

# The Helm at Fountainhead Homeowners Association

## Covenant Enforcement Policy and Procedure

BE IT RESOLVED, the Association hereby adopts the following procedures to be followed for enforcing policies rules and regulations and other governing document of the Association.

### 1. Scope:

To adopt a procedure and policy outlining procedures to be followed for enforcing policies rules and regulations and other governing document of the Association.

### 2. Specifics:

Violations may be observed by the Board of Directors, the management company, a committee member or reported via written correspondence through e-mail, fax or mail service. The complaint must state specifically the violation observed and include who the violating party was, what was observed, the date, place and time of the violation and any other pertinent information such as license plate numbers etc.

If full details are not provided with a complaint, further action beyond additional observation cannot be made. The Board will investigate the complaint further and will make additional observations if required.

If a complaint is found to be in violation of a municipal code, the complaint will be forwarded to the appropriate authorities.

If a violation is found and documented the following actions will be taken:

- A letter will be sent to the owner (and tenant if it is known that the unit is being used as a rental) stating that a violation has occurred while referring them to the governing documents which appear to be in violation. This letter will allow the unit owner to forward documentation if they believe the violation did not occur. The unit owner will have 7 days to respond to the letter or to correct the violation.
- If the violation is still observed after 7 days, a second letter will be sent to the Owner (and tenant if it is known that the unit is being used as a rental) stating that if the violation continues then fines will be imposed. The unit owner will have 7 days to correct the violation or request a hearing with the Board (see Dispute Resolution Policy for specifics)
- If at the hearing it is found that the violation did (does) occur, the Owner will be charged fine from the 7th day after the date of the second letter. The Association will charge \$10.00 per day/occurrence for all CCR non-compliance issues.
- If a hearing is not requested by the owner within 7 days of the second violation letter, fines will commence and continue until violation is corrected.

- It is the responsibility of the Owner to notify the Board that a violation has been rectified.

Owners are responsible for any fines that may be levied against their property due to non-compliance of their tenants.

Non-payment of fines will fall under the Dues Collection Policy.

Voting rights will be suspended for any Owner who is or has been in violation of the CC&R's in the previous thirty (30) days.

- 3. Definitions:** Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning therein.
- 4. Supplement to Law:** The provisions of this Resolution shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Colorado governing the Project.
- 5. Deviations:** The Board may deviate from the procedures set forth in this Resolution if in its sole discretion such deviation is reasonable under the circumstances.
- 6. Amendment:** The Board of Directors may amend this procedure from time to time.

**President's Certification:** The undersigned, being the President 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 Helm at Fountainhead Homeowners Association**

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**President**

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