

**COMBINED POLICIES AND PROCEDURES FOR (1) ENFORCEMENT OF COVENANTS & RULES, (2) ADOPTION OF RULES, POLICIES AND PROCEDURES, AND (3) DISPUTE RESOLUTION**  
**MARINA PLACE CONDOMINIUM ASSOCIATION**

**PREAMBLE**

- I. The Marina Place Condominium Association (MPCA) shall keep a list of Rules and Regulations, and Policies and Procedures which will supplement all rules and covenants found in the Articles, By-Laws and in the Declarations of the MPCA. The Rules and Regulations, and Policies and Procedures for Marina Place Condominium Association are on file with the Management Company and posted on the Association website at [marinaplace.org](http://marinaplace.org) and are otherwise maintained and available for inspection and copying in accordance with MPCA's Records Policy.
- II. Any rule, policy or procedure enactment, repeal or change shall be approved by a majority vote of Board of Managers (BOM) at a meeting at which a quorum is present, either in person or by proxy, unless otherwise required by the governing documents or applicable law, and shall take effect as determined by the BOM. Owners will be notified of such changes. Notice to one owner of a unit shall be deemed to be notice to all owners of the unit, and each owner is responsible for knowing the rules. Failure to exercise this responsibility is not a defense to remediation, assessments, fines, or to legal action.
- III. A violation of an Article, By-Law, Declaration, the Rules and Regulations, or Policies and Procedures by a tenant or a guest shall be deemed to be the acts of the owner for the purposes of assessment of penalties, for assessing remediation costs or costs of other remedies. If a unit has multiple owners, enforcement may be against the property or one or more owner.
- IV. Rules and Regulations, Policies and Procedures shall remain in perpetual effect, or until amended or repealed.
- V. Violations of a local ordinance or state statute may be enforced by the locality without regard to any remedies pursued by the MPCA.
- VI. The procedures described below shall not apply to those sections of the Articles, Declarations and By-Laws or Policies dealing with assessments and the payment and collection thereof, including without limitation all actions to collect delinquent assessments.
- VII. If a violation of the parking rules has occurred, and the vehicle operator is either unwilling or unavailable to rectify the situation, the property manager may arrange for the vehicle to be towed by a professional at the expense of the vehicle owner/operator (as specified in the Rules and Regulations). Repeated parking violations will be cause for initiation of the Formal Written and Penalty Assessment Process described below, in addition to towing as necessary.
- VIII. The BOM of the Association hereby establishes the following procedures for the resolution of alleged violations of noncompliance with the Articles, Declarations, Bylaws, the Rules and Regulations, or the Policies and Procedures by an owner, guest, or tenant. The procedure for dealing with alleged violations involves three levels to be pursued in the following sequence. If the alleged violations are not resolved, the subsequent action as outlined below will be taken. Progression through these stages will be terminated at the stage in progress when the alleged violation is satisfactorily addressed.
  1. Informal verbal notification of the owner, guest, or tenant by the property manager (or property manager's agent).

In the event of an apparent violation of the rules contained in any of the documents mentioned above, the property manager (or resident manager) should be notified. The property manager (or acting agent) will request an owner, guest, or tenant to cease, desist, or correct any act or omission which appears to be in violation of these rules. Prompt correction or adequate explanation of the alleged violation to the satisfaction of the property manager will terminate further progression through the resolution process for the current violation. This verbal request should be considered to be a friendly reminder that occupants of the unit appear to have violated the Association policies and procedures.

2. Verbal and written notice to the owner by the property manager, Board of managers, or Management company as outlined below.

If the alleged violation is not corrected, or is repeated on another occasion, the property manager should be notified. If the manager is satisfied that there is a violation, the manager shall notify the owner in person or by telephone. The property manager, may, but is not required to do so, also notify the tenant or guest responsible for the violation. A written notice of the complaint also shall be sent to the owner by returned receipt electronic mail. If there is no electronic mail address, the written notice shall be sent to the owner by certified mail, return receipt requested to the last registered address of the owner as contained in the Association's records. The notice shall give details of the alleged violation, the date the violation was detected, the amount of the fine which might be levied if the violation is not corrected, that a hearing may be requested with 10 business days of receipt of the written notice of violation, that the owner or the owner's designated representative may attend the hearing and shall have the opportunity to be heard and to present evidence, and that if the owner or its designated representative fails to request a or attend the hearing, a violation may be found and penalties assessed.

Service on one owner of a unit shall be service on all owners. Service by mail shall be complete and effective ten (10) business days after notice is mailed to an owner's last known address (service date). No order, penalty or decision adversely affecting the rights of the owner shall be made unless the owner was served as provided herein, and given an opportunity to be heard as described below. Note that it is not necessary for the owner to actually receive the notice, only that the notice be mailed as stated above. The BOM may rely on the accuracy of the address list of owners kept in the offices of the property manager. It is the owner's obligation to keep the property manager notified of any change of address. Failure to do so will not affect the validity of service.

If, within ten (10) business days after the service date the owner has not rectified the apparent violation to the satisfaction of the BOM or the property manager, or has not requested a hearing, then the assessment described in the written complaint is automatically levied (procedure described below).

3. Formal Hearing with the Board of Managers.

If the BOM or the property manager is notified within ten (10) business days after the service date that the owner desires a hearing, the property manager will schedule this hearing with at least 2 members of the BOM or at least 1 member of the BOM and the property manager or his/her agent (the Panel). The hearing may be conducted in person or by means of a telephone conference, and will normally take place within fourteen (14) days from the service date. The owner and/or the owner's representative must attend the hearing, and may have witnesses present. If the owner or the owner's designated representative attends the hearing, such person shall be heard and be permitted to submit documentary and other evidence. The board may place reasonable time restrictions on those persons speaking during the hearing, and impose other reasonable hearing procedures and limitations. Failure of the owner or owner's designated representative to attend a scheduled hearing will result in a decision against the owner.

The Panel may confer with witnesses or with other members of the BOM or the

management company before rendering a decision. A final decision will be made within five (5) business days after the hearing, and the owner will be notified verbally and in writing of the Panel's decision.

No lawsuit between an owner(s) and the Association, or its Directors and officers regarding a violation of a provision of the Association's governing documents, including without limitation its rules and regulations, or applicable law may be commenced and maintained until such matter has been submitted to non-binding mediation to be held within Summit County. Mediation is an attempt to bring about a peaceful settlement or compromise between disputants through the objective intervention of a neutral party. The mediator shall be mutually selected by the parties. If the parties cannot within 30 days agree to a mediator, a mediator shall be selected by and from Judicial Arbitrator Group. The parties shall share equally the cost of such mediation. Notwithstanding the foregoing, the parties involved do not waive their rights to seek and obtain extraordinary judicial relief, including a temporary restraining order or temporary injunction, if such relief is necessary before a mediation may be held to protect or preserve a party's legal rights, or for the Association to protect or preserve the health, welfare or safety of the Association, the common elements, units or members.

### **ASSESSMENT OF PENALTIES**

I. If the hearing panel decides against the owner and that a violation has occurred, then a penalty will be assessed and the owner notified in writing.

II. The penalty for violating any of the rules shall be:

First offence	\$ 50.00
Second offence	\$ 100.00
Three or more offenses	\$ 150.00

If, after the opportunity to be heard, a violation or series of violations is deemed to have occurred, the fine(s) shall be assessed from the date of the first violation. Where the violation is a single incident (e.g. loud noise or glass containers in the hot tub area), the above penalties are meant to apply. Where the offense is a continuing one (e.g. an unauthorized pet kept on the premises) the penalty may be \$25.00 per day until resolution of the violation. Assessments of penalties may be waived in part or adjusted downward at the exclusive discretion of the BOM on a case-by-case basis. Waiver or adjustment in one case may not set precedent in any other case involving similar circumstances.

III. The penalty for violating an Architectural Review Rule as specified in the Marina Place Condominium Association Amended and Restated Rules and Regulations or any Architectural Review Rule shall be:

First offence	\$ 500.00
Second offence	\$ 1,000.00
Three or more offenses	\$ 1,500.00

IV. Any fine or penalty assessed as a result of a written notice and the waiving of a formal hearing, or as a result of the Panel's decision following a hearing as aforesaid, if not voluntarily paid to the Association before the next scheduled payment of dues, will be added to the next billing statement and is payable within 30 days thereafter. Any unpaid amount shall be charged against the owner's property and will be collectible as any other debt or assessment charged against the property. Nothing herein shall operate to limit the Association's remedies.

This combined policies and procedures constitute the Association's policies and procedures concerning (1) enforcement of covenants and rules; (2) adoption of rules, regulations and procedures; and (3) dispute resolution, all in accordance with § 38-33.3-209.5, C.R.S.