



2192 DENTON GROVE  
COLORADO SPRINGS  
COLORADO 80919

Arbors at Mountain Shadows  
Condominium Owners Association, Inc.


November 15, 2018

WHEREAS the Declarations of the Association, Section 9.8, provides that the Board may make necessary and prudent changes and revisions to the Rules of the Association,

WHEREAS the Board has reviewed the current Covenant and Rule Enforcement Policy,

WHEREAS the Board has determined that additional levels of fines should be established to provide for reasonable assessment of fines,

IN WITNESS WHEREOF, the undersigned certify that the following *Policy for the Enforcement of Covenants, Rules, and Policies* was adopted by Resolution of the Board of Directors of the Association on the 15<sup>th</sup> day of November, 2018.

  
Lynda DeHaven, President  
on behalf of the Board of Directors

Attest:

  
Wyatt Koneris, Secretary

# Arbors at Mountain Shadows

Condominium Owners Association, Inc.

November 15, 2018

## POLICY for the ENFORCEMENT of COVENANTS, RULES, and POLICIES

1. When a member of the Board, or a member of any committee, or any resident observes a covenant violation and desires to report it, the report must be submitted in writing and delivered to the Board by email, mail, or through the *Contact Us* option on the Association's website.
2. The report shall include the following:
  - (a) Name of violator or unit number, if either is known.
  - (b) Date and time when the incident was observed.
  - (c) Description of the violation and photographs, if available.
  - (d) Name of the person reporting the incident.
  - (e) The name of the resident making the report must be included.
  - (f) The name of the submitting the report of violation will remain confidential unless it becomes necessary as part of the enforcement proceedings for resident to be identified.
3. If the name of the reporting resident is not submitted, the report will be filed with no action.
4. When a violation is reported, the Association will take the following actions:
  - (a) Send a notice by regular mail to the owner or the landlord of the tenant, and to the tenant and will include the following:
    - i. The covenant, policy, or rule that was violated.
    - ii. The date and time of the violation.
    - iii. A request that the violation be corrected within ten (10) days of the notice, or
    - iv. That the resident who committed the violation contact the Board with an explanation in writing of the resident's position on the violation.
  - (b) If the violation has been corrected within ten (10) days, no further action will be taken.
  - (c) If the violation has not been corrected within ten (10) days, the owner and resident, if different from the owner will be sent a second notice to include the following:
    - i. The Board has verified that the violation did occur.
    - ii. A hearing has been set, noting time and place, and that the owner may appear before the Board to present his explanation or defense.
  - (d) After the hearing,
    - i. the Board shall consider the circumstances in closed session to determine action to

- be taken.
  - ii. The Board shall inform the owner of the Board's decision by written notice, sent certified through U. S. Post Office and which notice shall be deemed received three (3) days after mailing.
  - (e) If the resident does not appear, the Board will determine upon the information on hand, what action should be taken.
5. Fines levied shall be determined based upon the violation's impact on the Association and its members according to the following schedule.
- (a) Level 1 violation shall be \$10.00 plus \$1.00 per day after receipt by the owner of the notice until the violation is remedied.
  - (b) Level 2 violation shall be \$25.00 plus \$5.00 per day after receipt by the owner of the notice until the violation is remedied.
  - (c) Level 3 violation shall be \$50.00 plus \$10.00 per day after receipt by the owner of the notice until the violation is remedied.
  - (d) Level 4 violation shall be \$100.00 plus \$50.00 per day after receipt by the owner of the notice until the violation is remedied.
  - (e) Level 5 violation shall have an initial fine and a per day fine to be determined at the sole discretion of the Board.
  - (f) When the fines imposed for Level 1 through Level 4 violations reach 200% of the initial fee charged
    - i. The Board will consider the imposition of fines is ineffective.
    - ii. The Board will determine what further enforcement action is necessary.
6. Nothing in this policy requires the Board to assess fines before taking other forms of enforcement.
7. All fines assessed shall be charged to the owner's account and will cause the account to be in arrears and subject to the Policy for the Collection of Dues, Fees, and Fines.