

**GAME TRAIL ASSOCIATION
RULE AND REGULATION 12-06
ENFORCEMENT OF GAME TRAIL COVENANTS,
POLICIES AND RULES AND REGULATIONS**

Rule and Regulation 02-02 and 12-01 is hereby suspended and superseded by this Rule and Regulation.

The purpose of this policy is to establish a procedure for addressing violations of the Game Trail Covenants, Policies, and Rules and Regulations (R/R) of which the Game Trail Architectural Control Policy is a part pursuant to Article V, Paragraph P (b) of the By-laws.

Game Trail Association (GTA) as described in Article B of the Declaration of Covenants desires to insure the attractiveness of individual lots to maintain the environment of Game Trail Property. Also by Article 20 of the Covenants, GTA has the right to apply to an appropriate court of law for “an injunction or proper relief” in the event of any violation of the Covenants.

Based on this authority and the authority given to the Association By-laws by Article 15 of the Covenants, as well as GTA’s responsibility to the members of the Association, the Board of Directors (Board) adopts the following policy for the enforcement of the Covenants, Policies, or R/R:

1. **NOTIFICATION:** Board members, GTA committees, or individual owners may report violations of the Game Trail Covenants, Polices, or R/R to the Board. If the Board determines that a property owner is in violation, it will notify the owner of the violation in writing by first class mail return receipt requested sent to the mailing address of record maintained in the owner’s records of the GTA and request the owner to remedy same within a stated reasonable time period (not less than thirty (30) days, except in the case of an emergency as documented in the notification). The written notification shall also inform the owner of the enforcement actions available to the Board by referencing and including a copy of R/R No. 12-06 along with the Procedure for Imposition and Schedule of Fines contained in R/R No. 12-07. In addition, the written notification shall advise the owner of the right to contest, dispute, or appeal to the Board in writing within thirty (30) days of receipt of the notification by referencing and including a copy of this R/R No. 12-06.
2. **APPEAL:** After notification, the property owner shall be allowed thirty (30) days from receipt of the notification to appeal in writing to the Board by first class mail sent to the Game Trail Association, Inc., P. O. Box 4110, Buena Vista, CO 81211, requesting an opportunity to be heard before the Board. Such hearing shall occur at the next regularly scheduled Board meeting if it is greater than thirty (30) days from the date of receipt by the Board for the request for hearing. If the next regularly scheduled Board meeting is less than

30 days from the date of receipt by the Board of the request for hearing, the hearing shall occur at the next regularly scheduled board meeting that exceeds thirty (30) days from the date of the request for hearing. The hearing may also occur at a mutually convenient time and place by agreement of the parties provided that it is within forty-five (45) days from the date of receipt by the Board of the request for hearing. After hearing, the Board will make a determination and notify the owner of its decision in writing by first class mail return receipt requested sent to the mailing address of record maintained in the owner's records of the GTA and the enforcement action it plans to take concerning the owner's violation of the Covenants, Polices, and/or R/R. If the enforcement action involves the imposition of fines, R/R 12-07 is applicable. In addition, the written notification shall advise the owner of the availability of mediation by referencing and including a copy of R/R No. 12-08.

3. **ENFORCEMENT ACTIONS:** If the property owner fails to remedy the violation as determined by the Board within the stated time period, the Board may take one or more of the following enforcement actions that it deems appropriate based on the type of violation:
 - a. Injunctive or other legal relief, including legal or other costs of enforcement as allowed by law;
 - b. Entering the property where the violation exists and removing at the property owner's expense any existing "structure, thing, or condition" that creates a danger to the Common Property contrary to the intent and meaning of the provisions of the Declaration of Covenants;
 - c. In the case of violation of the Architectural Control Policy, revocation by the Board of any prior Architectural Approval;
 - d. Imposition of periodic fines until the violation is corrected, including legal or other costs of enforcement as allowed by law (See the Procedure for Imposition and Schedule of Fines contained in Rule and Regulation 12-07);
 - e. Recording of a lien on the owners' property in the amount of unpaid fines and other costs owed by the owner, with the effect that the violation and amount owed appear on the title to the property, including legal or other costs of enforcement as allowed by law;
 - f. In the event that a property in violation is listed for sale, notification to the listing realtor of the property's violation and the remedy for which a new owner would assume responsibility;
 - g. Any other action authorized by the Declaration of Covenants or by the laws of Colorado.