

# **Spyglass**

## **Enforcement of the Declaration, Bylaws, Rules and Regulations, and The Architectural Design Standards and Procedures**

**The Spyglass Association has adopted the following procedures as addendum to the Bylaws at a regular meeting of Board of Directors.**

- 1. Owner Complaints:** Any Owner may notify the Board of any alleged violation of the Declarations, Bylaws, Rules, Regulations and Design Standards and Procedures. This notice is to be by letter or email, fully describing the violation including the date and time. Where appropriate, a picture of the violation may be also provided.
- 2. Complaint investigation:** Upon receipt of a notice of a possible violation, the Board and/or the Manager will investigate of the complaint to determine whether a violation occurred. If a violation is determined to have occurred, the Manager may contact the owner of the possible violation to see if it can be resolve without further action by the Board. Additionally, such notice shall state that the Owner has ten (10) days to cure the violation to avoid penalty, or request a hearing to contest the violation. In any case, the manager will inform the Board of the results of the investigation of consideration of any additional action.
- 3. Notice of Alleged Violations:** Written notice of complaint of any Governing Document provisions shall be provided to the applicable owner as soon as a reasonably practicable following the investigation. The notice shall clearly describe the nature of the violation including reference to the appropriate governing document.
- 4. Service of Notices:** Service of all notices are to be given by personal delivery to the Owner, or by Email to the registered address provided by the Owner, or by U.S Mail, addressed to the last registered address to the Owner as contained in the Associations records. Any notice personally delivered or emailed shall be deemed received on the date of delivery provided the Owner confirms receipt of the email. Any notice mailed shall be deemed received on the fifth day following the date of mailing.
- 5. Request of Hearing:** If an owner desires to challenge or contest any alleged violation and possible fine, the owner must request such hearing, in writing, within ten days from receipt of the Notice of Alleged violation. Such notice of appeal shall state the basis for the appeal, reference to the Spyglass rules, the Spyglass Declaration of Covenants, and restrictions of Spyglass, or any other pertinent law, rule or regulation and shall state with specificity and in detail why such rules or regulations do not apply or otherwise authorize the alleged violation. IF a hearing is not requested within the ten-day period, the Board may assess a reasonable fine within the guidelines contained in this Policy and Procedure. The Association's Manager shall five written notice of said fine to the Owner, which is immediately due and payable.

- 6. Board of Conduct Hearing:** The Board shall hear and decide cases operating as a "Fair and impartial decision maker". If the Board determines that the violation persists or that the appeal is not well founded, the Board may impose fines/penalties upon the violator in accordance with this Policy and Procedure.
- 7. Conflicts:** Any Board Member who is incapable of objective and disinterested consideration on any hearing shall be disqualified from all proceedings.
- 8. Hearing:** The Board shall inform the Owner of the scheduled time, place and date of the hearing, provided that the President may grant continuances for good causes. At the Beginning of each hearing, the President shall explain the rules by which the hearing shall be conducted and shall introduce the case before the Board By reading the Notice of Alleged Violation. The Owner may present evidence and testimony, present witnesses, and may make a closing statement. However, the decision of the Board at each hearing shall be based on the matters set forth in the Notice of Alleged Violation, and such evidence as may be presented at the hearing. Unless otherwise determined by the Board, all hearings shall be open to attendance by all members of the Association.
- 9. Decision:** After all testimony and other evidence have been presented to the Board at a hearing, the Board shall render its written findings and decision, and may impose a reasonable fine. A decision shall be the majority of the Board of members present at the Hearing. The Owner may appeal the decision and/or fine in accordance with the "Alternate Dispute Resolution Policy".
- 10. Fine Schedule:** Any violation of the Declarations, Bylaws, Rules and Regulations may subject the Owner to a reasonable fine assessment as follows:
  - a. Notice of Violation: Contact by Manager and/or written notice
  - b. Fines shall be determined by the Board for each finding of violation based on the type, severity, repetition and circumstances of each violation per the following:
    - i. First time for minor violation \$25.00
    - ii. 2<sup>nd</sup> offense - \$50.00
    - iii. 3<sup>rd</sup> offense - \$75.00
    - iv. 4<sup>th</sup> offense - \$100.00
  - V. In the event of a continuing violation, a weekly fine may be levied If the Board or its Manager performs a weekly inspection and Verifies that the violation is continuing.
- 11. Lien/Legal Policy:** All fines assessed shall be and become a recorded Lien on the real property of the Owner if not paid within thirty days of Receiving notice. If the Owner does not pay the fine/fines assessed And recorded as a lien on the real property, within six months of the First fine assessed, the Board in its sole judgement and discretion May initiate lien foreclosure proceedings in accordance with Colorado Law. All costs, including attorney's fees court costs, shall be assessed Against the violator and shall constitute an additional amount added To the previously filed lien. Fines levied pursuant to this section are Common Expenses and may be collected in the same manner as any Other common expense assessment. This enforcement procedure does

**Apply to violation of assessment obligations.**

**12. Notwithstanding any provisions of this fine schedule or Policies and Procedures, the Association may use any legal means available at any Time to enforce the terms of the Declaration, Bylaws, Rules and Regulations, or any other document of the Association.**

**13. The 2015 fine Schedule is hereby repealed and totally replaced by this Bylaw.**

**The undersigned officer of the Spyglass Association hereby certifies  
That the foregoing Resolution is true and correct as adopted  
By the Board of Directors.**

**The Spyglass Association**

By: Molly McFay 10-7-17  
**President**