

**GAME TRAIL ASSOCIATION
RULE AND REGULATION 12-07
PROCEDURE FOR IMPOSITION AND
SCHEDULE OF FINES**

Rule and Regulation 12-02 is hereby suspended and superseded by this Rule and Regulation.

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

PROCEDURE FOR IMPOSITION OF FINES

1. In the event that the Board determines that the imposition of a fine is the appropriate enforcement action, the following shall apply:
 - a. Prior to the imposition of any fine, the Board will conduct a fair and impartial fact finding review concerning whether the alleged violation actually occurred including whether the owner is the one who should be held responsible for the violation.
 - b. The Board will notify the owner of the violation for which fines will be assessed 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. The written notification shall inform the owner of the amount of the fine proposed, the frequency of assessment of the fine and the duration of this assessment as well as what action can be taken to terminate the assessment of a fine along with reference to and inclusion of the schedule of fines contained herein. The written notification shall advise the owner that he/she is entitled to a fact finding review before an impartial decision maker concerning whether the alleged violation actually occurred including whether the owner is the one who should be held responsible for the violation. The fact finding review should be requested in writing to the Board by first class mail sent to the Game Trail Association, Inc., P. O. Box 4110, Buena Vista, CO 81211. The fact finding review will 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 a fact finding review. If a request for a fact finding review is not made within thirty (30) days of receipt of the notification by the owner, it shall be deemed that the owner admits to the violation and the proposed assessment of fines described in the owner's original notification.
 - c. As used in this section, "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.

- d. If, as a result of the fact finding review described in this section, it is determined that the property owner should not be held responsible for the alleged violation, the association shall not allocate to the property owner's account with the association any of the association's costs or attorney fees incurred in asserting or conducting a fact finding review of the claim. Notwithstanding any provision in the declaration, bylaws, or rules and regulations of the association to the contrary, a property owner shall not be deemed to have consented to pay such costs or fees.
 - e. Nothing in this section shall preclude the notification to a property owner 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 that the consideration of the imposition of a fine for a violation will be considered at the next regularly scheduled Board meeting from satisfying the requirement of the impartial fact finding review required pursuant to the provisions of the Rule and Regulation contained herein.
2. After the time to request a fact finding review has expired or after a fact finding review has been conducted at the request of the owner, the Board will notify the owner of its determination of whether fines will or will not be assessed 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. The written notification shall inform the owner of the amount of the fine assessed, the frequency of assessment of the fine and the duration of this assessment as well as what action can be taken to terminate the assessment of a fine along with reference to and inclusion of the schedule of fines contained herein. 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 paragraph 2 of Rule and Regulation No. 12-06 and including a copy therein and shall also advise the owner of the availability of mediation by referencing and including a copy of Rule and Regulation No. 12-08.

SCHEDULE OF FINES

1. Violation of ACC Policies:

- a. Failure to obtain Architectural Control Committee (ACC) approval prior to beginning the construction or alteration of any structure as defined in the Architectural Control Policy may result in a fine of \$25.00 per day until abated.
- b. Failure to comply with the conditions and building plans approved by the ACC may result in a fine of \$25.00 per day until abated.

- c. Failure to comply with other provisions of the Architectural Control Policy may result in a fine of \$100.00 for each occurrence unless the violation is ongoing in nature in which case a fine of \$15.00 per day may result until abated.
2. Violation of Rule and Regulation 12-04, Allowable Use of Outside Water, may result in a fine of \$250.00 per occurrence.
3. Violation of Game Trail's prohibition of outdoor burning as described in paragraph 7 of the Declaration of Covenants may result in a fine of \$250.00 per occurrence.
4. Violation of R/R No. 96-01 Overnight Occupancy of a Home Construction Site, Vacant Lot, or Common Property may result in a fine of \$100.00 per day until abated.
5. Violation of R/R No. 96-02 Vehicular Entry into the National Forest may result in a fine of \$100.00 per day until abated.
6. Any other violations of Game Trail Covenants, Policies, and Rules and Regulations may result in a fine of \$100.00 per occurrence or per day until abated.
7. The imposition of fines will continue until the violation is corrected and/or all fines are paid, including any legal or other costs of enforcement as allowed by law.
8. Non-payment of any fines imposed pursuant to this Schedule of Fines shall be deemed a separate violation and subject to the provisions of the Late Payment Policy contained in R/R No. 09-01.
9. The non-payment of fines will continue to accumulate until payment or abatement and could result in the 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.