

Tamarisk Homeowners Association, Inc.
Revised and Supplemented Policies and Procedures

These Revised and Supplemented Policies and Procedures are promulgated pursuant to and in compliance with Colorado Revised Statutes 38-33.3-209.5 and 38-33.3-124, more commonly referred to as "Senate Bill 100's & Senate Bill 89's requirements". As Certified below, the Board of Directors of the Tamarisk Homeowners Association, Inc., a Colorado Non-Profit Corporation, adopted the following eleven Revised and Supplemented Policies and Procedures by unanimous vote of the Board of Directors on June 23, 2017. These six Revised and five new Supplemental Policies and Procedures supplant the six Policies previously adopted by the Board of Directors on June 27, 2014.

Policies and Procedures

1. Accounting Records Policy

The Association shall maintain accounting records using generally accepted accounting principles.

2. Collection of Unpaid Assessments

In accordance with Tamarisk Condominium Declaration Article XI as amended:

- i. Assessments that are not paid within fifteen (15) days of their due date are delinquent.
- ii. Delinquent assessments will be charged a late fee of \$20.00, and 1.5 % interest (18% per annum) will be charged on any unpaid balance on the 30th of each month.
- iii. Returned checks will result in a \$26 charge, unless the bank charges more, in which case bank charge will be passed on to the unit owner.
- iv. The Association will file a lien notice with Summit County, Colorado when unpaid amounts exceed three months delinquency.
- v. The Association may hire an attorney and file suit to recover all delinquent Owners accounts.
- vi. Before the Association turns over a delinquent account of a unit owner to a collection agency or refers it to an attorney for legal action, the Association will send the delinquent unit owner a notice of delinquency specifying: (a) the total amount due and how the total was determined; (b) that the unit owner may contact the Association's property management company to request a copy of the unit owner's ledger to verify the amount of the debt, (c) that the opportunity to enter into a payment plan exists and to contact the Associations property management company to enter into such a payment plan; and (d) that action is required to cure the delinquency, and that failure to do so within thirty days may result in the unit owner's delinquent account being turned over to a collection agency, a lawsuit being filed against the owner, the filing and foreclosure of a lien against the unit owner's property, or other remedies available under Colorado law including the recovery of attorney fees and the additional expense necessary to manage the delinquent account.
- vii. Should a unit owner desire to enter into a payment plan with the Association, the Association will make a good-faith effort to enter a payment plan with the delinquent owner to pay the deficiency, in equal installments up to a period of six months, along with current due assessments. Failure to remit

payment of installments in accordance with the terms of the agreed to payment plan, or to remain current with regular assessments, will result in legal action to collect the debt.

viii. Unless installment payments have been agreed to under subsection 2. vi. above, and made on time, when the outstanding balance of assessments and charges secured by its lien equals six months of monthly assessments, and the Association Board of Directors records a vote to authorize legal action, the Association may foreclose on its lien on the delinquent owner's property.

ix. Payments received will be applied to current dues first and then to the oldest outstanding dues, interest and charges including legal fees next.

3. Conflicts of Interest of Board Members

When dealing with Association business, members of the Board of Directors have a fiduciary duty always to act in the best interest of the Association. A conflict of interest arises when a Director may, directly or indirectly, benefit from a decision he or she could make. For example, any contract decision, or any other decision, action or vote taken by a Director that would financially benefit such Director, or any person who is a parent, grandparent, spouse, child, or sibling of such Director, or a parent or spouse of such Director, that Director has a conflict of interest. In each and every case where a conflict of interest arises, the Director who has the conflict must immediately disclose it to the other Board members prior to any decision, action or vote on an issue giving rise to the conflict of interest. And after making such disclosure, the conflicted Director shall not participate in the discussion and shall not vote on that issue. Any decision, contract or agreement entered into in violation of this policy is void and unenforceable.

4. Conduct of Meetings

All meetings of Tamarisk Homeowners Association and Board of Directors are open to all owners, or their written designated representative. Owners and directors meetings will be based upon an agreed to agenda, communicated to potential attendees by mail, web site posting or e-mail prior to the meeting. The annual owners and Directors meetings announcements will also be posted on-site at the Tamarisk project. Both annual meetings will be conducted in Breckenridge, Colorado in June of every year, at a date, time and location determined by the Board of Directors, to review budgets, elect directors, and conduct other business deemed appropriate. Contested director elections shall be based upon secret written ballot of attendees and properly executed proxies. Proxies may be given and delivered by e-mail. All attendees may participate in agenda item discussions and owners may present additional topics after the agenda has been completed. If time becomes an issue, the directors may implement a discussion time limit for each speaker. Votes will be made on recognized motions that have been seconded. Meetings will normally be conducted in accordance with an informal version of Roberts Rules of Order, and decisions will be based upon a majority affirmative vote unless a greater number is required by the Association Declaration or By-Laws.

5. Enforcement of Provisions of Association's Governing Documents -- Condominium Declaration, By-Laws, Rules and Regulations, Policies and Procedures

It is the express policy for the Tamarisk Homeowners Association Board of Directors to enforce all terms and provisions of the Articles of Incorporation, Condominium Declaration, By-Laws, Rules and Regulations, and these Policies and Procedures. Given appropriate circumstances, the Board may grant an exception to the Rules and Regulations and these Policies and Procedures. In the absence of a Board granted exception, any owner in violation of any provision of the foregoing documents shall be given verbal and/or e-mail notice of the violation with a request to immediately stop such violation. Failure or

refusal to stop the violation within a reasonable time after notice will result in one or more of the following sanctions against the violator.

- i. suspension of the right to vote;
- ii. a daily monetary fine until the violation stops;
- iii. removal of the offending property;
- iv. placing a lien on the unit owner's property interest;
- v. any other remedy allowed by Colorado law.

6. Inspection and Copying of Association Documents and Records

In accordance with Colorado Revised Statute 38-33.3-209.4(3), the Association's governing documents – Articles of Incorporation, Condominium Declaration, By-Laws, Rules and Regulations, Policies and Procedures, together with Budgets, Financials, Minutes, and a list of the Association's Board of Directors, are available to any owner for inspection and copying at internet URL fourseasonspropmgmt.com. Inspection and copying of documents other than those listed above shall be in accordance with the following policy and procedures.

1. Inspection Procedure. A member or his/her authorized agent is entitled to inspect and copy, at the member's expense and during regular business hours at a reasonable location specified by the Association, any of the records or papers of the Association and written communications that directly relate to an action taken by the Board including email correspondence, (except as specifically limited or excluded by Section 3 below) if the member gives the Association written demand at least ten (10) business days before the date on which the member wishes to inspect and copy such records and:

- a. The demand is made in good faith and for proper purpose;
- b. The member describes with reasonable particularity the purpose and the records or papers the member desires to inspect; and
- c. The records or papers are directly connected with the described purpose.
- d. "Proper purpose" means a purpose reasonably related to the demanding member's interest as a member of the Association.
- e. It is within the reasonable discretion of the Board to determine whether a members demand to inspect and copy is made in good faith and for a proper purpose.

2. Proper Purpose/limitation. Without the consent of the Board of Directors, a membership list or any part thereof may not be obtained or used by any person for:

- a. Any purpose unrelated to a members interest as a member;
- b. To solicit money or property unless such money or property will be used solely for the purpose of generating materials or holding meetings to solicit the votes of the members in an election to be held by the Association;
- c. Any commercial purpose; or
- d. To be sold to or purchased by any person.

3. Exclusions. The following records and documents may be kept confidential by the Association:

- a. Attorney-Client Confidential Documents. In order to protect the attorney/client privilege existent between the Association and its attorneys, all communications between the Association and its attorney, including, but without limitation, memos, opinion letters, and draft documents prepared at the behest of the Board of Directors, are not available for the inspection or copying by any member of authorized agent, without the consent or authority of the Board of Directors.
- b. Personnel Confidential Documents.
- c. Applicable law. Any documents which are confidential under any Constitutional, statutory or judicially imposed order.

d. Individual Privacy.- Any documents the disclosure of which would constitute an unwarranted invasion of individual privacy are confidential.

4. Copy and other Document Fees.

a. The Association will impose a reasonable charge for the costs of copies of any documents the Association provides to a member. The charge may not exceed the actual cost for copies as incurred by the Association.

b. If a member requests copies of Association document which are not in the possession of the Association; the member is responsible for whatever fees and costs are imposed by the entity (CPA, attorney etc.) holding such records for copy and related costs, including but not limited to labor, materials and postage.

c. If a member requests a copy of an Association document which must be retrieved from archives, compiled, generated, certified or authenticated in any way, the member is responsible for all fees and costs incurred in the retrieval, compilation, generation, certification or authentication and reproduction (copying) of the requested document(s), including but not limited to labor, materials and postage.

7. Procedures for the Adoption and Amendment of Rules and Regulations, Policies and Procedures

The Board of Directors of the Tamarisk Homeowners Association, upon a majority vote of the Directors then serving, may revise, amend, supplement and adopt new provisions of the Association's Rules and Regulations, and Policies and Procedures, as conditions and circumstances dictate.

8. Alternate Dispute Resolution Policy and Procedure

The Colorado Legislature, through the Colorado Common Interest Ownership Act, Colorado Revised Statutes, 38-33.3-124, encourages policies and procedures that use mediation and/or arbitration as alternatives to the filing of a lawsuit between unit owner(s) and the Association. Accordingly, pursuant to and in compliance with this statute, the Tamarisk Condominium Homeowners Association dispute resolution policy and procedure for all disputes between a unit owner and the Association, *other than disputes regarding assessments*, and which disputes arise out of or involve the Tamarisk Condominium Declaration, By-Laws, Rules and Regulations, Policies and Procedures, or the Association's property management company or the Association's contract with its property management company, are as follows.

First, each party is required to attempt to resolve a dispute through verbal and/or written communication guided by the provisions of the Tamarisk Homeowners Association Articles of Incorporation, the Tamarisk Condominium Declaration, the Tamarisk Homeowners Association By-Laws, the Tamarisk Homeowners Association Rules and Regulations and these Policies and Procedures.

Second, if the dispute is not resolved by the communication procedure dictated immediately above, then the dispute shall be mediated before an impartial individual agreed to by both parties.

Third, should a dispute not be resolved by communication, or not be mediated because of failure to agree upon an impartial mediator, or if mediated but not resolved by such mediation, then the dispute shall be *resolved through binding arbitration* under the terms and provisions of the Colorado Uniform Arbitration Act, and the filing of a lawsuit to resolve the dispute is prohibited.

9. Reserve Study Policy and Procedure

In June of each year, the Association, through its Board of Directors, in conjunction with its Property Management Company, shall prepare and present to the Association members, an updated Reserve Study Plan based on a physical and financial analysis of the present condition and necessary future repair, replacement and/or improvement of the major Common Element and Limited Common Element components. The latter includes, but is not limited to, the roof, boilers, doors, windows, lighting, parking surface, exterior siding, storage area, and painted areas. The study will include the estimated remaining life of components, along with the estimated repair, replacement or improvement cost, the projected year of the replacement, the reserve funds necessary to conduct the repairs, replacement or improvements, and the assessments necessary to place in reserve fund to cover the costs of the repairs, replacement or improvements.

10. Investment of Reserve Funds Policy

Until used to accomplish the repairs, replacement and/or improvements established in the Reserve Study Plan, reserve funds shall be maintained in an FDIC Insured interest bearing account separate from the Association’s operating account at a local State or Federal bank.

11. Adoption and Amendment Policy

In accordance with the Certificate of Adoption that follows, these Policies and Procedures are adopted by majority vote of the number of Directors serving at the time of the vote. Further, these Policies and Procedures may be amended or supplemented, at a regular or specially called meeting of Directors, by a majority vote of the Directors serving at the time of the vote. In the case of any conflict between these Policies and Procedures and the Tamarisk Condominium Declaration or Association By-Laws, the Declaration or Association By-Laws shall control.

Custody of Original, Amended and Supplemental Policy and Procedure Documents

The Tamarisk Homeowners Association property management company shall maintain custody of the originals of all Policies and Procedures and Revisions, Amendments and Supplements thereto.

Certificate of Adoption

This is to certify that the Board of Directors of the Tamarisk Homeowners Association, Inc., a Colorado Non-Profit Corporation, adopted the foregoing eleven Revised and Supplemented Policies and Procedures by unanimous vote of the Board of Directors on June, 23, 2017, in witness thereof, the undersigned has subscribed his/her name.

TAMARISK HOMEOWNERS ASSOCIATION, INC.
A Colorado non profit corporation.

By: 
President, Board of Directors