

THE RANCH PROPERTY OWNERS ASSOCIATION ( "RPOA" )

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A Policy Statement of the RPOA Board of Directors

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**Purpose:** The RPOA Board of Directors enacts this statement of its policy: (A.) to promote the peace, health, comfort, safety and general welfare of all RPOA members and owners; and (B.) to preserve and enhance the charm and natural beauty of the common areas in The Ranch and enhance the values of all properties located in The Ranch.

**Authority:** The RPOA Board of Directors is authorized, among other things, to enforce the declarations and covenants applicable to all real property located within The Ranch. In that regard, it may enter upon any lot to enforce declarations and covenants, or as provided therein, levy fines after notice and an opportunity for a hearing, commence or maintain suits to restrain or enjoin breaches of the declarations, covenants, and any rules or regulations.

**General Policy:** It is the general policy of the RPOA Board of Directors to enforce the applicable RPOA declarations and covenants, its rules and regulations in a non-discriminatory manner in respect to race, religion, age, ethnic orientation or other legally protected bases. Further, all actions of enforcement taken pursuant hereto shall be undertaken with fair and equitable due process toward any accused member or other person. Except where the identity of the accused person is unknown---as may be the case in respect to parking violations---prior notice of an alleged violation and an opportunity for a hearing shall be provided to the accused member or other person before any punitive action shall be commenced. It is the policy of the RPOA board of Directors to seek compliance with applicable declarations, covenants, rules and regulations through education of all members and owners as to their requirements. In considering its actions, the RPOA Board of Directors shall consider the nature of an alleged violation, its frequency, its impact on any nearby property as well as the peace, health, comfort, safety and general welfare of all RPOA members and owners welfare of all RPOA members and owners.

Complaints Alleging Violations: All complaints submitted by owners must be written and signed by the complainant. While a standard form of complaint is desired and can be obtained from any RPOA officer or the RPOA website, [www.rpodurango.com](http://www.rpodurango.com), its use is not mandatory. Nevertheless, the RPOA Board of directors reserves the right to reject any complaint it deems insufficient or spurious.

#### Actions Following Receipt of a Complaint Deemed Complete and Substantive:

1. Telephonic Notice: The RPOA President or Vice President shall give telephonic notice directly to the accused member of the existence of a complaint. If no satisfactory resolution of the matter can be achieved through telephonic communication, such proper officer shall direct the accused member or person to the RPOA website for information about rules, regulations, declarations and covenants applicable to all property in The Ranch, including rights of an accused person to a preliminary hearing and a hearing before the RPOA Board of Directors and request the accused member come into compliance.

#### 2. Telephonic Notice Cannot Be Given:

(A.) Where such notice cannot be given telephonically, written notice of the filing of a complaint shall be given with a request that the accused member contact the RPOA officer or the RPOA agent to discuss the complaint and, if warranted, actions needed to achieve compliance and applicable deadlines for compliance.

(B.) When the identity of an accused violator of parking restrictions cannot be reasonably ascertained, a notice in form substantially the same as Exhibit "A" shall be affixed to the driver's side window, and not the windshield, which shall describe the violation and the approximate date and time after which the vehicle will be towed away at the owner's expense. Towing of a vehicle shall not be undertaken until a period of not less than twenty four (24) hours has expired following the requisite posting of the notice. Additionally, it shall be the responsibility of the RPOA President or Vice President to record the vehicle's license number and to photograph the notice as posted on the vehicle and to note thereon the time and date of the posting. Evidence of the complaint, posting notice, license number, time and date of towing shall be retained for not less than three (3) years in the RPOA official records. Finally, the RPOA President or Vice President shall notify the La Plata County Sheriff's Department prior to towing a vehicle and provide the vehicle's make and license number.

#### 3. When The Accused Violator May Be A Tenant Or Guest:

When the accused violator is a tenant or a guest of a member, notice of the filing of a complaint shall be given to the member who owns the property where the violation is alleged to occur. A rental agent in a landlord/tenant relationship where a violation is alleged to arise also may be notified of the filing of a complaint.

#### 4. Notice of Preliminary Informal Hearing:

If thirty (30) days expires without response from an accused member and owner following written request for telephonic contact or following telephonic communication when the violation is disputed, or upon request from the accused member, notice of a preliminary informal hearing for a date, time and place no sooner than fourteen (14) days shall be given to the accused member. The hearing shall be before a committee of impartial decision makers designated by the RPOA Board of Directors and conducted by the committee chairman. While the accused member may be accompanied by the member's legal counsel, the chairman shall have the discretion to adjourn the hearing to a date, time and place where the RPOA may be represented by its legal counsel. When a hearing is adjourned, reasonable written notice shall be given to all relevant parties of the date, time and place for continuation of the adjourned meeting. Following the conclusion of the preliminary hearing, but not later than ten (10) days thereafter, the committee chairman shall notify the accused member, the complainant and the RPOA Board of Directors of its findings, conclusions and recommendations. The committee shall not impose punitive measures; its role is advisory.

#### 5. Notice of Hearing Before RPOA Board of Directors:

At any time following receipt of a complaint, or upon receipt of a report of the committee holding a preliminary informal hearing, the RPOA Board of Directors may order a hearing on a complaint before a committee of impartial decision makers to determine culpability and, if appropriate, punitive and/or enforcement measures consistent with applicable covenants, declarations, rules or regulations. Notice of the hearing shall be given to the accused member, the complainant and witnesses identified by the complaint (where possible). The notice shall state, among other things, that the accused member shall have the right to be represented by an attorney and that if found culpable of a violation, punitive and/or enforcement measures may be imposed. Also, the notice shall request that if the member intends to be represented by the member's attorney, the member shall notify the RPOA Board of Directors in advance of the hearing. In the absence of such prior notice, the RPOA President or Vice President (if conducting the hearing) may adjourn the hearing to a date, time and place when the RPOA may be represented by its legal counsel. If permissible under applicable law, RPOA legal costs for its representation at the hearing, including any applicable notices, may be imposed on the accused if a violation is determined to exist. In addition, if the hearing is adjourned, reasonable notice of the time, date and place of the continuation of the adjourned hearing shall be given to the accused member, the complainant and relevant witnesses

6. Notice of Findings, Conclusions and Actions, if any, of RPOA Board of Directors Following a Hearing:

Not more than thirty (30) days after a hearing, the RPOA Board of Directors shall notify the accused member, the complainant and any other party deemed relevant of its findings, conclusions and actions, in any.

7. Nature of Actions Which May Be Ordered by RPOA Board of Directors Following Hearing:

No action may be ordered which is in conflict with the covenants and declarations applicable to property within The Ranch. In general, but without limiting possible actions, the following may be ordered:

- (A.) Levy an assessment for reimbursement of its legally permissible costs, including legally permissible legal fees;
- (B.) Levy an assessment for fines permitted pursuant to applicable declarations and covenants;
- (C.) Initiate legal proceedings to collect an assessment levied hereunder;
- (D.) Enforce by lien claim against a culpable member's property if the member fails to pay an assessment following a notice demanding the payment ; or
- (E.) Submit to arbitration unresolved controversies arising from proceedings under this policy statement and in accordance with applicable declarations and covenants.

7. Records Retention In Respect To All Complaints, Notices, Reports of Hearings, etc.:  
RPOA records of a proceeding pursuant to this policy may be maintained in written or electronic form and shall be maintained for not less than three (3) years following conclusion of each proceeding.

Dated: October 19, 2009.

The Board of Directors on behalf of The Ranch  
Property Owners Association:

Attested:

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By : Betsy Peterson,  
Secretary

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By: Myriam Palmer, President