

**RESOLUTION
OF THE
RIDGEWOOD HILLS MASTER ASSOCIATION
REGARDING POLICIES AND PROCEDURES FOR THE
ARCHITECTURAL CONTROL COMMITTEE**

SUBJECT: Adoption of: (1) a policy regarding the enforcement of covenants and rules relating to architectural control, and (2) procedures for the notice of alleged violations, conduct of hearings and imposition of fines in relation to the same, within the Ridgewood Hills P.U.D community ("Community").

PURPOSE: To adopt a uniform policy and procedure ("Policy") to be followed by the Architectural Control Committee ("ACC") when enforcing covenants and rules in relation to architectural control.

AUTHORITY: The Master Declaration of Covenants for Ridgewood Hills P.U.D.; the Declaration of Covenants, Conditions and Restrictions for First Filing Ridgewood Hills; the Declaration of Covenants, Conditions and Restrictions for Units 1 through 155, inclusive, Ridgewood Hills P.U.D., Second Filing; the Protective Covenants for Ridgewood hills P.U.D., Third Filing; the Articles of Incorporation of Ridgewood Hills Master Association; the Bylaws of Ridgewood Hills Master Association; and Colorado law, including but not limited to C.R.S. §38-33.3-209.5.

EFFECTIVE DATE: August 8th 2006

RESOLUTION: The Association hereby adopts the following Policy to be followed by the Committee when enforcing the covenants and rules of the Association in relation to architectural control:

1. Approval Not Required. Owners are not required to obtain approval for repair or replacement projects – especially emergencies – that are categorized as simply restoring some exterior component to its previous appearance (e.g., the replacement of gutters that were blown off by the wind; repainting a house the same color; replacing dead landscaping with similar plantings; replacing a roof with a roof of the same color and composition; staining a fence with an approved color). However, if an Owner is uncertain whether the approval of the ACC is required, the Owner should obtain approval of the ACC via submission of a Design Review Request (DRR) pursuant to the procedures set forth in the Declaration, as that is the best protection should the project be questioned.

2. Failure to Submit a DRR.

(a) In instances where a project is noted to be underway but not completed, and no DRR has been submitted, the Board shall send the Owner a letter, requiring the Owner to submit a DRR to the ACC within 10 days of the date of the letter. The letter shall also state:

There is a \$25 fine for commencing a project without first submitting a DRR, and potential escalating fines per Section 5 of this Policy for the continued violation of failure to submit a DRR.

The letter shall further state that the Owner is entitled to a hearing before the Board to discuss the merits of the matter and the \$25 fine, which will not be levied until after due process has been provided under this Policy, provided that the Owner submits a written request for such hearing within 10 days of the date on the letter.

If the Owner requests a hearing within 10 days, at the hearing the Board shall consider any information the Owner wishes to provide on the merits of the matter (assuming the Owner appears). After such consideration and further deliberation if necessary, the Board may impose the initial \$25 fine. Plus, if the violation continues, additional escalating fines may be levied per Section 5 of this Policy with no additional notice or opportunity for subsequent hearings.

(b) In instances where a project is noted to be completed and no DRR has been submitted, the Board shall send the Owner a letter requiring the submission of a DRR to the ACC within 10 days of the date of the letter. The letter shall also state:

There is a \$25 fine for commencing a project without first submitting a DRR, and potential escalating fines per Section 5 of this Policy for the continued violation of failure to submit a DRR.

The letter shall further state that the Owner is entitled to a hearing before the Board to discuss the merits of the matter and the \$25 fine, which will not be levied until after due process has been provided under this Policy, provided that

the Owner submits a written request for such hearing within 10 days of the date on the letter.

If the Owner requests a hearing within 10 days, at the hearing the Board shall consider any information the Owner wishes to provide on the merits of the matter (assuming the Owner appears). After such consideration and further deliberation if necessary, the Board may impose the initial \$25 fine. Plus, if the violation continues, additional escalating fines may be levied per Section 5 of this Policy with no additional notice or opportunity for subsequent hearings.

If the Owner does not request a hearing within 10 days, the Board may impose the initial \$25 fine upon expiration of the 10-day period. Plus, if the violation continues, additional escalating fines may be levied per Section 5 of this Policy with no additional notice or opportunity for subsequent hearings.

Notwithstanding the above, if it is clear that the project is one that would not be approved by the ACC even if a DRR is submitted, the Board need not require a DRR submission and may take other immediate action as appropriate, including requiring the project to be removed or modified to be in compliance with the covenants, or imposing additional fines, after notice and an opportunity for a hearing.

(c) The ACC will make every attempt to expedite the approval process in special circumstances. However, there is no guarantee of an expedited process, including those circumstances where the Owner merely forgot to submit the DRR in a timely manner.

3. Commencement of Construction Prior to Approval. In the event an Owner has submitted a DRR, but commenced construction prior to obtaining approval of the ACC, the ACC Board shall send the Owner a letter, thanking them for submitting a DRR, reminding them that they need to wait for approval before commencing the project, and informing them that any future violation would result in a \$50 fine subject to the notice and opportunity for a hearing process.

In addition, the letter shall provide notice that a potential fine of up to \$500, depending on the circumstances and per the recommendation of the ACC, may be imposed if construction

continues without the approval of the ACC. The letter shall further state that the Owner is entitled to a hearing before the Board on the merits of the matter provided that such hearing is requested in writing within 10 days of the date on the letter.

If the Owner continues construction and fails to request a hearing within 10 days of the date of the letter, the Board may impose a fine of up to \$500, depending on the circumstances and per the recommendation of the ACC. A cease and desist letter will be initiated, with a copy to be forwarded to the Board president. The letter shall require the Owner to cease construction until he or she has received approval of the ACC. The letter shall also advise the Owner that if it is determined the project is not one that would be approved by the ACC, the Owner may be required to modify or remove the project, at the expense of the Owner.

4. Review by the ACC. The ACC will evaluate all DRR's for all projects, regardless of when and how they were submitted, and will respond in a timely manner as to whether or not the project is approved. The response to a submitted DRR may only be that a project is approved as submitted; project is approved with certain conditions; project is not approved for stated reason(s); or, DRR is returned for more information. Projects that were built without the approval of the ACC, and which are ultimately denied by the ACC, regardless of when the DRR was submitted, shall be removed or modified, as required by the Board, in addition to any fines already imposed for failure to submit a DRR request or for commencing the project prior to approval after the submission of a DRR, as provided above

5. Escalating Fines for Continued Failure to Submit DRR and Subsequent Violation of Covenant Requiring Submittal of DRR. If an Owner fails to submit a DRR within 10 days of the initial notification letter sent pursuant to Section 2 above, or fails to request a hearing within the same time frame, this shall be deemed a continuation of the initial violation. The Board may then impose additional accruing and escalating fines pursuant to this section, and based on the first notice and opportunity for a hearing already provided to the Owner. The Board has sole discretion on whether to levy escalating fines for continuing violations. The escalating fine schedule is as follows:

- (i) If still in violation 20 days after initial letter: \$ 50
- (ii) If still in violation 30 days after initial letter: \$ 100
- (iii) If still in violation 40 days after initial letter: \$ 250

And continuing each week up to a maximum of \$ 500.

In addition, if within six months of the initial violation an Owner fails to submit a DRR to the ACC prior to commencement of construction on a separate project, the Board may levy fines for the subsequent violation at an increased rate per the process set forth in Section 2 above. For such subsequent violations, the initial fine will be \$100, after notice and an opportunity for a hearing, and the escalating fine schedule will be as follows:

- (iv) If still in violation 20 days after initial letter: \$ 200
- (v) If still in violation 30 days after initial letter: \$ 300
- (vi) If still in violation 40 days after initial letter: \$ ~~500~~ 400

And continuing each week up to a maximum of \$ 500.

6. Membership of the ACC. The membership of the ACC shall consist of three Owners, with no two Owners from the same Lot. Based on the individual Filing Declarations, each Filing is supposed to have its own architectural control committee, as appointed by Board, to receive, review, and respond to DRR submissions related to property within that individual Filing. Each individual Filing Declaration also allows for a majority of the members of the individual Filing architectural control committee to designate a single representative to act for it.

Although the Board has attempted to obtain enough volunteers to allow for three separate committees, the Board has been unable to establish a separate 3-member committee for each individual Filing. Accordingly, and based on the Declaration language allowing for individual Filing committees to designate a single representative to act on its behalf, the Board has decided to appoint a single ACC to receive, review, and respond to DRR submissions related to property within the entire Community. The ACC will be comprised of a representative from each Filing to carry out the architectural control duties with respect to their Filing. If an individual from each Filing is not willing to serve on the ACC at any given time, then the ACC may be comprised of more than one representative from a particular Filing.

The Board will seek ACC membership from among non-Board Owners, subject to the one-Board member requirement set forth below, but will ultimately be responsible for filling the ACC positions from among its own ranks as necessary to fill the 3-member requirement. The ACC membership will rotate every four months. The initial ACC following the approval of this policy will be no less

than two Board members and at no time will the Board have less than one member on the ACC.

7. Waiver of Fines. The Board may waive all, or any portion, of the fines if, in its sole discretion, such waiver is appropriate under the circumstances. Additionally, the Board may condition waiver of the entire fine, or any portion thereof, upon the Owner coming into and staying in compliance with the Articles, Declaration, Bylaws or Rules.

8. This Policy is adopted in addition to all other enforcement means which are available to the Association through its Master Declaration, Bylaws, Articles of Incorporation and Colorado law. The use of this process does not preclude the Association from using any other enforcement means.

9. Unless otherwise defined in this Policy, initially capitalized or terms defined in the Declaration shall have the same meaning herein.

10. The provisions of this Policy shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Colorado governing the Community.

11. The Board may deviate from the procedures set forth in this Policy if in its sole discretion such deviation is reasonable under the circumstances.

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

**PRESIDENT'S
CERTIFICATION:**

The undersigned, being the President of the Ridgewood Hills Master Association, a Colorado nonprofit corporation, certifies that the foregoing Resolution was adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors on JUNE 26, 2007 and in witness thereof, the undersigned has subscribed his/her name.

**RIDGEWOOD HILLS MASTER
ASSOCIATION,**
a Colorado nonprofit corporation

By: Mike P. Faull
President