

**RAVENCREST CONDOMINIUMS ASSOCIATION
DISCOVERY AT RAVENCREST
COVENANT AND RULE ENFORCEMENT**

Effective Date: October 28, 2013

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. To adopt a uniform procedure to be followed when enforcing covenants and rules to facilitate the efficient operation of the Association. Authority: The Declaration, Articles of Incorporation and Bylaws of the Association, and Colorado law.

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 and/or the Association's managing agent. 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 provisions which are alleged to have been violated, when the violation was observed 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. Note that under certain circumstances (such as in the event a lawsuit is filed and the violation could not be independently verified by the Association) the complaint, including the identity of the Complainant, may be provided to the Violator.
 - (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 further by a Board designated individual or committee. The Board shall have sole discretion in appointing an individual or committee to investigate the matter.
4. Initial Courtesy Reminder Letter. If a violation is found to exist, an initial warning letter shall be sent to the Violator explaining the nature of the violation. The Violator will have 10 days from the date of the letter to come into compliance.
5. Continued Violation After Initial Courtesy Reminder Letter. If the alleged Violator does not come into compliance within 10 days of the initial courtesy letter, this will be considered a second violation for which a second letter will be sent, the letter will state that a fine may be imposed if not corrected within another 10-day period, the letter will also give an opportunity for a hearing.
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. Unless, specifically requested hearings will be held at the normal monthly Board meeting.

7. Impartial Decision Maker. Pursuant to Colorado law, the alleged Violator has the right to be heard before an "Impartial Decision Maker". An Impartial Decision Maker is 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." Unless otherwise disqualified pursuant to the definition of Impartial Decision Maker, the Board may appoint to act as the Impartial Decision Maker the entire Board, specified members of the Board, any other individual or group of individuals.

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 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 Impartial Decision Maker 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 Impartial Decision Maker shall, within a reasonable time, not to exceed 14 days, render its written findings and decision, and impose a fine, if applicable. 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.

9. Failure to Timely Request Hearing. If the alleged Violator fails to request a hearing within 10 days of any letter, or fails to appear at any hearing, the Impartial Decision Maker 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.

10. Notification of Decision. The decision of the Impartial Decision Maker 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.

11. Fine Schedule. The following fine schedule has been adopted for all recurring covenant violations:

First violation	Courtesy Reminder letter
Second violation (of same covenant or rule)	Fine Threat of \$50 per day and Request for Hearing
Third violation	

(of same covenant or rule)	Charge \$50.00 per occurrence, daily fine, retroactive to the first violation date.
Fourth violation (of same covenant or rule)	Charge \$50.00 per occurrence, daily fine, retroactive to the first violation date.
Fifth violation (of same covenant or rule) Send to Associations legal Counsel	\$50.00 per occurrence, daily fine, retroactive to the first violation date.

PET VIOLATIONS

First violation (of same covenant or rule)	Fine Threat of \$100.00 and Request for Hearing
Second violation (of same covenant or rule)	Charge \$100 to the account and threaten another \$200.00 if not corrected in 10 days
Third violation (of same covenant or rule)	Charge \$ 200 to the account and threaten another \$300.00 if not corrected in 10 days
Fourth violation (of same covenant or rule)	The Board can deem the animal a nuisance and remove it from the community, with the assistance of the associations legal counsel.

12. Repetitious Violations. Repetitious Violations are defined as a series of identical or substantially similar individual violations that occur repeatedly or continuously within a period of time to be determined in the 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 restriction. In the event of such Repetitious 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 10 days from each violation for the alleged Violator to come into compliance. A courtesy warning letter shall be sent for the first violation in the series. After the warning letter, the Board may cause violation notices to be sent for each violation in the series stating the amount of the fine to be imposed and giving notice and an opportunity for a hearing. The Board shall individually consider each violation for which a hearing is requested, but is permitted to combine any and all hearings requested for Repetitious Violations on one date.

Examples of Repetitious Violations include, but are not limited to repeatedly or continually parking a restricted recreational vehicle in the community, repeated failure to remove and store a portable basketball hoop, and failure to remove excessive weeds growing on a lot. In each one of these examples, the Owner will receive a warning letter on the first instance of the violation. On the third and subsequent instances of the violation, the owner will receive a fine letter which fine shall be determined by the Board of Directors and notice and opportunity for a hearing. If hearings are requested, the Board may set them all on the same date.

13. 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.

14. Other Enforcement Means. This fine schedule and enforcement process is adopted in addition to all 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.

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

**PRESIDENT'S
CERTIFICATION:**

The undersigned, being the President of the Association certifies that the foregoing Resolution was adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors on October 28, 2013 and in witness thereof, the undersigned has subscribed his/her name.

**RAVENCREST CONDOMINIUMS ASSOCIATION - DISCOVERY AT
RAVENCREST, a Colorado nonprofit corporation,**

By: 
It's President

WITNESSED By:

