

**ALPINE MEADOWS PROPERTY OWNERS ASSOCIATION  
POLICY ON ENFORCEMENT OF GOVERNING DOCUMENTS**

The Board of Directors (Board) of Alpine Meadows Property Owners Association (Association) hereby approves and adopts the following Policy on Enforcement of Governing Documents. Any previous policy or policies on enforcement, including the imposition of fines, is hereby superseded and replaced in its entirety with the following policy.

**1. Governing Documents Defined.** "Governing Documents" shall mean and include the Association's Declaration of Protective Covenants, Bylaws, Articles of Incorporation, Rules and Regulations, Policies, or Resolutions duly adopted by the Board. Governing Documents also includes any amendments and restatements to the foregoing.

**2. Compliance with Governing Documents.** All enforcement procedures shall comply with the Governing Documents and any applicable law. Violations for failure to pay dues shall be subject to Article 16 of the Declaration "Covenant for Maintenance Assessments" or any Policy for Collections of Unpaid Dues and Imposition of Fines.

**3. Initiation of Complaint.** Complaints of alleged violations of any of the terms or provisions of the Governing Documents may be initiated by the Board, by any committee of the Board, or by any Owner or resident. Complaints shall be in writing, by phone, or by email and such complaint shall clearly indicate the nature, date, time and location (include address) of the alleged violation, and the name(s) of the alleged violator(s)/and/or address, if known.

**4. Notice and Hearing Procedure.** The Association may, as a courtesy, send a notice of violation to the Owner allegedly responsible for the violation. If the matter is not resolved to the satisfaction of the Association through this written contact, the Association shall send written notice to the Owner that a violation has been alleged, and that a fine may be imposed. If a violation is not capable of being cured, the Association may send written notice to the Owner that includes the allegation of the violation, a deadline for compliance, and that a fine may be imposed. Any such violation letter shall inform the Owner that if he or she disputes the allegation, he or she may request a hearing, provided that such a hearing is requested in writing within fourteen (14) days of the date on the violation letter. The notice shall contain sufficient information so that the Owner may determine the nature of the alleged violation. The deadline for compliance shall be reasonable under the circumstances and depend upon the nature of the alleged violation.

If the Owner does not request a hearing, the right to such hearing shall be deemed waived. If a hearing is requested, the Owner allegedly responsible for the violation shall be provided written notice of the time, date and location of the hearing. Such notices of hearing shall be mailed no less than 14 days in advance. At that hearing the Owner shall have an opportunity to appear in person, or through a representative, and to present any witnesses, testimony, explanation, or documentation regarding the alleged violation. An Owner may also submit a written statement, documentary evidence, photographs or other similar documentation without being present at the hearing. Such evidence or documentation shall be submitted to the management company at least 48 before the scheduled hearing.

The hearing shall be before a panel of impartial decision makers who do not have a direct personal or financial interest in the outcome of the hearing. An impartial decision maker shall be an individual who has authority to make a decision on the claimed violation and does not have a direct personal or financial interest in the outcome. A person does not have a direct personal or financial interest in the outcome if the decision maker will not, as a result of the outcome, receive

any greater benefit or detriment than will the general membership of the Association. The Board of Directors shall serve as the impartial decision maker, subject to any members of the Board who may be disqualified because he or she is not an impartial decision maker. If the Board determines that no member of the Board can serve as an impartial decision maker, the Board may appoint a person or persons to the panel fill the vacancy by the disqualified director. The panel shall contain an odd number of persons.

At that hearing, the panel shall make a determination, based on a preponderance of the evidence, as to:

- (a) whether a violation has occurred;
- (b) whether the accused Owner is responsible for the violation; and
- (c) if applicable, the imposition of the appropriate fine, pursuant to the Association's fine schedule, if a violation does exist.

If the Owner does not request a hearing within fourteen (14) days of the date of the violation letter, or if the Owner fails to appear for the hearing, the opportunity to be heard and to present evidence shall be deemed to have been forever waived by the Owner and the panel shall make a determination on the basis of the information available.

**4. Decision of Panel.** The hearing panel may issue its ruling orally after its deliberation at the conclusion of the hearing or by written notice within 15 days after the hearing. A decision on the validity of the allegations shall be determined by a majority vote of the panel members.

**5. Remedies of Association.** The Association, acting through the Board of Directors, may enforce all applicable provisions of and may impose sanctions for violation of the Governing Documents. Such sanctions may include, without limitation:

- (a) imposing reasonable monetary penalties after notice and an opportunity to be heard has been given to the Owner or other alleged violator. An Owner shall be responsible for payment of any fine levied or imposed against any person who is an invitee, Owner or tenant of the Owner's property;
- (b) suspending an Owner's right to vote;
- (c) suspending any person's right to use any facilities within the Community Property of the Association; provided, however, nothing in this Policy authorizes the Board of Directors to limit ingress or egress to or from an Owner's property;
- (d) exercising self-help of taking action to abate any violation of the Governing Documents in an emergency situation;
- (e) requiring an Owner, at the Owner's expense, to remove any structure or improvement on such Owner's property in violation of the Governing Documents and to restore the property to its previous condition and, upon failure of the owner to do so, the Board of Directors or its designee has the right to enter the property, remove the

violation and restore the property to substantially the same condition as previously existed and any such action shall not be deemed a trespass;

(f) without liability to any person, prohibiting any contractor, subcontractor, agent, employee or other invitee who fails to comply with the terms and provisions of the Governing Documents from continuing or performing any further activities at or on the property;

(g) towing vehicles which are parked in violation of the Governing Documents;

(h) filing a suit at law or in equity to enjoin a violation of the Governing Documents, to compel compliance with the Governing Documents, to recover monetary penalties or money damages or to obtain such other relief as to which the Association may be entitled, including, without limitation recovery of all attorney fees and other out of pocket costs and expenses, with interest thereon, as permitted by the Act; and

(i) Recording a written notice of a violation by any Owner of any restriction or provision of the Governing Documents. The notice must be executed and acknowledged by an officer of the Association and contain substantially the following information:

(i) the name of the unit owner;

(ii) the legal description of the unit against which the notice is being recorded;

(iii) a brief description of the nature of the violation;

(iv) a statement that the notice is being recorded by the Association pursuant to this Policy; and

(v) a statement of the specific steps which must be taken by the Owner to cure the violation. Recordation of a "Notice of Violation" serves as a notice to the Owner and to any subsequent purchaser of the Owner's property that there is a violation of the provisions of the Governing Documents.

**6. Fines.** Fines are immediately due and payable when incurred. Fines not paid within 30 days shall incur interest at the higher of the amount permitted by law or by 18% per annum. Failure to pay may result in a Notice of Lien being recorded, as well as the Association taking other collection action. Notwithstanding the foregoing, nothing in this Policy will be deemed to limit the Association's rights and remedies set forth in any of the other Governing Documents.

**7. Continuing Violations.** Violations that are not corrected and are continuing in nature shall incur the daily fine rate as set forth the Association's fine schedule. A violation is continuing if the violation is capable of being stopped or remedied by the Owner.

**8. Correction by the Association.** If the Owner fails to correct the violation, the Board may authorize correction to be made by the appropriate entity and assess the Owner for any cost incurred.

**9. Additional Remedies.** The Association will make every reasonable effort to treat similar cases in a similar manner, however the Board reserves the right to consider the unique facts and circumstances of each case, and to act as it deems appropriate in any given case. The failure of the Association to enforce any provision of the Governing Documents or applicable law shall not be deemed a waiver to enforce for any subsequent violations. In addition, the Association may take legal action and pursue other available remedies at the same time as the imposition of fines.

**10. Owner Responsibility.** The Owner of any lot within Alpine Meadows Property Owners Association shall be responsible for any noncompliance or any violations of the Governing Documents committed by any family member, guest, tenant, invitee or licensee of the Owner.

The undersigned, Gerald F. Clark, hereby certifies that the foregoing Policy was approved and adopted by the Board of Directors at a meeting of the Board held on May 5 2019.

By:  \_\_\_\_\_

Gerald F. Clark  
President, Alpine Meadows Property Owners Association