

SUMMIT VIEW RIDGE HOA

ENFORCEMENT POLICY & PROCEDURE

I. Violations of any By-Laws within the Summit View Ridge Home Owners Association will be as follows according to the SB-100 Enforcement

Policies and Procedures (s38-33.3-209-5) Includes fine schedule, notice and hearing procedure, process for complaint submission and investigation.

2. HOA Board of Directors will determine if a violation has occurred. Letters will go out in this order;

- a) First warning letter with 10 days to comply, sent by regular mail. This letter will also allow owner to contest the violation, *in writing*, within the 10 day deadline.**
- b) Second letter with 5 days to comply, sent regular mail. A \$50 fine will also be levied, per month, until the violation is corrected or if the same violation reoccurs within 3 months of the first violation.**
- c) Third and final letter to comply in 3-days or this will be turned over to an Attorney. Sent regular and certified mail. The attorney's letter will require the owner to either respond by phone or mail of what corrective action the homeowner is going to take to correct the problem. Failure to do so will result in legal action through Mesa County Court. The Home Owner who is in violation will be responsible to pay all filing fees, court costs, attorney fees, fines and interest. If the Home Owner fails to pay we will then have the attorney file a lien on the property for all costs. Lien will not be removed until paid in full,**

3. Mediation

The Association prefers to use mediation as a tool to address complaints alleging violations of the Association's governing documents. The decision of whether or not to employ mediation will be with the reasonable discretion of the Board of Directors. The Association encourages members of the Association to seek mediation on issues not having an impact on multiple members of the Association.

The mediation procedures shall be as follows:

- 1. The Board, through its Chair, shall direct the proceedings at the hearing or may appoint a Hearing Board and Chair as needed.**
- 2. The Chair will poll all members of the Board requiring that any Members of the Board that cannot be impartial in the determination of this matter excuses themselves from the hearing.**
- 3. The Hearing will be conducted informally under the control of the Chair of the Hearing Board.**
- 4. The Complainant will be given an opportunity to be heard. The Accused will be given an opportunity to be heard. Other persons having information bearing on the alleged violation will be given an opportunity to be heard.**

5. The Hearing Board shall have the opportunity to question any presenters.
6. At the closing of the Hearing the Hearing Board shall have 15 days to reconvene to discuss the issue and decide whether or not a violation has occurred and notify the parties in writing via U.S. Mail of the determinations.
7. The Hearing Board shall vote on all determinations. The Chair of the Hearing Board shall not vote except as required to break a tie. If the Hearing Board determines that a violation has occurred it will then also:
 - determine what corrective action shall be required including a time frame to complete the corrective action,
 - an appropriate fine based on the Association's fine schedule below, and
 - the date payment of the fine is due.
8. In the event the Owner fails to pay the fine consistent with the notification, the fine will be subject to the policies and procedures in. The collection of fines will be handled separately from the collection of assessments.
9. The Hearing Board must use reasonable discretion in levying fines in accordance with the severity of the violation.

4. The Board of Directors will take all complaints and discuss them at each Board Meeting. If it is urgent will call an emergency Board Meeting and take care of complaint at that time through the management company. The Board will do a full investigation of all complaints and follow policy and procedure.

Approved by the Board of Directors

Scott Debra president 3-28-11