

WHISPERING PINES METROPOLITAN DISTRICT NO. 1  
BOARD OF DIRECTORS  
RESOLUTION  
**ENFORCEMENT OF GOVERNING DOCUMENTS**

October 26, 2021

The Board of Directors of Whispering Pines Metropolitan District No. 1, a quasi-municipal corporation and political subdivision of the State of Colorado (the "District"), hereby approves and adopts the following Resolution:

**RESOLVED**, that the following Policy of the District related to Enforcement of Governing Documents is hereby adopted and ratified:

1. **Violations**. Complaints regarding alleged violations of the Governing Documents of the District may be reported to the District's management company or other representative of the District, or discovered on routine inspections.
2. **Investigation**. Upon receipt by the District of a complaint or discovery of an alleged violation of the Governing Documents, the complaint may be investigated by the District's manager or member(s) of the Covenant Enforcement Committee ("CEC").
3. **Initial Warning Letter**. If a violation is found to exist, a warning letter shall be sent to the alleged Violator explaining the nature of the violation. The alleged Violator will have fourteen (14) days from the date of the letter to come into compliance, or such other applicable time period as may be set forth in the specific regulation being enforced, or such period as may be agreed in writing by the District (acting through its manager or representative of the CEC). With respect to matters which are an immediate nuisance or capable of immediate cure, the alleged Violator may be given such shorter period of time to come into compliance as the District's manager or representative of the CEC may reasonably determine.
4. **Continued Violation After Warning Letter**. If the alleged Violator does not come into compliance within the period of time stated in the warning letter, this will be considered a second violation for which a fine may be imposed following notice and opportunity for a hearing. A second letter shall then be sent to the alleged Violator, providing notice and an opportunity for a hearing, and explaining if a violation is found to exist, a fine may be imposed. The letter shall advise that the alleged Violator is entitled to a hearing on the merits of the matter, provided that such hearing is requested in writing delivered to the District's manager within ten (10) days of the date on the second violation letter. If the alleged Violator does not timely request a hearing, he or she shall be deemed to have waived any and all rights to a hearing with respect to the violation and fines may thereafter be imposed.
5. **Notice of Hearing**. If a hearing is requested by the alleged Violator, the Board, representatives of the CEC, or other person or persons conducting such hearing as may be determined in the sole discretion of the Board (the "Hearing Panel"), may serve a written notice of the hearing to all parties involved at least ten (10) days prior to the hearing date.

6. Hearing. At the beginning of each hearing, the presiding officer (a member of the Hearing Panel) shall introduce the case by describing the alleged violation and the procedures to be followed during the hearing. Each party or designated representative, may, but is not required to, make an opening statement, present evidence and testimony, present witnesses, and make a closing statement. The presiding officer may also impose such other rules of conduct as may be appropriate under the given circumstances. The Hearing Panel shall base its decision solely on the matters set forth in the notice of violation, results of the investigation, and such other credible evidence as may be presented at the hearing. After all testimony and other evidence has been presented at a hearing, the Hearing Panel shall, within a reasonable time not to exceed ten (10) days, render its written findings and decision, and impose a fine, if applicable.

7. Fine Schedule. The following fine schedule has been adopted for recurring violations of the Governing Documents and shall be applicable to all violations except to the extent that the Board determines a more specific regulation or fine controls:

- (a) First violation: Warning letter
- (b) Second violation (of same covenant or rule): \$125.00
- (c) Third violation (of same covenant or rule): \$250.00
- (d) Fourth and subsequent violations (of same covenant or rule): \$500.00

Third and subsequent violations may be turned over to the District's attorney to take appropriate legal action. In the District's discretion, District representatives may conduct site visits to determine the status of outstanding violations and the propriety of additional fines.

8. Waiver of Fines. The Board may waive all, or any portion, of the fines if, in its sole discretion, such waiver is appropriate under the circumstances. Additionally, the Board may condition waiver of the entire fine, or any portion thereof, upon the Violator coming into and staying in compliance with the Governing Documents.

9. Other Enforcement Means. This fine schedule and enforcement process is adopted in addition to all other enforcement means which are available to the District through its Declaration, Rules and Regulations, Guidelines and Policies (collectively the "Governing Documents") and Colorado law. The use of this process does not preclude the District from using any other enforcement means. The Board of Directors of the District, through the adoption of this Resolution, empowers the CEC to enforce the Governing Documents of the District. The CEC may impose fines as set forth herein upon receiving the written assent of the Chairperson of the CEC and the President of the Board of Directors.

10. Definitions. Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning herein.

11. Repeal and Replace. This Resolution repeals and replaces prior policies adopted by the District specific to enforcement of covenants and rules.

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12. Supplement to Law. The provisions of this Resolution shall be in addition to and in supplement of the terms and provisions of the Governing Documents and the law of the State of Colorado governing Whispering Pines Metropolitan District No. 1.

13. Deviations. The Board may deviate from the procedures set forth in this Resolution if in its sole discretion such deviation is reasonable under the circumstances.

The foregoing Resolution was duly adopted by action of the Board of Directors of the District at its meeting held on October 26, 2021, at which a quorum was present.

Dated: Nov 11, 2021.

WHISPERING PINES METROPOLITAN DISTRICT NO. 1

  
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Jeff Toussaint, President

ATTEST:

  
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Angela Elliott, Secretary