

**CHERRYWOOD PARK HOMEOWNERS ASSOCIATION, INC.**  
**Resolution of the Executive Board**  
**Rules & Regulations: Fines and Penalty Enforcement**

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**SUBJECT:** Hearing procedures and fine structure for violations of the Declaration or Rules and Regulations of the Association.

**PURPOSE:** To provide notice of the Association's adoption of a Resolution setting forth the hearing procedures and fines to be imposed for violations of the Declaration and Rules and Regulations of the Association.

**AUTHORITY:** The Declaration of Covenants, Conditions and Restrictions for Cherrywood Park Homeowners Association, Inc. as recorded in the records of the Clerk and Recorder of the County of Adams, State of Colorado, and Colorado statutory law.

**PROPERTIES AFFECTED:** All real property subject to the Declaration.

**EFFECTIVE DATE:** September 30, 2002.

**NOTICE:** The Association hereby gives notice of its adoption of a Resolution setting forth the notice and hearing procedure to be followed and the fines to be imposed for violations of the Declaration and any rules and regulations promulgated by the Association. This Resolution shall supersede all previous resolutions or policies with respect to fines and hearing procedures. The Resolution adopted is as follows:

1. **Complaint.** Any homeowner within the community may send a written complaint of a covenant or rule violation, with as much information as is known, to the Association. Complaints may also be initiated by any member of the Executive Board or by the manager.
2. **Notice of Alleged Violation and Hearing.** Notice of Alleged Violation and Hearing of any provisions of the Declaration, Bylaws, or Rules and Regulations, shall be provided in writing to the applicable Owner and/or related user as soon as reasonably practicable following the receipt of a complaint or discovery by the Board of such violation. The Board may also, at its option, provide a copy of such notice to any non-owner violator. The notice shall describe the nature of the violation and the possible fine that may be imposed, and may further state that the Board may seek to protect its rights as they are specified in the governing legal documents.
3. **Request for Hearing.** If an Owner desires a hearing to challenge or contest any alleged violation and possible fine, or to discuss any mitigating circumstances, the Owner must request such hearing, in writing, within fourteen (14) days of the date of the Notice of Alleged Violation and Hearing. The request for hearing shall describe the grounds and basis for challenging the alleged violation of the mitigating circumstances. In the event a proper and timely request for a hearing is not made as provided herein, the right to a hearing shall be deemed forever waived. If a hearing is not requested within the fourteen (14) day period, the Board shall determine if there was a violation based upon the information available to it, and if so, assess a reasonable fine as set forth in the fine schedule, within thirty (30) days of the expiration of the fourteen (14) day period. The Association's managing agent shall give written notice of said fine to the applicable Owner.

4. **Board of Directors or Committee to Conduct Hearing.** The Board shall hear and decide cases set for hearing pursuant to this Resolution. The Board may appoint an officer or other Owner to act as the Presiding Officer at any of the hearings. The Board may also appoint a committee to conduct the hearing, determine whether a violation exists and impose fines. In the event the Board appoints a committee to conduct such activities, the Owner shall have the right to appeal the committee's decision to the Board by giving written notice of such appeal to the Board and the committee within thirty (30) days of the date of written notification of the committee's decision. In the event the Owner does not request an appeal within the 30 days, the right to an appeal shall be waived.

5. **Conflicts.** Any Board or committee member who is incapable of objective and disinterested consideration on any hearing before the Association shall disclose such to the President of the Association or the chair of the committee prior to the hearing on the case, if possible, or, if advance notice is not possible, then such disclosure shall be made at the hearing, and the Board or committee member shall be disqualified from all proceedings with regard to the hearing. If disqualification of any Board or committee member(s) results in an even number of remaining Board or committee members eligible to hear a case, the Presiding officer may appoint an Association member, in good standing, to serve as a voting member of the hearing board.

6. **Hearing.** The Board or committee shall inform the Owner of the scheduled time, place and date of the requested hearing, provided that the Presiding Officer may grant continuances for good cause. At the beginning of each hearing, the Presiding Officer shall establish a quorum, explain the rules, procedures and guidelines by which the hearing shall be conducted and shall introduce the case before the Board. The complaining parties and the Owner may or may not be in attendance at the hearing. Each party may present evidence, testimony, and witnesses. The decision of the Board at each hearing shall be based on the matters set forth in the Notice of Alleged Violation and Hearing, Request for Hearing, and such evidence as may be presented at the hearing. If a complaining party is unable to attend the Hearing, he or she may instead submit a letter to the Board explaining the basis of the complaint.

7. **Decision.** After all testimony and other evidence has been presented to the Board or committee at a hearing, the Board shall render its written findings and decision, and impose a reasonable fine, if applicable, within ten (10) days after the hearing. A decision, either a finding for or against the Owner, shall be by a majority vote of the Executive Board or committee. In the event of an appeal, a decision shall be made by a majority vote of the Executive Board.

8. **Fine Schedule.** The following fines shall be imposed for a violation of the provisions of the Declaration, Bylaws, and Rules and Regulations of the Association:

|                                       |          |
|---------------------------------------|----------|
| First violation after warning letter: | \$ 50.00 |
| Second violation:                     | \$100.00 |
| Third violation:                      | \$150.00 |
| Fourth and subsequent violations:     | \$200.00 |


The Board or committee shall establish the amount of the fine within the above range based upon the nature and severity of the violation, as determined in the sole discretion of the Board or committee. **In addition, the Board or committee may levy a fine of \$10.00/day from the date of the decision until the violation is corrected for continuing violations, such as failure to landscape properly, as determined in the sole discretion of the Board or committee.** All fines shall be due and payable within thirty (30) days of the

date that the Owner is notified of the imposition of the fine. All fines and late charges shall be considered an assessment and may be collected as set forth in the Declaration. Fines shall be in addition to all other remedies available to the Association pursuant to the terms of the Declaration and Colorado law, including the Association's right to collect attorney fees incurred in connection to the violation from the Owner, whether or not judicial action has been commenced.


The Executive Board may amend these hearing procedures and the fine schedule as it determines is necessary, in its discretion.

**PRESIDENT'S AND SECRETARY'S CERTIFICATION:** The undersigned, respectively being the President and Secretary of Cherrywood Park Homeowners Association, Inc., a Colorado nonprofit corporation, certify that the foregoing Resolution was approved and adopted by the Executive Board of the Association, at a duly called and held meeting of the Board of Directors of the Association on September 30, 2002, and in witness thereof, the undersigned have subscribed their names.

CHERRYWOOD PARK HOMEOWNERS ASSOCIATION, INC.,  
a Colorado nonprofit corporation,

By:   
President

ATTEST:

By:   
Secretary