

**ADDENDUM TO
RESOLUTION OF THE BOARD OF DIRECTORS
MERIDIAN LAKE MEADOWS ASSOCIATION, INC.
ADOPTING POLICIES AND PROCEDURES REGARDING ENFORCEMENT**

PURPOSE: To adopt policies and procedures with regard to the enforcement of MLM Policy and Procedures Regarding Non-Owner Occupancy (“NOO”) as an addendum to the Policy dated December 17, 2014 (“NOO Policy”).

RESOLUTION: The Association adopts the following policies and procedures regarding enforcement of the NOO Policy.

1. **Enforcement of the NOO Policy.** Any complaint which alleges a violation of the NOO Policy against a unit owner shall be made in writing by the complainant and will contain substantially the same information as set forth in the Witness Statement attached hereto as **Exhibit A**. At a minimum, the complaint must set forth:

(a) The name and phone number of the complainant and, if the complainant is a unit owner, the unit number.

(b) The name and unit number of the alleged violator.

(c) The specific details or description of the alleged violation, including the date, time and location where the alleged violation occurred.

(d) A statement by the complainant that he or she will cooperate in the enforcement procedures and will provide testimony at any proceedings, hearings or trial which may be necessary.

(e) The signature of the complainant and the date on which the complaint is made.

2. **Notice of Violation.** The unit owner alleged to have caused or committed the violation must be notified of the complaint and alleged violation by the Association or by its manager. If the complaint is based on conduct of the unit owner's occupant or invitee, the unit

owner must notify such person of the alleged violation. The notification must be in a manner prescribed by the Board of Directors in a form similar to that which is attached hereto as **Exhibit B** ("**Notice of Violation**").

3. **Right to Hearing.** Any unit owner charged with an alleged violation of the Governing Documents is entitled to an opportunity for a hearing before an impartial decision maker. For purposes of this policy, "**Impartial Decision Maker**" means a person or group of persons who have the authority to make a decision regarding the enforcement of the Association's covenants, conditions, and restrictions, including its architectural requirements, and the other Governing Documents and do not have any direct personal or financial interest in the outcome which may include, without limitation, the Board of Directors or a committee, at the discretion of the Board of Directors. A decision maker shall not be deemed to 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. If the unit owner desires a hearing, the unit owner must proceed as follows:

- (a) If the unit owner desires to have a hearing regarding the Notice of Violation, within fourteen (14) days after the Notice of Violation has been delivered to the unit owner, the unit owner must complete the Request for a Hearing form, which is attached to the Notice of Violation, and return it to the Association or its manager.

- (b) If a request for a hearing is timely filed, a hearing on the complaint will be held before an Impartial Decision Maker. The hearing will be conducted no later than twenty-one (21) days after receipt of the Request for a Hearing, as determined by the Board of Directors. Hearings may be conducted in person, by telephone, or by a video conference or electronic platform. Owners have the right to be represented by legal counsel and to call witnesses.

- (c) At any such hearing, the Impartial Decision Maker will hear and consider arguments, evidence or statements regarding the alleged violation. Following a hearing, the Impartial Decision Maker will issue its written determination regarding the alleged violation within 5 days. The decision of the Impartial Decision Maker will be final and binding on the unit owner and Association.

- (d) The unit owner shall have the right to appeal a decision made by the Impartial Decision Maker to the Board of Directors if the Impartial Decision Maker is other than the Board of Directors as set forth in the Bylaws.

- (e) Notification of the Board's determination shall be made in a form similar to that which is attached as **Exhibit C**.

4. **Deemed Default.** If no Request for a Hearing is filed within fourteen (14) days by the Owner, a hearing will be considered waived, the allegations in the Notice of Violation is deemed admitted by default, and appropriate sanctions will be imposed at a meeting of the Board of Directors or a committee. The unit owner will be notified by the Association of any such determination using the same form

and in the same manner as if a hearing had been conducted.

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, imposing reasonable monetary penalties after notice and an opportunity to be heard has been given to the unit owner or other violator. A unit owner shall be responsible for payment of any fine levied or imposed against any person who is an invitee, owner or tenant of the unit.
6. **Fines.** If a unit owner is found to have violated personally or is otherwise liable for a violation, the unit owner will be assessed a fine according to the Schedule of Fines for violation of the NOO Policy as set forth in **Exhibit D.**

Approved by the Board of Directors of Meridian Lake Meadows Association, Inc. this 4th day of December 2020

**EXHIBIT A
TO ADDENDUM TO ENFORCEMENT POLICY
FOR MERIDIAN LAKE MEADOWS
ASSOCIATION, INC.**

VIOLATION COMPLAINT - WITNESS STATEMENT

PLEASE PRINT OR TYPE. Complete all the information you know. If unknown, please state so. Attach additional sheets if necessary.

INFORMATION CONCERNING WITNESS(ES) TO VIOLATION

Reporting Witness Name _____ Date

Unit # Area Code - Phone number

ADDITIONAL WITNESSES

Name & Address Area Code - Phone Number

Name & Address Area Code - Phone Number

INFORMATION CONCERNING THE VIOLATOR

Violator's Name Area Code - Phone Number

Unit #

Owner's Name, Address & Phone No. if different than the Violator.

INFORMATION CONCERNING THE VIOLATION

Violation Date _____ Time _____ Location

Section(s) of Declaration, Bylaws or Rules that was violated

Reporting Witness' Observations:

Were any photographs or sound recordings made? Yes_____No_____By whom?
_____ Include any audio or videotapes or photographs with this form or forward as soon as possible. Include the name of the person who made the tape or photograph(s), the date it was made, the location it was made and the name of anyone else who was present.

I HAVE MADE THE ABOVE STATEMENTS BASED ON MY PERSONAL KNOWLEDGE AND NOT UPON WHAT HAS BEEN TOLD TO ME. I WILL FULLY COOPERATE WITH THE ASSOCIATION AND ITS ATTORNEYS TO PROVIDE ADDITIONAL STATEMENTS OR AFFIDAVITS, AND IN THE EVENT A HEARING OR TRIAL IS NECESSARY, I WILL _____

WILL NOT _____ APPEAR TO TESTIFY AS A WITNESS.

Signature

**EXHIBIT B
TO ADDENDUM TO ENFORCEMENT
POLICY FOR MERIDIAN LAKE MEADOWS
ASSOCIATION, INC.**

TO: _____
(Owner/Tenant)

Date: _____

NOTICE OF VIOLATION

Re: Violation of MLM Policy and Procedures Regarding Non-Owner Occupancy

You are hereby notified, as the Owner/Tenant of the Unit # _____ at Meridian Lake Meadows, Colorado that you violated the Association's MLM Policy and Procedures Regarding Non-Owner Occupancy. The actions complained of occurred on or about _____, 20____ and are described as follows:

UNDER THE ASSOCIATION'S RULES, IF YOU FAIL TO REQUEST A HEARING WITHIN 14 DAYS OR FAIL TO APPEAR AT A HEARING ON THESE CHARGES, YOU WILL BE FOUND GUILTY BY DEFAULT, AND FINES, CHARGES, COSTS, EXPENSES AND LEGAL FEES WILL BE ASSESSED AGAINST YOU. AND ADDED TO YOUR MONTHLY ASSESSMENT.

Please consult the Association's rules for further details.

You may request a hearing by signing, dating and returning the attached Request for a Hearing form within 14 days to the Association at the address below.

Very truly yours,
Meridian Lake Meadows Association, Inc.

By: _____
Title: _____

Address

City, State, Zip

Area Code and Phone #

EXHIBIT B-2
TO ADDENDUM TO ENFORCEMENT POLICY
FOR MERIDIAN LAKE MEADOWS
ASSOCIATION, INC.

REQUEST FOR A HEARING

I hereby request a hearing on the statements made against me as contained in the Notice of Violation dated _____, 20__ alleging a violation of MLM Policy and Procedures Regarding Non-Owner Occupancy

Unit Owner/Resident's Name (printed)

Address

City, State, Zip

Area Code and Phone #

Signature

Date

EXHIBIT C
TO ADDENDUM TO ENFORCEMENT
POLICY FOR MERIDIAN LAKE MEADOWS
ASSOCIATION, INC.

TO: _____
(Owner/Tenant)

Date: _____

NOTICE OF DETERMINATION REGARDING VIOLATION

On _____ 20____ you were notified of a violation of the NOO Policy of the Association. Pursuant to the Association rules:

- () A hearing was held at your request regarding the alleged violation on _____ 20__.
- () You have admitted to the violation by default and waived your right to request a hearing. After considering the complaint and evidence, the following determination has been made and the following action(s) will be taken:
 - () You were found not guilty and no action will be taken.
 - () A violation of the Association's NOO Policy has occurred and a fine in the amount of \$____ is now due.
 - () Costs and overdue interest, if applicable, in the amount of \$____ have accrued and are due.
 - () Legal expenses in the amount of \$_____ have been incurred by the Association and are due.

Meridian Lake Meadows Association, Inc.

By: _____
Name: _____
Title: _____

EXHIBIT D
TO ADDENDUM TO ENFORCEMENT POLICY FOR
MERIDIAN LAKE MEADOWS ASSOCIATION,
INC.

SCHEDULE OF FINES

1. Failure to Place A Deposit	\$2,000.00
2. Failure to File a Registration Form	\$500.00
3. Failure to Have and Provide a Written Contract	\$1,000.00
4. Violation of Any of the "Rules and Regulations" contained in the "Notice to Occupants"	\$2,000.00
5. Violation of Any Other Covenant, Rule or Regulation	\$1,000.00