

THE ELK RUN AT COPPER MOUNTAIN ASSOCIATION
Re: ENFORCEMENT POLICY AND PROCEDURES

Adopted December 28th, 2005

The following procedures have been adopted by The Elk Run at Copper Mountain Association pursuant to C.R.S. 38-33.3-209.5, at a meeting of the Board of Directors on December 28th, 2005.

NOW, THEREFORE, IT IS RESOLVED that the Association does hereby adopt the following policies and procedures for the enforcement of the Association's restrictive covenants:

A. The Board of Directors has the authority to enforce all policies written in the Association's (i) Declarations of Covenants, Conditions, and Restrictions of the Elk Run at Copper Mountain; (ii) Articles of Incorporation; (iii) Bylaws; and (iv) rules and regulations (collectively, the "Documents") to promote the recreation, health, safety and welfare of the owners of property in Elk Run (each a "Member"). To enforce these policies, they can use letters, warning, fines, and sanctions. They can also use other remedies such as police, fire department, animal control, and legal means to enforce the Association policies.

B. A warning letter will be sent to the Member at the current address on file with the Association when a violation is noticed. The warning letter will include the time, date, and location of the violation and specify the rule violation. The letter will also specify when and the actions the Board expects the Member to take in order to correct the violation. Also, the warning letter will be hand delivered to their Association residence.

C. The Member is able to attend a regular Board Meeting or ask for a Special Meeting (Hearing) of the Board to discuss the violation. If the Member does not attend the board meeting or the special meeting, then the Member defers to the Board's decision made at the meeting. The meeting can be held without the violating party in attendance, though they are encouraged to be in attendance at the meeting.

D. If the Member chooses to attend the meeting, then they are able to speak for a reasonable amount of time and present evidence in support of their position. Each hearing shall be held at a scheduled time, place and date. The Board may: (a) exercise its discretion as to the specific manner in which a hearing shall be conducted; (b) question witnesses and review evidence; and (c) act as it may deem appropriate or desirable to permit the Board to reach a just decision. The Member must defer to the Board's decision made at the meeting.

E. After all testimony and other evidence has been presented to the Board at a hearing, the Board shall render its decision(s), taking into consideration all of the relevant facts and circumstances. The Board's decision shall have an effective date no sooner than seven (7) days after the hearing. If the Board does not inform the Member of its decision at the time of the hearing, or if no hearing is held, the Board will provide a written decision to the Member's address of record via regular U.S. Mail within seven (7) days after the hearing.

F. Without limiting the Association's remedies under the Documents, the Association may assess fines and suspend membership privileges in accordance with these Policies and Procedures. If the violation involves damage to Association property, the violator shall pay the costs of repair or replacement.

Fines may be levied for violations of the Documents as follows:

<u>Number of violations in a 12 month period</u>	<u>Fine Amount</u>
First violation:	Warning
Second violation:	\$100
Third violation:	\$175
Fourth violation:	\$250

Any warning letter, fine, sanction, or legal action taken against the Member by the Association will be sent to or applied against the account of the owner on record.

G. Miscellaneous.

- a. Failure by the Association to enforce any provision of these Policies and Procedures shall in no event be deemed to be a waiver of the right to do so thereafter.
- b. The provisions of these Policies and Procedures shall be independent and severable. The invalidity of any one or more of the provisions hereof by judgment or court order or decree shall in no way affect the validity or enforceability of any of the other provisions, which other provisions shall remain in full force and effect.

The Elk Run at Copper Mountain Association

By: _____
Paul Zlotoff, President

Attest

Dick McKay, Secretary

This Enforcement Policy and Procedures was adopted by the Board of Directors on the 28th day of December 2005, effective the 1st day of January, 2006, and is attested to by the Secretary of The Elk Run at Copper Mountain Association.

Dick McKay, Secretary