

*Esperanza*

*DESIGN GUIDELINES  
AND  
HOMEOWNER  
HANDBOOK*

*REVISED MAY 2002*

# WELCOME TO ESPERANZA

The Esperanza Homeowners Association has prepared this booklet to assist you with basic information about the Association, its architectural policies and procedures, and with other guidelines of the community. We hope you will find it helpful and will refer to it when you have questions about covenant enforcement, are preparing a request for the Architectural Review Committee, or need information about other association matters.

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## COMMON QUESTIONS

The Esperanza Homeowners Association (the "Association") is a non-profit corporation organized under the laws of the State of Colorado. The Association is administered by a Board of Directors who has the responsibility for financial management, enforcement of covenants, and provision of certain services to member of the Association. The Board is normally assisted in these talks by a professional association management firm.

Each person residing within the Esperanza community is a mandatory member of the Association with obligations to abide by the covenants and pay assessments. The member of the Association will meet at least annually to elect Directors and to conduct other business as may properly come before the Association.

**In addition to Esperanza, all homeowners within this community are also mandatory members of the Castle Pines North "Master" Association, the South Lynx Sub-Association, and the Daniels Gate Recreation Association. Each of these entities has governing documents, mandatory assessments, a Board of Directors, and various committees. As members of all these association, your opportunities to be involved in community affairs are wide-ranging.**

**Any Questions or concerns that need clarification should be directed to the Association Management Company. If they are unable to respond to you, they will forward the issue to the Association's Board of Directors or appropriate committee.**

## **PROPERTY MANAGEMENT COMPANY:**

**Metro Property Management**

**The Association is governed by several documents: the Sub-association Declaration of Covenants, Conditions and Restrictions for Esperanza; the Bylaws; the Articles of Incorporation; and this booklet. Please review these materials in your earliest convenience so you are familiar with the obligations and requirements of the members.**

**The Association is responsible for covenant enforcement, entrance gates, and the private roadway within Esperanza. The assessments also provide for curb-side trash collection from each home, management fees, directors/officers liability insurance, and business supplies.**

**The South Lynx-Sub-Association owns and maintains the open space areas surrounding the Esperanza community.**

**The Association is NOT responsible for the following:**

- **No maintenance of any home or privately-owned lot is the responsibility of each owner.**
- **Generally, the Association has no authority to intervene in matters of civil law such as boundary or drainage disputes. In some cases, the Douglas County Sheriff's office or Douglas County Code Enforcement Office may handle matters more effectively than the Association. Items of this nature might include roaming animals, abandoned vehicles, or persistent noise problems.**

## **ARCHITECTURAL REVIEW POLICIES**

A spirit of cooperation between the Architectural Review Committee (hereinafter called the "ARC") and the members of the Association will go far in creating a harmonious environment to benefit all homeowners. This will help protect your financial investment and provide compatibility of improvements.

All improvements you plan to make on your property **MUST BE SUBMITTED TO THE ARC AND WRITTEN APPROVAL RECEIVED prior** to installation, unless a specific "pre-approval" is listed in the following pages. The term "improvement includes, but is not limited to, such items as landscaping, fencing, patios, decks, pools, hot tubs, play equipment, pet enclosures, deck covers, gazebos, storage facilities/sheds, room additions, and external materials and colors. All reviews are made on their individual merit- approval or denial in one instance does not necessarily mean the same decision in a different set of circumstances.

Should the ARC deem is necessary or prudent, it may require that owners obtain written acknowledgement from any of their immediately adjacent neighbor(s) regarding a proposed improvement. Neighbors' comments, whether negative or positive, will be evaluated as to their conformance with the Declaration of Covenants, Conditions and Restrictions, and the Design Guidelines.

**PLEASE NOTE: On-site personnel, such s sales person or construction supervisor, do not have authority to approve architectural request items- you must submit them to the ARC as specified below.**

## SUBMITTAL PROCEDURES

1. Please use the submittal form on the last page of this booklet to help you coordinate all information. Requests for approval may be mailed or faxed to the management company (address and fax number are on the submittal form and on the introductory page). The management company will forward requests to the ARC, track them through the process, and return written information to you regarding the Committee's decision.
2. Plans and specifications must be detailed and include the following:
  - Plot plan showing the location of the improvement(s). All improvements should be shown on the plot plan as closely "to scale" as possible.
  - Landscaping description- Identify trees, shrubs, mulch areas, flower beds, vegetable plots, walkways, sheds, play equipment, etc. Although it is not necessary to have a professional landscape architect or designer draw plans, you must provide a drawing showing landscaping "to scale".
  - Include measurements: height width, length. Also include materials description and color samples for any structures or equipment.
  - Paint samples must be at least 8"x10".
  - Don't forget to include your name, your address and phone number (and a mailing address for you if different than that of the property).
3. **PLAN AHEAD!** The AC strives to respond to requests quickly, however, the Committee normally meets once per month at irregular intervals, and it may take up to 30 days after the submittal is received for a response to be sent to you.

Decisions will be mailed to you in written format and will be one of four responses:

- Approval
- Approval with conditions
- Request for additional information
- Denial

If you do not have a written response within 30 days, the request is deemed **DISAPPROVED**. Please contact the management company as soon as possible to discuss the issue.

If a request is denied, you may appeal the decision of the ARC to the Board of Directors by submitting a written request through the management company within 30 days of the denial. The Board of Directors will then set a date for a hearing and notify you as to the time and place.

Any improvement installed without approval is subject to removal at the owner's sole expense. The owner may also be subject to fines or other legal action.

## DESIGN GUIDELINE SUMMARY

Following is an alphabetical list of improvements, some “pre-Approved” items for more commonly requested changes, and several items that are specifically prohibited. This is not intended to an all-inclusive list of possible submittal items - any item not included must be submitted for approval.

### BE SAFE! IF YOU HAVE QUESTIONS, ASK FIRST!

<b>Accessory Structure/ Storage Shed</b>	Approval is required prior to installation. All structures, such as gazebos, storage sheds, green houses, or playsets will be evaluated on their individual merit, use, location on lot, and appearance. Samples, brochures, photographs, material’s description, and a plot plan showing the structure TO SCALE are required. Structures should be placed to avoid unreasonable influence into neighboring yards. See also Dog Kennels, Play Equipment, and Storage Structures.
<b>Additions and Remodeling</b>	Approval is required prior to installation. Additions, expansion, or remodeling which will alter the exterior of any residence must include detailed plans, specifications, dimensions, and location. Certifications from licensed engineers and/or architects may also be required and all appropriate city or county permits must be obtained.
<b>Address Numbers</b>	ARC approval is not required if the size of each number is no larger than 6” in height or width and is a color compatible with the home. Only four or five numerical numbers of the address are permitted.
<b>Advertising</b>	See Signs.
<b>Air conditioning</b>	Approval is not required provided the unit is ground-mounted and placed at the rear of the house. Units may be placed on the side of the home provided adequate landscape screening or fencing is installed to shield the unit from view from the street. The unit should be located to minimize noise that may be disturbing to neighbors. Roof-mounted and window -mounted cooling or heating systems are not permitted.
<b>Antennas</b>	DSS dishes less than 39” in diameter are permitted and should be placed in the side or rear of the home at ground level. Roof-mounted and wall-mounted locations are discouraged. Pursuant to Section 9.9 of the Declaration, no other exterior radio antennas, television antennas or other antennas may be erected unless approved in writing by the Architectural Committee.
<b>Awnings</b>	Approval is required prior to installation. In general, awnings, which are retractable, neutral in color, and constructed of cloth (as opposed to metal or plastic), are preferred.
<b>Basketball Hoops</b>	<p><b>PORTABLE HOOPS:</b> Approval is not required provided the following guidelines are met:</p> <ul style="list-style-type: none"> <li>• For safety and access reasons, hoops are not allowed to be placed so that no walkway is obstructed.</li> <li>• Portable hoops are allowed in the driveways from April 1 through October 31. From November 1 through March 30, portable hoops must be stored away from view unless being used in actual play.</li> </ul> <p><b>GARAGE MOUNTED HOOPS:</b> Approval is not required if the following guidelines are met:</p> <ul style="list-style-type: none"> <li>• Backboard must be white, clear or painted to match the surface on which is it mounted and kept in good repair.</li> <li>• Net must be neutral in color and kept in good repair.</li> </ul> <p><b>FRONT YARD POLE MOUNTED HOOPS:</b> Approval is not required if the pole and hoop conform to the following:</p> <ul style="list-style-type: none"> <li>• Pole must be placed within 2’ of the side of the driveway, and minimum 8’ behind sidewalk.</li> </ul>

	<ul style="list-style-type: none"> <li>• Hoop shall be placed on a black pole or pole painted to match the home. Maximum height of hoop is 10 feet.</li> <li>• Recommended installation is a removable pole with a ground sleeve no further than 4" above ground.</li> <li>• Backboard must be white, clear or painted to match the surface on which it is mounted and kept in good repair. Net must be neutral in color and kept in good repair.</li> </ul>
<b>Boats</b>	See Vehicles.
<b>Business Activities</b>	In general, home businesses must not have regular visitors, Clients, employees, or deliveries; nor be apparent or detectable by sight, sound, or smell from the exterior of the lot. "day care" or "child care", whether licensed or unlicensed, are specifically not permitted. See Section 9.2 of the Declaration.
<b>Campers</b>	See Vehicles.
<b>Clotheslines</b>	Exterior clotheslines, drying racks and drying yards are not permitted.
<b>Decks</b>	Approval is required before installation. Decks must be wood or wood-look material. Wood decks shall be left their neutral color, stained with a clear sealer, or may be painted a color that is combatable with the color scheme of the home. Decks must appear to be in integral [art of the residence, and, in general, the deck, stairs, or landings should not be extended into the side of the property area or beyond the back corners of the home. No freestanding decks will be approved. Construction of decks over sloped areas are discouraged. The ARC may require that open areas under decks be closed from view or that the deck be stepped to conform more closely to the existing grade.
<b>Deck Covers</b>	Approval is required prior to installation. Must be of materials to match either the deck or the home in both material and color. Consideration must be given regarding line-of-sight views from neighboring properties.
<b>Decorations, Seasonal</b>	No approval is required provided materials are in good taste, not installed earlier than 30 days prior to the holiday, and are removed within 30 days following the holiday. See also Flags.
<b>Decorations, Permanent</b>	Approval is required for any permanent items such as yard statuary, benches, arbors, birdbaths, fountains, wall-mounted art, etc.
<b>Dog Kennels and Dog Houses</b>	Approval is required for all pet enclosures. Maximum size of pet enclosure is 300 square feet. Suggested methods of containment are <ul style="list-style-type: none"> <li>• open rail fencing with weld wire (heavy gauge wire with 2"x4" openings, also called "rabbit wire" or "grid wire", <u>not</u> chicken wire), also PVC covered weld wire in white,</li> <li>• picket fencing with spaced installation,</li> <li>• picket fencing with "shadow-box" installation,</li> <li>• "invisible" below-ground electronic containment systems.</li> </ul> <u>Chain link material will not be approved-</u> wood, PVC, or recycled wood-look materials are recommended. If a side property line fence is intended to be used as one wall of the pet enclosure, and the fence is jointly owned by adjoining neighbors, written approval must be obtained from the adjoining neighbor and submitted with the request for the pet enclosure. The maximum size of a dog house that may be installed without prior approval is 48" in height, width, and length. All other doghouses require approval prior to installation. Doghouses must be combatable with the home in material and color and installed in the back yard only.
<b>Doors</b>	ARC approval is not required if the following conditions are met: <ul style="list-style-type: none"> <li>• Screen/Storm/Security doors: must be white, black, bronze, or match existing color of home. Scrollwork and filigree are discouraged.</li> </ul>

	<ul style="list-style-type: none"> <li>Entry doors: must be stained or painted a color that s combatable with trim and siding color of home.</li> </ul> <p>Any other door style or color must be submitted for approval. Unpainted aluminum doors are not permitted. See also <u>Painting</u>.</p>
<b>Drainage</b>	<p>The Architectural Committee waives its rights under the Declarations to approve grading changes and makes no representation that it has approved any such changes that may affect established drainage patterns. Any interference with the established drainage pattern over any property within the community is done at the property owner’s risk and may affect warranties. This includes changes that occur due to installation of any improvement, including but not limited to French drains, channelization, piping, landscaping, decks, patios, retaining walls, hot tubs, play equipment, and accessory structures. The “established drainage pattern” is that which exists at the time the final grading of any property is completed, and the property conveyed to the owner. Fencing should be installed with a 2-3” gap at the bottom to allow for proper drainage into and through swales.</p> <p>Each property owner is required to contain mud, slit, or other debris on his/her own property. Owners are not allowed to increase or decrease historical flows of water onto adjacent property.</p>
<b>Driveways</b>	<p>Approval is required for expansion or widening of a driveway. Widening for the purpose of extra parking will not be approved. Extensions to driveways may not exceed 3 feet in width on either side. Parking in areas on the lot that are outside the limits of the driveway is not permitted.</p>
<b>Fences</b>	<p>Prior approval is not required if the fence conforms to the following:</p> <ul style="list-style-type: none"> <li>48” high open-rail fencing, 6”x6” post with 45 degree chamfered top, (2) 2”x8” rails, or modified for welded wire fabric, shown on <u>Addendum 1</u>.</li> <li>Fencing is to be placed on or within six (6) inches of the property line and shall not be placed any further and on the lot than the front corners of the residence.</li> </ul> <p><u>Approval is required prior to installation for any other type or location of fencing. No double fencing is permitted.</u></p> <p>This is a joint responsibility of the South Lynx Sub-Association and the property owner to maintain perimeter fencing. The South Lynx Sub-Association reserves the right to make repairs to common area fencing, and if necessary, to assess an owner in the event that damage is the result of owner’s actions or negligence.</p>
<b>Flags and Flagpoles</b>	<p>Bracket holders are permitted without prior approval. One United States flag and/or Colorado flag are permitted to be displayed provided the flag(s) do not exceed 12 square feet. Permanent free-standing flagpoles are not permitted. Approval is required for all other flags/banners.</p>
<b>Garage Sales</b>	<p>No approval is required for garage sales provided the items for sale are personal household goods, and have not been purchased for re-sale in bulk, at auction or estate sale, and provided the sale is held in such a manner so as applicable municipal requirements. The Association reserves the right to place limitations on the number of times in one year an individual property can be used for garage sales.</p>
<b>Garages</b>	<p>Each residence shall have a garage with the capacity for minimum two cars. No garages shall exceed capacity of four cars. For safety reasons as well as aesthetics, garage doors should be kept closed at all times except when entering and exiting.</p> <p>Also see <u>Vehicle Parking</u>.</p>
<b>Gardens</b>	<p>Approval is not required, however both flower and vegetable beds are to be included in submittals of landscaping plan. Vegetable gardens are limited to back yards and height of mature plants shall</p>



	not exceed 8 feet. All gardens shall be kept in a neat, weed-free condition.
Gazebos	Approval is required prior to installation for all freestanding structures. Each submittal will be considered on its individual merit and intent. Also see Accessory Structures.
Grade Change	See Drainage.
Greenhouses	See Accessory Structures.
Hot Tub/Spa/ Sauna	Approval is required prior to installation for any exterior hot tub, spa equipment, or sauna. The equipment must be designed as part of a deck or patio area and installed in such a way that is not immediately visible to or will adversely impact neighbors by noise, drainage, or other such problems. Equipment will only be permitted in back yards and should be placed at ground level.
Irrigation Systems	Underground irrigation systems need not be approved but must be part of the overall landscape scheme.
Landscaping	<p>Approval is Required prior to installation.</p> <p>All yards shall be landscaped with 9 months of closing or by June 30<sup>th</sup> of the following year, whichever shall be shorter. In order to enhance certain natural features of Castle Pines North, a Wildlife Buffer/Landscape Plan was recorded with Douglas County. Certain types and amounts of plant materials are required within the rear 15 feet of the Esperanza lots. Please refer to this document for the required plant material.</p> <p>A majority of the yards area must be utilized "long-living" plant material such as sod, shrubs, trees, and other perennial materials. Non-living durable material and short-lived plantings should be kept to a minimum. Low water usage planting is strongly encouraged.</p> <p>Many lots have been or will be constructed with retaining walls. Landscaping plans submitted for Architectural Review Committee approval must include the location of any retaining wall(s). <u>Owners are cautioned to seek professional advice and to use extreme care in the placement of plantings along the upper level of any retaining wall. Significant amounts of irrigation may damage the wall and/or void warranties.</u></p> <p>Landscaping shall be kept, at all times in a neat, healthy, and attractive condition. Also see Drainage.</p>
Latticework	Approval is required prior to installation for any latticework or other types of exterior screening. Lattice shall be a minimum of 1/2" thick, painted or stained to match the deck or the home, and shall be kept in good condition.
Lights/Exterior Lights	<p>ARC approval is not required if lighting is in accordance with the following guidelines:</p> <ul style="list-style-type: none"> <li>• All lighting, including any security type fixture, must be directed downwards and the light "cone" created must be contained within the property boundaries to avoid a glare source to neighboring properties.</li> <li>• Walkway lighting must be directed to the ground and shall not exceed 24" in height.</li> <li>• One post light, maximum 78" in height and matching house fixtures, is permitted with maximum lighting of 150 watts.</li> <li>• All lighting fixtures should be dark colored to minimize appearance or be selected to blend with the surface on which they are installed.</li> </ul> <p>All other lighting must be submitted for approval.</p>
Mailboxes	Mail will be delivered to kiosk-style mailboxes. The mailboxes belong to the U.S. Post Office and may not be used to place signs, announcements, or other information. The kiosks may be located within an easement on an Owner's Lot. In this event, it may be

	responsibility of the Lot Owner to maintain the area around the mailbox. This may include such duties as keeping walkways clear of debris and snow.
<b>Motor Homes</b>	See Recreational Vehicles.
<b>Painting</b>	Approval s required prior to installation. Approval will take into consideration the color tone and brightness, stone or brick accents, roofing colors, and compatibility with other colors. No adjacent properties shall use the same color scheme. Garage doors are to be painted the same color as the body color of the home- no "checkerboard", "frame" or other design is permitted. Color samples must be at least 8"x10" and marked as to the areas on which they will be used. Exterior finishes shall be subtle muted tones of gray, green, brown, beige, ivory, slate, etc. Accent and "punch" colors, such as front doors, shutters, etc. may be more pronounced, however in no case shall bright, neon, florescent, or primary tones be allowed. The ARC reserves the right to request that a larger sample be provided or painted on the home.
<b>Patios</b>	Approval is required prior to installation. Materials compatible with the home in color and size such as pavers, flagstone, or concrete should be utilized. See also Additions/Expansions and Decks.
<b>Patio Covers</b>	Approval is Required prior to installation. See Deck Cover.
<b>Pets</b>	Please read Section 9.3 of the Declaration. Common household pets may be kept but may not be bred or maintained for commercial purposes. Livestock, such as horses, poultry, swine, goats, etc. are not permitted. All pets shall be controlled by their owners at all times and each owner is responsible for any damage caused by a pet.
<b>Play Equipment</b>	Approval is required prior to installation. This includes fort-style play structures, swing set, climbing equipment, sport courts, putting greens, etc. Generally, equipment shall be in the back yard and must be a minimum of 6' from any property line. Maximum allowable height of swing sets/play structures is 10 feet from the ground with natural wood and/or earth-tone finishes preferred. Additional landscape screening or setbacks may be required depending on location of play area and proximity to adjacent properties. See also Basketball Hopes and Trampolines. Sport courts will be evaluated on the individual basis. This includes, but is not limited to, back yard basketball hoops, tennis courts, and volleyball courts. Sport courts may not exceed 625 square feet, must be at least 18' from any property line, placed in back yards only, and finished materials shall be of a neutral color such as green or gray. In addition, written acknowledgement from all immediately adjacent neighbors will be required indicating their approval or disapproval of proposed plans. The Association reserves the right to deny any court for any reason and may require vertical landscaping improvements or other screening materials.
<b>Recreational Vehicles</b>	No recreational vehicles ("RV", camper, trailer, motor) may be parked or stored in view at any time except during transport to or from the lot, or for purposes of loading or unloading, for a period not to exceed 24 hours. Other types of "recreational" vehicle or "recreational" equipment such as boats, jet skis, off-road motorcycles, snowmobiles, etc. are addressed under Vehicles.
<b>Retaining Walls</b>	Approval is required prior to installation. Any retaining wall in excess of 36" in height must be accompanied by a professional engineer's certificate of structural design. Many lots in Esperanza will have retaining walls in rear yards. Repair and/or replacement of these retaining walls are the responsibility of each Owner.

	<p><u>In order to protect the integrity of these walls, extreme caution should be used when making any changes or adding any plant material on the upper levels of the retaining walls. Landscaping materials or other improvements are placed in your own risk, and if placed improperly, may void warranties on the retaining walls. Please seek professional advice regarding this matter and discuss all issues thoroughly with any contactor that you hire.</u></p> <p>Also see Drainage.</p>
Roofing	Approval is required prior to installation. Roofing material shall be a high quality, fire retardant material, such as tile, concrete, or slate. Recognizing that future technology may render other materials more compatible, other roofing products will be considered on a case-by-case basis.
Sheds	See Storage Structures.
Siding, Exterior Materials	Approval is required prior to installation for any change to any exterior materials on the home. In general, those areas that were painted, must remain painted, and those areas with stone or brick must be left as stone or brick in their original colors and texture.
Signs	Approval is required for all signs with the following exceptions: one sign advertising the home for sale or for lease, not to exceed 6 square feet with a maximum installation height of 60". Signs shall be removed within 2 weeks after closing/transfer or property. There shall be no flashing, moving, or lighted signs.
Skylights	Approval is required prior to installation. Skylights must be installed as an integral design component of the roof, at the same pitch and angle of the existing roof.
Solar Energy Devices	Approval is required prior to installation. All such devices must be integrated into the existing design of the home, and if roof mounted, shall be at the same pitch and angle of the existing roof. No exterior plumbing may be visible from the street or adjoining properties.
Storage Structures	<p>Approval is required prior to installation. Storage sheds are strongly discouraged; however, any proposed shed shall meet the minimum following criteria:</p> <ul style="list-style-type: none"> <li>• Sheds may not exceed 6' in height and shall not be larger than 48 square feet and will be permitted in back yards only.</li> <li>• A minimum 6' setback from any property line is required. Sheds should not be placed within the boundaries of a utility easement.</li> <li>• Vertical landscape materials or other screening may be required to minimize the impact on adjoining properties.</li> <li>• The shed shall match the colors and materials of the home, including the roof, and shall be maintained in a clean, neat, and attractive condition at all times.</li> <li>• Other restrictions may also be imposed, based on the Committee's evaluation of the lot, grade, and visibility from the street or adjoining property.</li> </ul> <p>Also see Additions and Remodeling.</p>
Swamp Coolers	All cooling devices shall be installed at ground level or completely contained within the structure. No exterior roof-mounted or window-mounted swamp coolers, evaporative coolers, or air-conditioning units are permitted.
Swimming Pools	<p>Approval is required for all types of swimming pools (except as noted below), whether in-ground or above-ground. Appropriate permits must be obtained from the governing municipality and all safety requirements met.</p> <p>Inflatable or lightweight wading pools and splash pools not exceeding 6 feet in diameter, placed in the back yard, may be used without prior approval.</p>
Swing Sets	See Play Equipment.

<b>Trampolines</b>	Approval is required prior to installation. The top surface of the trampoline shall not exceed 6 feet in height from ground level and placed in backyard at least six feet (6') from any property line. Safety netting or other containment materials may only be used if the entire height of the trampoline and netting combined does not exceed ten feet (10') in height.
<b>Trailers</b>	See Vehicles and Vehicle Parking.
<b>Trash Containers</b>	Trash containers shall only be placed at curbside for pickup after sunrise on the day of pick-up and shall be returned to a proper storage location by 9:00 PM the day of pick-up and shall also be kept in a clean and sanitary condition.
<b>Tree Houses</b>	Tree houses are not permitted.
<b>Unsightly Conditions</b>	No unsightly articles or conditions shall be permitted to remain or accumulate on any lot. By way of example, not by limitation, such items could include rock or mulch piles, construction materials, abandoned toys, inoperable vehicles, dead or dying landscaping, peeling or faded paint, gardening equipment not in actual use, fencing in disrepair, etc. Gravel, rock mulch, bark mulch, timbers, block, or other types of bulk landscaping material or construction material must be installed on the lot or moved to a location not visible from the street with 7 days of delivery.
<b>Vehicles</b>	Without limiting the generality of the following, all non-passenger vehicles must be 100% shielded from view in an approved garage, approved out-building or stored off-site at all times except when in actual use for the purpose intended or as provided in "Recreational Vehicles" section: mobile homes, recreational vehicles, graders, tractors, boats, campers, trailers, wagons, buses, sleighs, off-road motorcycles, motor scooters, all-terrain vehicles, snowmobiles, snow removal equipment, garden and maintenance equipment, and all commercial and business vehicles. A commercial vehicle is defined as any pickup truck in excess of one (1) ton and/or any vehicles that has advertising material affixed to its exterior.
<b>Vehicles, Parking</b>	<u>Garages are intended for the storage of vehicles.</u> Owners shall be allowed to park passenger vehicles outside an attached garage on an occasional basis not to exceed 24 consecutive hours. No abandoned or inoperative vehicles are allowed to be parked or stored on any visible portion of the property at any time except during transport to or from the property, and then only for a period not to exceed 24 hours.
<b>Weather Vanes</b>	Approval is required prior to installation.
<b>Windows</b>	All windows shall be painted or stained wood, vinyl, or non-reflecting metal frames and dividers. Mill finish on aluminum windows is specifically prohibited. Reflective glass is not permitted.
<b>Window Coverings</b>	Windows shall have curtains, draperies, or other acceptable coverings with 6 months of occupancy. Window coverings must be compatible with the architectural character of the residence. Reflective shades or film-type window coverings are specifically prohibited. Windows that are decorative in nature, such as transoms, side lights, or special accent shapes, are not required to be covered.
<b>Wood Storage</b>	Approval is not required provided that wood is neatly stacked at the rear of the home, and does not exceed 2 cords at any point in time.



## VIOLATION POLICIES

The Board of Directors has adopted the following enforcement policies for violations of the Association's governing documents (Master Declaration; Articles of Incorporation; Bylaws; Design Guidelines; and any other rules and regulations which have been or may be created):

### 1. Notification:

- a) "Courtesy Notice"- A notice will be mailed to an owner describing the alleged violation. The Owner will have 10 days to cure the alleged violation without further intervention from the Association.
- b) "Notice of Hearing"- If the alleged violation remains 10 days following the Information Notice, a second notice will be sent informing the Owner that a Hearing have been scheduled with the Board of Directors. The Hearing shall be at least 10 days following the date of the Notice Hearing. See Sections 2(a) and 2(b) below regarding Hearings and potential fines.
- c) If any principal party is unable to attend the scheduled Hearing, and can show good cause, he-she may request, in writing, at least 5 days in advance of the Hearing, that the Hearing be rescheduled. Upon receipt of such a request, the Board may, but is not obligated to reset the time and date of the Hearing and promptly notify any other principal parties involved.

### 2. Determination:

- a) "Hearing"- This is an informational, administrative procedure with the Board of Directors (or other such committee, if any, which may have been given authority in matters relating to Hearings). Rules of evidence do not apply. Any party may have an attorney present. Hearings are open to Owners and tenants unless the matter is highly sensitive or concerns a matter of privacy as defined by C.R.S 38-33.3-308. Any party with an interest in the matter may present testimony. The Board of Directors may exercise its discretion as to the specific manner in which a hearing shall be conducted and may question witnesses, review evidence, and take such reasonable action during the course of a hearing as it deems appropriate to reach a just decision.
- b) The Board of Directors shall render its decision and issue a "Written Determination" within 10 days following the Hearing, mail such Written Determination to the Owner, and, if applicable, impose a fine as provided below.
- c) In the event the Owner fails to appear at the Hearing, or at any re-scheduled Hearing, the Board of Directors will proceed based on information available at that time, render its decision and issue a "Written Determination" within 10 days following the Hearing, mail such Written Determination to the Owner, and, if applicable, impose a fine as provided below.

### 3. Types of Violations:

- a) "Type 1 Violation"- violations that can be corrected immediately (such as removal of inoperable vehicles, removal of trash or weeds). The owner shall have a reasonable time frame from the date of the Written Determination in which to cure the violation.
- b) "Type 2 Violation"- violations that take time to correct (such as painting or structural issues). The owners must submit within 10 days of the receipt of the Written Determination, a written, detailed plan to correct the violation within 45 days of the Written Decision.

**4. Fine Policy:**

- a) "Courtesy Letter" - no monetary fine.
- b) "Hearing Notice" - no monetary fine however, fines may be levied after the Hearing.
- c) "First notification of Fine" - if found to be in violation at the Hearing, a \$50.00 fine will be levied if the violation is not cured within the time frame listed in Types of Violations.
- d) "Second Notification of Fine" - a \$100.00 fine will be levied if the violation is not cured within 10 days following the First Notification of Fine.
- e) "Third Notification of Fine" - if the violation is not cured within 10 days following the Second Notification of Fine, the Association may take any or all of the following actions:
  - i) Assess additional \$100.00 fines for each 10-day period that the violation remains uncorrected after the Second Notification of Fine, and/or
  - ii) Enter onto the property, correct the violation, and assess all costs and charges associated with the correction against the owner's account, and/or
  - iii) Remand the matter for judicial remedy. In the event of legal action, the prevailing party is entitled to receive reimbursement for reasonable attorney's fees and court costs.

Nothing in this section shall be deemed to waive the Association's right to pursue any other legal action available to it in addition to, in lieu of, or in conjunction with, the foregoing notification and fine process. Any fine assessed is due and payable upon notification and is considered delinquent if not paid within 10 days of the due date. Any unpaid amount automatically becomes a lien on the property and shall be subject to applicable late charges and interest in the same manner as any other delinquent account.

Complaints against an alleged violator lodged by another member of the Association must be in writing and submitted to the Board of Directors or the management company. The complaint must include the nature of the violation including date and time if applicable, the name or address of the alleged violator, and any pertinent facts supporting the complaint. The complaint must also contain the printed name and signature of the person lodging the complaint.

It is the general policy of the Association to maintain confidentiality of complaints, if possible. However, if a complaint becomes the subject of a Hearing or litigation, or for any other reason, becomes a general public issue, confidentiality is not guaranteed.

All notices are presented to have been received upon personal delivery or within 3 days after the notice has been sent, postage prepaid, by first class U.S. Mail. It is the Owner's responsibility to make sure that the management company has correct and up-to-date contact information regarding Owner's present address, and tenant information, if applicable.

## DELIQUENCY POLICIES

All Owners of property are obligated to pay assessments to the Association, whether notification of payments due have been sent out.

Assessments are collected on a monthly basis and are due and payable on the 1<sup>st</sup> day of each month. If assessments are not paid within 10 days following the due date, there will be a \$20.00 late fee assessed for each installment of assessment payments that is delinquent. In addition, interest will accrue against any outstanding assessment at the rate of 18% per annum.

The association has the right to post charges against an owner's account. This may include, but is not limited to, such things as fines for past due payments, or reimbursement for costs incurred by the Association to repair or replace improvements damaged as a result of an owner's negligence or carelessness.

All sums assessed but unpaid which are chargeable to any Lot shall constitute a lien on such Lot that is superior to all other liens and encumbrances except tax liens and First Mortgages. The Association has the right to foreclose upon the property in the same manner as a mortgage.

Please read Article VII of the Declaration of Covenants, Conditions, and Restrictions of a complete description of the rights and obligations of the Association and its members with respect to assessments, special assessments, budgets, and other financial matters.