

RESOLUTION OF
THE BOARD OF DIRECTORS
OF
SKYLAND COMMUNITY ASSOCIATION

April 23, 1993

WHEREAS, the Declaration of Protective Covenants of Skyland, Initial Filing recorded November 17, 1981 in Book 574 at Page 141 of the records in the office of the Gunnison County Clerk and Recorder ("Covenants") authorizes the Board of Directors to levy a Non-Compliance Assessment for any violation of the Covenants or Design Guidelines; and

WHEREAS, such Non-Compliance Assessment may include: (1) costs incurred by the Association in attempting to secure compliance, including reasonable attorneys' fees; and (2) Non-Compliance Penalties in such amounts as may from time to time be established by the Association's Board of Directors; and

WHEREAS, C.R.S. Section 38-33.3-302(1)(k) authorizes, after notice and an opportunity to be heard, an association to levy reasonable fines for violations of the declaration, bylaws and rules and regulations of the association;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF SKYLAND COMMUNITY ASSOCIATION:

1. **Non-Compliance Assessment.** Should any Owner cause or allow to be caused any violation of the Covenants or Design Guidelines adopted under the power and authority granted by the Covenants, and allow such violation to continue after written notice to such Owner and the expiration of a reasonable time in which to comply, as set forth in the written notice, a Non-Compliance Assessment may be levied, after notice and an opportunity to be heard, by the Board against such Owner, which Non-Compliance Assessment may include:

A. Costs incurred by the Association in attempting to secure compliance, including reasonable attorneys' fees; and

B. A Non-Compliance Penalty for each violation not to exceed the amount described on attached **Exhibit A**. In levying such Non-Compliance Penalty, the Board shall be guided by the seriousness of the negative impact upon Skyland Community Association or its members. In reaching such determination, the Board may evaluate, without limitation, factors such as:

- (1) whether the violation was deliberate or inadvertent;
- (2) the impact upon the Owner(s) of adjacent or nearby property;
- (3) the unsightliness caused by the violation;
- (4) the size of the building or area which violates the Covenants or Design Guidelines; or
- (5) any other factor which the Board reasonably deems relevant to determining of the Non-Compliance Penalty.

2. **Suspension of Non-Compliance Assessment**. The Board shall have the right, in its sole discretion, to suspend any part of a Non-Compliance Assessment in the event that the Owner of the property which violates the Covenants or Design Guidelines takes immediate, good-faith efforts to rectify such violation(s).

ADOPTED THIS 23RD DAY OF APRIL, 1993.

, President

Attest:

, Secretary

EXHIBIT A

MAXIMUM NON-COMPLIANCE PENALTIES

1. \$500.00 plus \$10.00 per day

<u>Covenants</u>	<u>Article</u>	<u>Paragraph</u>	<u>Subject</u>
	VII	15	Mailboxes
	VII	19	Camping
	VII	20	Garage Doors
	VII	22	Solicitors
	VII	23	Housing Numbers

2. \$1,000.00 plus \$20.00 per day

<u>Covenants</u>	<u>Article</u>	<u>Paragraph</u>	<u>Subject</u>
	VII	4	Nuisance
	VII	5	Signs
	VII	6	Animals
	VII	7	Wells
	VII	9	Utility Lines
	VII	10	Tanks
	VII	11	Firearms
	VII	12	Vehicular Storage
	VII	13	Temporary Structures
	VII	14	Recreational Vehicles
	VII	15	Clotheslines
	VII	17	Exterior Fires
	VII	18	Exterior Antenna
	VII	21	Unsightly Growth
	VIII	1	Rubbish, Trash and Garbage
	VIII	4	Recreation Restrictions
	IX	3	Temporary Building on Open Space
	IX	5	Vehicles on Open Space
	X	4	Restricted Uses on Golf Course

<u>Design Guidelines</u>	<u>Article</u>	<u>Paragraph</u>	<u>Subject</u>
	III	6	Plan Changes
	III	9	Pre-Construction Check

IV	3	Gunnison County Approval
V	4	Building Location
V	5	Primary Dwelling Unit to be Constructed First
V	22	Exterior Antenna
V	28	Awnings

The violation of any provision of the Covenants or Design Guidelines not specifically listed on this Exhibit A shall be subject to a maximum Non-Compliance Penalty of \$1,000.00 plus \$20.00 per day.

3. \$2,500.00 plus \$50.00 per day

<u>Covenants</u>	<u>Article</u>	<u>Paragraph</u>	<u>Subject</u>
	VII	1	Land Use
	VII	2	Resubdivision
	VII	3	Mining, Drilling, Quarrying
	VIII	2	Damaged Structures
	VIII	3	Failure to Maintain
	IX	1	Improvements on Open Space
	IX	2	Landscaping on Open Space

<u>Design Guidelines</u>	<u>Article</u>	<u>Paragraph</u>	<u>Subject</u>
	III	2	Submission and Decision Procedure
	III	11	Completed Work
	IV	1	Plan Submission Requirements: Single Family/Duplex
	IV	2	Plan Contents Requirements: Multi-Family, Employee Housing, Clubhouse, Maintenance, Commercial
	IV	3	Gunnison County Approval Required
	V	2	Set Back Restrictions
	V	3	Minimum Size of Dwelling Units
	V	7	Repetitive Design and Continuous Wall Restrictions
	V	13	Foundations
	V	15	Chimneys
	V	16	Doors
	V	17	Windows
	V	19	Storage Areas

V	20	Spark Arresters
V	21	Exterior Lighting
V	25	Retaining Walls
V	26	Solar Access
V	27	Fences
V	29	Pools

4. \$5,000.00 plus \$100.00 per day

<u>Covenants</u>	<u>Article</u>	<u>Paragraph</u>	<u>Subject</u>
	VII	8	Sewage Disposal

<u>Design Guidelines</u>	<u>Article</u>	<u>Paragraph</u>	<u>Subject</u>
	III	1	Approval of Design Review Committee Required
	III	7	Committee and Directors Not Liable
	V	6	Continuity of Construction
	V	8	Building Height
	V	9	Exterior Siding
	V	10	Exterior Colors
	V	11	Reflective Finishes
	V	12	Reflective Glass
	V	14	Roofs
	V	18	Accessory Structures
	V	24	Grading
	VI	All**	Construction
	VII	All	Landscaping and Screening
	VII	All	Drainage
	IX	All	Driveways and Parking Areas
	X		Power, Phone and Cable Television

**Amended to conform to the Design Guidelines of February 5, 2004.