

THE VILLAGE AT COPPER ASSOCIATION, INC.
NOTICE AND HEARING AND
ENFORCEMENT POLICY AND PROCEDURES

Adopted April 28, 2006

The following procedures have been adopted by The Village at Copper Association, Inc. ("VAC") pursuant to C.R.S. 38-33.3-209.5, at a regular meeting of the Board of Directors.

NOW, THEREFORE, IT IS RESOLVED that the VAC does hereby adopt the following policies and procedures for the enforcement of the VAC's restrictive covenants:

1. Power. The Board of Directors shall have the power and duty to hear and make decisions regarding violations and written Complaints filed with the Board and impose fines or other sanctions, pursuant to these Policies and Procedures. The Board may determine enforcement action on a case by case basis, and take other actions as it may deem necessary and appropriate to assure compliance with the Declaration of Covenants, Conditions and Restrictions for the Village at Copper ("Declaration"), the VAC's Articles of Incorporation, Bylaws, and rules and regulations promulgated thereunder, and to create a safe and harmonious living environment. As used herein, the term "Board" shall include any tribunal, committee, or VAC staff appointed by the Board consistent with the Documents or consistent with the Colorado Revised Nonprofit Corporation Act.

These enforcement provisions may be in addition to other specific provisions outlined in the VAC's Declaration, Articles of Incorporation, Bylaws, or rules and regulations ("Documents"), and the VAC is not required to follow these enforcement provisions before seeking such other remedies. The VAC may choose a legal remedy or seek assistance from other enforcement authorities, such as Architectural Control Committees, police, fire, code enforcement, or animal control, as it deems appropriate.

2. Complaint. A proceeding to determine if the Documents have been violated and any enforcement measures and remedies that may apply shall be initiated by the VAC's Board, or a committee or an officer of the VAC by filing a complaint with the VAC's Board. The complaint shall state the specific provision(s) of the Documents alleged to have been violated and as many specifics as are available as to time, date, location and persons involved.

3. Notice of Complaint and Right to Hearing. Upon receipt of a complaint, if the Board determines that the allegations in the complaint are sufficient to constitute a violation of the Documents and that action is warranted, the VAC shall send a notice to the person(s) (the "Respondent") alleged to have violated the Documents, by prepaid, first class United States mail addressed to the mailing address of the Respondent appearing on the records of the VAC. The notice shall advise the Respondent of the following: (1) the details of the Complaint, or include a copy of the Complaint; (2) the action that may be taken; (3) his or her right to be heard, either orally or in writing, by the Board or by a tribunal or committee appointed by the Board at a

meeting of the Board which is at least fifteen (15) days after the date of the notice; (4) the date on which the hearing will be scheduled; and (5) the Board's right to proceed with or without a hearing, at its discretion, to make its determination of the allegations contained in the Complaint based on all relevant facts and circumstances, if the Respondent fails to appear at the specified date and time or otherwise respond to the Complaint. **The Board may determine that the Respondent's failure to respond or appear at the hearing constitutes a no-contest plea to the Complaint, and enforce the provisions of the Documents and impose and enforce fines as provided herein.**

4. **Hearing.** Each hearing shall be held at the scheduled time, place and date, unless the Respondent has failed to respond or appear at the hearing. The Board may grant continuance(s) for good cause. The Board may: (a) exercise its discretion as to the specific manner in which a hearing shall be conducted; (b) question witnesses and review evidence; and (c) act as it may deem appropriate or desirable to permit the Board to reach a just decision. Neither the Complainant nor the Respondent must be in attendance at the hearing, but both are encouraged to attend. The Respondent shall have the right, personally or by representative, to give testimony orally, in writing or both. Any party may elect not to present evidence at the hearing. Action taken by the Board shall be fair and reasonable taking into consideration all of the relevant facts and circumstances. Each hearing shall be open to attendance by all Members of the VAC.

5. **Decision.** If the Respondent does not appear but a written response is filed, the Board shall render its decision based on the information contained in the Complaint and the written response, considering all of the relevant facts and circumstances. If neither an appearance nor a written response is made, the Board need not conduct a hearing or make any further findings except that it may determine that the Respondent's failure to appear or respond constitutes a waiver of the right to a hearing, and a no-contest plea to the Complaint, and impose the sanctions provided for herein or enforce the provisions of the Documents, or both. If an appearance is made, after all testimony and other evidence has been presented to the Board at a hearing, the Board shall render its decision(s), taking into consideration all of the relevant facts and circumstances. Except as provided herein, the Board's decision shall have an effective date no sooner than five (5) days after the hearing. If the Board does not inform the Respondent of its decision at the time of the hearing, or if no hearing is held, the Board will provide a written notice of the decision to the Respondent's address of record via regular U.S. mail within ten (10) days after the decision is made. If the decision is made by a committee or tribunal other than the Board, the Respondent shall have the right to appeal to the Board from the decision of such committee or tribunal by filing a written notice of appeal with the Board within ten (10) days after being notified of the decision. The Board shall conduct a hearing within forty-five (45) days thereafter, giving the same notice and observing the same procedures as were required for the original hearing. All decisions of the Board shall be final and binding.

6. **Enforcement, Attorney's Fees, and Fines/Sanctions.** The provisions of these Policies and Procedures shall not limit, or be a condition precedent to, the VAC's right to enforce

the Documents by any means available to the VAC, including, but not limited to, commencement of a lawsuit to force compliance or seeking injunctive relief or damages. The VAC shall be entitled to reimbursement of all reasonable attorney's fees and costs incurred by the VAC in connection with any enforcement action, including any proceeding under these Policies and Procedures. Without limiting the VAC's remedies under the Documents, the VAC may assess fines and suspend membership privileges in accordance with these Policies and Procedures. If the violation involves damage to VAC property, the violator shall pay the costs of repair or replacement. The Board may revoke or suspend the violator's privileges for a period of time equal to the duration of the violation, except that any suspension of voting rights of a Member shall not exceed 60 days following any violation by such Member unless such violation is a continuing violation, in which case such suspension may continue for so long as such violation continues and for up to 60 days thereafter.

- (a) Fines may be levied for violations of the Documents as follows:

<u>Number of violations in a 12 month period</u>	<u>Fine Amount</u>
First violation:	Written Warning
Second violation:	\$25
Third violation:	\$100
Fourth and subsequent violations:	\$100 each

A Member or guest who accumulates more than 4 violations of the same type within a 12 month period will be deemed to be an habitual offender. Without limiting the Board's ability to fine or suspend membership privileges in accordance with these Policies and Procedures, habitual offenders, continuing violations, or violations which have an indefinite commencement or termination date, shall all be subject to a fine of \$100 per month until the violation is corrected, and suspension of membership privileges as determined by the Board. Further, in the event of a determination by the Board of a willful, wanton or flagrant disregard for the provisions of the Documents, or based on the severity of the violation, the Board may impose such additional fines as are deemed reasonable by the Board without regard to the schedule set forth above, except that such fines shall not exceed \$100 for each violation. Each fine shall be due within thirty (30) days after the Respondent receives written notice thereof from the Board.

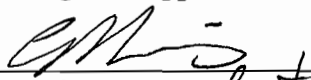
- (b) In the event that any Guest violates the Documents and a fine is imposed, the fine shall first be assessed against the violator; provided, however, that if the fine is not paid by the violator within the time provided for above, the Owner shall pay the fine upon notice from the Board. Fines imposed pursuant to these enforcement policies and procedures shall become a Default Assessment imposed against the record Owner's real estate and enforceable by collection against an Owner's agent or property management company, or as otherwise provided in the Declaration.

7. Violations or Offenses that Constitute a Present Danger. If, in its sole discretion, the Board deems that any violation is or may be an immediate or substantial threat to the health, safety or welfare of the community or an individual, the Board may impose any appropriate sanction as necessary to abate the threat to health, safety or welfare of the community or individual without prior compliance with Sections 1 through 6 above.


8. Miscellaneous.

- (a) Failure by the VAC to enforce any provision of these Policies and Procedures shall in no event be deemed to be a waiver of the right to do so thereafter.
- (b) The provisions of these Policies and Procedures shall be independent and severable. The invalidity of any one or more of the provisions hereof by judgment or court order or decree shall in no way affect the validity or enforceability of any of the other provisions, which other provisions shall remain in full force and effect.

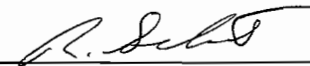
The Village at Copper Association, Inc.

By:  President
vice president

Attest


Secretary

This Notice and Hearing and Enforcement Policy and Procedures was adopted by the Board of Directors on the 28 day of April, 2006, effective the 28 day of April, 2006, and is attested to by the Secretary of The Village at Copper Association, Inc.


Secretary