a cellular number that the **Association** has on file because the owner has provided the cellular number to the **Association**; or
- iii. E-mail to an e-mail address that the **Association** has on file because the owner has provided the e-mail address to the **Association**.

If, after an inspection of the property, **Management** determines that the owner has not cured the violation within seventy-two hours after receiving the notice, the **Association** may impose fines on the owner every other day and may take legal action against the owner for the violation.

- c. If **Management** determines an owner has committed a violation not related to public safety or health, the **Management** will notify the owner by sending notice by certified mail, return receipt requested, and physically post a copy of the notice of violation at the owner's home informing the owner that they have thirty days to cure the violation, or the **Association** may fine the owner.

In addition, **Management** will contact the owner by one of the means defined above in **Contact**.

If, after an inspection of the property, **Management** determines that the owner has not cured the violation within thirty days after receiving the notice, the **Association** may impose fines on the owner.

- d. Schedule of fines as permitted in Article 6.11 of CC&Rs:
 - i. For a violation that threatens the public safety or health, the **Association** will assess a fine of \$100. Additional fines of \$25.00 will be assessed every other day that the violation is not cured.
 - ii. For a violation of CC&Rs, Rules, Policies, or other governing processes of the **Association**, a fine of \$25 will be assessed after the first thirty-day cure period with additional \$25 assessments for each subsequent thirty-day period that the violation persists.
 - iii. For misuse of irrigation water (violation of watering schedule or use past the maximum time of 3.5 hours per day), a fine of \$50 will be assessed after the first thirty day cure period and increase to \$100 for each subsequent thirty day period that the violation persists.
 - iv. The total amount of fines assessed for each violation that does not threaten public safety or health may not exceed five hundred dollars.
- e. Fines will be assessed and managed according to Canyon View Estates Collection of Assessments, Fines, or Fees Policy and Procedure.

3. 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 Colorado Revised Statute, 38-33.3-209.5, Colorado Common Interest Ownership Act.

4. Deviations

The BOD may deviate from the procedures set forth in the Resolution, if in its sole discretion such deviation is reasonable under the circumstances.

5. Amendment

The BOD may amend this procedure from time to time.

Board of Directors Certification:

Approved and adopted by the Board of Directors and in witness thereof, the undersigned have subscribed their names:

President:	<hr/>	Date:	<hr/>
Vice President:	<u><i>Cindy Duta</i></u> <small>Cindy Duta (Nov 23, 2022 13:30 MST)</small>	Date:	<hr/>
Secretary:	<i>Janice Kiehl</i>	Date:	23 November 2022