

**MERIDIAN LAKE PARK CORPORATION  
POLICY ON ENFORCEMENT OF GOVERNING DOCUMENTS**

The Board of Managers of Meridian Lake Park Corporation (hereinafter Association) hereby approves and adopts the following Policy on Enforcement of Governing Documents, effective as of \_\_\_\_\_, 2023. Any previous policy or policies on enforcement, including the imposition of fines, is hereby superseded and replaced in its entirety with the following policy.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 Bylaws, Articles of Incorporation, Revised Declaration of Protective Covenants, Design and Construction Guidelines, Rules and Regulations, and, if any, Policies or Resolutions duly adopted by the Board of Directors (Board). Governing Documents also includes any amendments to the foregoing.

**2. Compliance with Governing Documents.** All enforcement procedures shall comply with the Governing Documents and any applicable law. If there is a conflict between any Governing Documents and the law, the law shall control. Violations for failure to pay dues shall be subject to the Policy for Collections of Unpaid Dues and Assessments and the Imposition of Liens.

**3. Violations that threaten the public safety or health.** The Association may make a reasonable determination whether an alleged violation threatens the public safety or health. For violations that threaten the public safety or health, the Association shall provide the Owner written notice, in English and any other language the Owner designates, that the Owner has seventy-two (72) hours to cure the violation, or the Association may fine the Owner. The Association has the right to inspect the subject property or issue to determine if the violation has been cured. If the violation is not cured within seventy-two (72) hours, the Association may:

- impose fines on the Owner every other day; and/or
- take legal action against the Owner for the violation.

There is not a limit on fines levied for threats to public safety or health. The Association may not pursue foreclosure for unpaid fines.

**4. Violations that do not threaten the public safety or health.** For violations that do not threaten the public safety or health, the Association shall, through certified mail, return receipt requested, provide the Owner written notice of the violation. Such notice shall clearly indicate the nature, date, time and location of the alleged violation, and the name(s) of the alleged violator(s)/and/or address, if known, the required actions to cure the alleged violation, the timeline for the Association's fact-finding process, a date by which to cure the violation, and failing that, a fine may be imposed. If the Owner has not cured the violation within 30 days, the Association may, after an inspection and determination that the Owner has not cured the violation, fine the Owner. The written notice shall also inform the Owner that if the Owner disputes the allegation, the Owner may request a hearing, provided that such a hearing is requested in writing within fourteen (14) days of the date on the written notice. If the Owner does not timely request a hearing, the right to such hearing shall be deemed waived. Contact with the Owner shall be made in the language requested by the Owner and in English, and/or to Owner's designee, if made.

The Association shall grant the Owner two consecutive 30-day periods to cure a violation before the Association may take legal action against the Owner for the violation. If the Owner cures the violation within the timeframe permitted, the Owner shall send written notice to the Association

with visual evidence of the cure. If no visual evidence of the cure is included, the Association shall inspect the Owner's property within 7 days of the expiration of the first 30-day cure period. If the Owner does not notify the Association that the violation has been cured, the Association shall inspect the property within seven days after the expiration of the 30-day period to determine if the violation has been cured. If the Owner does not cooperate with the inspection, such lack of cooperation will be treated as though the violation has not been cured. If the Association determines that the violation has not been cured, a second 30-day period to cure commences; or the Association may take legal action if two 30-day periods have elapsed. Once the Owner cures the violation, the Association shall notify the Owner and the Owner will not be further fined; except that the Owner shall owe to the Association the outstanding balance of the fines.

**5. Hearing.** 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 ten (10) days in advance of the hearing. At the hearing, the Owner shall have an opportunity to participate 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 Board or management company at least forty-eight (48) hours 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 alleged 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 shall serve as the impartial decision maker, subject to any members of the Board who may be disqualified because the member 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:

- (i) whether a violation has occurred;
- (ii) whether the accused Owner is responsible for the violation; and
- (iii) if applicable, the imposition of the appropriate fine, pursuant to the Association's Schedule of Fines, if a violation does exist.

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.

**6. Fine Schedule.** Fines are assessed, invoiced and collected in accordance with the Association's Policy for Collection of Unpaid Dues and Assessments and the Imposition of Liens. Interest on unpaid fines shall not exceed 8% per annum. The total amount of fines assessed against the Owner may not exceed \$500.00 per violation

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

**8. Notice of Delinquency.** On a monthly basis and by first-class mail, the Association shall send to each Owner who has an outstanding balance an itemized list of all assessments, dues, fines, fees owed to the Association. This notice of delinquency must be sent in English and in any other language the Owner specifies. For violations that are continuing in nature, the notice must also specify the intervals upon which fines may be levied.

The notice of delinquency must include the steps the Association must take before the Association make take legal action against an Owner, including a description of the cure process set forth above, and the types of matters which may be heard in Small Claims court, including injunctive matters.

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

**10. 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.

**11. Owner Responsibility.** The Owner of any Lot shall be responsible for any noncompliance or any violations of the Governing Documents committed by any family member, guest, tenant, invitee, contractor, or licensee of the Owner.

ADOPTED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Meridian Lake Park Corporation, a Colorado nonprofit corporation

By: \_\_\_\_\_  
Scott Winn, President