

**LONGSVIEW HOMEOWNERS ASSOCIATION, INC.**  
**RESOLUTION REGARDING DISPUTE RESOLUTION POLICY AND**  
**PROCEDURES**

WHEREAS, the Longsview Association, a Colorado nonprofit Corporation, by its Board of Directors ("Board"), is charged with the rights and responsibilities to govern the administration of the Association according to the terms of its Declaration of Covenants, Conditions & Restrictions of Longsview ("Declaration"), subject to the Colorado Common Interest Ownership Act, Colo. Rev. Stat. §38-33.3-101 et seq. ("CCIOA"); and,

WHEREAS, Colo. Rev. Stat. §38-33.3-209.5 requires that the Board adopt a policy regarding addressing disputes between the Association and unit owners; and,

WHEREAS, it is the intent that this rule shall be applicable to all members of the Association and this resolution shall remain in effect until otherwise rescinded, modified or amended by a majority of the Board of Directors;

NOW, THEREFORE, Be it resolved that the following responsible governance policy on dispute resolution is hereby adopted by the Board of Directors:

The Board of Directors believes that the cost, complexity, and delay inherent in court proceedings make litigation an inefficient means of resolving neighbor disputes. Therefore, the Association, through its Board of Directors and Managing Agent, encourages the use of alternative methods to the filing of a complaint in the judicial system between unit owners and the Association in situations that do not involve an imminent threat to the peace, health, or safety of the community. Alternative methods adopted by the Board of Directors include negotiation and mediation. **Throughout the dispute resolution process, the parties are not waiving their right to employ legal counsel at their own expense to assist them.**

**Negotiation:** Either a unit owner or the Association, through its Board of Directors, may initiate a request for dispute resolution, stating in writing the nature and details of the dispute. Within 15 days of receipt of such request, unless otherwise extended by written agreement, a meeting shall be held between the parties to begin a good faith attempt to negotiate a resolution. Through negotiations, the parties will communicate directly with each other in an effort to reach an agreement that serves the interests of both parties. Should the dispute pertain to property issues, each party will be granted the right to inspect the alleged defects or problems at a time convenient to everyone involved.

**Mediation:** If the dispute is not resolved by negotiation, any party may request in writing that the issue be submitted to mediation. The parties will then agree to mediate the dispute prior to seeking other remedies. The parties agree to participate in good faith in the mediation. The role of the mediator is to facilitate further negotiation between the parties. **The mediator will not have power to decide how to resolve the dispute,** but will use recognized, accepted mediation techniques to assist the parties in making that decision. The mediator shall be selected by a consensus of the parties involved. **Any cost of mediation will be shared equally among the parties unless they and the mediator agree otherwise.**

PRESIDENT'S

CERTIFICATION: The undersigned, being the President of the Longsview Homeowners Association, Inc., a Colorado non-profit corporation, certifies that the foregoing Resolution was adopted by the Board of Directors of the Association, at a duly called and conducted meeting of the Board of Directors on, 4/15/17 and in witness thereof, the undersigned has subscribed his/her name.

**LONGSVIEW HOMEOWNERS ASSOCIATION, INC.,**  
a Colorado non-profit corporation

By: \_\_\_\_\_  
President

# **LONGSVIEW HOMEOWNERS ASSOCIATION, INC. RESOLUTION REGARDING EXAMINATION, INSPECTION, AND COPYING OF ASSOCIATION RECORDS**

WHEREAS, the Longsview Association, a Colorado nonprofit Corporation, by its Board of Directors ("Board"), is charged with the rights and responsibilities to govern the administration of the Association according to the terms of its Declaration of Covenants, Conditions & Restrictions of Longsview ("Declaration"), subject to the Colorado Common Interest Ownership Act, Colo. Rev. Stat. §38-33.3-101 et seq. ("CCIOA"); and,

WHEREAS, Colo. Rev. Stat. §38-33.3-209.5 requires that the Board adopt a policy regarding examination, inspection, and copying of association records; and,

WHEREAS, it is the intent that this rule shall be applicable to the Board of Directors agents for the Association and all Unit Owners and this resolution shall remain in effect until otherwise rescinded, modified or amended by a majority of the Board of Directors;

NOW, THEREFORE, Be it resolved that the following rules on Association records are hereby, adopted by the Board of Directors:

## Scope of Guidelines:

The Board is charged with crating rules, policies, and procedures that outline expected behavior and govern the community with the intent of promoting harmony within the community.

## Requesting Examination, Inspection, or Copies of Association Records:

1. An owner wishing to examine or copy Association records must complete and submit a Records Inspection and Copying Request to Board President or Secretary. The request must be made in good faith and for a proper purpose; describe with reasonable detail the records sought and the purpose of the request; and the records are relevant to the purpose of the request.
2. The inspection and copying of the Association's records shall be during regular business hours at the office of the Association or its managing agent, or during the next regularly scheduled Owner or Board meeting occurring within 30 days of the Owner's request, at the discretion of the Board.
3. The Board shall advise the Owner of the time and place of such inspection in writing within five business days of the Owner's request.
4. The inspection and copying of the Association's records shall be at the Owner's expense, and may be collected by the Association in advance. Owners will be charged actual cost for all copies made.
5. Association records, including membership lists, shall not be used by any Owner for:
  - a. Any purpose unrelated to an Owner's interest as an Owner:
  - b. The purpose of soliciting money or property unless such money or property will be used solely to solicit the votes of the Owners in an election to be held by the Association:
  - c. Any commercial purpose;
  - d. For the purpose of giving, selling, or distributing such Association records to any person; or
  - e. Any improper purpose as determined in the sole discretion of the Board.

Permanent Association Records:

Pursuant to Colorado Law, and Association bylaws, the following shall be kept as permanent Association records:

1. Minutes of all Board and Unit Owner Meetings;
2. All actions taken by the Board or Unit Owners by written ballot instead of at a meeting;
3. All actions taken by a committee on behalf of the Board, instead of the Board acting on behalf of the Association;
4. All waivers of the notice requirements for unit owner meetings, Board member meetings, or committee meetings.

Association Records Held at Principal Office:

Pursuant to Colorado Law and Association bylaws, the following records shall be kept at the principal office:

1. Articles of Incorporation
2. Declarations of Covenants, Conditions, and Restrictions
3. Bylaws
4. Resolutions adopted by the Board of Directors
5. The minutes of all member's meetings, and records of action taken without a meeting within the past three years
6. All written communications within the past three years to members generally as members
7. A list of the name and business or home address of its current directors and officers
8. A copy of its recent corporate report delivered to the secretary of state
9. All financial statements prepared for periods ending during the last three years
10. A record of unit owners that allows preparation of a list of the names and addresses of owners.

Required Disclosures of Records:

Pursuant to State Law, the following disclosures will be made annually, by written notice within 90 days of the Association's fiscal year ending in December:

1. Association Name, name of agent or management company, if any.
2. Name of the common interest community
3. The initial date of recording of the declaration, and the declaration's reception number or book and page where the declaration is located
4. Written notice will be sent to all owners within 90 days if the address, designated agent, or management company changes.
5. Notice of web address or physical address where other required public disclosures are made available.

**PRESIDENT'S**

**CERTIFICATION:**

The undersigned, being the President of the Longsview Homeowners Association, Inc., a Colorado non-profit corporation, certifies that the foregoing Resolution was adopted by the Board of Directors of the Association, at a duly called and conducted meeting of the Board of Directors on, 4/15/17 and in witness thereof, the undersigned has subscribed his/her name.

**LONGSVIEW HOMEOWNERS ASSOCIATION, INC.,**

a Colorado non-profit corporation

By: [Signature]  
President



## LONGSVIEW HOMEOWNERS ASSOCIATION, INC. RESOLUTION REGARDING COLLECTIONS AND UNPAID ASSESSMENTS

WHEREAS, the Longsview Association, a Colorado nonprofit Corporation, by its Board of Directors ("Board"), is charged with the rights and responsibilities to govern the administration of the Association according to the terms of its Declaration of Covenants, Conditions & Restrictions of Longsview ("Declaration"), subject to the Colorado Common Interest Ownership Act, Colo. Rev. Stat. §38-33.3-101 et seq. ("CCIOA"); and,

WHEREAS, the Association must have the financial ability to discharge its responsibilities; and,

WHEREAS, the Board is required to pursue collection of assessments and other charges from owners; and,

WHEREAS, the Board intends to comply with the requirements of Colo. Rev. Stat. §38-33.3.209.5 by adoption of this Resolution; and,

NOW, THEREFORE, BE IT RESOLVED that the Board desires does hereby adopt the following Procedures and policies for the collection of assessments and other charges of the Association:

1. Due Date. The annual assessment as determined by the Board and as allowed for in the Declaration and CCIOA shall be due and payable **in monthly installments due on the first day of each month.** Assessments or other charges not paid to the Association by the 30<sup>th</sup> day of each month shall be considered past due and delinquent.
2. Late Charge and Interest Imposed. A monthly assessment shall be past due and delinquent if not paid **by the 30<sup>th</sup> day of each month.** The Board shall assess a late charge of \$25.00 for that month's assessments and shall bear interest at the rate of 21 percent per annum simple interest or at such lesser rate as shall be determined by the Board.
3. Return Check Charges. In addition to any and all charges imposed under the Declaration, Colorado statutes, or this resolution, a \$25.00 fee shall be paid to the Association by the owner in the event any check or other instrument attributable to or payable for the benefit of such owner is not honored by the bank or is returned by the bank for any reason, including but not limited to insufficient funds. Such return check charge shall be due and payable immediately, upon demand. Notwithstanding this provision, the Association shall be entitled to all additional remedies as may be provided by applicable law. Returned check charges shall be the obligation of the owner(s) of the property for which payment was tendered to the Association. Returned check charges shall become effective on any instrument tendered to the Association for payment of sums due under the Declaration, CCIOA, Rules and Regulations or this Resolution.
4. Attorney Fees on Delinquent Accounts. As an additional expense permitted under the Declaration and CCIOA, the Association shall be entitled to recover its reasonable attorney fees and collection costs incurred in the collection of assessments or other charges due the Association from a delinquent owner. The reasonable attorney fees incurred by the Association shall be due and payable immediately when incurred, upon demand.

5. Collection Letters.

- (a) After an assessment or other charge due the Association becomes 10 days past due, a "late notice" will be mailed to the property owner who is delinquent in payment.
- (b) If payment in full is not received within 30 days, a "first warning letter" will be mailed to the property owner who is delinquent in payment.
- (c) If payment is not received within 60 days, a "second warning letter" will be mailed to the property owner who is delinquent in payment.
- (d) If payment is not received within 90 days, a "Notice of intent to create a lien letter" will be mailed to the property owner who is delinquent in payment giving 10 days to respond.
- (e) If payment is not received within 10 days of mailing the "Notice of intent to create a lien letter," the account will be sent to the Association's attorney for further collection.

3. Application of Payments. Any payment received will apply first to attorney fees, interest, NSF fees and collection costs, then to fines or penalties, then to the assessments and special assessments from oldest to newest. The Board will utilize, at its discretion, all methods available in the Association's governing documents and at law to collect past-due accounts on behalf of the Association.

4. Referral of Delinquent Accounts to Attorneys. The Board may, but shall not be required to refer delinquent accounts to its attorneys for collection. Upon referral to the attorneys, the attorneys shall take all appropriate action to collect the accounts referred, including recording of a Notice of Assessment Lien against the property. After an account has been referred to an attorney, the account shall remain with the attorney until the account is settled, has a zero balance or is written off. All payment plans involving accounts referred to an attorney for collection shall be set up and monitored through the attorney.

5. Referral of Delinquent Accounts to Collection Agencies. The Board may, but shall not be required to refer delinquent accounts to one or more collection agencies for collection. Upon referral to a collection agency, the agency shall take all appropriate action to collect the accounts referred.

6. Appointment of a Receiver. The Board may seek the appointment of a receiver if an owner becomes delinquent in the payment of assessments. A receiver is a disinterested person, appointed by a court, who manages the property, collects and disburses rents, and otherwise acts consistent with the orders of the court. The purposes of a receivership for the Association are to obtain payment of current assessments, reduce past due assessments, and prevent the waste and deterioration of the property.

7. Judicial Foreclosure. The Board may choose to foreclose on the Association's lien in lieu of or in addition to suing an owner for a money judgment. The purpose of foreclosing is to obtain payment of all assessments owing in situations where either a money judgment lawsuit has been or is likely to be unsuccessful or other circumstances favor such action.

8. Waivers. The Board may grant a waiver of any provision herein upon petition in writing by an owner showing a personal hardship. Such relief granted an owner shall be appropriately documented in the files with the name of the person or persons representing the Association granting the relief and the conditions of the relief. In addition, the Board is hereby authorized to extend the time for the filing of lawsuits and liens, or to otherwise modify the procedures contained herein, as the Board shall determine appropriate under the circumstances.
9. Notification of Owners. The Board shall cause all owners who become delinquent in the payment of assessments by thirty days to be notified of the late charges, returned check charge, interest and attorney fees. All policies and procedures set forth in this Resolution shall be effective immediately.
10. Ongoing Evaluation. Nothing in this Resolution shall require the Board to take specific actions other than to notify homeowners of the adoption of these policies and procedures. The Board has the option and right to continue to evaluate each delinquency on a case-by-case basis.
11. Payment Plan Effort. Neither the Board nor any person or entity on its behalf may take any action toward involuntary collection unless or until the Board or its agent has made a good-faith effort to coordinate with the owner to set up a payment plan compliant with Colo. Rev. Stat. §38-33.3-316.3.

PRESIDENT'S

CERTIFICATION: The undersigned, being the President of the Longsview Homeowners Association, Inc., a Colorado non-profit corporation, certifies that the foregoing Resolution was adopted by the Board of Directors of the Association, at a duly called and conducted meeting of the Board of Directors on, 4/15/17 and in witness thereof, the undersigned has subscribed his/her name.

**LONGSVIEW HOMEOWNERS ASSOCIATION, INC.,**  
a Colorado non-profit corporation

By: [Signature]  
President

## **LONGSVIEW HOMEOWNERS ASSOCIATION, INC. RESOLUTION REGARDING THE ADOPTION OF RULES, POLICIES, AND PROCEDURES**

WHEREAS, the Longsview Association, a Colorado nonprofit Corporation, by its Board of Directors ("Board"), is charged with the rights and responsibilities to govern the administration of the Association according to the terms of its Declaration of Covenants, Conditions & Restrictions of Longsview ("Declaration"), subject to the Colorado Common Interest Ownership Act, Colo. Rev. Stat. §38-33.3-101 et seq. ("CCIOA"); and,

WHEREAS, Colo. Rev. Stat. §38-33.3-209.5 requires that the Board adopt a policy regarding adoption of rules, policies, and procedures; and,

WHEREAS, it is the intent that this rule shall be applicable to all members of the association's Board of Directors and this resolution shall remain in effect until otherwise rescinded, modified or amended by a majority of the Board of Directors;

NOW, THEREFORE, Be it resolved that the following procedures or adopting rules, policies, and procedures, are hereby adopted by the Board of Directors:

### Scope of Guidelines:

The Board is charged with creating rules, policies, and procedures that outline expected behavior and govern the community with the intent of promoting harmony within the community.

### Areas of Rules and Guidelines:

1. Rules for the use of common property and individual lots or units.
2. Rules regarding changes in the architecture, the construction, or the appearance of lots or units.
3. Rules concerning the behavior of residents, guests and other visitors.

### Procedure for Adopting a Rule, Policy, or Guidelines:

1. Identify the need for a specific rule.
2. Identify the Source of Authority to create the rule. These sources may be State Statutes and Court Decisions, or Governing Documents.
3. Determine if the rule is valid and enforceable under the following criteria:
  - a) The rule must not violate a fundamental constitutional right;
  - b) The rule must be consistent with applicable federal, state, and local statutes and Association governing documents;
  - c) The rule must reasonably relate to the operation and purpose of the community;
  - d) The rule must be reasonable;
  - e) The rule must be fair and not create a separate class or group of people;
  - f) The rule must be capable of uniform enforcement;



- g) The rule must be necessary.
4. Consider the immediate and long-term impact of the rule.
  5. The Board may choose to give notice and allow discussion of any proposed rule that may impact the associations' members.
  6. Adopt the rule as a resolution by a majority vote of the Board members at a regular Board meeting.
  7. Give written notice to all members of the Association at their Association address or alternate address as specified in writing by the owner by first class mail.

Amending & Repealing Policies:

1. In order to amend or repeal a policy, rule or procedure, the Board must consider the same criteria as when adopting a rule.
2. Such action must be taken by a majority of the Board of Directors at a regular Board meeting.
3. Notice of amendment must be mailed to all members of the Association at their Association address or alternate address as specified in writing by the owner by first class mail.

PRESIDENT'S

CERTIFICATION: The undersigned, being the President of the Longview Homeowners Association, Inc., a Colorado non-profit corporation, certifies that the foregoing Resolution was adopted by the Board of Directors of the Association, at a duly called and conducted meeting of the Board of Directors on, 4/5/17 and in witness thereof, the undersigned has subscribed his/her name.

**LONGVIEW HOMEOWNERS ASSOCIATION, INC.,**  
a Colorado non-profit corporation

By:   
President

## **LONGVIEW HOMEOWNERS ASSOCIATION, INC. RESOLUTION REGARDING BOARD MEMBER CONFLICT OF INTEREST**

WHEREAS, the Longview Association, a Colorado nonprofit Corporation, by its Board of Directors ("Board"), is charged with the rights and responsibilities to govern the administration of the Association according to the terms of its Declaration of Covenants, Conditions & Restrictions of Longview ("Declaration"), subject to the Colorado Common Interest Ownership Act, Colo. Rev. Stat. §38-33.3-101 et seq. ("CCIOA"); and,

WHEREAS, Colo. Rev. Stat. §38-33.3-209.5 mandates adoption of a policy on Conflicts of Interest;

WHEREAS, it is the intent that this rule shall be applicable to all members of the Board of Directors and any committees of the Association and this resolution shall remain in effect until otherwise rescinded, modified, or amended by a majority of the Board of Directors;

NOW, THEREFORE, Be it resolved that the following rules on conflict of interest are hereby adopted by the Board of Directors:

**Conflict of Interest is defined in the Colorado Revised Nonprofit Corporation Act as:**  
*"A contract, transaction, or other financial relationship between a nonprofit corporation and a director of the nonprofit corporation, or between the nonprofit corporation and a party related to the director, or between the nonprofit corporation and an entity in which a director of the corporation is a director or officer has a financial interest."*

### Determining if a Conflict Exists:

If any action, decision, or transaction made by an Association would financially benefit a Director, committee member, or an ancestor, descendant, parent, grandparent, child, or sibling of a Board member, or a spouse of any of these persons, an estate or trust in which the Director or party related to a Director has a beneficial interest, or an entity in which a party related to a Director is a director or officer or has a financial interest, it is considered a conflict of interest.

### In the Event of a Conflict of Interest:

1. The Board member with the conflict of interest must make full disclosure of the conflict of interest in an open meeting before any action is taken on the matter.
2. That member's presence in the meeting may be counted for purposes of quorum.
3. The Board member may participate in discussion and may vote on that issue unless the Governing documents state otherwise.
4. The minutes of the meeting shall reflect the disclosure made, the composition of the quorum and record who voted for and against.
5. The Board should perform an objective review of the matter.
6. Make a good faith judgment with the Association's best interests in mind.

Policy Requirements:

1. This policy shall be signed by all members of the Board of Directors and by all members of any committee under service of the Association.
2. No conflicting interest transaction shall be voidable by an Owner or on behalf of the Association if:
  - a. The facts about the conflicting interest transaction are disclosed to the Board, and a majority of the disinterested Directors, even if less than a quorum, in good faith approves the conflicting interest transaction;
  - b. The facts about the conflicting interest transaction are disclosed or the Owners entitled to vote on the matter and the conflicting interest transaction is  
or
  - c. The conflicting interest transaction is fair to the Association.
3. No loans shall be made by the Association to its Directors or officers. Any Director or officer who assents to or participates in the making of any such loan shall be liable to the Association for the amount of the loan until it is repaid.

**PRESIDENT'S**

**CERTIFICATION:** The undersigned, being the President of the Longview Homeowners Association, Inc., a Colorado non-profit corporation, certifies that the foregoing Resolution was adopted by the Board of Directors of the Association, at a duly called and conducted meeting of the Board of Directors on, 4/15/17 and in witness thereof, the undersigned has subscribed his/her name.

**LONGVIEW HOMEOWNERS ASSOCIATION, INC.,**

a Colorado non-profit corporation

By: [Signature]  
President

By signing below, I am acknowledging that I have read and agree to abide by the Conflict of Interest Policy for Longview Homeowners Association.

Susan Knoeckel

(NAME - PLEASE PRINT)

[Signature]

(SIGNATURE)

Treasurer

(TITLE)

6-8-17

(DATE)

Policy Requirements:

1. This policy shall be signed by all members of the Board of Directors and by all members of any committee under service of the Association.
2. No conflicting interest transaction shall be voidable by an Owner or on behalf of the Association if:
  - a. The facts about the conflicting interest transaction are disclosed to the Board, and a majority of the disinterested Directors, even if less than a quorum, in good faith approves the conflicting interest transaction;
  - b. The facts about the conflicting interest transaction are disclosed or the Owners entitled to vote on the matter and the conflicting interest transaction is  
or
  - c. The conflicting interest transaction is fair to the Association.
3. No loans shall be made by the Association to its Directors or officers. Any Director or officer who assents to or participates in the making of any such loan shall be liable to the Association for the amount of the loan until it is repaid.

PRESIDENT'S

CERTIFICATION: The undersigned, being the President of the Longview Homeowners Association, Inc., a Colorado non-profit corporation, certifies that the foregoing Resolution was adopted by the Board of Directors of the Association, at a duly called and conducted meeting of the Board of Directors on, 4/15/17 and in witness thereof, the undersigned has subscribed his/her name.

**LONGVIEW HOMEOWNERS ASSOCIATION, INC.,**

a Colorado non-profit corporation

By: \_\_\_\_\_

President

By signing below, I am acknowledging that I have read and agree to abide by the Conflict of Interest Policy for Longview Homeowners Association.

RONALD HART

(NAME - PLEASE PRINT)

(TITLE)

R. Hart

(SIGNATURE)

8/14/17

(DATE)



Policy Requirements:

1. This policy shall be signed by all members of the Board of Directors and by all members of any committee under service of the Association.
2. No conflicting interest transaction shall be voidable by an Owner or on behalf of the Association if:
  - a. The facts about the conflicting interest transaction are disclosed to the Board, and a majority of the disinterested Directors, even if less than a quorum, in good faith approves the conflicting interest transaction;
  - b. The facts about the conflicting interest transaction are disclosed or the Owners entitled to vote on the matter and the conflicting interest transaction is  
or
  - c. The conflicting interest transaction is fair to the Association.
3. No loans shall be made by the Association to its Directors or officers. Any Director or officer who assents to or participates in the making of any such loan shall be liable to the Association for the amount of the loan until it is repaid.

**PRESIDENT'S**

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**LONGSVIEW HOMEOWNERS ASSOCIATION, INC.,**

a Colorado non-profit corporation

By:   
President

By signing below, I am acknowledging that I have read and agree to abide by the Conflict of Interest Policy for Longsview Homeowners Association.

<u>Casey White</u>	<u>Board Member</u>
(NAME - PLEASE PRINT)	(TITLE)
<u>Casey White</u>	<u>8/12/17</u>
(SIGNATURE)	(DATE)

Policy Requirements:

1. This policy shall be signed by all members of the Board of Directors and by all members of any committee under service of the Association.
2. No conflicting interest transaction shall be voidable by an Owner or on behalf of the Association if:
  - a. The facts about the conflicting interest transaction are disclosed to the Board, and a majority of the disinterested Directors, even if less than a quorum, in good faith approves the conflicting interest transaction;
  - b. The facts about the conflicting interest transaction are disclosed or the Owners entitled to vote on the matter and the conflicting interest transaction is or
  - c. The conflicting interest transaction is fair to the Association.
3. No loans shall be made by the Association to its Directors or officers. Any Director or officer who assents to or participates in the making of any such loan shall be liable to the Association for the amount of the loan until it is repaid.

**PRESIDENT'S**

**CERTIFICATION:**

The undersigned, being the President of the Longview Homeowners Association, Inc., a Colorado non-profit corporation, certifies that the foregoing Resolution was adopted by the Board of Directors of the Association, at a duly called and conducted meeting of the Board of Directors on, 4/15/17 and in witness thereof, the undersigned has subscribed his/her name.

**LONGVIEW HOMEOWNERS ASSOCIATION, INC.,**

a Colorado non-profit corporation

By: \_\_\_\_\_

President

By signing below, I am acknowledging that I have read and agree to abide by the Conflict of Interest Policy for Longview Homeowners Association.

Taylor Nunnelee  
(NAME - PLEASE PRINT)

Vice President  
(TITLE)

[Signature]  
(SIGNATURE)

20170812  
(DATE)

Policy Requirements:

1. This policy shall be signed by all members of the Board of Directors and by all members of any committee under service of the Association.
2. No conflicting interest transaction shall be voidable by an Owner or on behalf of the Association if:
  - a. The facts about the conflicting interest transaction are disclosed to the Board, and a majority of the disinterested Directors, even if less than a quorum, in good faith approves the conflicting interest transaction;
  - b. The facts about the conflicting interest transaction are disclosed or the Owners entitled to vote on the matter and the conflicting interest transaction is  
or
  - c. The conflicting interest transaction is fair to the Association.
3. No loans shall be made by the Association to its Directors or officers. Any Director or officer who assents to or participates in the making of any such loan shall be liable to the Association for the amount of the loan until it is repaid.

**PRESIDENT'S**

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**LONGVIEW HOMEOWNERS ASSOCIATION, INC.,**

a Colorado non-profit corporation

By: \_\_\_\_\_  
President

By signing below, I am acknowledging that I have read and agree to abide by the Conflict of Interest Policy for Longview Homeowners Association.

ALFREDO H BALDIVIESO  
(NAME - PLEASE PRINT)

PRESIDENT  
(TITLE)

\_\_\_\_\_  
(SIGNATURE)

8/12/17  
(DATE)

## **LONGSVIEW HOMEOWNERS ASSOCIATION, INC. RESOLUTION REGARDING COVENANT ENFORCEMENT**

WHEREAS, the Longsview Association, a Colorado nonprofit Corporation, by its Board of Directors ("Board"), is charged with the rights and responsibilities to govern the administration of the Association according to the terms of its Declaration of Covenants, Conditions & Restrictions of Longsview ("Declaration"), subject to the Colorado Common Interest Ownership Act, Colo. Rev. Stat. §38-33.3-101 et seq. ("CCIOA"); and,

WHEREAS, Colo. Rev. Stat. §38-33.3-209.5 requires that the Board adopt a policy regarding enforcement of covenants; and,

WHEREAS, it is the intent that this rule shall be applicable to all members of the Association and this resolution shall remain in effect until otherwise rescinded, modified or amended by a majority of the Board of Directors;

NOW, THEREFORE, Be it resolved that the following rules on Covenant Enforcement are hereby adopted by the Board of Directors:

### Filing a Complaint:

1. All complaints pertaining to infractions of the Governing Documents, including Rules and Regulations, must be in writing addressed to the Board through the Managing Agent.
2. The complaint must state the following:
  - a. Name or identity of the individual(s) committing the infraction;
  - b. The Unit number with whom the individual is associated and some description of the nature of the relationship, i.e. Visitor, Owner, Resident, Tenant, etc., if known;
  - c. The date, time and place of infraction;
  - d. The nature of the violation
  - e. The name, Association address, and telephone number of the person making the complaint;

### Action Upon Receipt of Complaint:

1. Issue a "Violation Letter" containing:
  - a. Notice of the alleged violation;
  - b. Consequences if the violation is not corrected;
  - c. The action required to end the violation;
  - d. A time in which to correct the violation;
  - e. The nature of the violation;
2. If violation does not end, and no contact is made regarding an intent to correct the violation in a timely Manner, issue a "Notice of Hearing" containing:
  - a. Notice that the violation has not been corrected;
  - b. Notice informing the owner of the right to have a hearing before the Board of Directors;
  - c. A date to respond by (in writing) to appeal and be scheduled for a hearing;
  - d. Notice of presumptive fine;
  - e. The action that will be taken if no response is received;



3. Conduct a hearing if the violation does not end. This hearing will be an inquiry into the allegations.
4. Conduct a default hearing in the absence of an alleged violator.
5. Issue a "Result of Hearing" letter, informing the owner of the finding of the Board regarding the alleged violation.

Fine Schedule:

- 1<sup>st</sup> Offense: Written warning
- 2<sup>nd</sup> Offense: \$50.00
- 3<sup>rd</sup> and Subsequent Offenses: \$100.00

1. If the violation involves damage to the General Common Elements or Limited Common Elements, the violating Owner/tenant shall pay for all costs of repair or replacement.
2. A unit will not be fined without notice being sent to the unit owner.
3. Unit owners are responsible for ensuring that their tenants are aware and in compliance with the Association's governing documents. All fines for infractions are the responsibility of the unit owner.
4. If the Association brings action against an owner due to non-compliance, the Association shall seek reimbursement for any costs or attorney fees.
5. This resolution is supplemental to the Rules and Regulations for Longview Homeowner's Association.

**PRESIDENT'S**

**CERTIFICATION:** The undersigned, being the President of the Longview Homeowners Association, Inc., a Colorado non-profit corporation, certifies that the foregoing Resolution was adopted by the Board of Directors of the Association, at a duly called and conducted meeting of the Board of Directors on, 4/15/17 and in witness thereof, the undersigned has subscribed his/her name.

**LONGVIEW HOMEOWNERS ASSOCIATION, INC.,**

a Colorado non-profit corporation

By: \_\_\_\_\_  
President

## **LONGSVIEW HOMEOWNERS ASSOCIATION, INC. RESOLUTION REGARDING MEETING OF THE ASSOCIATION**

WHEREAS, the Longsview Association, a Colorado nonprofit Corporation, by its Board of Directors ("Board"), is charged with the rights and responsibilities to govern the administration of the Association according to the terms of its Declaration of Covenants, Conditions & Restrictions of Longsview ("Declaration"), subject to the Colorado Common Interest Ownership Act, Colo. Rev. Stat. §38-33.3-101 et seq. ("CCIOA"); and,

WHEREAS, Colo. Rev. Stat. §38-33.3-209.5 requires that the Board adopt a policy regarding conduct of its meetings; and,

WHEREAS, it is the intent that this rule shall be applicable to the Board of Directors, agents for the Association and all Unit Owners and this resolution shall remain in effect until otherwise rescinded, modified, or amended by a majority of the Board of Directors;

NOW, THEREFORE, Be it resolved that the following rules on meetings are hereby adopted by the Board of Directors:

### Member Meetings:

1. In accordance with CCIOA and the Bylaws for Longsview Homeowners Association, Members' Meetings shall be held at least once each calendar year.
2. Any special meetings may be called by the President, by a majority of the executive Board, or by unit owners having twenty percent of the votes of the Association.

### Notice of Member Meetings:

1. Notice will be hand delivered or mailed by first class mail through the USPS to all owners in the Association at the address of the unit or to an alternate address that has been specified by the unit owner in writing.
2. Notice shall also be posted in a conspicuous place within the Association.
3. If an owner wishes to receive notice of Member Meetings by e-mail, the owner shall complete and return an e-mail Request form to the Association's Board President or Secretary. Once this form is completed, e-mail notification will begin. In addition to the e-mail notification, notice will continue to be mailed.
4. Such notice will be mailed at least 10 days prior to the meeting, not more than 50 days prior to the meeting.
5. Notice of meeting shall state the date, time, and place of the meeting, an agenda, including the general nature of all items for action, including any proposed amendment to the declaration or bylaws, any budget changes, and any proposal to remove an officer or member of the executive Board.
6. Notice shall also include a proxy for use by the unit owner if the unit owner is unable to attend.

### Quorum at Member Meetings:

Pursuant to the Bylaws for the Longsview Homeowners Association, Article III, Section 6, the presence in person or by proxy of one-third of the votes entitled to be cast at a Members' Meeting shall constitute a quorum.

### Proxies:

1. In accordance with CCIOA, the Colorado Non-Profit Act, and the Bylaws of Longsview Homeowners Association, a member of the Association shall have the right to assign a proxy to a Board member, unit owner or other representative.
2. The proxy shall state the date and time of the meeting(s) for which it is intended.
3. The proxy must be executed by the member or the member's attorney in fact, duly authorized, and in writing.
4. The proxy shall be filed with the secretary of the Association or authorized agent of the Association. Such proxy shall be registered prior to the meeting.
5. Each proxy is revocable, by written revocation notice, and will be cancelled by the attendance of the unit owner.
6. A proxy holder shall be given all votes to which he/she is entitled.
7. Once quorum has been confirmed, and the meeting called to order, proxies shall no longer be rescinded.

### Elections:

1. Contested elections of the Board Members, defined as elections in which there are more candidates than positions to be filled, shall be conducted by secret ballot. Each Owner entitled to vote pursuant to the Bylaws shall receive a ballot. The ballot shall contain no identifying information concerning the ballot holder. In the event an Owner holds a proxy for another Owner, upon presentation of such proxy to the Secretary of the Association or the Secretary's designee, the Owner shall receive a secret ballot to cast the vote of the Owner who provided the proxy. The proxy shall be kept and retained by the Association.
2. Uncontested elections of Board Members, defined as elections in which the number of candidates is equal to or less than the positions to be filled, and all other votes taken at a meeting of the Owners shall be taken in such method as determined by the Board of Directors including acclamation, by hand, by voice or by ballot. Notwithstanding the above, uncontested elections of Board members or other votes on matters affecting the community shall be by secret ballot at the discretion of the Board or upon the request of 20% of the Owners who are present at the meeting or represented by proxy.

### Ballots:

1. Contested Board Member elections shall only be held by secret ballot.
2. Any other issue on which the owners have right to vote will be voted on by secret ballot if 20% or more unit owners request it.
3. Written ballots shall be counted by a neutral third party, excluding the Association's managing agent, legal counsel, and Board Members, and in the case of a contested election, who are not candidates. The committee shall be selected or appointed at an open meeting, in a fair manner, by the Chair of the Board or another person presiding during that portion of the meeting.

Meetings of the Board of Directors:

1. All meetings of the Board of Directors or of any committee assigned by the Board of Directors shall be open for attendance by any of the Association's members.

Quorum for Board Meetings:

1. Pursuant to the Association's Bylaws, attendance of a majority of Board members shall constitute a quorum.
2. If the Board consists of only three directors, then all members must be in attendance for quorum to be achieved.

Owner Participation at Board Meetings:

1. At an appropriate time determined by the Board, but before the Board votes on an issue under discussion, unit owners or their designated representative shall be permitted to speak regarding that issue. The Board may place reasonable time restrictions on persons speaking during the meeting. If more than one person desires to address an issue and there are opposing views, the Board shall provide for a reasonable number of persons to speak on each side of the issue.
2. Each Owner attending a Directors' Meeting must sign in at the meeting to ensure they are given an opportunity to speak.
3. Owners or their representative shall be permitted to speak for up to two minutes before the Board takes formal action on an item under discussion.
4. All comments are to be presented to the Board in a businesslike manner. Accusations or inflammatory remarks may result in the speaker no longer having the floor.
5. Owners shall state their name and Association address prior to speaking so that it may be recorded in the minutes.
6. The Board is not obligated to take immediate action on any item presented by a homeowner during a Board meeting.

PRESIDENT'S

CERTIFICATION: The undersigned, being the President of the Longview Homeowners Association, Inc., a Colorado non-profit corporation, certifies that the foregoing Resolution was adopted by the Board of Directors of the Association, at a duly called and conducted meeting of the Board of Directors on, 4/15/17 and in witness thereof, the undersigned has subscribed his/her name.

**LONGVIEW HOMEOWNERS ASSOCIATION, INC.,**

a Colorado non-profit corporation

By:   
President



**LONGVIEW HOMEOWNERS ASSOCIATION, INC.**  
**RESOLUTION REGARDING THE INVESTMENT OF RESERVE FUNDS**

WHEREAS, the Longview Association, a Colorado nonprofit Corporation, by its Board of Directors ("Board"), is charged with the rights and responsibilities to govern the administration of the Association according to the terms of its Declaration of Covenants, Conditions & Restrictions of Longview ("Declaration"), subject to the Colorado Common Interest Ownership Act, Colo. Rev. Stat. §38-33.3-101 et seq. ("CCIOA"); and,

WHEREAS, Colo. Rev. Stat. §38-33.3-209.5 requires that the Board adopt a policy regarding the investment of reserve funds; and,

WHEREAS, it is the intent that this rule shall be applicable to all members of the Association Board of Directors and this resolution shall remain in effect until otherwise rescinded, modified, or amended by a majority of the Board of Directors;

NOW, THEREFORE, Be it resolved that the following responsible governance policy on investment of reserve funds is hereby adopted by the Board of Directors:

In accordance with the Association's governing documents, the Board of Directors shall exercise its fiduciary responsibility to invest the Association's reserve funds in investments secured or guaranteed by federal state insurance programs and /or federal or state issued obligations and/or funds which are invested in federal or state obligations.

The officers and members of the Board of Directors shall make investment decisions in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances, and in a manner the Director or officer reasonably believes to be in the best interests of the Association in accordance with the Colorado Revised Nonprofit Corporation Act.

**PRESIDENT'S**

**CERTIFICATION:** The undersigned, being the President of the Longview Homeowners Association, Inc., a Colorado non-profit corporation, certifies that the foregoing Resolution was adopted by the Board of Directors of the Association, at a duly called and conducted meeting of the Board of Directors on, 4/15/12 and in witness thereof, the undersigned has subscribed his/her name.

**LONGVIEW HOMEOWNERS ASSOCIATION, INC.,**  
a Colorado non-profit corporation

By: \_\_\_\_\_  
President

West's Colorado Revised Statutes Annotated

Title 38. Property--Real and Personal (Refs & Annos)

Real Property

Interests in Land

Article 33.3. Colorado Common Interest Ownership Act (Refs & Annos)

Part 3. Management of the Common Interest Community (Refs & Annos)

C.R.S.A. § 38-33.3-316.3

§ 38-33.3-316.3. Collections--limitations

Effective: January 1, 2014

Currentness

(1) In collecting past-due assessments and other delinquent payments under this article, an association or a holder or assignee of the association's debt, whether the holder or assignee of the association's debt is an entity or a natural person, shall:

(a) Adopt and comply with a collections policy that meets the requirements of section 38-33.3-209.5(5); and

(b) Make a good-faith effort to coordinate with the unit owner to set up a payment plan that meets the requirements of this section; except that:

(I) This section does not apply if the unit owner does not occupy the unit and has acquired the property as a result of:

(A) A default of a security interest encumbering the unit; or

(B) Foreclosure of the association's lien; and

(II) The association or a holder or assignee of the association's debt is not obligated to negotiate a payment plan with a unit owner who has previously entered into a payment plan under this section.

(2) A payment plan negotiated between the association or a holder or assignee of the association's debt, whether the holder or assignee of the association's debt is an entity or a natural person, and the unit owner pursuant to this section must permit the unit owner to pay off the deficiency in equal installments over a period of at least six months. Nothing in this section prohibits an association or a holder or assignee of the association's debt from pursuing legal action against a unit owner if the unit owner fails to comply with the terms of his or her payment plan. A unit owner's failure to remit payment of an agreed-upon installment, or to remain current with regular assessments as they come due during the six-month period, constitutes a failure to comply with the terms of his or her payment plan.

(3) For purposes of this section, "assessments" includes regular and special assessments and any associated fees, charges, late charges, attorney fees, fines, and interest charged pursuant to section 38-33.3-315(2).

**Credits**

Added by Laws 2013, Ch. 351, § 3, eff. Jan. 1, 2014.

C. R. S. A. § 38-33.3-316.3, CO ST § 38-33.3-316.3

Current with Chapters 1-3 and 5-7 of the Second Regular Session of the 69th General Assembly (2014)

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West's Colorado Revised Statutes Annotated

Title 38. Property--Real and Personal (Refs & Annos)

Real Property

Interests in Land

Article 33.3. Colorado Common Interest Ownership Act (Refs & Annos)

Part 2. Creation, Alteration, and Termination of Common Interest Communities

C.R.S.A. § 38-33.3-209.5

§ 38-33.3-209.5. Responsible governance policies--due process for imposition  
of fines--procedure for collection of delinquent accounts--definition

Effective: January 1, 2014

Currentness

(1) To promote responsible governance, associations shall:

(a) Maintain accurate and complete accounting records; and

(b) Adopt policies, procedures, and rules and regulations concerning:

(I) Collection of unpaid assessments;

(II) Handling of conflicts of interest involving board members, which policies, procedures, and rules and regulations must include, at a minimum, the criteria described in subsection (4) of this section;

(III) Conduct of meetings, which may refer to applicable provisions of the nonprofit code or other recognized rules and principles;

(IV) Enforcement of covenants and rules, including notice and hearing procedures and the schedule of fines;

(V) Inspection and copying of association records by unit owners;

(VI) Investment of reserve funds;

(VII) Procedures for the adoption and amendment of policies, procedures, and rules;

(VIII) Procedures for addressing disputes arising between the association and unit owners; and



(IX) When the association has a reserve study prepared for the portions of the community maintained, repaired, replaced, and improved by the association; whether there is a funding plan for any work recommended by the reserve study and, if so, the projected sources of funding for the work; and whether the reserve study is based on a physical analysis and financial analysis. For the purposes of this subparagraph (IX), an internally conducted reserve study shall be sufficient.

(2) Notwithstanding any provision of the declaration, bylaws, articles, or rules and regulations to the contrary, the association may not fine any unit owner for an alleged violation unless:

(a) The association has adopted, and follows, a written policy governing the imposition of fines; and

(b)(I) The policy includes a fair and impartial fact-finding process concerning whether the alleged violation actually occurred and whether the unit owner is the one who should be held responsible for the violation. This process may be informal but shall, at a minimum, guarantee the unit owner notice and an opportunity to be heard before an impartial decision maker.

(II) As used in this paragraph (b), "impartial decision maker" means a person or group of persons who have the authority to make a decision regarding the enforcement of the association's covenants, conditions, and restrictions, including its architectural requirements, and the other rules and regulations of the association and do not have any direct personal or financial interest in the outcome. A decision maker shall not be deemed to have a direct personal or financial interest in the outcome if the decision maker will not, as a result of the outcome, receive any greater benefit or detriment than will the general membership of the association.

(3) If, as a result of the factfinding process described in subsection (2) of this section, it is determined that the unit owner should not be held responsible for the alleged violation, the association shall not allocate to the unit owner's account with the association any of the association's costs or attorney fees incurred in asserting or hearing the claim. Notwithstanding any provision in the declaration, bylaws, or rules and regulations of the association to the contrary, a unit owner shall not be deemed to have consented to pay such costs or fees.

(4)(a) The policies, procedures, and rules and regulations adopted by an association under subparagraph (II) of paragraph (b) of subsection (1) of this section must, at a minimum:

(I) Define or describe the circumstances under which a conflict of interest exists;

(II) Set forth procedures to follow when a conflict of interest exists, including how, and to whom, the conflict of interest must be disclosed and whether a board member must recuse himself or herself from discussing or voting on the issue; and

(III) Provide for the periodic review of the association's conflict of interest policies, procedures, and rules and regulations.

(b) The policies, procedures, or rules and regulations adopted under this subsection (4) must be in accordance with section 38-33.3-310.5.

(5)(a) Notwithstanding any provision of the declaration, bylaws, articles, or rules and regulations to the contrary or the absence of a relevant provision in the declaration, bylaws, articles, or rules or regulations, the association or a holder or assignee of the association's debt, whether the holder or assignee of the association's debt is an entity or a natural person, may not use a collection agency or take legal action to collect unpaid assessments unless the association or a holder or assignee of the association's debt has adopted, and follows, a written policy governing the collection of unpaid assessments. The policy must, at a minimum, specify:

(I) The date on which assessments must be paid to the entity and when an assessment is considered past due and delinquent;

(II) Any late fees and interest the entity is entitled to impose on a delinquent unit owner's account;

(III) Any returned-check charges the entity is entitled to impose;

(IV) The circumstances under which a unit owner is entitled to enter into a payment plan with the entity pursuant to section 38-33.3-316.3 and the minimum terms of the payment plan mandated by that section;

(V) That, before the entity turns over a delinquent account of a unit owner to a collection agency or refers it to an attorney for legal action, the entity must send the unit owner a notice of delinquency specifying:

(A) The total amount due, with an accounting of how the total was determined;

(B) Whether the opportunity to enter into a payment plan exists pursuant to section 38-33.3-316.3 and instructions for contacting the entity to enter into such a payment plan;

(C) The name and contact information for the individual the unit owner may contact to request a copy of the unit owner's ledger in order to verify the amount of the debt; and

(D) That action is required to cure the delinquency and that failure to do so within thirty days may result in the unit owner's delinquent account being turned over to a collection agency, a lawsuit being filed against the owner, the filing and foreclosure of a lien against the unit owner's property, or other remedies available under Colorado law;

(VI) The method by which payments may be applied on the delinquent account of a unit owner; and

(VII) The legal remedies available to the entity to collect on a unit owner's delinquent account pursuant to the governing documents of the entity and Colorado law.

(b) As used in this subsection (5), "entity" means an association or a holder or assignee of the association's debt, whether the holder or assignee of the association's debt is an entity or a natural person.

**Credits**

Added by Laws 2005, Ch. 308, § 7, eff. Jan. 1, 2006. Amended by Laws 2006, Ch. 266, § 7, eff. May 26, 2006; Laws 2008, Ch. 163, § 2, eff. July 1, 2008; Laws 2009, Ch. 257, § 1, eff. Aug. 5, 2009; Laws 2011, Ch. 105, § 2, eff. April 13, 2011; Laws 2013, Ch. 351, § 1, eff. Jan. 1, 2014.

C. R. S. A. § 38-33.3-209.5, CO ST § 38-33.3-209.5

Current with Chapters 1-3 and 5-7 of the Second Regular Session of the 69th General Assembly (2014)

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