

The Springs at Mariana Home Owners Association, Inc



**Association Rules and Regulations Addendum #1
Adopted August 28, 2006**

RESERVE FUND ASSESSMENT

For the purpose of establishing an HOA reserve fund for the Springs at Mariana, the Board of Directors has adopted the following policy:

The HOA shall collect an assessment of \$200 per home/lot owner.

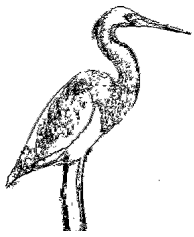
The Reserve Fee shall be collected, no later than October 1, 2006, from existing homeowners, both occupying homes or with homes under construction to be occupied by the owner, an HOA member.

The Reserve Fee shall be collected at each future transaction, the sale of either a lot or home, including resale.

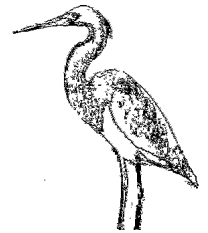
If two transactions occur on the same property by the same homeowner (i.e., the lot is purchased in one transaction, a home is constructed and purchased in a second closing), only one Reserve Fee shall be collected.

No assessment shall be collected on vacant lots currently owned by the developer, builder, or individual for the purpose of speculation. An assessment shall be made at the time of future sale of the lot or home constructed on the lot.

Reserve monies shall be accounted for separately and shall require a Board of Directors' decision to apply to expenditure.



The Springs at Mariana Home Owners Association, Inc.



Association Rules and Regulations Addendum #2 Adopted November 21, 2006

VIOLATION REPORTING & FINES

- 1. Introduction** – The Board of Directors (the “Board”) of Springs at Mariana Home Owners Association, a Colorado non-profit corporation (the “Association”) acting pursuant to the powers set forth in Section 5.01 of the Association’s Bylaws, Design Review Committee Documents, Articles of Incorporation, the Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements for Springs at Mariana (such documents being collectively referred to as the “Association Documents”) and the Colorado Common Interest Ownership Act (the “Act”) has enacted the following Rules and Regulations effective as of the date set forth above. Unless the context otherwise indicates, capitalized words and terms shall have the meanings set forth in the Association Documents and, if not in the Association Documents, then as set forth in the Act. These Rules and Regulations supersede any previously adopted Rules and Regulations of the same subject matter.

- 2. Fine Policy** – The Association may levy fines for violations of the Association documents and any other Association Rules and Regulations in accordance with the following **Fine Policy**:
 - 2.1 Preliminary Statement** – To enforce compliance with the Association Documents and any other Association Rules and Regulations, the Association has instituted this monetary fining policy as allowed by, and in accordance with, the Act and Association documents. It is not the intent of this policy to serve as a revenue source for the Association. This policy was developed so that the best interests of the Association at large are served.

 - 2.2 Notice of Violation (“Notice)** – The Notice of Violation process is as follows:
 - 2.2.1** Any member of the Association or the Property Manager may report a violation. To report a violation the member will submit a written report to the Property Manager using the standard **Violation Report** form attached hereto as **Attachment A**. The member and Property Manager will sign the report and the Property Manager will give a copy of the report to the Association President and to the violating Owner.

 - 2.2.2** Within 3 days of receipt of the **Violation Report**, a Board member designated by the Board and the Property Manager will investigate the alleged violation. If the alleged violation is investigated but cannot be verified to exist, a written response stating such will be sent by the Board to the sender of the **Violation Report**. No further action shall be taken. If the violation is verified, the Property Manager, under direction from the Board, will issue a written Notice to the violating Owner using the standard **Violation Notice** form attached hereto as **Attachment B**. The Notice will:

1. describe the nature of the violation;
2. request that the Owner comply within seven (7) days of the effective date of the notice;
3. indicate the fine amount if the owner fails to comply, and that there will be continuing fines for continuing violations; and
4. state that if the Owner wishes to dispute or protest the violation, the Owner may request a hearing pursuant to **Section 2.3** below, and also state that the Association may seek to remedy the violation and otherwise protect its rights as specified in the Association Documents and as provided by law.

2.2.3 The **Violation Notice**, together with a copy of this **Fine Policy**, will be delivered via certified U.S. Mail, addressed to the last registered address of the Owner as listed in the Association's records. The Notice will be considered effective seven (7) days after it is deposited in the mail. A copy of the **Violation Notice** also will be sent to the sender of the **Violation Report**.

2.2.4 The Owner receiving the Notice has seven (7) days, as specified in the Notice, to correct the violation.

2.2.5 If the violation is not corrected within the specified time, a fine is levied starting on the first day after the time period for correcting the violation expires, subject to the Request for Hearing provisions below.

2.3 Request for Hearing. Any Owner who believes the Notice was sent in error, or who feels there are mitigating circumstances, has the right to request a hearing before the Appeals Committee. The Appeals Committee will consist of one Board member and two Owners appointed by the Board. To request a hearing, the Owner must contact the Association's President within seven (7) days after the effective date of the Notice. The President will notify the Appeals Committee of the hearing request. The Committee Chairperson will then set a date for the hearing within 14 days of the Owner's request for a hearing. If an Owner requests a hearing, the Association may not impose a fine until after the Board makes a decision pursuant to the hearing. After the hearing, the Appeals Committee will make a recommendation to the Board and the Board will make the final decision. The purpose of the hearing is as follows:

2.3.1 To determine if there was an error made in issuing the Notice;

2.3.2 To determine if there are mitigating circumstances; or

2.3.3 To make arrangements for bringing the violation into compliance over a period of time, if warranted.

The hearing process will not and cannot be used to determine if a particular provision of the Association Documents is desirable. The general procedure for the hearing is as follows:

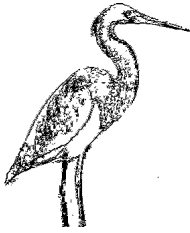
1. The Board member on the Appeals Committee shall serve as the Appeals Committee chairperson, shall (a) establish a quorum, (b) explain the Fine Policy and procedures, and (3) describe the nature of the violation as specified in the notice.
2. The Owner may then provide rebuttal to the Notice using witnesses or any other information deemed relevant and necessary.
3. After all testimony and other evidence has been presented, the Appeals Committee shall make a recommendation to the Board. The Board shall then consider the Committee's recommendation and will render a decision. If the Board finds the Notice was justified, a fine will then be assessed by the Board or mutually agreeable arrangements made with the Owner to ensure correction of the violation and compliance in the future. If the Board finds the Notice was not justified, no fine will be assessed.

2.4 Fines. If an Owner fails to timely correct a violation, the Board may assess a fine, after notice and opportunity for a hearing, according to the **Fine Schedule** attached hereto as **Attachment C**. In addition the Board may assess daily or weekly fines for any continuing or persistent violations in the amount specified in the Fine Schedule until the Owner has corrected the violation. Following commencement of any weekly fine, the Association will make a good faith effort to resolve the violation with the Owner. If, despite the Association's effort to reach a resolution, a violation has not been corrected within 120 days, the Association may commence the necessary legal proceedings under the Association Documents or under law to compel correction of the violation as well as recover any unpaid fines, court costs, attorney's fees and other Association expenses arising from the violation. Nothing in this paragraph will preclude the Association from commencing legal proceedings to correct the violation prior to expiration of the 120-day period. The assessed fines will be billed to the Owner by U.S. Mail, and are legally collectable as assessments in accordance with the Association Documents and Colorado law. The fines are the personal obligation of the violating Owner and, in addition, constitute a lien against such Owner's property. Furthermore, the violating Owner is responsible for all costs and reasonable attorney fees incurred by the Association as a result of the violation.

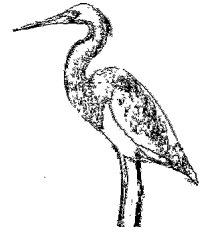
2.5 Property Manager Administration. Administration of reporting and collecting all fines shall be the responsibility of the Property Manager who will follow the procedures established herein. There will be no charge to the HOA for this service. However, if fines result from collections associated with covenant violations, the collected fines will become the property of the Property Manager, up to a maximum of \$400 per violation/occurrence. In the event action is required resulting in collections of more than \$400 per violation/occurrence, the Property Manager will remit the difference to the HOA, or retain the additional funds as directed by the Board.

2.6 Repeat Violations. A “repeat violation” is a violation committed by an Owner that is the same violation as the original violation committed by that Owner, and which occurs within twelve (12) months after the original violation. The Association will provide an opportunity to request a hearing, as set forth in Sections 2.2 and 2.3. If the repeat violation has not been corrected within the time period specified in the Notice for correction of the violation, then the fine (which will be determined by the Board and may be *up to double* the amount of the fine assessed for the original violation) will commence upon the expiration of the correction time period, subject to the Request for Hearing Provisions set forth in **Section 2.3**.

2.7 Fine Not Exclusive Remedy. Fines levied under this Fine Policy are not the Association’s exclusive remedy for addressing a violation. Nothing in this Fine Policy precludes the Association’s pursuing any other remedy provided under the Association Documents or under Colorado law for correcting the violation.



The Springs at Mariana Home Owners Association, Inc.



Attachment A
Association Rules and Regulations Addendum 2
November 21, 2006

VIOLATION OF COVENANTS REPORT

Date: _____

Board of Directors
Springs at Mariana Home Owners Association, Inc.
Street Address
Loveland, CO 80537

RE: Covenants Violation on Lot __, Block __ Mariana Springs First Subdivision

Dear SMHOA Directors:

In accordance with Section 2.2.1 of Rules and Regulations Addendum 2 adopted November 21, 2006, I am writing to report that a violation of **Section** _____ of the Covenants, Conditions, and Restrictions for Mariana Springs First Subdivision is occurring at insert address of violating parcel. This provision in the covenants states, in part, that:

Insert relevant covenant text here

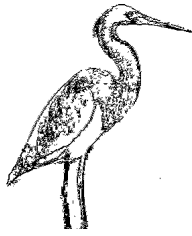
The alleged violation is insert description of violation here. This violation occurred insert date(s) of violation. I have/have not (*circle one*) personally contacted the Lot Owner to request a remedy for this violation. I am requesting that the Board investigate this alleged violation, and if verified, issue a **Violation Notice** to the violating Owner within 3 days from receipt of this Report.

Respectfully,

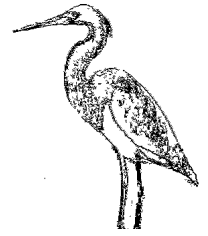
Wiltgen Property Management

Name of reporting Owner

Cc _____
Name of violating Owner



The Springs at Mariana Home Owners Association, Inc.



**Attachment B
Association Rules and Regulations Addendum 2
November 21, 2006**

VIOLATION OF COVENANTS NOTICE

Date: _____

*Insert name of violating Owner
Street Address
Loveland, CO 80537*

RE: Covenants Violation on Lot _____, Block _____ Mariana Springs First Subdivision

Dear *insert name of violating Owner:*

The Board of Directors has received a written report that you are in violation of **Section _____** of the Covenants, Conditions, and Restrictions for Mariana Springs First Subdivision which states, in part, that:

Insert relevant covenant text here

The alleged violation is *insert description of violation here.* This violation occurred *insert date(s) of violation.* The Board has investigated this report and confirmed that a violation of the covenants exists. We believe the issues are sufficiently important to justify prompt attention, and request that you, as the owner of *insert address of violating parcel* remedy this violation by *insert a description of the desired remedial action.* We look forward to confirming that this violation is cured no later than *insert date 7 days after date of this notice* so that a fine in the amount of *insert fine amount from the table* need not be assessed. Please note in the attached **Fines Schedule** that the fine amount will double each month until the violation is remedied.

The Board would be happy to meet you to discuss how the violation may be abated without further sanction. If you believe this Notice was sent in error, or feel there are mitigating circumstances, please notify us and request a hearing before the Appeals Committee. If a hearing is requested, no fine will be imposed until after the Board makes a decision pursuant to the hearing.

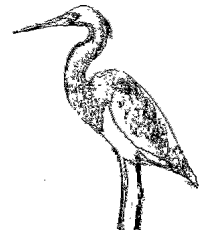
Respectfully,

Board of Directors, Springs at Mariana Home Owners Association, Inc.		
Carol Barrow, President	(970) 669 2258	Heath McVay (970) 635-1940
Greg Muhonen, Vice-President	(970) 635-0566	Mark Vaughn (970) 593-0554
Ed Beck, Treasurer	(970) 667-5419	Bryce Giesey (970) 667-2824

Cc _____
Name of reporting Owner



The Springs at Mariana Home Owners Association, Inc.

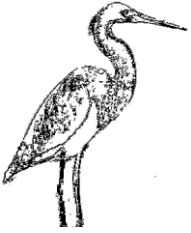


**Attachment C
Association Rules and Regulations Addendum 2
November 21, 2006**

The following is a representative list of requirements within the governing documents of the Springs at Mariana Home Owners Association. Violations not listed here, but within the governing documents, are also subject to fines in amounts determined on a case-by-case basis by the Board. **The fine amount shown below will be charged for each violation and will double each month until the violation is remedied.**

Fine Schedule

1	Failure to abide by the Design Review Committee's (DRC) rules and Design Guidelines or approved plans.	\$100.00
2	Failure to obtain required approval from the DRC before starting exterior construction, landscaping, or fencing.	\$100.00
3	Occupancy or furnishing of a home prior to receipt of a Temporary or Final Certificate of Completion.	\$100.00
4	Failure to cover a construction waste container or tracking of mud from a vacant lot onto the adjoining roadway	\$100.00
5	Failure to maintain landscaping, cut weeds, remove rubbish, or otherwise maintain a lot or residence in a sanitary, attractive and safe condition.	\$100.00
6	Failure to complete all landscaping within 18 months of construction commencement.	\$300.00
7	Installation of an outdoor antennae not approved by the DRC.	\$ 50.00
8	Installation of outdoor signs not approved by the DRC.	\$ 50.00
9	Allowing pets to run loose.	\$ 50.00
10	Failure to pick up pet waste.	\$ 50.00
11	Failure to adequately screen a pet enclosure or keeping of a pet that makes objectionable loud and repetitive noise, endangers the health or safety of, or constitutes a nuisance to, a Lot Owner or guest.	\$ 50.00
12	Failure to keep trash containers out of sight from public view except on trash pickup days.	\$ 25.00
13	Trucks (except pickup or utility trucks ¾ ton or less), trucks with signage, trail bikes, boats or boat trailers or any other trailers or similar vehicles other than passenger automobiles or any other motorized vehicles parked, stored or in any manner kept or placed on any portion of a property except in a closed garage.	\$ 50.00
14	Recreational vehicles (i.e. motor homes, camping trailers, truck campers) parked within Springs at Mariana for longer than 72 consecutive hours or more than 6 days in a 30-day period.	\$10.00/day
15	Storage or parking of inoperable vehicles on any street or driveway.	\$ 50.00
16	Placement of air conditioning units in windows or failure to screen air conditioning units from adjoining parcels with an approved wall, fence, or landscaping.	\$ 50.00



The Springs at Mariana Home Owners Association, Inc.

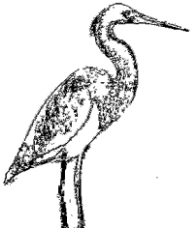


Association Rules and Regulations Addendum #3 Adopted August 9, 2010

COMMUNITY FIRE PIT

For the purpose of encouraging safe and supervised use of the community fire pit for the Springs at Mariana residents and guests, the Board of Directors has adopted the following policy:

1. Fires in the fire pit are permitted only when supervised by an adult. Supervision is defined as the physical presence of a person over the age of 18 at the fire at all times from the lighting to the extinguishing of the fire.
2. The use of accelerants (lighter fluid, gasoline, etc.) is not permitted at the community fire pit.
3. Fires shall be extinguished by the supervising adult immediately upon request by any resident who expresses concern of smoke, noise, or light pollution emanating from the fire pit and causing discomfort.
4. Timely disposal of ashes and unburned fire residue shall be the responsibility of the supervising adult. Fire waste shall NOT be placed in the community waste can for disposal by others and shall NOT be discarded in the common area or on any adjacent vacant or developed lot. Generally, when the fire pit is used during the evening, it should to be cleaned out and the debris properly discarded by noon of the following day.



The Springs at Mariana Home Owners Association, Inc.



Attachment A Association Rules and Regulations Addendum #3 August 9, 2010

The following is a representative list of requirements within the governing documents of the Springs at Mariana Home Owners Association. Violations not listed here, but within the governing documents, are also subject to fines in amounts determined on a case-by-case basis by the Board. **The fine amount shown below will be charged for each violation and will double each month until the violation is remedied.**

Fine Schedule

1	Failure to abide by the Design Review Committee's (DRC) rules and Design Guidelines or approved plans.	\$100.00
2	Failure to obtain required approval from the DRC before starting exterior construction, landscaping, or fencing.	\$100.00
3	Occupancy or furnishing of a home prior to receipt of a Temporary or Final Certificate of Completion.	\$100.00
4	Failure to cover a construction waste container or tracking of mud from a vacant lot onto the adjoining roadway	\$100.00
5	Failure to maintain landscaping, cut weeds, remove rubbish, or otherwise maintain a lot or residence in a sanitary, attractive and safe condition.	\$100.00
6	Failure to complete all landscaping within 18 months of construction commencement.	\$300.00
7	Installation of an outdoor antennae not approved by the DRC.	\$ 50.00
8	Installation of outdoor signs not approved by the DRC.	\$ 50.00
9	Allowing pets to run loose.	\$ 50.00
10	Failure to pick up pet waste.	\$ 50.00
11	Failure to adequately screen a pet enclosure or keeping of a pet that makes objectionable loud and repetitive noise, endangers the health or safety of, or constitutes a nuisance to, a Lot Owner or guest.	\$ 50.00
12	Failure to keep trash containers out of sight from public view except on trash pickup days.	\$ 25.00
13	Failure to supervise an active fire or clean the community fire pit within 24 hours after personal use.	\$ 25.00
14	Trucks (except pickup or utility trucks $\frac{3}{4}$ ton or less), trucks with signage, trail bikes, boats or boat trailers or any other trailers or similar vehicles other than passenger automobiles or any other motorized vehicles parked, stored or in any manner kept or placed on any portion of a property except in a closed garage.	\$ 50.00
15	Recreational vehicles (i.e. motor homes, camping trailers, truck campers) parked within Springs at Mariana for longer than 72 consecutive hours or more than 6 days in a 30-day period.	\$10.00/day
16	Storage or parking of inoperable vehicles on any street or driveway.	\$ 50.00
17	Placement of air conditioning units in windows or failure to screen air conditioning units from adjoining parcels with an approved wall, fence, or landscaping.	\$ 50.00