

BLUE LAKE OWNER'S ASSOCIATION
CC&R Enforcement Policy
Resolved and Adopted April 8, 2008

This policy seeks to enforce the provisions of the Declaration of Covenants, Conditions and Restrictions for Blue Lake Planned Unit Development Filing Numbers I, II, III, IV, and V, dated April 30, 1984, August 24, 1989, September 29, 1989, May 6, 1992, and March 29, 1994, and recorded with the Eagle County Clerk and Recorder's Office at reception numbers 280471, 408516, 410488, 475488, and 532132 respectively (hereinafter referred to as the "CC&Rs").

- I. Level One – Letter
 - a. On a regular basis, the Office Administrator will completely drive the Blue Lake area to note any CC&R violations and follow up on any reports of violations made by homeowners. A digital picture, with the correct date, will be taken of any noted violation if appropriate.
 - b. For all violations that are confirmed by the Administrator:
 - i. On the same day, a letter by first class mail will be sent to the homeowner at their address of record, and to the Blue Lake address should that be different than the address of record for the homeowner, that includes
 1. a picture of the violation, if appropriate,
 2. a clear description of the violation along with the section of the CC&Rs that is being violated,
 3. the fact that the homeowner should call the Office to discuss a time line for correction if they are not able to correct the violation immediately, and
 4. an outline of the fine system that will come in to play if the violation is not corrected.
- II. Level Two - \$25.00 fine
 - a. If the violation is not corrected within 7 days from the day the violation is first noted, the pictures and a description of the violation will be forwarded to the CC&R committee for approval by at least two committee members.
 - b. For all approved violations a certified letter and a first class letter will be sent to the homeowner with the above information and a \$25.00 fine assessed to that homeowner's account.
- III. Level III - \$100.00 Fine
 - a. If the violation is not corrected within 7 days from the day the level II letter is mailed, a second first class letter will be sent to the homeowner with the above information and an additional \$100.00 fine will be assessed.
- IV. Level IV - \$125.00 continuous weekly fine
 - a. If the violation is not corrected within 7 days from the date the third first class letter is mailed, an additional \$125.00 fine will be assessed on a weekly basis until the violation is corrected.
- V. Level V – Lien
 - a. Once the HO's fine amount is in excess of \$400 a letter from the BLOA's office manager will be sent to notify the homeowner that a lien will be placed on the

property within 7 days of the letter being sent unless the assessed fines are paid in full or an appropriate arraignment is made to rectify the matter. (see attached letter)

- b. Any Attorney's fees for the work done on that homeowner's issue will be added to the amount owed and included in the lien along with the lien fee.
- c. Any unpaid fines will accrue interest in accordance to the provisions in the CC&Rs for nonpayment of assessments.

Each action in violation of the CC&Rs is considered a separate violation and separate fines will attach.

Appeal Process

Any homeowner has the opportunity to appeal the finding of a CC&R violation, at any stage, by explaining in writing why they feel that they have not violated the CC&R's, or why a violation should be granted a variance and not enforced against the homeowner. After consultation, the CC&R committee will give their findings in writing. A majority vote of the CC&R committee is required for a finding that there has been no violation or that the violation should not be enforced against that homeowner. The reasons for such a finding must be documented and retained in the association's records, filed by violation and in the homeowner's file. This will be mailed by first class mail to the homeowner. This finding may be appealed within 15 days to the full Association Board in writing. If the Board desires, they may request that the homeowner attend the meeting where their matter will be discussed. A majority vote is required to overrule the findings of the CC&R committee. The Board's findings will be recorded in writing and retained in the Association's records as above and mailed to the homeowner by first class mail.

Complaint Submissions

The office administrator will accept anonymous written or verbal complaints and follow up on these potential violations on the next regular patrol. If the violation is not visible from the street, he/she will contact the homeowner to further investigate the potential violation.

A copy of the attached letter is to be included with monthly statements to homeowners whose balance has reached \$400.

This policy may be amended from time to time by the Board.

This policy supersedes any previously adopted policy on the same subject matter.

BLUE LAKE OWNERS' ASSOCIATION

Date

Name

Address

City, State, Zip

Dear _____,

This letter is to inform you that the Board of Directors of Blue Lake Owners Association will file a lien with Eagle County against your property located at _____, Blue Lake PUD Filing ____, Block ____, Lot ____ if your balance reaches or exceeds \$500.

Fee connected with this action will be charged to your account with the Association. Pursuant to Section 3 of the POLICY FOR COLLECTION OF UNPAID ASSESSMENTS AND FINES, the Association will "File an Assessment lien against the delinquent Owner's property when their balance reaches or exceeds \$500."

Filing and release fees will also be added to the total amount owed the association.

Please contact the office as soon as possible to discuss a payment plan or for a final payoff amount.

Sincerely,

Blue Lake Board of Directors

