

SNOWMASS MOUNTAIN CONDOMINIUM ASSOCIATION, INC.

**POLICIES AND PROCEDURES AND RULES AND REGULATIONS
REGARDING ENFORCEMENT OF COVENANTS AND RULES AND DISPUTES
BETWEEN THE ASSOCIATION AND OWNERS
(C.R.S. 38-33.3-209.5 (1)(b)(IV) & (VIII))**

It is the policy of the Snowmass Mountain Condominium Association, Inc. to enforce violations of the Amended Condominium Declaration for Snowmass Mountain Condominiums recorded April 10, 2008 as Reception No. 548249 (hereinafter the "Declaration")¹, the By-Laws of Snowmass Mountain Condominium Association and rules and regulations that come to the attention of the Board of Directors or that affect the health, safety and general welfare of the Snowmass Mountain Condominiums community.

Pursuant to sections 38-33.3-209.5 (b)(I) and 38-33.3-209.5(5)(a), Colorado Revised Statutes (C.R.S. §38-33.3-101, et seq, commonly referred to as the Colorado Common Interest Ownership Act or "CCIOA"), the Snowmass Mountain Condominium Association, Inc. hereby adopts the following written governing policies and procedures and rules and regulations regarding enforcement of covenants and rules and disputes between the Association and unit owners (hereinafter "Owner" or "Owners").

These policies and procedures and rules and regulations shall be deemed to be automatically amended to conform with any subsequent amendments of "CCIOA". Any conflict between this policy and CCIOA shall be resolved so as to comply with CCIOA requirements.

Written complaints should be referred to the Manager or the Board through the Secretary or the President of the Board. Such complaints are generally investigated by the Manager or the President of the Board and subsequently referred to the Board for its attention. Depending upon the nature of the complaint, the following protocols may be utilized:

1. Contact the Owner. If the alleged or perceived violation is by someone other than the Owner, an effort will be made to contact both such person and the owner. Contact may be made in the following manner:

Written communication by mail, personal delivery, electronic delivery or fax;

A stop and desist order with an order to show cause to appear before the Board at a scheduled meeting;

¹ The Amended Condominium Declaration for Snowmass Mountain Condominiums was recorded April 10, 2008 as Reception No. 548249.

Direct personal communication by telephone or personal contact.

2. Commence proceedings for enforcement. Enforcement proceedings, if required, are intended to be progressive, generally commencing with the issuance of an order to stop and desist and order to show cause. The purpose of the order to show cause procedure is to sternly admonish and notify individuals of a perceived violation and afford an opportunity for a hearing before the Board or other impartial hearing offer as provided by Colorado Revised Statutes 38-33.3-209 (2) and (3) (see appendix) for explanation and communication with the Board or the officers and employees of the Association before more formal action is initiated. If efforts to resolve the violation through discussion and mediation are unsuccessful, the matter may proceed to litigation.

3. Immediate Action. When appropriate, the officers and the Manager of the Association may take immediate action.

Subject to the requirements set forth below, the Manager may unilaterally provide notice of the imposition of fines of One Hundred (\$100.00) to Five Hundred (\$500.00) Dollars for each recurring violation as allowed by CCIOA. Written notice of such fine shall be provided to the Owner against whom the fine is imposed. If the Owner disagrees with the fine imposed, Owner shall have the opportunity to submit a written request for a hearing before the Board or impartial hearing officer within ten (10) days of the imposition of the fine to contest the fine. A schedule of suggested fines for common infractions is set forth below. A fine of not less than One Hundred (\$100.00) Dollars and not exceeding Five Hundred (\$500.00) Dollars may be imposed by the Board whenever a violation is found of the Rules and Regulations and/or the Declaration after an opportunity to be heard is afforded to the violator. Each day of any violation shall constitute a separate offense. Any requirement to pay attorney's fees and costs shall be in addition to any fines that may be imposed. Such fines, fees and costs shall also constitute a lien against the property of any Owner deemed to be in violation.

In general fines and penalties may be assessed in accordance with the schedule of fines and penalties attached hereto.

Notwithstanding the foregoing, the following shall not be imposed on a daily basis against a unit owner:

- (a) Late fees; or
- (b) Fines for violations may only be imposed in accordance with Subsection (1.7) (b) of 38-33.3-209, C.R.S.

With respect to any violation of the declaration, bylaws, covenants, or other governing documents reasonably determined to threaten the public safety or health, the Owner shall be provided written notice, in English and in any language that the unit owner has indicated a

preference for correspondence and notices as set forth above of the violation informing the unit owner that the Owner has seventy-two (72) hours to cure the violation or the unit owner may be fined by the Association.

If, after an inspection of the unit, the Association determines that the Owner has not cured the violation within seventy-two (72) hours after receiving the notice, the Association may impose fines on the unit owner every other day and may take legal action against the Owner for the violation; except that, in accordance with Subsection (8)(c)(i) of Section 38-33.3-209, C.R.S., the Association shall not pursue foreclosure against the Owner based on fines owed.

If the Association reasonably determines that a unit owner committed a violation of the declaration, bylaws, covenants, or other governing documents of the Association, other than a violation that threatens the public safety or health, written notice shall be provided through certified mail, return receipt requested, to the Owner in English and in any language that the Owner has indicated a preference for correspondence and notices of the violation informing the Owner that the unit owner has thirty (30) days to cure the violation or the Association, after conducting an inspection and determining that the unit owner has not cured the violation, may fine the Owner; however, the total amount of fines imposed for the violation may not exceed five hundred dollars.

An Owner shall be granted two consecutive thirty-day periods to cure a violation before the Association may take legal action against the Owner for the violation. In accordance with Subsection (8)(c)(i) of 38-33.3-209, the Association shall not pursue foreclosure against the unit owner based on fines owed.

If the Owner cures the violation within the period to cure afforded the Owner, the Owner may notify the Association of the cure and, if the Owner sends with the notice visual evidence that the violation has been cured, the violation is deemed cured on the date that the Owner sends the notice. If the Owner's notice does not include visual evidence that the violation has been cured, the Association shall inspect the unit as soon as practicable to determine if the violation has been cured.

If the Association does not receive notice from the Owner that the violation has been cured, the Association shall inspect the unit within seven (7) days after the expiration of the thirty-day cure period to determine if the violation has been cured. If, after the inspection and whether or not the Association received notice from the Owner that the violation was cured, the Association determines that the violation has not been cured:

A second thirty-day period to cure commences if only one thirty-day period to cure has elapsed; or

The Association may take legal action pursuant to this section if two thirty-day periods to cure have elapsed.

Once the Owner cures a violation, the Association shall notify the unit owner, in English and in any language that the Owner has indicated a preference for correspondence:

- (A) that the Owner will not be further fined with regard to the violation; and
- (B) of any outstanding fine balance that the Owner still owes the Association.

On a monthly basis and by first-class mail and, if the Association has the relevant e-mail address, by e-mail, an Association shall send to each unit owner who has any outstanding balance owed the Association an itemized list of all assessments, fines, fees, and charges that the unit owner owes to the Association. The Association shall send the itemized list to the unit owner in English or in any language for which the unit owner has indicated a preference for correspondence and notices and to any designated contact for the unit owner.

In general fines and penalties may be assessed in accordance with the schedule of fines and penalties attached hereto.

Adopted by the Board of Directors of the
Snowmass Mountain Condominium Association,
Inc., Snowmass Village, Colorado
on July 5, 2023

By: _____

President

Douglas Mercatorius