

**RESOLUTION OF THE
LONGMONT FOX HILL HOMEOWNERS ASSOCIATION, FILING ONE
REGARDING POLICIES AND PROCEDURES FOR COVENANT AND
RULE ENFORCEMENT**

- SUBJECT:** Adoption of a policy regarding the enforcement of covenants and rules 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 and rules to facilitate the efficient operation of the Association.
- AUTHORITY:** The Amended and Restated Declaration of Protective Covenants for Fox Hill Subdivision, Articles of Incorporation and Bylaws of the Association, and Colorado law.
- EFFECTIVE DATE:** **August 1, 2018**
- RESOLUTION:** The Association hereby adopts the following procedures to be followed when enforcing the covenants and rules of the Association:
1. Reporting Violations. Complaints regarding alleged violations may be reported by an owner or resident within the subdivision, a group of owners or residents, the Association’s management company (if any), or Board member(s) by submission of a written complaint.
 2. Complaints:
 - (a) Complaints by owners or residents shall be in writing and submitted to the Board of Directors. The complaining owner or resident shall have observed the alleged violation and shall identify the complainant (“Complainant”), the alleged violator (“Violator”), if known, and set forth a statement describing the alleged violation, referencing the specific covenant or rule alleged to have been violated, and any other pertinent information. Non-written complaints or written complaints failing to include any information required by this provision may not be investigated or prosecuted at the discretion of the Association.
 - (b) Complaint by a member of the Board of Directors or the manager (if any) may be made in writing or by any other means deemed appropriate by the Board if such violation was observed by the member or manager.
 3. Investigation. Upon receipt of a complaint, the Association may ask for additional information or further investigate the matter. The Board shall have sole discretion regarding whether and how it investigates a complaint.

4. **Initial Warning Letter.** If a violation is found to exist, an initial warning letter or other written communication shall be sent to the Violator explaining the nature of the violation. The Violator will have 30 days from the date of the letter or communication to come into compliance. The foregoing procedure will not be used, however, and no initial warning letter will be necessary in the event the violation is determined by the Board to be a repetitious or continuing Violation as defined below. In such event, the procedure outlined in paragraph 12 shall be followed.
5. **Continued Violation After Initial Warning Letter.** If the Violator does not come into compliance within 30 days of the initial warning letter or communication, this will be considered a second violation for which a fine may be imposed following notice and opportunity for a hearing. A second letter or other written communication shall then be sent to the alleged Violator, providing notice and an opportunity for a hearing, and explaining that, if a violation is found by the Board to exist, a fine may be imposed pursuant to this policy. The Violator is entitled to a hearing provided that such hearing is requested in writing within 15 days of the date of the second violation letter. The foregoing procedure will not be used, however, in the event the violation is determined by the Board to be a repetitious or continuing violation. In such event, the procedure outlined in paragraph 12 shall be followed.
6. **Notice of Hearing.** If a hearing is requested by the alleged Violator, the Board or other person conducting the hearing will provide written notice of the hearing date at least 14 days prior to the hearing date.
7. **Impartial Decision Maker.** The alleged Violator has the right to be heard before an “impartial decision maker”, defined under Colorado law as “a person or group of persons who have the authority to make a decision regarding the enforcement of the association’s covenants, conditions and restrictions, including architectural requirements, and other rules and regulations of the Association, and do not have any direct personal or financial interest in the outcome. A decision maker shall not be deemed to have a direct personal or financial interest in the outcome if the decision maker will not, as a result of the outcome, receive any greater benefit or detriment than will the general membership of the Association.” Each Board member is presumed to be an impartial decision maker unless disqualified under this paragraph.
8. **Hearing.** At the beginning of each hearing, the presiding officer shall introduce the case by describing the alleged violation and the procedure to be followed during the hearing. Each party may make an opening statement, present evidence and testimony, present witnesses, and make a closing statement. The presiding officer may impose other rules of conduct as may be appropriate under the circumstances. Neither the Complainant nor the alleged Violator is required to be in attendance at the hearing. The impartial decision maker shall base its decision on the matters set forth in the Complaint, results of any investigation and the credible evidence as may be presented at the hearing. Unless the Board decides otherwise, all hearings shall be open to attendance by other Owners. The impartial decision maker

shall render its written findings and decision within a reasonable time, not to exceed 30 days, and impose a fine, if applicable. Failure to strictly follow the hearing procedures set forth above shall not be grounds for invalidating a decision absent a showing of denial of due process.

9. Failure to Timely Request Hearing. If the alleged Violator fails to request a hearing within 15 days of any violation letter, or does not appear at any hearing, the impartial decision maker may nonetheless make a decision and impose a fine if a violation is found to exist.
10. Notification of Decision. The decision and imposition of fine (if any) of the impartial decision maker shall be in writing and provided to the Violator and Complainant within 30 days of the hearing, or if no hearing is requested, within 30 days after the meeting at which a decision was made. Notification may be by email or other electronic means.
11. Fine Schedule. The following fine schedule has been adopted for all covenant violations:

First violation	Warning letter
Second violation (of same covenant or rule)	\$ 50.00
Third violation (of same covenant or rule)	\$150.00
Fourth and subsequent violations (of same covenant or rule)	\$300.00
Fourth and subsequent covenant violations	May be turned over to the Association's attorney to take appropriate legal action. Any owner committing three or more violations in a six-month period (whether of the same covenant or different covenants) may be immediately turned over to the Association's attorney for appropriate legal action

12. Repetitious or continuing violation. Repetitious or continuing violations are defined as a series of identical or substantially similar violations that occur repeatedly or continuously within a period of time to be determined in the sole discretion of the Board, with each individual violation separated by a period of no less than 1 day, nor more than 90 days, the result of which is a pattern of violations of the same covenant. In the event of such repetitious or continuing violation, in the discretion of the Board, each instance of noncompliance may constitute a separate violation, and the Board shall not be required to provide a period of 15 days from each violation for the alleged Violator to come into compliance. A warning letter or communication shall be sent for the first violation in the series but need not be sent for subsequent violations. The Board may combine one or violations in one or more hearings.

Examples of repetitious or continuing violations include but are not limited to repeatedly or continuously parking a restricted vehicle in the subdivision or failing to maintain landscaping. The owner will receive a warning letter for the first instance of the violation. For the second and subsequent violations, the owner will receive a fine letter and notice of the opportunity for a hearing. The Board may combine hearings.

13. Waiver of Fines. The Board may waive all, or any portion of fines if, in its sole discretion, such waiver is appropriate under the circumstances. The Board may also condition waiver of fines, in whole or in part, on the Violator coming into and staying in compliance with the covenants and rules.
14. Other Enforcement Means. This fine schedule and enforcement process is adopted in addition to any other enforcement means available to the Association through its covenants, Articles of Incorporation and Colorado law. The Association may use any enforcement means available to it.
15. Deviations from Process. The Board may deviate from the processes set forth in this Resolution if in its discretion such deviation is reasonable under the circumstances.
16. Amendment. This policy may be amended from time to time by the Board of Directors.

CERTIFICATION: The undersigned, being the President of the Board of Directors of the Association, certifies that the foregoing Resolution was adopted by the Board of Directors at a duly called and held meeting on May 22, 2018.

LONGMONT FOX HILL HOMEOWNERS

/s/ Mandy Wormke, Board President