

WINDJAMMER HOMEOWNERS ASSOCIATION ENFORCEMENT POLICY AND PROCEDURES

16 October 2025

Authority: CRS 38-33.3-3.302, Powers of Unit Owners' Association, Paragraph (1) (k)
CRS 38-33.3-209.5, Responsible Governance Policies, Paragraph (1) (b) (IV), (2), (3)
Declaration, Section 604, Maintenance
Declaration, Section 707, Enforcement

Purpose: This Policy outlines the Enforcement actions that the Windjammer Homeowners Association ("**Association**") will take against Owners, occupants (including Tenants), or authorized representatives if violations of Covenants, Policies, Bylaws, other current or future Association rules ("**Covenants**") are discovered. For the purpose of this Policy, **Owners** refers to both resident and non-resident owners of any property subject to the Association's Covenants and Policies. Potential remedies for violations include (but are not limited to) fines and the issuing of Covenant Violation Liens against the property. Notice of violations, fines, liens, and other penalties are issued by the Association's Board of Directors ("**Board**").

Policies:

- a. Any Owner, occupant, or authorized representative who violates the Bylaws, Covenants, Policies, or any future rules or procedures of the Association (other than a failure to pay regular assessments) may subject the Owner to a fine. The amount of the fine will be in accordance with the schedule of fines listed in this document (Procedure paragraph c). These fines are designed to motivate the Owner to bring a violation into compliance. Each incident or each day of a continuing violation may be considered a separate violation for which a fine may be imposed. Fines will be imposed only after an Owner has received 1) written Notice from the Association and 2) an opportunity to be heard before a team of three board members (described in Procedures paragraph c). Fines may accrue from the date of the First Notice of Violation until the violation is brought into compliance. However, these fines will not be imposed until after the opportunity for a hearing.
- b. The Board may assess the actual cost of maintenance or repair to the Association Maintenance Areas caused through the willful or negligent acts or omissions of any Owner, Tenant, or invitees of the Owner or Tenant. The Owner assumes ultimate responsibility for the payment of the assessed costs.
- c. Payment of an assessed fine or cost does not relieve an Owner from the responsibility of correcting the violation.
- d. Owners shall be responsible for violations committed by their guests, contractors, family members, agents, or Tenants. The Association may initiate the Enforcement Procedure (outlined below) against the Owner, the Owner's representative, or any individual causing a violation.
- e. In lieu of or in addition to a fine, the Board may publish and record a Notice of Covenant Violation Lien. The lien will remain in effect until the property in violation is brought into compliance. Costs for recording and removal of the lien will be assessed against the Owner.

- f. The imposition of a fine or the recording of a lien does not preclude additional methods of enforcement, including suspension of voting rights or legal action according to the governing Bylaws and Covenants of the Association.
- g. If two violations are observed at a property, but the violations pertain to different covenants, each is treated separately (for example, there will be separate notices and separate fines).

Procedures: Standard procedures shall apply concerning violations of the governing documents.

Immediate Action Procedures shall apply in cases where 1) health or safety are an issue, 2) an Owner consistently neglects covenant compliance, or 3) other circumstances where the Board determines that immediate action is necessary.

Standard Procedures

- a. **Complaints.** Any Owner, Board member, or independent contractor hired by the Board may submit a complaint in writing. All complaints shall include information identifying the complainant, which shall remain confidential, unless advised otherwise by the Association lawyer. All submitted complaints will be investigated by a Board member or independent contractor before proceeding with enforcement.
- b. **Notice of Violation.** Upon validation of a complaint, a written notice will be provided to the Owner. Multiple notices will be sent before fines or liens are considered. Notices will be sent via USPS Mail. The following notices will be sent:
 - i. **Courtesy Postcard.** A courtesy postcard is sent to alert the Owner of a property violation. The postcard will state the violation and the time frame of ten (10) days after postmark allotted to fix the violation. If a violation cannot be brought into compliance within ten (10) days, the Owner shall contact the Board via mail or email to propose a reasonable deadline for compliance.
 - ii. **Notice of Violation.** Lots with violations continuing beyond fifteen (15) days from postmark of the courtesy postcard, will receive a Notice of Violation letter. For a rental property, a notice may be sent to both the Owner and Tenant. Notice of Violation letters contain the covenant violated, a date to correct the violation, any additional information requested by the Board, and the contact information of a Board member for responses or questions. Failure to correct the violation, provide requested information, or contact the Board member within fifteen (15) days of the date of the Notice of Violation will result in Notice of Fine Hearing.
 - iii. **Notice of Fine Hearing.** Notice of Fine Hearing informs the Owner of the reason for a Fine Hearing, date, time, and venue. Owners may request a different date, time, or venue, in which the Board will make reasonable efforts to accommodate the request. The notice will be sent out fifteen (15) days prior to the Fine Hearing.
- c. **Fine Hearing.** A Fine Hearing ("**Hearing**") is convened by the Board to determine why an Owner should or should not be fined for an ongoing violation. The presence of an Owner is requested through a Notice of Fine Hearing fifteen (15) days prior to the Hearing. Owners may forego attendance and send in a written statement (via USPS or email) a minimum of five (5) days before the Hearing. Hearings may also take place via electronic means if both parties agree. The complainant is not required to attend. Three Board members, including the President or Vice President, will be present for the meeting ("**Committee**"). In addition, the Secretary/Treasurer will be present to document results and provide all necessary information.

to Board members. Fines may be formally imposed after a Hearing has concluded. Hearings will provide time for the Committee to discuss the violation, Owners to discuss actions being taken to correct the violation, creation of a resolution, and identification of any fines or other restrictions to be imposed at the conclusion of the meeting. Failure of the Owner to attend the meeting or to provide a written statement to the Board will constitute a waiver of the opportunity for a hearing, and fines (including recurring fines) may be imposed for the continued violation. In addition, the Committee may impose additional restrictions on the Owner as provided in the Bylaws and Covenants. The Committee may also elect to record with El Paso County a Covenant Violation Lien instead of or in addition to any assessed fine.

- i. **Schedule of Fines.** A fine of \$25 will be imposed on an Owner when approved by the Committee at a Fine Hearing. If the Owner does not bring the violation into compliance, an additional \$25 per week will be assessed.
 - ii. **Notice of Fines.** Owner will be sent a Notice of Fine within five (5) days of the hearing. This notice will advise the Owner of the determination of the Committee. An unrecorded copy of any lien imposed will be forwarded with this notice.
- d. **Additional Violations Following Fine Hearing.** If the violation continues to exist after the Notice of Fine has been delivered, the Association may refer the matter to an attorney or collection agency. All further communication regarding the violation will then be directed to the attorney or collection agency.
- e. **Collection of Fine.** Fines, lien recordings, and lien removal fees will become due and payable with the next quarterly dues payment after the Fine Hearing. Delinquent fines and fees will be processed according to the Association's Collection Policy and Procedure.
- f. **Removal of Lien.** A recording Notice of Covenant Violation Lien will be removed at Owner expense upon determination of the Committee or quorum of the Board that the covenant violation has been brought into compliance.

Immediate Action Procedure. For violations requiring immediate action due to safety, health, continued Owner neglect, or other circumstances as determined by the Association, the following procedure shall apply:

Special Notice of Violation. A Special Notice of Violation is sent in writing to the Owner by mail and email. This notice includes information about the violation, why immediate action is necessary, and a reasonable date for correction to be completed. In the case of continued Owner neglect, this notice may include a Notice of Fine Hearing. The Owner is subject to all subsequent Enforcement Procedures outlined in paragraph c.

IN WITNESS WHEREOF, the undersigned certifies that this Policy and Procedures was adopted by resolution of the Board of Directors of the Association on this 16th day of October 2025.

Windjammer Homeowners Association is a Colorado Non-profit Corporation.



Mark Hrdlichka
President Windjammer HOA