

Hamilton Creek Association Procedures and Fines for Infractions

The Board of Directors of the Hamilton Creek Association, through the powers granted by the Articles of Incorporation, Declaration of Covenants, Conditions and Restrictions for Hamilton Creek, and Bylaws (Article VII, Section 1.a), hereby establishes the following procedures and fines for infractions. Infractions are defined in the above documents. Additional definitions and updates are included in the Declaration of Protective Covenants, Design Guidelines, Rules and Regulations and modifications to these documents as done from time to time by the Board of Directions.

Notification and Process

1. When an infraction is observed, any Board member, the Association manager, or a representative of the Association shall contact the property owner who is in violation. Property managers contracted by the owner and tenants using the property are representatives of the owner and a contact of these parties shall be considered notification of the owner. This contact may be either oral through a personal visit or telephone, or by written letter mailed, emailed or faxed to the owner or representative.
2. If the violation has not been corrected after the first notification, any Board member, the Association manager, or a representative of the Association shall by mail, email or fax deliver a formal written notice of the violation and indicate the Association will take enforcement action in accordance with the documents of the Association. This notice shall be no sooner than 10 day following the first notification. However, the 10-day period shall be eliminated should emergency circumstances warrant earlier action.
3. Should the violation not be corrected after the first and second notifications, the owner shall be notified of a hearing to be held by the Board to impose penalties for the violation. This notification shall be no sooner than 10 days following the second notification. However, the 10-day period shall be eliminated should emergency circumstances warrant earlier action. The owner shall be provided a minimum notice of five working days regarding the hearing. Notice of the hearing shall be provided to the best known address of the owner or his representative as provided to the Board of Directors by the owner. The notice will list the violation(s), the penalties that can be imposed, location of the hearing, and notify the owner that legal counsel may represent him.

4. Following proper notice, a hearing of a quorum of Board members will be held with the owner, and/or the representative of the owner, and/or the legal counsel of the owner. The hearing may be at a designated meeting location, by telephone or electronic communication, or a combination of these.
5. After the hearing, a quorum of the Board may impose any and all penalties available to them by Colorado law and the Documents of the Association.

Fines

The Board of Directors may impose any and all penalties available to them by Colorado law and the Documents of the Association for infractions. The following schedule of fines is hereby established as authorized by the Bylaws (Article VII, Section 1, a.). The fines are part of the penalties that may be imposed by the Association for infractions. The Board of Directors, at any regular or special meeting, may modify the schedule of fines as necessary.

Non-continuing violation. Fine of \$100

Continuing violation. Fine of \$100 + \$10 per day until the day the infraction is corrected.

Adopted by the Hamilton Creek Association on May 24, 2000.

By: _____
President

Attested: _____
Secretary