

FOXTAIL PINES OWNERS ASSOCIATION

NOTICE AND HEARING AND ENFORCEMENT POLICY AND PROCEDURES

Adopted August 1, 2026

The following policy and procedures have been adopted by Foxtail Pines Owners Association ("Association") pursuant to C.R.S. 38-33.3-209.5, at the annual meeting of the members of the Association.

It is understood that the Association may enforce the Association's Documents against the Members and the Members are liable and responsible for all violations by themselves, their family, guests, tenants and invitees. It is recommended that Members use a lease that contains a provision that their tenant will comply with the Association Documents as a covenant of the lease, and a violation thereof is a breach of the lease.

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

1. **Power.** The Board of Directors shall have the power and duty to hear and make decisions regarding violations of the Association's Documents after a written Complaint is filed with the Board; and to 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 such action as it may deem necessary and appropriate to ensure compliance with the Declaration of Covenants, Restrictions, Easements, Charges and liens for Foxtail Pines, the Association's Articles of Incorporation, Bylaws, and Rules and Regulations promulgated there under (collectively referred to as Documents), in order to create a safe and harmonious living environment.

This Enforcement Policy may be in addition to other specific provisions outlined in the Documents. The Association shall follow this Enforcement Policy before seeking such other remedies. The Association may choose a legal remedy or seek assistance from other enforcement authorities, such as police, fire, or animal control, as it deems appropriate in the event of an emergency.

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 filing of a written Complaint with or by the Association'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 that do not constitute a present danger and that action is warranted, the Association shall send a notice to the Member(s) (the "Respondent") alleged to have violated the Documents, by certified mail, return receipt requested, addressed to the mailing address of the Respondent appearing on the records of the Association. The written notice, in English and in any language that the Respondent has indicated a preference for correspondence, shall notify the Respondent of the violation, the action to be taken to cure the violation and that said Respondent has thirty (30) days to cure the violation or the Association, after conducting an inspection and determining that the Respondent has not cured the violation, may fine the Respondent. Said fines shall be limited to not greater than Five Hundred Dollars (\$500.00) and the Respondent shall have the right to request a hearing at a mutually agreeable place and date and with at least ten (10) days prior notice.

If the Respondent cures the violation within the period to cure afforded the Respondent, the Respondent may notify the Association of the cure and, if the Respondent sends with the notice visual evidence that the violation has been cured, the violation is deemed cured on the date that the Respondent sends the notice. If the

Respondent's notice does not include visual evidence that the violation has been cured, the Association shall inspect as soon as practicable to determine if the violation has been cured.

If the Association does not receive notice from the Respondent that the violation has been cured, the Association shall inspect within seven (7) days after the expiration of the thirty-day cure period to determine if the violation has been cured. If, after the inspection and whether or not the Association received notice from the Respondent that the violation was cured, the Association determines that the violation has not been cured: (A) A second thirty-day period to cure commences if only one thirty-day period to cure has elapsed; or (B) The Association may take legal action pursuant to this Policy if two thirty-day periods to cure have elapsed.

4. **Hearing.** In addition to the cure periods provided for herein, the Respondent's right to be heard, either orally or in writing, by the Board. The hearing shall be held at mutually agreeable place and date. 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. Any party may elect not to present evidence at the hearing. The action taken by the Board shall be fair and reasonable taking into consideration all of the relevant facts and circumstances. The hearing shall be open to attendance by all Members of the Association.
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 take any further evidence except that it may determine that the Respondent's failure to appear or respond constitutes a no-contest plea to the Complaint, and impose the sanctions provided herein or enforce the provisions of the Documents, or both. If an appearance or written response is made, then after all testimony and other evidence has been presented to the Board at a hearing, the Board shall make findings of fact and render its decision as to sanctions and enforcement, 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 decision to the Respondent's address of record via regular U.S. mail within five (5) days after the hearing.
6. **Enforcement, Attorney's Fees, and Fines/Sanctions.** The Association shall have all of the enforcement rights set forth in the Documents and as allowed by law, including but not limited to damages and injunction. The Association shall be entitled to reimbursement of all reasonable attorney's fees and costs incurred by the Association in connection with any enforcement action, including any proceeding under this Enforcement Policy. Without limiting the Association's remedies under the Documents, the Association may assess fines and suspend membership privileges in accordance with this Enforcement Policy. If the violation involves damage to Association property or the property of another Member, the violator shall pay the costs of repair or replacement. The Board may suspend the violator's voting privileges for a period of time not to exceed 90 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 90 days thereafter.
 - a. Fines may be levied for violations of the Documents as follows:

Number of Violations in a 12 month period	Fine Amount
First Violation	Warning
Second Violation	\$25.00
Third Violation	\$50.00
Fourth Violation	\$100.00

A Member who accumulates more than 4 violations within a 12 month period shall be deemed to be a habitual offender. Without limiting the Board's ability to fine or suspend membership privileges (as allowed by the Documents) in accordance with this Enforcement Policy, 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 allowed by the Documents) 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.

- b. The Member shall have the obligation to pay fines imposed for their actions and actions of their tenants, family members, and guests. Fines imposed pursuant to these enforcement policies and procedures shall become an "assessment" imposed against the Member and the Member's tract and enforceable as 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 Association shall provide the Member written notice, in English and in any language that the Member has indicated a preference for correspondence and notices, of the violation informing the Member that the Member has seventy-two (72) hours to cure the violation or the Association may fine the Member. If, after an inspection, the Association determines that the Member has not cured the violation within seventy-two (72) hours after receiving the notice, the Association may impose a fine of Two Hundred Fifty Dollars (\$250.00) on the Member every other day and may take legal action against the Member for the violation; except that the Association shall not pursue foreclosure against the Member based on fines owed.

8. **Miscellaneous.**

- a. Failure by the Association 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 this Enforcement Policy 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.
- c. Once a Member cures a violation, the Association shall notify the Member in English and in any language that the Member has indicated a preference for correspondence and notices, that the Member will not be further fined with regard to the violation and of any outstanding fine balance that the Member still owes the Association.

Foxtail Pines Owners Association

By: _____
Spencer Thomas, President

Attest

Jim Dietvorst, Secretary

This Notice and Hearing and Enforcement Policy and Procedures was adopted by the Board of Directors at the annual meeting of the members of the Association held on the 1st day of August, 2026 , for that purpose; and is effective the 1st day of August, 2026, and is attested to by the Secretary of Foxtail Pines Owners Association.

Jim Dietvorst, Secretary