

POLICY FOR COMPLIANCE WITH INDIAN MOUNTAIN PROTECTIVE COVENANTS, UPDATED April 2018

From the Declaration of Protective Covenants for Indian Mountain Subdivision, February 24, 1971 and subsequent editions for later filings:

*ENFORCEMENT: If any person shall violate or threaten to violate any of the provisions of this instrument, it shall be lawful for **any person or persons owning real property in the subdivision or any duly elected or appointed official of Park County or the Town of Fairplay**, to institute proceedings at law or in equity to enforce the provisions of this instrument, to restrain the person violating or threatening to violate them, and to recover damages, actual and punitive, together with reasonable attorneys' fees, for such violations.*

STEP ONE: COMPLAINANT(S) CONTACT WITH ALLEGED VIOLATOR

The Board of Directors of Indian Mountain Property Owners' Association (IMPOA) advises and encourages any complainants to contact (in person, email, letter or phone) the party allegedly violating Indian Mountain covenants to attempt to resolve the situation in a rational and neighborly manner.

In addition, the IMPOA board of directors may, at its discretion and consistent with the IMPOA Bylaws, identify covenant compliance issues that it believes diminish the quality of life, property values, etc. of the community and initiate contact without a separate owner complaint. It is IMPOA's goal to act as a good neighbor to facilitate compliance rather than to act as an adversary to any property owner.

STEP TWO: COMPLAINANT(S) REQUEST IMPOA FOR ASSISTANCE

If there has been no resolution of the situation, a complainant(s) who is a current Member in Good Standing of IMPOA may contact any IMPOA board member in writing for assistance (impoa01@hotmail.com). The complaining property owner is requested to provide the following information to IMPOA:

- a statement describing the alleged violation, referencing the specific provisions of the Covenants that are alleged to have been violated;
- the address where the alleged violation occurred;
- the name of the person violating the covenant (if known);
- whether an attempt has been made to contact the person(s) who violated the covenant;
- when the violation was observed; and any other pertinent information.

Non-written complaints or written complaints failing to include any information required by this provision, at the discretion of the Association, may not be investigated.

It is important to understand that board members have no enforcement authority beyond that of any other property owner. However, when the Board of IMPOA receives a qualified complaint, it will confer and decide whether to approach the alleged violator to aid in resolving the problem.

While the Indian Mountain Protective Covenants address a wide range of issues, the top priorities for IMPOA are as follows:

- Debris on properties (trash, junk, inoperable or unlicensed motor vehicles, temporary structures);
- Campers, trailers, cargo trailers, tents and boats which have overstayed the Covenants' limits on temporary structures on undeveloped lots;
- Fire hazards, such as “jackpot” collections of forest slash;
- Unsafe discharge of firearms;
- Violation of construction limitations;
- Misuse of water well permits (for example, watering of livestock that are not allowed to be kept in the Indian Mountain Subdivision); and
- Dangerous pets on the loose.

Upon receipt of a complaint by the Association, if additional information is needed, the complaint may be returned to the Complainant or may be investigated by one board member or an assigned committee consisting of one board member and a minimum of two Indian Mountain Property owner volunteers.

Initial Warning Letter

If a violation is found, the Association shall send an initial warning letter to the Violator, explaining the nature of the violation. The Violator shall be given 30 days from the date of the letter to come into compliance. The foregoing procedure will not be used, however, in the event the violation is determined by the Board to be a Repeated or Continued Violation.

Repeated or Continued Violation after Initial Warning

If the alleged violator does not come into compliance within 30 days of the first letter, this will be considered a repeated or continued violation. A second letter shall be sent to the alleged Violator, providing notice and an opportunity to communicate to the board regarding any extenuating circumstances or valid reasons for failing to correct the violation. The Violator may respond in writing to the board or may request an opportunity to address the board at any of the board's regular meetings.

Further Action by the Board

Upon receiving a written or in-person explanation of a failure to correct a violation, the board will, within 10 days, make a determination of further action. The board may, at its discretion, elect to make accommodations such as extend the time for compliance, that are likely to lead to compliance in a reasonable time, or it may decide to utilize Other Enforcement Means or to proceed to Step Three – Proceedings at Law. In either case, the board shall notify the violator in writing within 15 days of their decision. Any determination of accommodation by the board shall not be taken as permission to continue

or to repeat violations nor shall it impair the board's ability to take any other appropriate action in the future.

Failure to Timely Correct or to Respond to Second Letter

If the alleged Violator fails to come into compliance or makes a good faith effort to come into compliance but fails, or fails to respond in writing or fails to request a meeting with the board within 10 days of any letter, or fails to appear as agreed, the board may, at its discretion utilize Other Enforcement Means or to proceed to Step Three – Proceedings at Law.

Other Enforcement Means

This enforcement process is adopted in addition to all other enforcement means that are available to the Association through the community's Covenants, Park County regulations, and Colorado law.

Deviations

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

Amendment

The IMPOA Board of Directors may amend this policy at any time.

STEP THREE: PROCEEDINGS AT LAW

Complainant(s) may elect to institute proceedings at law at any time. In extreme cases, members of the IMPOA board of directors may choose to institute proceedings at law, with legal fees reimbursed by IMPOA, as authorized by its board of directors, on behalf of the community. At the board's discretion the Violator will be notified in writing of the board's decision to proceed with legal action.

POLICY FOR COMPLIANCE WITH PARK COUNTY LAND USE REGULATIONS UPDATED JULY 2016 IN INDIAN MOUNTAIN SUBDIVISION,

In May of 2016 Park County adopted updated Land Use Regulations (LURs). Of particular interest to Indian Mountain property owners are the regulations related to camping and accessory structures (sheds, etc.) on undeveloped lots. The updated LURs significantly strengthen the County's ability to identify and enforce violations. The regulations are posted on IMPOA's website www.IMPOA.net and on the Park County website <http://www.parkco.us/189/Land-Use-Regulations> in Sections 5-712 and 5-713.

STEP ONE: COMPLAINANT(S) CONTACT WITH ALLEGED VIOLATOR

The board of directors of IMPOA advises and encourages complainant(s) to make direct contact with the alleged violator in person or via email, phone or letter to attempt to resolve the issue in a rational and neighborly manner.

In addition, the IMPOA board of directors may, at its discretion and consistent with the IMPOA Bylaws, identify LUR compliance issues that it believes diminish the quality of life, property values, etc. of the community and initiate contact without a separate owner complaint. It is IMPOA's goal to act as a good neighbor to facilitate compliance rather than to act as an adversary to any property owner.

STEP TWO: SUBMISSION OF LAND USE REGULATION VIOLATION COMPLAINT FORM

If no satisfactory result occurs, complainant(s) is advised to submit a Land Use Regulation Violation Complaint form to Park County, Code Enforcement. You are required to identify yourself as the complainant when submitting this form. Park County Code Enforcement will then inspect the property of the alleged violator in order to determine if there is a violation. If there is a violation, Park County Code Enforcement may issue a citation in order to have the violator become compliant with Land Use Regulations. The Park County Attorney enforces such citations.

LUR violation complaint forms may be acquired from the Park County Government office in Fairplay or may be downloaded from the Park County website at <http://parkco.us/FormCenter>. The forms are also located on the IMPOA website. Experience has shown that submitting the form in person at the Park County offices is often the most effective approach.