

RESOLUTION OF THE RASPBERRY MOUNTAIN RANCH PROPERTY OWNERS' ASSOCIATION, INC.

COVENANT AND POLICIES ENFORCEMENT

The Board of Directors of the Raspberry Mountain Ranch Property Owners' Association, Inc. (herein after known as the "Association") adopted the following Policies and Procedures pursuant to Colorado Revised Statute (C.R.S.) 38-33.3-209.5.

AUTHORITY: In case of any conflict between the Articles of Incorporation, the Declaration of Covenants, Conditions and Restrictions and the Bylaws, and these listed "Policies and Procedures"; such provisions of the Articles, Declaration and Bylaws shall take precedence and supersede any provisions of these "Policies and Procedures".

In the event a Court of competent jurisdiction finds a provision of any of these Policies and Procedures void or otherwise unenforceable, the other provisions shall remain in full effect.

EFFECTIVE DATE: _____ 1/1/2012 _____

RESOLUTION: Adoption of a policy and procedure to be followed regarding covenant and policies enforcement:

1. **Enforcement Procedure:** The Board shall not impose fines or commence legal action unless and until the Association has sent or delivered written notice to the Owner and provided an opportunity for a hearing as provided below.

(a) **Complaint:** Any Owner within the community may send the Association a formal, written complaint via either electronic mail or regular mail of a covenant or rule violation, with as much information as is known. Complaints may also be initiated by any member of the Board of Directors. The Board shall have no obligation to consider oral complaints or anonymous complaints that cannot be independently verified. The Board shall have the authority to determine whether a written complaint is justified before continuing with the Notice and Hearing Procedure.

(b) **Notification:** The Association, through the Board, will notify the Owner of the covenant and rules violation by mail on at least three separate occasions. These occasions will be no sooner than ten days apart.

(c) **Notification Content:** In the notices to the Owner, the Association must advise the Owner of (1) the action that he or she must take to correct the violation; (2) the opportunity to meet with the Board on a set date or to request a meeting within a set period of time; and (3) a fine that the association would apply if the Owner does not correct the violation within a specific number of days.

(d) **Request for Hearing:** If an Owner desires a hearing to challenge or contest any alleged violation and possible fine, or to discuss any mitigating circumstances, the Owner must request such hearing, in writing, within thirty (30) days of the date of the Notice. The request for hearing shall describe the grounds and basis for

challenging the alleged violation or the mitigating circumstances. In the event a proper and timely request for a hearing is not made as provided herein, the right to a hearing shall be deemed forever waived. If a hearing is not requested within the thirty (30) day period, the Board shall determine if there was a violation based upon the information available to it, and if so, assess a reasonable fine as set forth in the fine schedule, within thirty (30) days of the expiration of the thirty (30) day period. The Board of Directors shall give written notice of said fine to the applicable Owner.

(e) **Board of Directors to Conduct Hearing:** The Board shall hear and decide cases set for hearing pursuant to the procedures set forth herein. The Board shall determine whether a violation exists and impose fines.

(f) **Hearing:** The Board shall inform the Owner of the scheduled time, place and date of the requested hearing by certified U.S. mail. The Presiding Officer may grant continuances for good cause. At the beginning of each hearing, the Presiding Officer shall establish a quorum, explain the rules, procedures and guidelines by which the hearing shall be conducted and shall introduce the case before the Board. The complaining parties and the Owner shall have the right, but not the obligation to be in attendance at the hearing. Each party may present evidence, testimony, and witnesses. The decision of the Board at each hearing shall be based on the matters set forth in the Notice and Hearing, Request for Hearing, and such evidence as may be presented at the hearing. Unless otherwise determined by the Board of Directors in accordance with the terms of the Colorado Common Interest Ownership Act, all hearings shall be open to attendance by all members of the Association. If a complaining party is unable to attend the Hearing, he or she may instead submit a letter to the Board explaining the basis of the complaint.

(g) **Decision:** After all testimony and other evidence have been presented to the Board at a hearing, the Board shall render its written findings and decision, and impose a reasonable fine, if applicable, within 14 days after the hearing. A decision, either a finding for or against the Owner, shall be by a majority vote of the Board members present.

(h) **Failure to respond:** If the Owner fails to reply to any of the notices, the association will apply fines to the Owner's account and, finally, turn the matter over to an attorney.

2. **Fines:**

(a) The following fines may be levied for violation of the provisions of the Declaration, Bylaws, Policies and Procedures and Resolutions of the Association:

First violation: Warning letter

Second/subsequent/continuing violations: \$25.00 per day for each day the violation continues following notice and the opportunity for a hearing.

(b) The Board reserves the right to fine for first violations of rules that involve health and safety issues and other violations where a warning may not be deemed necessary by the Board in its reasonable discretion. If the violation is a one-time offense rather than a continuing violation, the fine will be \$25.00 per violation per day.

(c) The Board may waive all, or any portion, of the fines if, in its reasonable 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 compliance with the Declaration, Bylaws or Policies & Procedures.

(d) All fines and late charges shall be considered an assessment and may be collected as set forth in the Declaration. Fines shall be in addition to all other remedies available to the Association pursuant to the terms of the Declaration and Colorado law, including the Association's right to collect attorney fees as authorized by Colorado law.

3. **Legal Action:** The Association may pursue legal action against an Owner to enforce the provisions of the Declaration, Bylaws, rules or resolutions without first levying a fine, if the Board determines that such action is in the Association's best interests. The Owner will be given notice and an opportunity for a hearing before legal action is commenced.

4. **Failure to Enforce:** Failure of the Association to enforce the Declaration, Bylaws, Policies and Procedures and resolutions will not be deemed a waiver of the right to do so for any subsequent violations or of the right to enforce any of the above referenced governing documents for the Association.

PRESIDENT'S CERTIFICATION: The undersigned, being the President of Raspberry Mountain Ranch Property Owners' Association, Inc., a Colorado nonprofit corporation, 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, and after a 30 day review by the authorized voting membership.

In witness thereof, the undersigned has subscribed his/her name.

RASPBERRY MOUNTAIN RANCH PROPERTY OWNERS' ASSOCIATION, INC.
A Colorado nonprofit corporation

By: J. Hanko
President

On the 23RD day of July in the year 2011.