

Windmill Condominium Association

WINDMILL ENFORCEMENT POLICY

(July 1, 2005)

As you know, this is very well established Association and your Board is constantly working to maintain the property to its highest potential in order to protect your investment and improve your quality of life.

Please be aware that the purpose of an Enforcement Policy is to gain voluntary compliance in order to keep the Association in a clean, orderly state and give residents a sense of community.

Enforcing Rules and Regulations with a policy in place, allows for a standard reaction to violations without prejudice and discrimination. Enforcement of these Rules and Regulations and assessments of fines is not intended to be a form of funding for the Association. The Board of Directors would rather remind and inform Owners and Residents of a violation and have no further action other than compliance.

NOTE: Owner, Resident and Tenant are often used interchangeably in the following text. The Board understands that in some instances violations are created by Owners, and sometimes it is a Resident or Tenant. Please be reminded that ultimately, the Owner is responsible for a Resident/ Tenant's behavior, and the Owner must ultimately be responsible for the correction of a violation and any fines assessed.

The Resident/Tenant may attend the Hearings, and/or represent the Owner at the hearing as the Owners designated representative; however the Owner is ultimately responsible for the decision of the Board pursuant to the Hearing.

ESSENTIALS OF DUE PROCESS PROCEDURE

COMPLAINT: Complaints should be reported to the Board of Directors or the Management Company as early as convenient to stop the violation as quickly as possible. Complaints may be received by mail, e-mail or a written complaint may be given to the office. The complaint should contain as much information as available, such as date, time, location, nature of violation. The party making the complaint should be willing to give his/her name and phone number so follow up information can be obtained if necessary. It is to the advantage of the Management Company and the Board to have the party making the complaint to be present if possible during the Hearing. This will vary depending upon the type of complaint. Anonymous or verbal complaints may not be investigated unless they can be independently verified.

- (a) 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, Board member(s) or committee member(s).

- (b) Complaints by owners or residents shall be in writing and submitted to the Board of Directors or the Management Company. The complaining owner or resident shall have observed the alleged violation. The complaint shall identify the complainant (“Complainant”), the alleged violator (“Violator”), 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.

- (c) Complaints by a member of the Board of Directors or the manager may be made in writing or by any other means deemed appropriate by the Board after a walk through or inspection of the Community.

VERIFICATION OF VIOLATION: The Board of Directors or the Management Company will investigate and verify the alleged violation within a reasonable amount of time. A courtesy letter may be sent, if the Board of Directors or the Management Office feels that may be the quickest way to remedy the problem.

LETTER TO OWNER/RESIDENT: If the Board of Directors or Management Company determines that a Violation does exist, a Notice of Violation will be mailed to the Owner, or Owner and Resident by U.S. first class mail. This Notice will state name, address, date, violation and date to comply and the amount of the potential penalty. The Notice shall also advise the Owner of an opportunity for a hearing before the Board of Directors or a committee appointed for this purpose

TIME PERIOD TO CORRECT: The Notice shall state the time to comply or correct the violation. Many of the Rules and Regulations already state the time to comply. E.g. move car within 72 hours, 3 business days etc, remove trash from porch within 5 days.

VIOLATION CORRECTED

WRITTEN NOTICE FROM OWNER:

Upon the correction of the violation, the Owner shall provide written notice to the Management Company or the Board of Directors stating that the violation has been corrected. The compliance by the Owner shall be verified by the Board of Directors or the Management Company and a written note of such compliance shall be filed with the records of the Association.

OR

VIOLATION CONTINUES: If the violation continues and the Owner believes the Notice has been sent in error or they are not in violation the Owner should submit a Request for a Hearing pursuant to the procedures set forth below and present their case to the Board of Directors or appointed committee. Owners are entitled to hearings; however, Residents may appear on behalf of the Owners. Written permission from the Owner will be required.

REQUEST FOR A HEARING

IF OWNER DOES NOT REQUEST A HEARING: If Owner does not correct violation or requests a hearing within 7 days of the Notice of Violation, the right to a hearing will be waived. The Board will then deliberate on the information it has before it and make a unilateral determination as to whether a violation exists. If a violation exists, the Board shall levy a fine pursuant to the Fine Schedule herein or levy such other penalty it deems appropriate and as available under the governing documents or Colorado law. A letter stating the Board's decision will be mailed to the Owner stating the imposition of fines and/or legal action to be taken to correct the violation.

HEARING

IF OWNER REQUESTS A HEARING: The Owner has the right to legal representation at this hearing, at their own expense. The Owner may present to the Board or appointed committee, reasons: 1) why they believe the Notice was served in error, 2) why they are not in violation of the Rules and Regulations, 3) present mitigating circumstances, 4) why they are unable to comply, 5) or present a plan for compliance. (Owners are entitled to hearings; however, Residents may appear on behalf of the Owners. Written permission from Owner will be required and notarized.)

DECISION: The Board of Directors and or appointed committee will take into consideration all information from original complaint, evidence and information presented by Owner/Resident with regard to the alleged violation. A plan or an agreement may be made for resolve, or a decision will be made regarding the validity of the violation and enforcement of the violation. A Notification of Disposition will be sent within 7 days of the hearing date.

APPEAL BY OWNER IF ANY: If the Owner feels they have not been fairly treated or are unsatisfied with the disposition, they may appeal the decision and can request an Appeal Hearing. The request for an Appeal Hearing must be in writing and received within 7 days of the Notification of Disposition by the Board of Directors, Appointed Committee or the Management Company.

APPEAL HEARING IF ANY: The Appeal Hearing will be held within 14 days of an Owner's request. A committee of alternate association members shall be specifically chosen to reside over the Appeal Hearing by the Board. The members chosen for this hearing shall make recommendations for a decision to the Board of Directors. The Owner has the right to legal representation at this hearing, at his/her own expense. This procedure shall remain the same as the first and the Notification of Disposition shall also be mailed within 7 days of the hearing date. This decision shall remain final. (Owners are entitled to hearings; however, Residents may appear on behalf of the Owners. Written permission from Owner shall be required and notarized.)

IMPOSITION OF FINES: Fines can only be imposed after notice and opportunity for a hearing. Fines will be charged to the assessment account and treated as Assessments due.

1. A Hearing will be scheduled no later than 30 days after the Notice of Violation.
2. The fines will be effective as of the 7th day after an attended Hearing, or the date of non-response waiver to a Hearing.
3. Please refer to Fine Schedule.

4. Effective fines will become due on the first day of the next month as are assessments. Late fees shall apply at 12% annually or 1 % per month as of the 10th of month.
5. Fines shall cease upon compliance. Written notice must be given to the Board or Management upon compliance, so fines may cease.

FINES, ASSESSEMENTS, LIENS: Please be aware that any fines which are levied against the Owner's Account shall be considered assessments due in accordance with the Colorado Common Interest Ownership Act (CCIOA). These assessments will be due as assessments on the first of the month as are monthly assessments. If unpaid, they will become late on the 10th of the month.

Late fees shall be assessed at 12 % annually or 1 percent per month. If the assessments are not paid within three months, a lien against the property will be recorded. Any legal and/or any other fees incurred, associated with the collection of the amount due, will be the responsibility of the Owner.

RIGHT TO DEVIATE The Board may deviate from the procedures set forth in this Enforcement Policy if, in its sole discretion such deviation is necessary under the circumstances, including if the health and safety of the residents or the property is endangered.