

**Policy No. 7 Revised and Restated  
The Seasons at Tiara Rado Homeowners' Association**

**Enforcement of the Declaration, Bylaws, Rules and Regulations and Policies**

Be It Resolved, The Seasons at Tiara Rado Master Association (“Association”) hereby adopts on \_\_\_\_\_ (date) the following Policy for Enforcement of the Declaration, Bylaws, Rules and Regulations and Policies. The Policy follows the required guidance of Colorado House Bill 22-1137, signed into law on June 3, 2022, and effective August 9, 2022 as it pertains to Covenant Enforcement Fines, Notifications and Process. This Policy is used in conjunction with Policy No. 2, Collection of Assessments, Fees, and Charges on Delinquent Homeowner Accounts, including Covenant Enforcement Fines.

A. Who May File a Complaint

Any Board Member, any Committee designated by the Board including the Design Review Committee, or any Member/Homeowner may file a written complaint of any alleged violation of the Governing Documents by any other Member, EXCEPT FOR FAILURE TO PAY ASSESSMENTS, by providing written notice thereof addressed to the Board at its registered address. Said notice shall state the facts upon which the alleged violation is based and refer to the specific section in the Governing Documents that allegedly has been violated. The notice shall state the name and address of the party making said complaint and the name and address of the Member who has committed the alleged violation. The Board may request additional information or clarification from the complainant.

B. Procedure for The Board of Directors to make a determination of possible violations of and for enforcing The Seasons Landscaping Guidelines and other Guidelines, Rules and Regulations or Policies, as well as the Amended Declaration of Covenants, Conditions, Restrictions and Easements for the Master Subdivision of The Seasons at Tiara Rado, dated 17<sup>th</sup> of June, 2013.

Authority: The Board has the authority to hear and make decisions regarding violations as stated in Article 7 (Powers and Duties of the Board) in the Amended & Restated Bylaws of The Seasons at Tiara Rado dated 14<sup>th</sup> of February, 2013 and to impose fines or other sanctions against Members. The Board may determine appropriate enforcement action on a case-by-case basis and take other actions as it may deem necessary to assure compliance.

2. Procedure for Filing: When a Board Member, the management company, or a Committee Member observes a violation, they shall provide written notice to the Board. The Board or the management company shall investigate the complaint within a reasonable time after receipt of a notice of an alleged violation to determine whether a violation has occurred based on observation and photo documentation. Thereafter:

(a) If the board determines that a violation has not occurred, it shall so notify the Complainant.

(b) If a violation is found and documented, the Covenant Enforcement Notification Procedures will be followed, as outlined in Policy No. 2.

(c) The Board may suspend a fine if it finds that after considering the complaint, the violating Member has and continues to make a good faith effort to correct the violation and such effort successfully remedies the violation.

#### C. Procedure for Members Filing a Complaint Against Another Member

The Board shall meet within a reasonable time after receipt of a notice of an alleged violation by a Member to determine whether a violation has or may have occurred, based on the facts as alleged in the notice. The Board may also discuss and vote by email. The Board may request additional information or clarification from the complaining Member regarding the issues in question. Thereafter:

1. If the Board determines that a violation has not occurred, it shall so notify the Member filing the complaint. It shall also send a notice to the Member allegedly in violation that a complaint has been filed with the Board, the nature of the complaint, that the Board has determined not to act on said complaint and advising that the complaining Member may still pursue the matter individually. Thereafter, the complaining Member may take such action as he/she may deem appropriate under the terms of the Amended Declaration, the policies of the Association, and governing law.
2. If the Board determines that a violation has, or may have occurred, it shall notify the Member against whom the complaint has been brought, in writing, of the allegations against such Member. Said notice shall contain generally the same information as contained in the notice received by the Board by the complaining

Member and include the name and address of the complaining Member. Said notice shall follow the Covenant Enforcement Notification Policy as specified in Policy No. 2.

### 3. Hearings

(a) At any point in the Notification Policy, the member who had the complaint brought against them may notify the Board that they would like to schedule a Hearing with the Board to plead their cause. Once the hearing has been scheduled, the Board shall cause written notice to be sent to both parties confirming the date, time, and place of the hearing, at which time the member against whom a complaint has been brought may respond to such allegations. The hearing on such matter shall be set within a reasonable time, depending on the urgency of the matter at issue and the schedules of the complaining Member, the Member against whom the allegations are directed, and the Board. Said notice shall be hand delivered or sent via first class mail to the Member who has allegedly violated Governing Documents. A copy of said information notice shall also be delivered or mailed to the complaining Member.

(b) A hearing conducted under this policy will not be conducted according to any technical rules relating to evidence or witnesses. Any information may be admitted if it is of the sort on which reasonable persons would rely in the conduct of serious personal matters, regardless of any common law or statutory rule which may make evidence improper in civil actions or otherwise.

(c) At the conclusion of the hearing, the Board shall deliberate and may announce its decisions at such time or may take the matter under advisement. All decisions by the Board shall be by a majority vote of a quorum of Directors in attendance and eligible to vote. The Board shall issue a written order including its findings of fact and conclusions. If the Board determines that a violation has occurred, the Board may determine to levy fines and/or pursue any other remedy available at law or in equity. Policy No. 2 shall be followed in terms of Notifications and Fines.

### 4. Appeals: Either the complaining Member or the Member allegedly violating the Association's Governing Documents may appeal any decision by the Board by filing a civil action in the appropriate court in Mesa County, Colorado against the other Member. In any such action the court may award to the party prevailing on such

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claim the prevailing party's reasonable collection costs and attorney fees and costs incurred in asserting or defending the claim as may be provided by law or the Amended Declaration.

5. Any dispute or claim against the Association for the enforcement of the Governing Documents shall be by any proceeding at law or in equity in the appropriate court in or for Mesa County, Colorado.
6. Civil Actions: Any Member of the Association may file a civil action against any other Member for an alleged violation of the Governing Documents of the Association (EXCEPT FOR THE FAILURE TO PAY ASSESSMENTS), without first filing a complaint with the Board. However, if such Member has filed a complaint with the Board, such Member shall be precluded from filing such action: (a) until after receiving notice that the Board is not taking any action on said violation; or (b) through an appeal of a decision by the Board as stated under the Appeals section of this Policy.
7. Mediation Prior to Filing Civil Action: Any controversy between the Association and a Member or between two Members arising out of the provisions herein may be submitted to mediation by either party to the controversy prior to the commencement of any legal proceeding pursuant to Policy No. 6 (Dispute Resolution).
8. Enforcement of Fines: Policy No. 2 shall be followed for levying of fines for violation of Covenants, Guideline, Rules and Regulations and Policies and Delinquent Payments.
9. Notice of Assessment: If the Board assesses a Member and no appeal is filed, the Board shall follow the Delinquency Policy as outlined in Policy No. 2.

D. Informal Means of Enforcement

Nothing contained herein shall prevent the Board from using any other means to resolve disputes between the Association and a Member or between two Members before filing a complaint, conducting a hearing, or before litigation, if the Board deems such efforts appropriate in the circumstances.

Certification: The undersigned, being the Secretary of the Association, certifies that the Board of Directors of the Association adopted the foregoing resolution and in witness thereof, the undersigned has subscribed his/her name:

**The Seasons at Tiara Rado Master Homeowners Association**

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Secretary

Effective Date: \_\_\_\_\_