

**RESOLUTION OF
STARGATE HOMEOWNERS ASSOCIATION, INC.
REGARDING POLICIES AND PROCEDURES
FOR COVENANT AND RULE ENFORCEMENT
Policy #5**

SUBJECT: Adoption of a policy regarding enforcement of the Declarations of Stargate HOA (the “Declaration”), and Association Rules and Procedures for Stargate Homeowners Association, Inc (the “Association”). Policy for the notice of alleged violations, conduct of hearings, and imposition of fines of the Association.

PURPOSE: To adopt a uniform procedure to be followed when enforcing the Declaration Association rules; to facilitate the efficient operation of the Association.

AUTHORITY: The Declaration, Articles of Incorporation and Bylaws of the Association any amendments thereto (the “Governing Documents”), and Colorado law.

**EFFECTIVE
DATE:** July 23, 2019

RESOLUTION: The Association hereby adopts the following procedures to be followed when enforcing the covenants and rules of the Association.

- 1) Reporting Violations. Complaints regarding alleged violations may be reported by an Owner or resident within the community, a group of Owners or residents, the Associations’ management company, Executive Board member(s), or committee member(s) by submission of a written complaint.
- 2) Complaints. (a) Complaints by Owners or residents shall be in writing and submitted to the Executive Board. The complaining Owner or resident shall have observed the alleged violation and shall identify the complainant (“Complainant”), the alleged violator (“Violator”), if known, and set forth a statement describing the alleged violation, referencing the specific provision 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 require by this provision may not be investigated or prosecuted at the discretion of the Association.

(b) Complaints by a member of the Executive Board, a committee member, or the Manager, if any, may be made in writing or by any

other means deemed appropriate by the Executive Board if such violation was observed by the Director or Manager.

- 3) Investigation. Upon receipt of a complaint by the Association, if additional information is needed, the complaint may be returned to the Complainant or may be investigated further by an Executive Board designated individual or committee. The Executive Board shall have sole discretion in appointing an individual or committee to investigate the matter.
- 4) Initial Warning Letter. If a violation is found to exist, a warning letter shall be sent to the Violator explaining the nature of the violation. The Violator shall have 10 days from the date of the letter to come into compliance.
- 5) Continued Violation After Initial Warning Letter. If the alleged Violator does not come into compliance within 10 days of the first warning letter, this will be considered a second violation for which a fine may be imposed following notice and opportunity for a hearing. A second letter shall then be sent to the alleged Violator, providing notice and an opportunity for a hearing, and explaining if a violation is found to exist, a fine may be imposed pursuant to this Policy. The letter shall further state that the alleged Violator is entitled to a hearing on the merits of the matter provided that such hearing is requested within 10 days of the date of the second violation letter.
- 6) Notice of Hearing. If a hearing is requested by the alleged Violator, the Executive Board, committee or other person conducting such hearing as may be determined in the sole discretion of the Executive Board, may serve written notice of the hearing to all parties involved at least 10 days prior to the hearing date.
- 7) Hearing. At the beginning of each hearing, the presiding officer shall introduce the case by describing the alleged violation and the procedure to be followed during the hearing. Each party or designated representative, may, but is not required to, make an opening statement, present evidence and testimony, present witnesses, and make a closing statement. The presiding officer may also impose such other rules of conduct as may be appropriate under the given circumstances. Neither the Complainant nor the alleged Violator is required to be in attendance at the hearing. The Executive Board shall base its decision solely on the matters set forth in the Complaint, results of the investigation and such other credible evidence as may be presented at the hearing. Unless otherwise determined by the Executive Board, all hearings shall be open to attendance by all Owners. After the testimony and other evidence has been presented at a hearing, the

Executive Board shall, within a reasonable time, not to exceed 15 days, render its written findings and decision, and impose a fine, if applicable. A decision, either a finding for or against the Owner, shall be by a majority of the Executive Board members present at the hearing. Failure to strictly follow the hearing procedures set forth above shall not constitute ground for appeal of the hearing committee's decision absent a showing of denial of due process.

- 8) Failure to Timely Request Hearing. If the alleged Violator fails to request a hearing within 10 days of any letter, or fails to appear at any hearing, the Executive Board may make a decision with respect to the alleged violation based on the Complaint, results of the investigation, and any other available information without the necessity of holding a formal hearing. If a violation is found to exist, the alleged Violator may be assessed a fine pursuant to these policies and procedures.
- 9) Notification of Decision. The decision of the Executive Board, committee or other person, shall be in writing and provided to the Violator and Complainant within 15 days of the hearing, or if no hearing is requested, within 15 days of the final decision.
- 10) Fine Schedule. The following fine schedule has been adopted for all recurring covenant violations:

1 st Violation	Warning letter
2 nd violation (of same covenant rule)	\$25.00
3 rd violation (of same covenant rule)	\$50.00
4 th violation and subsequent violations (of same covenant violation)	\$100.00

Third and subsequent covenant violations may be turned over to the Associations' attorney to take appropriate legal action. Any Owner committing 3 or more violations in a 6 month period (whether such violations are of the same covenant or different covenants) may be immediately turned over to the Association's attorney for appropriate legal action.

- 11) Waiver of Fines. The Executive Board may waive all, or any portion, of the fines if, in its sole discretion, such waiver is appropriate under the circumstances. Additionally, the Executive Board may condition waiver of the entire fine, or any portion thereof, upon the Violator

coming into and staying in compliance with the Articles, Declaration, Bylaws or Rules.

- 12) Other Enforcement Means. This fine schedule and enforcement process is adopted in addition to all other enforcement means which are available to the Association through its Declaration, Bylaws, Articles of Incorporation and Colorado law. The use of this process does not preclude the Association from using any other enforcement means.
- 13) Definitions. Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning herein.
- 14) Supplement to Law. The provision of this Resolution shall be in addition to and in supplement of the terms and provision of the Declaration and the law of the State of Colorado governing the Project.
- 15) Deviations. The Executive Board may deviate from the procedures set forth in this Resolution if in its sole discretion such deviation is reasonable under the circumstances.
- 16) Amendment. This Procedure may be amended from time to time by the Executive Board. This policy supersedes the current policy regarding Covenant Violations.

BOARD OF DIRECTORS CERTIFICATION: See signature page.