

GAME TRAIL ASSOCIATION
RULE AND REGULATION 22-01
ENFORCEMENT OF GAME TRAIL COVENANTS, POLICIES,
RULES AND REGULATIONS AND OTHER GOVERNING DOCUMENTS

Rule and Regulation 02-02, 12-01, and 12-06 are hereby suspended and superseded by this Rule and Regulation. If any other GTA Rule and Regulation refers to the preceding Rules, they will be interpreted as referring to Rule and Regulation 22-01.

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 (Governing Documents).

Game Trail Association (GTA) as described in Article B of the Declaration of Covenants desires to ensure the attractiveness of individual lots to maintain the environment of Game Trail Property. Also, by Article 20 of the Covenants and under Colorado law, 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 GTA By-laws by Article 15 of the Covenants, as well as GTA’s responsibility to the members of the GTA, the Board of Directors (Board) adopts the following policy for the enforcement of the Governing Documents.

In all instances, “Notice” to the property owner as used in this R&R means that GTA shall through certified mail, return receipt requested, provide the property owner written Notice of the violation, in English and in any other language that the property owner has notified GTA of a preference.

Notice to GTA can be by First Class or certified mail, return receipt requested to Game Trail Association, P. O. Box 4110, Buena Vista, CO 81211.

- I. **NOTIFICATION:** Board members, GTA committees, or individual owners may report violations of the GTA Governing Documents to the Board. If the Board reasonably determines that a property owner committed a violation of the Governing Documents, other than a violation that threatens public safety or health, GTA shall provide the property owner Notice of the violation informing the property owner that the property owner has thirty (30) days to cure the violation or GTA, after conducting an inspection and determining that the property owner has not cured the violation, may fine the property owner according to R&R 22-02 – Procedure for Imposition and Schedule of Fines a copy of which must be included in the Notice and advising the property owner that the total amount of fines imposed per violation may not exceed five hundred dollars (\$500.00).
In addition, a copy of R&R 22-03 – Late Payment Policy must be included with the Notice.

If the property owner cures the violation within the thirty (30) day period to cure afforded the property owner, the property owner may notify GTA of the cure and, if the property owner sends with the notice visual evidence that the violation has been cured, the violation is deemed cured on the date that the property owner sends the notice to GTA. If the property owner's notice does not include visual evidence that the violation has been cured, GTA shall inspect the property as soon as practicable to determine if the violation has been cured.

If GTA does not receive notice from the property owner that the violation has been cured, GTA shall inspect the property within seven (7) days after the expiration of the thirty (30) day cure period to determine if the violation has been cured. If, after the inspection and whether or not GTA received notice from the property owner that the violation was cured, GTA determines that the violation has not been cured: A second thirty (30) day period to cure commences if only one thirty (30) day period to cure has elapsed. If the property owner does not cure the violation within the period to cure afforded the property owner, GTA may fine the property owner according to the guidelines outlined in R&R 22-02 – Procedure for Imposition and Schedule of Fines, a copy of which must be included with the Notice. The written notification shall also inform the property owner that GTA may take legal action if two (2) thirty (30) day periods to cure have elapsed. A description of the legal actions available to GTA are described in R&R 22.04 – Collection of Delinquent Accounts Including Available Legal Actions, a copy of which must be included with the Notice.

With respect to any violation of GTA Governing Documents that GTA reasonably determines threatens public safety or health, GTA shall give Notice informing the property owner that the owner has seventy-two (72) hours to cure the violation or GTA may fine the property owner. If, after an inspection of the property, GTA determines that the property owner has not cured the violation within seventy-two (72) hours after receiving notice, GTA may fine the property owner according to the guidelines outlined in R&R 22-02 – Procedure for Imposition and Schedule of Fines, a copy of which must be included with the Notice.

In addition, the written notification shall advise the property 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 22-01 – Enforcement of Game Trail Covenants, Policies, Rules and Regulations and Other Governing Documents.

Once the property owner cures a violation, GTA shall give Notice to the property owner that the property owner will not be further fined regarding the violation and of any outstanding fine balance that the property owner still owes GTA.

- II. **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 if 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 provide Notice to the property owner of its decision and the enforcement action it plans to take concerning the property owner's violation of the GTA Governing Documents. If the enforcement action involves the imposition of fines, R&R 22-02 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 12-08 – Alternative Dispute Resolution Option for Resolving Differences Between Property Owners the Actions of the Board of Directors a copy of which must be included with Notice of the Board's decision.

III. 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 a 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 and described in R&R 22-02 – Procedure for Imposition and Schedule of Fines a copy of which is enclosed.
- e. Recording of a lien on the owners' property in the amount of unpaid fines and other costs owed by the property 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. If 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 GTA's Governing Documents or by the laws of Colorado.