

RESOLUTION

SAWYER RIDGE OWNERS ASSOCIATION, INC.

ENFORCEMENT POLICIES AND PROCEDURES

WHEREAS, the Board of Directors ("Board") of the Sawyer Ridge Owners Association, Inc. ("Association") is authorized to adopt policies and penalties for enforcing the Association's documents; such authority is found in the C.R.S. §§ 38-33.3-302(l)(a) and 38-33.3-302(l)(k); the Declaration of Conditions, Covenants, Restrictions and Easements for Sawyer Ridge Filing No. 1 ("*Declaration*"), recorded in the Pueblo County Clerk and Recorder's Office on October 21, 2008;

WHEREAS, the Board desires to preserve property values and promote a high quality of life; and

THEREFORE, BE IT RESOLVED that the Association will enforce the Association's documents, including but not limited to the Declaration, Articles of Incorporation, Bylaws and Rules and Regulations in accordance with the following procedures:

I. DUE PROCESS

A. In order to begin the enforcement process an alleged violation must be presented to the Board in writing or verbally.

B. The Board may seek immediate legal and equitable remedies where there is present danger to the health, safety and welfare of the Association and/or its members. The Board, pursuant to the Declaration, may also seek injunctive relief or damages in a court of law, and may use any self-help remedies authorized by the Association's documents.

II. NOTICE

A. If the Board concludes the complaint has validity it shall send a letter to the alleged violator to put the party on notice of the alleged violation.

B. The notice shall contain the following information:

1. A description of the alleged violation, including the date and approximate time it occurred (if applicable);

2. A reasonable time period during which the alleged violation may be remedied without further sanction;

3. A provision that informs the alleged violator that the party has a right to a hearing and that the request for hearing must be made in writing within thirty (30) days of the date of the letter;

4. An invitation to the alleged violator to provide a statement, evidence or witnesses on his or her behalf; and

5. The maximum sanction that the Board may impose if it concludes the governing documents are violated.

C. All notices shall be sent either to the alleged violator Owner if the Owner resides in the property, or if the house is leased/rented then to the alleged violator tenant and Owner, by personal delivery or by U.S. Mail to the last registered address of the alleged violator Owner as contained in the Association records. Notice is deemed received upon personal delivery or after mailing postage prepaid by First Class Mail.

D. It shall be the responsibility of each Owner to keep the Board informed of the Owner's current address if the Owner does not reside in the Association.

III. HEARINGS

A. If the alleged violation continues, or if requested in writing by the alleged violator, a hearing may be scheduled based upon the following criteria;

B. Written notification shall be sent by the Board to the alleged violator providing the date, time and location of the hearing. In order for a hearing to take place, no later than ten (10) days prior to the date of the hearing, the alleged violator shall produce for the Board any evidence and/or documentation the alleged violator intends to present at the hearing, which may include: list of witnesses, any official statements of position on the matter, legal authority, photographs, investigative reports, or any other item relevant to the alleged violation.

C. Upon receipt of produced documentation from the alleged violator as outlined above in Section B, and as requested in writing to the Board by the alleged violator, the alleged violator shall be entitled to inspect and make copies of any statements or investigative reports relative to the matter contained in the Association's records. Nothing shall authorize the inspection or copying of anything that is privileged from disclosure by law or otherwise confidential or protected, such as attorney work product.

D. All hearings are open to all Association Owners and residents unless the matter is highly sensitive or concerns a matter of privacy as defined by C.R.S. § 38-33.3-308.

E. All parties may have an attorney present.

F. This is an informal, administrative procedure. Formal rules of evidence shall not apply. The general procedure for the hearing shall consist of opening statements by each party, presentation of evidence by each party (including cross-examination of witnesses where appropriate), and closing statements by each party. If the alleged violator does not present a defense this general procedure may be waived.

G. The Board may exercise its discretion as to the specific manner in which a hearing shall be conducted and may question witnesses, review evidence and take such reasonable action during the course of a hearing as it deems appropriate to reach a just decision. The Board may also require as part of the hearing process that, if applicable, the person or persons which filed a complaint must attend the hearing to produce evidence and/or substantiate their complaint.

H. Each Board member must make a determination as to whether he or she is able to function in a disinterested and objective manner in considering the violation matter. Any Board

member incapable of objective and disinterested consideration shall voluntarily withdraw or be disqualified by the Board from all proceedings with regard to that specific matter.

IV. DETERMINATION

A. After all evidence and testimony has been presented to the Board at a hearing, the Board shall render its decision within thirty (30) days after the hearing. A decision shall be reached by a majority of the Board members present. The Board shall issue a written decision explaining the reasons for its decision and, if applicable, shall impose a fine as provided in Article VI.

B. The Owner or tenant and Owner shall be notified in writing by First Class Mail of the decision of the Board.

V. VIOLATION TYPES

A. Type I: Those that can be corrected immediately, which include, but are not limited to, parking issues, trash on the property, owner maintenance such lawn/landscaping/weeds, or noise complaints such as mowing a lawn too early or dogs barking excessively.

B. Type II: Those that require time to correct, such as house painting and structural issues. Owners/residents that receive a Type II violation may request a hearing or provide a written response detailing the Owners plans to correct the offense within twenty (20) days of the date on the notice. The response shall provide the specifications to be implemented to resolve the violation and shall provide a date when the proposed remedy shall be completed. If the proposed plan is satisfactory, the Board will send an approval form. If the proposed plan is incomplete or unsatisfactory, within forty-five (45) days of the Owner/resident's response, a notice shall be sent that the matter will be set for a hearing before the Board and any relevant committee.

VI. FINE SCHEDULE

First Offense:	Warning, must be corrected within 7 days of notice.
Second Offense:	\$50.00, must be corrected within 7 days of notice.
Third Offense:	\$75.00, must be corrected within 7 days of notice.
Fourth Offense:	Up to \$100.00. See continuing violations below.

Continuing Violation:	Up to \$100.00 each day the violation continues (each day constitutes a separate violation).
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VII. MISCELLANEOUS

A. Definitions: Unless otherwise indicated, terms used in these Enforcement Policies and Penalties shall have the meaning set forth in the Declaration, Articles of Incorporation, Bylaws and/or Rules and Regulations.

B. Common Area: If the violation involves damage to any Common Area, the violator shall pay the costs of repair or replacement.

C. Continuing Violation: A single violation which persists. Each day constitutes a continuing offense. For example, if a notice of violation is sent for an inoperable vehicle a continuing violation occurs each day until the violation is remedied.

D. Temporary Variances: Boats, trailers, recreational vehicles, buses, inoperative or abandoned vehicles of any kind, unattached camper shells, boat rigging or other similar items of conveyance shall not be parked or stored on any public street or right-of-way, or on any residential unit lot unless such vehicle can be and is totally enclosed within a closed residential garage.

E. Attorney Fees and Costs: Owner violators shall reimburse the Association for attorney fees and costs incurred in collecting fines and/or enforcing these Enforcement Policies and Procedures. The Association may enforce the documents by any means available to the Association, including the levy of fines, suspension of rights or a lawsuit to force compliance, and may seek from any violator reimbursement of all attorney fees and costs incurred by the Association.

F. Notice of Lien: The Association may record a Notice of Lien on the Owner's property for fines pursuant to C.R.S. § 38-33.3-316. If recorded, the Lien will be on record in the Office of the Clerk and Recorder of the County of Pueblo, State of Colorado. *The Association also reserves the right to give notice to the Owner that any unresolved covenant violation(s) may be required to be corrected prior to the Owner(s) sale of the property.*

G. Notice of Enforcement Policies and Penalties: These Enforcement Policies and Penalties shall be sent to each Owner of record or resident upon request. If these Enforcement Policies conflict with any Colorado statute, or the Declaration, the statute or Declaration shall prevail. The invalidity of any part of these Enforcement Policies shall not impair or affect in any manner the validity, enforceability or affect the balance of the Enforcement Policies and Procedures. There shall be no liability imposed on the Association, Board of Directors or any other related party or parties for any loss, damage or injury arising out of or in any way connected with the Board's performance in carrying out the policies and penalties, if such party acted in good faith and without malice.

H. Correspondence with the Association and/or Board: All correspondence shall be directed to the Association and/or Board at the following address:

Sawyer Ridge Owners' Association, Inc.
PO Box 8064
Pueblo, CO 81008

These Enforcement Policies and Penalties were adopted by a vote of the Board of the Sawyer Ridge Owners Association, Inc. on [DATE] to be effective [DATE]