

**RESOLUTION
OF THE
PRAIRIE VIEW PROPERTY OWNERS ASSOCIATION, INC.
REGARDING 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 Declaration, Bylaws and Articles of Incorporation of the Association and Colorado law.

EFFECTIVE DATE: November 1, 2005

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 community, a group of owners or residents, the Association's management company, if any, Board member(s) or committee 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, or the violation address, and set forth a statement describing the alleged violation, referring the specific covenant of article which is alleged to have been violated, when the violation was observed and any other pertinent information. Non-written complaints, or written complaints failing to include information required by this provision may be investigated or prosecuted at the discretion of the Association.
- b) Complaints by a member of the Board of Directors, a committee member, 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 Director or manager.

3. Investigation

Upon receipt of a complaint by the Association, if additional information is needed, the complaint may be returned to the Complainant or may be investigated farther by a Board designated committee. The Board shall have sole discretion in appointing such committee to investigate the matter.

4. Initial Letter

If a violation is found to exist, a letter shall be sent to the Violator explaining the nature of the violation, providing notice and an opportunity for a hearing, and explaining if a violation is found to exist, a fine may be imposed pursuant to this Policy. The letter shall further state that the alleged Violator is entitled to a hearing on the merits of the matter provided that such hearing is requested within 10 days of the date of the letter. The violator will have 30 days from the date of the letter to come into compliance.

5. Continued Violation After Initial Warning Letter

If the alleged Violator does not come into compliance within 30 days of the first letter, this will be considered a second violation for which a fine may be imposed following notice and opportunity for a hearing. A second letter shall then be sent to the alleged Violator, providing notice and an opportunity for a hearing, and explaining if a violation is found to exist, a fine may be imposed pursuant to this Policy. The letter shall further state that the alleged Violator is entitled to a hearing on the merits of the matter provided that such hearing is requested in writing within 10 days of the date on the second violation letter.

6. Notice of Hearing

If a hearing is requested by the alleged Violator; the Board, committee or other person conducting such hearing as may be determined in the sole discretion of the Board, may serve a written notice of the hearing to all parties involved at least 10 days prior to the hearing date.

7. 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 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 officer may also impose such other rules of conduct as may be appropriate under the given circumstances. Neither the Complainant nor the alleged Violator are required to be in attendance at the hearing. The Board shall base its decision solely on the matters 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, all hearings shall be open to attendance by all Owners. After all testimony and other evidence has been

presented at a hearing, the Board shall, within a reasonable time, not to exceed 50 days, render its written findings and decision, and impose a fine, if applicable. A decision, either a finding 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 hearing committee's decision absent a showing of denial of due process.

8. Failure to Timely Request Hearing

If the alleged Violator fails to request a hearing within 10 days of the any letter, or fails to appear at the hearing, the Board may make a decision with respect to the alleged violation based on the Complaint, results of the investigation, and any other available information without the necessity of holding a formal hearing. If a violation is found to exist, the alleged Violator may be assessed a fine pursuant to these policies and procedures.

9. Notification of Decision

The decision of the Board, committee or other person, shall be in writing and provided to the Violator and Complainant within 10 days of the hearing, or if no hearing is requested, within 10 days of the final decision.

10. Appeals

The Violator may file a written appeal to the Board of Directors of any adverse decision of the hearing committee or individual within 14 days of the decision.

11. Fine Schedule

The following fine schedule has been adopted for all recurring covenant violations:

- a) First violation \$50
- b) Second violation (of same covenant or rule) \$100
- c) Third and subsequent violations (of same covenant or rule) \$150
- d) Third and subsequent covenant violations may be turned over to the Association's attorney to take appropriate legal action.

12. 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 Violator coming into and staying in compliance with the Articles, Declaration Bylaws or Rules.

13. Other Enforcement Means

This fine schedule and enforcement process is adopted in addition to any other enforcement means which are available to the Association through its Declaration, Bylaws, Articles of Incorporation and Colorado law. The use of this process does not preclude the Association from using any other enforcement means.

14. Definitions

Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning herein.

15. 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 the law of the State of Colorado governing the Project.

16. 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.

17. Amendment

This policy may be amended from time to time by the Board of Directors.

PRAIRIE VIEW PROPERTY OWNERS ASSOCIATION, INC., a Colorado
nonprofit corporation