

**RESOLUTION  
OF LINCOLN CREEK VILLAGE  
HOMEOWNERS' ASSOCIATION, INC. ("Association")  
REGARDING POLICIES AND PROCEDURES FOR  
COVENANT AND RULE ENFORCEMENT**

**SUBJECT:** Adoption of a policy regarding the enforcement of covenants and rules and procedures for the notice of alleged violations, conduct of hearings and imposition of fines.

**PURPOSE:** To adopt a uniform procedure to be followed when enforcing covenants and rules to facilitate the efficient operation of the Association.

**AUTHORITY:** The Supplemental Declaration of Covenants, Conditions and Restrictions for The Bluffs, The Colony and The Courtyard Homes at Lincoln Creek Village ("Declaration"), Bylaws and Articles of the Association and Colorado law.

**EFFECTIVE DATE:** September 19, 2007

**RESOLUTION:** The Association hereby adopts the following procedures to be followed when enforcing the covenants and rules of the Association:

1. Enforcement. The Association, the Declarant, the Developers and any Owner shall have the right to enforce any proceedings, at law or equity, each covenant, condition, restriction and reservation, now or hereafter, imposed by the Declaration. Failure by the Association, the Declarant, the Developers or any Owner to enforce any covenant, condition, restriction or reservation contained in the Declaration shall not be deemed a waiver of the right to do so thereafter.

2. Enforcement Rights. In the event of an alleged violation by an Owner or a Related User of an Owner ("Respondent") of the Declaration, the Bylaws or the Rules and Regulations of the Association, as applicable, the Board of Directors shall have the right, upon an affirmative vote of a majority of all directors on the Board of Directors, to take any one or more of the actions and to pursue one or more of the remedies permitted under the provisions of the Declaration, the Bylaws, or the Rules and Regulations of the Association. If, under the provisions of the Declaration, the Bylaws, or such Rules and Regulations, notice and hearing is required prior to taking action or pursuing remedies, appropriate notice shall be given. The failure of the Board of Directors to enforce the Rules and Regulations of the Association, if any, the Bylaws or the Declaration shall not constitute a waiver of the right to enforce the same thereafter. The remedies set forth and provided in the Declaration, the Rules and Regulations of the Association, if any, or the Bylaws shall be cumulative and none shall be exclusive. However, any individual Owner must exhaust all available internal remedies of the Association prescribed by the Declaration, the Bylaws and the Rules and Regulations of the Association before that Owner may resort to any legal proceeding for relief with respect to any alleged violation by another Owner of the Declaration, the Bylaws or the Rules and Regulations of the

dburry  
10/15/2013, 7:31AM  
VIEWED

lmoss  
10/21/2013, 9:29AM  
WEB ENTERED

tdorth  
10/08/2013, 8:25AM  
PENDING ENTRY

rbrown  
10/15/2013, 11:06AM  
HW ENTERED

Association, as applicable, provided that the foregoing limitation pertaining to exhausting administrative remedies shall not apply to the Board of Directors or to any Owner where the complaint alleges nonpayment of General Assessments, Supplemental Assessments, Reimbursement Assessments or Force Majeure Assessments.

3. Effect of Nonpayment of Assessments; Remedies of Association. Any Assessment (whether General, Supplemental, Reimbursement or Force Majeure) installment not paid within ten (10) days after the due date shall be delinquent. Thereupon, the Association shall provide notice of such delinquency pursuant to Article 8 of the Declaration and may (a) declare the entire balance of such General, Supplemental, Reimbursement or Force Majeure Assessment due and payable in full; (b) charge interest from the due date at the percentage rate specified in Section 8.11 of the Declaration; (c) give notice, to the Owner that in the event payment with accrued interest is not paid within thirty (30) days from the date of such notice, then the express contractual lien provided for in the Declaration shall be foreclosed; or (d) upon giving notice to the Owner, suspend the right of such Owner to vote until the Assessment and accrued interest are paid in full. The Association shall have the same remedies described in this section in the event that any Reimbursement Assessment is not paid within thirty (30) days after notice to the Owner of the Assessment.

4. Other Enforcement Means. The policies and procedures adopted herein shall not preclude the Association from using any other enforcement means.

5. Definitions. Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration or Bylaws shall have the same meaning herein.

6. Supplement to Law. The provisions of this Resolution shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Colorado governing the Project.

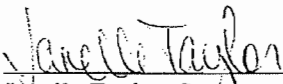
7. Deviations. The Board of Directors may deviate from the procedures set forth in this Resolution if in its sole discretion such deviation is reasonable under the circumstances.


8. Amendment. This policy may be amended from time to time by the Board of Directors.

IN WITNESS WHEREOF, the undersigned governing Association, has executed and adopted this instrument effective the date and year first stated above.

LINCOLN CREEK VILLAGE  
HOMEOWNERS' ASSOCIATION, INC.  
a Colorado nonprofit corporation

Attest:

  
\_\_\_\_\_  
Janelle Taylor, Secretary

By   
\_\_\_\_\_  
Craig Pottenger, President