

COVENANT VIOLATION HEARING POLICY

The purpose of this policy is to establish a uniform procedure for conducting hearings for violations of the Association's governing documents.

The following procedures have been adopted pursuant to the provisions of C.R.S. 38-33.3-209.5

EFFECTIVE DATE: May 16, 2015

1. **Hearing Request**. An owner may appeal any violation of the Association's Governing Documents (as defined in the Declaration of Protective Restrictions and Enforcement of Covenants and Rules Including Notice and Hearing Procedures and Schedule of Fines) to the Board by emailing, mailing or faxing a written request for a hearing to the Association Board within ten (10) days of the date of the Notice of Violation. Providing such notice shall have the effect of pausing any deadlines set by the Association's policy until such time the hearing is completed and the Owner is informed of the decision.
2. **Notice of Hearing**. If a hearing is requested in a timely manner by the Owner, the Board shall send a written "Notice of Hearing" to the Owner setting forth the date, time, and place of the hearing. Unless otherwise determined by the Board, the hearing shall be held during the next regularly scheduled Board meeting that is at least ten (10) days after the date of the Notice of Hearing, The Board shall mail the Notice of Hearing to the Owner at least ten (10) days prior to the hearing date.
3. **Hearing Committee**. Each hearing shall be held by a "Hearing Committee". The Hearing Committee shall consist of a person or persons appointed by the Board, which may be the Board itself, who do not have any direct personal or financial interest in the outcome of the hearing. A person is deemed not to have a direct personal or financial interest if he/she will not receive any greater benefit or detriment from the outcome than will the general membership of the Association.
4. **Hearing**. Each hearing shall be held as scheduled in the Notice of Hearing. The Hearing Committee may: (a) exercise its discretion as to the specific manner in which the hearing shall be conducted; (b) question witnesses and review evidence; and (c) act as it may deem appropriate or desirable to permit it to reach a just decision. Each hearing shall be open to attendance by all members of the association.
5. **Decision**. Any decision by the Hearing Committee shall be fair and reasonable taking into consideration all of the relevant facts and circumstances presented at the hearing. If the Hearing Committee does not inform the Owner of its decision at the time of the hearing, the Hearing Committee shall mail written notice of the decision to the Owner within five (5) days after the decision is made.

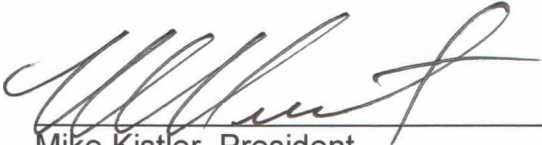
6. **Failure to Appear**. If the Owner fails to appear at the hearing, the Hearing Committee need not conduct a hearing or make any further findings except that it may determine that the Owner's failure to appear constitutes a waiver of the right to a hearing.
7. **Continuance**. The Board may grant a continuance of a hearing at any time.
8. **Definitions**. Unless otherwise defined in this Policy, capitalized terms defined in the Declaration of Protective Restrictions and Enforcement of Covenants and Rules Including Notice and Hearing Procedures and Schedule of Fines shall have the same meaning herein.
9. **Supplement to Law**. The provisions of this Policy shall be in addition to and in supplement of the terms and provisions of the Declarations of Protective Restrictions and Colorado law,
10. **Amendment**. This Policy may be amended from time to time by the Board of Directors.

PRESIDENT'S CERTIFICATION:

The undersigned, being President of the Indian Camp Ranch Homeowners Association, Inc., certifies that the foregoing Covenant Violation Hearing Policy was adopted by the Board of Directors of the Association at a duly called and held meeting of the Board of May 16, 2015, and in witness thereof the undersigned has subscribed his/her name.

Indian Camp Ranch Homeowners Association, Inc.

By:


Mike Kistler, President