

THE BEAVER CREEK LODGE CONDOMINIUM ASSOCIATION, INC.

BOARD OF DIRECTORS RESOLUTION

AMENDED AND RESTATED ENFORCEMENT POLICY AND SCHEDULE OF FINES

The Board of Directors (the “Board”) of The Beaver Creek Lodge Condominium Association, Inc., a Colorado nonprofit corporation (the “Association”) hereby approves and adopts the following Resolution:

RESOLVED, that the following Policy of the Association is hereby adopted and ratified:

1. Enforcement of Association’s Documents. The Board shall have the power to make decisions regarding violations of the Amended and Restated Declaration of Covenants, Conditions and Restrictions of the Beaver Creek Lodge (“the Declaration”), Articles of Incorporation, Bylaws, any rules, regulations, policies or other governing documents promulgated thereunder and any amendments or supplements thereto (hereafter collectively the “Project Documents”) and impose fines or other sanctions pursuant to this Policy. The Board may determine enforcement actions on a case by case basis, and take other actions as it may deem necessary and appropriate to assure compliance with the Project Documents, and to create a safe and harmonious living environment. This Policy specifically shall not apply to the collection of unpaid assessments which are addressed in a separate policy or to any pursuit, by the Association, of injunctive relief pursuant to Section XVII of the Declaration.

a. *Complaint.* A proceeding to determine if the Project Documents have been violated and any enforcement measures and remedies that may apply shall be initiated by the filing of a written complaint with or by the Board. The complaint shall state the specific provision(s) of the Project Documents alleged to have been violated and as many specifics as are available as to time, date, location and persons involved including the name of the complainant. Non-written complaints or written complaints failing to include any information required by this provision may not be investigated or prosecuted at the discretion of the Board.

b. *Investigation; Notice Procedure.* Upon the filing of a complaint with or by the Board, the Board shall determine whether the allegations in the complaint are sufficient to constitute a violation of the Project Documents and if action is warranted. If such determinations are made, the Board shall serve a written notice of the alleged violation to the alleged violator, providing notice and an opportunity for a hearing, and explaining that if a violation is found to exist, a fine may be imposed pursuant to this Policy (the “Violation Notice”). The Violation Notice shall further state that the alleged violator is entitled to a hearing on the merits of the matter, provided that such hearing is requested in writing within fifteen (15) days of the date on the Violation Notice. If the alleged violator does not timely request a hearing, he or she shall be deemed to have waived any and all rights to a hearing with respect to the matter.

c. *Notice of Hearing.* If a hearing is requested by the alleged violator, the Board, committee or other impartial decision maker, as such term is defined in C.R.S. 38-33.3-209.5(2)(b)(II), conducting such hearing as may be determined in the sole discretion of the Board (the “Hearing Panel”), shall serve a written notice of the hearing to all parties involved at least ten (10) days prior to the hearing date.

d. *Hearing Procedure and Decision.* At the beginning of each hearing, the presiding officer of the Hearing Panel (the “Presiding Officer”) shall introduce the case by describing the alleged violation and the procedure to be followed during the hearing.

Each party or designated representative, may, but is not required to, make an opening statement, present evidence and testimony, present witnesses, and make a closing statement. The Presiding Officer may also impose such other rules of conduct as may be appropriate under the given circumstances. The Hearing Panel shall base its decision solely on the matters set forth in the complaint, results of the investigation and such other credible evidence as may be presented at the hearing. Unless otherwise determined by the Hearing Panel, all hearings shall be open to attendance by all Owners. After all testimony and other evidence has been presented at a hearing, the Hearing Panel shall, within a reasonable time, not to exceed ten (10) days, render its written findings and decision, and impose a fine, if applicable. A decision, either a finding for or against the alleged violator, shall be by a majority of the Hearing Panel members present at the hearing. The decision of the Hearing Panel shall be final. Failure to strictly follow the hearing procedures set forth above shall not constitute grounds for appeal of the Hearing Panel's decision absent a showing of denial of due process.

e. *Failure to Timely Request Hearing.* If the alleged violator fails to request a hearing within ten (10) days of the of the date on the Violation Notice or fails to appear at any hearing individually or with or through its designated representative either in person, or if appearance in person is not reasonable, by telephone, Skype or other similar technology, the Hearing Panel may make a decision with respect to the alleged violation based on the complaint, results of the investigation, and any other available information without the necessity of holding a formal hearing. If a violation is found to exist, the alleged violator may be assessed a fine pursuant to these policies and procedures.

f. *Hearing Panel Impartiality.* Any Hearing Panel member who has a direct personal or financial interest in the outcome of the decision must recuse him or herself from voting on the matter, but may participate in the discussion. A Hearing Panel member shall not be deemed to have a direct personal or financial interest in the outcome of the decision if the Hearing Panel member will not, as a result of the outcome, receive any greater benefit or detriment than will the general membership of the Association.

g. *Notification of Decision.* The decision of the Hearing Panel shall be in writing and provided to the violator and complainant within ten (10) days of the hearing, or if no hearing is requested, within ten (10) days of the final decision.

h. *Waiver and Modification of Procedure.* The Hearing Panel may grant a waiver of all or any portion of a fine or condition such waiver upon the violator coming into and remaining in compliance with the Project Documents if, in its sole discretion, such waiver is appropriate under the circumstances. Such relief granted to an alleged violator shall be appropriately documented. In addition, the Hearing Panel is hereby authorized to modify any of the procedures contained herein, as the Hearing Panel may determine appropriate under the circumstances.

2. Schedule of Fines. Except as specifically set forth in any other policy, rule or regulation of the Board, any violation of the Project Documents will subject the Owner to a reasonable fine in accordance with this Policy:

a. Fines shall be determined by the Hearing Panel for each finding of a violation based on the type, severity, repetition and circumstances of each violation based on the following guidelines:

First time or minor violations	between \$25 and \$75
Repeated minor violations	between \$50 and \$100
Repeated or flagrant violations	between \$100 and \$300

b. The Board may from time to time establish certain violations as minor or flagrant so that fines are imposed consistently.

c. In the event of a continuing violation, a daily fine may be levied if, and only if, the Association's Managing Agent performs a daily inspection to verify that the violation is continuing.

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

4. Supplement to Law. The provisions of this Policy shall be in addition to and in supplement of the terms and provisions of the Project Documents and the laws of the State of Colorado governing the Project.

CERTIFICATION

I, the undersigned, do hereby certify:

That I am the duly elected and acting Secretary of The Beaver Creek Lodge Condominium Association, Inc., a Colorado nonprofit corporation; and

That the foregoing Resolution was duly adopted by action of the Board of the Association at its meeting held on _____, 2018, at which a quorum was present.

Dated: _____, 2018.

_____, Secretary