

**Colony Pointe Homeowners Association**  
**Rules and Regulations**  
**March 1, 2002**

The Board of Directors (the "Board") of the Colony Pointe Homeowners Association (the "Association"), acting pursuant to the powers set forth in the Association's Bylaws, Articles of Incorporation, the Declaration of Covenants, Conditions and Restrictions for Colony Pointe P.U.D. (a common interest community) ("the Covenants") (such documents being collectively referred to as the "Association Documents") and the Colorado Common Interest Ownership Act (the "Act"), has enacted the following Rules and Regulations relating to fines for violation of the Association Documents. Unless the context otherwise indicates, words and terms with capitalized first letters shall have the meanings set forth in the Association Documents and, if not defined in the Association Documents, then as set forth in the Act.

**A. Covenant Violations:**

1. **Levying of Fines.** The Board may levy fines against an Owner or a tenant and such Owner's or tenant's Lot because of violations of the Association Documents or other Rules and Regulations adopted by the Association.
2. **Notice of Violation.** Upon the occurrence of an alleged violation, the Association, acting through any authorized agent, shall give written notice of the violation to the Owner or tenant. The notice shall include the following:
  - a. A description of the alleged violation.
  - b. The opportunity to have a hearing before the Board regarding the alleged violation.
  - c. A statement that if the Owner or tenant corrects the alleged violation before the hearing, and so notifies the Board, then no hearing will be held and no fine will be levied.

d. A statement that if the Owner or tenant disputes the alleged violation, such person may appear at a hearing and be heard, and if, following the hearing, the Board finds that the Owner or tenant has violated the Association Documents or other Rules and Regulations then the Board may take any enforcement action provided by the Association Documents and by law, including, but not limited to, the levying of fines under these Rules and Regulations.

e. A statement that if the Owner or tenant does not attend the hearing, or attends the hearing but does not dispute the alleged violation, then the Board may take any enforcement actions provided by the Association Documents and by law, including, but not limited to, the levying of fines under these Rules and Regulations

3. **Delivery of Notice.** The notice of hearing shall be personally delivered or mailed to the Owner or tenant by first class mail, postage prepaid, addressed to the Owner or tenant at records. The notice shall be considered received the earlier of the date of actual receipt by the Owner or tenant or three days after being deposited in the United States mail.

4. **Conduct of Hearing.** The hearing shall be conducted by the Board. At the hearing, the alleged violator shall have the right personally, or by representative, to give testimony, make arguments and submit documentary evidence, subject to reasonable rules of procedure, established by the Board, to assure prompt resolution of issues.

5. **Decision.** The Board may make a decision on the alleged violation at the conclusion of the hearing and advise the alleged violator of the decision if such person is present, or make a decision within 7 days following the hearing, in which case written notice of the decision shall be given to the alleged violator in the same manner in which notice of the hearing was given. If the decision is that a violation has occurred then, in addition to any other enforcement remedies, the Board may levy a fine against the violating Owner or tenant in the amount of **\$15 per day** (or such other amount as the Board may determine to be reasonable). The fine shall commence on the date immediately following the decision and shall continue for the duration of the violation. The Board thereafter shall commence legal action within a reasonable time to collect the unpaid fine together with the Association's costs and attorney's fees. Any such fine shall constitute a lien on the Lot of the violating Owner or tenant as provided in the Covenants, and the Association shall have all collection remedies provided in the Association Documents and provided by law, which remedies shall be cumulative.

## **B. Delinquent Accounts:**

1. A late fee of \$25 per month will be applied when an account becomes 30 days past due.

## **C. Pet Control:**

1. Pets must be restrained by a leash within Colony Pointe, when not on the pet owner's property.
2. Pet owners are responsible for removing their pets' excrement from all lots and common areas in Colony Pointe.

Violation of this policy is subject to the same fine system that is used to enforce other documents of the Association.

These Rules and Regulations were adopted by the Board of Directors on March 1, 2002.

Colony Pointe Board of Directors