

RESOLUTION OF THE
INDIAN CREEK ASSOCIATION
REGARDING PICKUP TRUCKS AND VANS

RECITALS:

1. The Board of Directors of The INDIAN CREEK ASSOCIATION ("Association") wishes to adopt a policy with respect to the restriction imposed on the parking of certain trucks and vans within the Community.
2. Article VII, Section 17 of the Declaration of Covenants, Conditions, and Restrictions recorded with the Clerk and Recorder for the City and County of Denver on October 21, 1982 ("Declaration") prohibits parking trucks or any type of van on the Lots within the Community.
3. The Board of Directors acknowledges:
 - a. Its obligation to enforce the provisions contained in the Declaration.
 - b. Many of the Association's Members use small trucks and vans (pickups, minivans, and similar sport utility vehicles) in lieu of passenger cars for general transportation, the prevalence of which was not the case in 1982.
 - c. The majority of the Association's Members may not object to residents parking their pickup trucks, minivans, or similar sport utility vehicles within the Community in the same manner in which the residents may park their passenger cars.
 - d. A minority of the Association's Members may object to residents parking pickups, minivans, and similar sport utility vehicles within the Community.
4. The Board is aware other Associations have sought to enforce rules prohibiting residents from parking pickups within communities located in the Denver Metropolitan area.
5. The Board is also aware that seeking to enforce rules prohibiting residents from parking pickup trucks within a residential community can be expensive and that efforts can create dissention within the community and project the community in a bad light in the media; further, the legal outcome of such cases has been mixed.
6. The Board of Directors, having discussed and considered the issues presented above, have determined that the cost of enforcing the parking rules as they might pertain to small pickups, minivans, and similar utility vehicles exceeds the benefits to the Community of requiring those vehicles to be parked in the garage, or off-site.

7. The Board of Directors does not wish to preclude any of the Association Members from their right to enforce the provisions of Article VII, Section 17 of the Declaration should they deem such action necessary; the Board's desire is to adopt a policy that acknowledges the prevalence of pickups, minivans, and sport utility vehicles and attempts to balance the Association's interest in effectively using the Association's common expense assessments and the rights of a few Members who would prefer not to have pickups, minivans, or other sport utility vehicles parked within the Community.

THEREFORE, IT IS RESOLVED that the Board of Directors will not take legal or equitable action to prevent residents from parking pickups, minivans, or other sport utility vehicles on lots within the Community provided: the vehicle rating does not exceed three-quarter ton; and the vehicle does not otherwise violate the rules contained in the Association's Declaration or its Rules and Regulations.

Nothing set forth above shall apply to the Association's ability to enforce the restrictions on trailers, boats, motor driven cycles, non-functioning vehicles, or the storage of trucks and vans.

Nothing set forth above shall prevent another Member from taking legal or equitable action to enforce the specific provisions of Article VII, Section 17 of the Declaration; and pursuant to 38-33.3-123 C.R.S. to seek reimbursement of attorney fees and costs from the person alleged to be in violation of the Declaration in the event they prevail in their enforcement action.

Date: _____, 2007.

Board Member

Board Member

Board Member

Board Member

Board Member