

Buckhorn Village Homeowners Association
Enforcement Policy and Procedures

Preliminary Statement:

To enforce compliance with the Association's Declaration, Bylaws and Rules and Regulations, the Board of Directors with homeowner input has instituted a monetary fining procedure. The procedure implemented is allowed by, and in accordance, with the Colorado Common Interest Ownership Act (CCIOA). The procedure insures that any fines are levied in a fair manner, and that violators will be provided the opportunity for due process as stipulated by CCIOA.

Note: It is not the intent of this policy to serve as a revenue source for the Association: Our Homeowners have voiced concerns about violations and asked that the Board be resolute in enforcing the covenants and in resolving violations. This policy was developed so the best interests of the Association at large are served.

Notice of Violation ("Notice")

Any homeowner with the subdivision may note a violation and report it in writing to the Homeowners' Association Board:
c/o the property management company.

Violations are reported confidentially.

The Board or its agent will verify the owner of the violation and instruct Management to take further action and issue a Notice.

The Notice will be sent via US Mail postage pre-paid, addressed to the last registered address of the Owner and/or Lessee as listed in the Association's records. The Notice will describe the nature of the violation and state that the Association may seek to protect its rights as they are specified in the governing documents. The Notice will be considered effective three days after it is deposited in the mail.

The Owner receiving the Notice then has the amount of time specified in the Notice to correct the violation. If the violation is not corrected within the specified time, a fine is levied starting on the first day after the time period for correcting the violation expires, subject to the Request for Conflict Resolution provisions below.

Fines

For routine violations, the Owner is fined as follows:

1 st Offense	-	Courtesy Letter
2 nd Offense	-	\$25.00 Fine
3 rd Offense	-	\$50.00 Fine
4 th Offense	-	\$100.00 Fine
5 th Offense	-	Possible Correction of Situation by Homeowners Association attorney with costs incurred billed to Property Owner

Request for Conflict Resolution

Any owner who believes the Notice was sent in error, or who feels there are mitigating circumstances, has the right to request a hearing before the Board of Directors. To request a hearing, the Owners must contact the Property Management Company within ten days of the Notice. The Management Company will contact the Board of Directors and set a date for the hearing convenient for involved parties. If the hearing for whatever reason, cannot be held prior to the date when the fine is otherwise scheduled to commence, the date the fine begins shall be extended to the day following the hearing.

The purpose of the hearing is three-fold:

- To determine if a mistake was made in issuing the Notice.
- To determine if there are mitigating circumstances.

To make arrangements for bringing the violation into compliance over a prolonged time if it seems warranted.

The resolution process will not and cannot be used to determine the desirability of a particular provision of the governing documents.

The general procedure for a Resolution Hearing is as follows:

- The Presiding member of the Board of Directors will:
 - Establish a quorum
 - Explain the rules, procedures and guidelines for conducting the process
 - Describe the nature of the violation as specified in the Notice.

The Owner may then provide rebuttal to the Notice using witnesses or any other salient information deemed relevant and necessary.

After all testimony and other evidence have been presented, the Board of Directors shall ask the owner to leave so that discussion might follow. (A decision will be provided to the member within one business day following the hearing.) The Board of Directors will then decide whether or not the Notice was justified, or whether there are any mitigating circumstances. If the Board of Directors finds the Notice was justified, a fine shall then be assessed or mutually agreeable arrangements made with the Owners to ensure compliance in the future. If the Board of Directors finds the Notice was not justified, no fine shall be assessed.

Repeat Violations

A "repeat violation" is a violation committed by an Owner which is the same as the original violation committed by that Owner, and which occurs within eighteen months after the original violation.

Fines Not Exclusive Remedy

Fines levied under this fine policy are not the Association's exclusive remedy for addressing a violation. Nothing in this fine policy precludes the Association from pursuing any other remedy provided under the Association Documents or under law for correcting the violation.

IN WITNESS WHEREOF, the undersigned certify that this RESOLUTION was adopted by the Board of Directors of this association on this 1st day of January 2006.

Buckhorn Village HOA by:

Dale Toal, President
Dale Toal

Sandy Brewer, Vice President
Sandy Brewer

Kurt Davis, Board Member
Kurt Davis

Jason Ellis, Board Member
Jason Ellis