

SPRING VALLEY PROPERTY OWNERS & RECREATIONAL CORPORATION
Policy Number 320 - DECLARATIONS, COVENANT and RULE
ENFORCEMENT POLICY

Effective January 1, 2010

I. GENERAL

A. In compliance with the Colorado Common Interest Ownership Act and the Declaration of Protective Covenants for Spring Valley Property Owners & Recreational Corporation (SVPORC) hereinafter referred to as the Corporation, the Board of Directors desires to adopt a uniform and systematic policy to address declaration, covenant and rule enforcement.

B. The Corporation hereby adopts the following policies and procedures for declaration, covenant and rule enforcement which will be uniformly enforced:

II. ENFORCEMENT PROCEDURE

The Board shall not impose fines or suspend rights to vote or use any Corporation facilities because of a covenant or rule violation unless and until the Corporation has sent or delivered written notice to the Owner as provided below.

A. Complaint: Any Owner within the community may send the Corporation a formal, written complaint via either electronic mail or regular mail of a declaration, covenant, or rule violation, with as much information as is known. Complaints may also be initiated by any member of the Board of Directors. The Board shall have no obligation to consider oral or anonymous complaints, or complaints deemed by the Board to be unjustified. The Board shall have the authority to determine whether a written complaint is justified before continuing with the Notice and Hearing Procedure.

B. Notice of Alleged Violation: A Notice of Alleged Violation of any provisions of the Declarations, Covenants, Bylaws, Rules and Regulations, or Resolutions shall be provided in writing to the applicable Owner 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, specific date for which it must be corrected, the action required to end the violation and the possible fine that may be imposed, the right to request a hearing before the Board to contest the violation or possible fine, and may further state that the Board may seek to protect its rights as they are specified in the governing legal documents. Notices shall be sent by U.S. Mail, traceable courier, or be hand delivered.

C. 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. If such request is received at least two weeks prior to the next Board meeting, the Owner will be added to the agenda of that meeting. If not, the Board may postpone the request to the following meeting. If the Owner has been previously notified of the alleged violation, has not corrected the violation, and may have a fine levied against him/her, a hearing date shall automatically be set for the next Board meeting. The Owner shall be notified of the date, time and place of the hearing by mail. The Owner will also be given the opportunity to submit a written response to the alleged violation. The request for hearing or other written response shall describe the grounds and basis for challenging the alleged violation or the mitigating circumstances. If the owner fails to respond or attend the hearing, the right to a hearing shall be deemed forever waived. 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. The Board of Directors shall give written notice of said fine to the applicable Owner.

D. Board of Directors to Conduct Hearing: The Board shall hear and decide cases set for hearing pursuant to the procedures set forth herein. The Board may appoint an officer or other Owner to act as the Presiding Officer at any of the hearings. The Board shall determine whether a violation exists and impose fines.

E. Conflicts: Any Board member who is incapable of objective and disinterested consideration on any hearing before the Corporation shall disclose such to the President of the Corporation 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 member shall be disqualified from all proceedings with regard to the hearing. If disqualification of any Board member(s) results in an even number of remaining Board members eligible to hear a case, the Presiding Officer may appoint a Corporation member, in good standing, to serve as a voting member of the hearing board.

F. Hearing: 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 shall have the right, but not the obligation to 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. Unless otherwise determined by the Board of Directors in accordance with the terms of the Colorado Common Interest Ownership Act, all hearings shall be open to attendance by all members of the Corporation. 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.

G. 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 impose a reasonable fine, if applicable, within 14 days after the hearing. A decision, either a finding for or against the Owner, shall be by a majority vote of the Board of Directors present.

III. FINE SCHEDULE

A. The following fines are guidelines for violation of the provisions of the Declaration, Bylaws, Rules and Regulations and Resolutions of the Corporation:

Covenant Rule Violation	Courtesy reminder letter
Continuation After 30 Days	Warning letter/Notice of Hearing
Continuation After 60 Days	\$500.00 per occurrence fine, and continuation of violation increases an additional \$10.00 per day

B. Continuing violations shall be considered a separate occurrence for each day it continues and a per diem fine may be imposed after the hearing until such time as the violation is remedied.

C. Additional fines, as they relate to specific violations of Architectural Standards and Guidelines, are defined in the SVPORC Architectural Control Committee Rules and Regulations.

D. The Board reserves the right to fine for first violations of rules that involve health and safety issues and other violations where a warning may not be deemed necessary by the Board in its reasonable discretion. Additionally, upon prior written notice, the Board reserves the right to levy fines in excess of

the above referenced schedule, if the fines set forth in this schedule are not likely to provide effective incentives to induce compliance.

E. The Board may waive all, or any portion, of the fines if, in its reasonable discretion, such waiver is appropriate under the circumstances. Additionally, the Board may condition waiver of the entire fine, or any portion thereof, upon the violator coming into compliance with the Declaration, Covenants, Bylaws or Rules.

F. All fines shall be due and payable as defined in the SVPORC Collection Policy (Policy Number 310). All fines and late charges shall be considered an assessment and may be collected as set forth in the Corporation's governing documents, policies, or resolutions. Fines shall be in addition to all other remedies available to the Corporation pursuant to the terms of the Corporation's governing documents and Colorado law, including the Corporation's right to collect attorney fees as authorized by Colorado law.

IV. LEGAL ACTION

The Corporation, at any time, may pursue legal action against an Owner to enforce the provisions of the Covenants, Bylaws, rules, or resolutions without first following the preceding notice and hearing procedures, if the Board determines that such action is in the Corporation's best interests.

V. FAILURE TO ENFORCE

Failure of the Corporation to enforce the Covenants, Bylaws, rules, and resolutions will not be deemed a waiver of the right to do so for any subsequent violations or of the right to enforce any of the above referenced governing documents for the Corporation.

VI. AMENDMENTS

This Declaration, Covenant & Rule Enforcement Policy may be amended from time to time by the Board of Directors.

FOR THE EXECUTIVE BOARD OF DIRECTORS:

Z. G. Standing Bear
Corporation President

/s/
Deb Schneider
Secretary