

GREENWOOD VILLAGE COMMUNITY ASSOCIATION

ENFORCEMENT ASSESSMENT PROCEDURE

- A. The owner shall be responsible for any violation of the Declaration, Bylaws or Rules by the owner, guests, or the occupants, including tenants, if any, of his/her unit.
- B. Notwithstanding anything contained in this Procedure, the Board shall have the right to proceed, immediately or otherwise, with legal action for any violation of the Association's governing documents, as the Board, in its sole discretion may determine. The entire cost of effectuating a legal remedy to impose compliance, including court costs and attorney fees, shall be added to the account of the responsible owner.
- C. All costs for extra cleaning and/or repairs stemming from any violation also will be added to the responsible owner's account.
- D. In addition to any other action and in accordance with the procedure outlined in Section E below, actual damages and/or a fine of up to but not exceeding \$50.00 per occurrence, or if the violation is of an ongoing nature, per day, MAY be levied by the Board against an owner in violation.
- E. Prior to the imposition of a fine for a violation, the following procedure will be followed:
 1. Written notice(s) will be served upon the alleged responsible owner specifying:
 - a. A reasonable date by which the owner must cure the violation to avoid the proposed charge or fine; and
 - b. A description of the property damage or violation; and
 - c. The amount of the proposed charge and/or fine; and
 - d. A statement that the owner has a right to, and the procedures to request, a hearing before the Board to contest the proposed charge and/or fine.
 2. To request a hearing, the owner must mail or deliver a written "Request For a Hearing" notice which must be received by the Board not later than the tenth day after receiving the notice required by Item E-1 above.
 - a. If an owner timely requests a hearing, at least seven days prior to the hearing the Board shall provide the owner with a written notice that includes the date, time, and location of the hearing. If the owner fails to make a timely request for a hearing, the right to that hearing is waived, and the charge for damages and/or a fine will be immediately imposed; and
 - b. At the hearing, the Board and alleged responsible owner will have the right to present any evidence. This hearing will be held in Executive Session and proof of hearing, evidence or written notice to the owner to abate action, and intent to impose a fine shall become a part of the hearing minutes. The owner will then receive notice of the Board's decision and any fine imposed within thirty (30) days of the hearing.
 3. If it is determined that an enforcement assessment will be levied, the fine is added to the resident's GVCA account. Fines are not imposed (added to their account), until the 10 days has passed if the hearing is waived, or until the hearing is held and the fine affirmed, whichever comes later. Accounts are past due 30 days after that. Further legal action will be taken as deemed appropriate by GVCA's attorneys.