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THE CRYSTAL BLUFFS TOWNHOME ASSOCIATION

POLICY AND PROCEDURE
 AMENDMENT January 13, 2021

Amended 1-13-21 AUTHORITY: The Declaration, Articles and Bylaws of the Crystal Bluffs Townhome Association and the Colorado Common Interest Ownership Act.

EFFECTIVE DATE: 1-13-21, 2021

RESOLUTION: The Association hereby adopts the following Policy:

1. CONDUCT OF MEETINGS

The following policy and procedure has been adopted by the Board of Directors ("Board") of The Crystal Bluffs Townhome Association ("Association") pursuant to Colorado statutes, for the conduct of meetings.

OWNERS MEETINGS

1. Meetings of the Owners shall be held at such times and locations as may be provided in the Association's Declaration, Bylaws, Articles of Incorporation or Rules and Regulations ("Governing Documents") or by applicable Colorado statutes, but at least once annually.
2. Only Owners in good standing are eligible to vote. For purposes of this policy, "good standing," shall mean all of the following:
 - (i) Ownership of a Lot;
 - (ii) No assessment liens or fines relating to the Owner's property are due to the Association;
3. Notice of Owners meetings shall be distributed as may be provided in the Association's Governing Documents or by applicable Colorado statutes.
4. The Association's Board President shall, in consultation with the General Manager of the Association, determine the agendas for the meetings, subject to any requirements in the Association's Governing Documents, and distribute such agendas with notices of the meetings.
5. The President of the Association's Board or such other person as may be designated by the President, shall preside over all meetings.
6. Any person not in compliance with these rules of conduct, may be ejected from the meeting:
 - a. No one may speak until called upon by the chairperson to do so;
 - b. Only one person may speak at a time;
 - c. Personal attacks or abusive language will not be tolerated; and
 - d. Only the individual presiding over the meeting may interrupt a speaker and then only for purposes of limiting the time of the discussion or due to personal attacks or abusive language.
7. Voting by Owners to fill positions on the Board shall be by secret ballot if the open position is contested. If there are only single nominees/volunteers for Board positions, Owners may be elected to the Board by acclamation. Any other matter put before the assembly for a vote may be by any means acceptable to the assembly or by secret ballot if requested by twenty (20) percent of the owners present in person or by proxy.

8. Unless otherwise provided by the Governing Documents or by applicable Colorado statutes, the affirmative vote required for the election of Owners of the Board shall be the candidates receiving the largest number of votes.
9. Unless otherwise provided by the Governing Documents or by applicable Colorado statutes, the affirmative vote required for the passage of any other matter put before the assembly for a vote shall be a quorum of Owners (as defined by the Rules and/or Bylaws).

2.- BOARD MEETINGS

1. Meetings of the Board shall be held at such times and locations as may be provided in the Governing Documents or by applicable Colorado statutes.
2. Notice of Board Meetings shall be distributed as may be provided in the Governing Documents or by applicable Colorado statutes.
3. The Board President, in consultation with the General Manager, may create agendas for Board meetings, but are not required to do so.
4. Notwithstanding paragraph 3 above, Board Meetings may include a "Property Owners Forum" conducted as follows:
 - a. Any owner wishing to speak at a scheduled meeting must notify either the Property Manager or President of the BOD in advance indicating the topic;
 - b. Only one person may speak at a time;
 - c. Personal attacks or abusive language will not be tolerated; and
 - d. Only the chairperson may interrupt a speaker and then only for purposes of limiting the time of the discussion or due to personal attacks or abusive language.
5. The President of the Board or such other person as may be designated by the President, shall preside over Board meetings.
6. At the conclusion of discussion, but prior to vote on the Motion by the Board, any Owner may request to be heard on the matter discussed.
7. Board meetings shall be open to attendance by all Owners of the association or their representatives.
8. The Board may hold an executive session and restrict attendance to only Board Owners and such other persons requested by the Board during a regular or special meeting for discussion of the following:
 - a. Matters pertaining to employees of the Association or the Managing Agent's contract or involving the employment, promotion, discipline, or dismissal of an officer, agent, or employee of the Association;
 - b. Consultation with legal counsel concerning disputes that are the subject of pending or imminent court proceedings or matters that are privileged or confidential between attorney and client;
 - c. Investigative proceedings concerning possible or actual criminal misconduct;
 - d. Any matter the disclosure of which would constitute an unwarranted invasion of individual privacy; and e. Review of or discussion relating to any written or oral communication from legal counsel.
9. Prior to holding an executive session, the President or other person designated to preside over the meeting, shall announce the general matter of discussion as stated above.
10. No Rule or Regulation shall be adopted during an executive session. A Rule or Regulation may be validly adopted only during a regular or special meeting or after the Board returns from its executive session.
11. The minutes of all meetings at which an executive session was held shall indicate that an executive session was held and the general subject matter of the executive session.



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3-ALTERNATIVE RESOLUTION OF DISPUTES

The following policy and procedure has been adopted by the Board of Directors ("Board") of The Crystal Bluffs Subdivision Townhome Association ("Association") pursuant to Colorado statutes, for Alternative Resolution of Disputes

In the event of any dispute involving the Association and an Owner, the Owner is invited and encouraged to meet with the Board of Directors to resolve the dispute informally and without the need for litigation. If the Owner requests to meet with the Board, the Board shall make a reasonable effort to comply with the Owner's request. Nothing in this Policy shall be construed to require any specific form of alternative dispute resolution, such as mediation or arbitration, or require the parties to meet. Neither the Association nor the Owner waives any right to pursue whatever legal or other remedial actions available to either party.

4. REGARDING CONFLICTS OF INTEREST

The following resolution has been adopted by the Board of Directors ("Board") of The Crystal Bluffs Townhome Association ("Association") pursuant to Colorado statutes, at a meeting of the Board to establish a policy and procedure for handling conflicts of interest by Board members.

RECITALS:

- (a) The Board wishes to avoid self-dealing, actual or apparent, in its administration of the Association.
- (b) The Board wishes to adopt requirements for members of the Board/ Directors ("Board Members") in order to assure sound management of the Association.

NOW, THEREFORE, BE IT RESOLVED that the following shall apply:

Requirements Upon All Members of the Board/Directors.

- A. All Board Members shall exercise their power and duties in good faith and in the interest of, and with utmost loyalty to the Association and owners. All Board Members shall comply with all lawful provisions of the Association's Governing Documents.
- B. Any duality of interest or possible conflict of interest on the part of any Board Member shall be disclosed to the other Board Members at the first meeting of the Board at which the interested Board Member is present after the conflict of interest is or should be discovered. Such disclosure shall be made a matter of record in the minutes of the Board meeting at which the disclosure of the conflict or possible conflict of interest is made.
- C. The interested Board Member shall leave the meeting during any time when discussion of any topic related to the conflict or possible conflict of interest is conducted. The minutes of the meeting shall reflect that the interested Board Member did not participate in the discussion and left the meeting during the discussion.
- D. Any Board Member having a duality of interest or possible conflict of interest on any matter shall not vote or use his or her personal influence on the matter. The minutes of the meeting shall reflect the abstention from voting and the reason for the abstention.
- E. The foregoing requirements shall not be construed as preventing the interested Board Member from briefly stating his or her position in the matter nor from answering pertinent questions of other Board members since his or her knowledge may be of great assistance.
- F. Any breach or suspected breach of this resolution by a Board Member shall be brought to the attention of the remaining Board members for appropriate action.

5. COLLECTIONS POLICY AND PROCEDURES

The following policy and procedure has been adopted by the Board of Directors ("Board") of The Crystal Bluffs Townhome Association ("Association") pursuant to Colorado statutes, for collection of unpaid assessments, default assessments, fees and fines.

1. Due Date.

The Association's Annual Common Expense Assessment shall be due and payable, in full, within 30 days of initial date of billing. Assessments and other charges not received by the Association by the 31st day following initial date of billing, or other date(s) as established by the current Assessment Payment Policy, shall be considered past due and delinquent.

2. Late Charge

Once assessments and other charges are past due and delinquent, a Finance Charge is assessed, equal to 18% APR computed on a daily basis (or other amount deemed appropriate by the Board) of the unpaid balance on the account.

3. Return Check Charges.

In addition to any and all charges imposed under the Declaration, the Bylaws, the Rules and Regulations or the Articles of Incorporation (collectively, the "Governing Documents") or pursuant to Colorado statutes, or this Policy, a fifty dollar (\$50.00) fee or other amount deemed appropriate by the Board shall be assessed against an owner in the event any check or other instrument attributable to or payable for the benefit of such owner is not honored by the bank or is returned by the bank for any reason whatsoever, including but not limited to insufficient funds. Such return check charge shall be due and payable immediately, upon demand. Notwithstanding this provision, the Association shall be entitled to all additional remedies as may be provided by applicable law. Returned check charges shall be the obligation of the owner(s) of the Townhome for which payment was tendered to the Association. Returned check charges shall become effective on any instrument tendered to the Association for payment of sums due under the Governing Documents or this Policy.

4. Attorney Fees on Delinquent Accounts.

As an additional expense permitted (collectible as a Common Expense Assessment) under the Declaration and Colorado statutes, the Association shall be entitled to recover its reasonable attorney fees and collection costs incurred in the collection of assessments or other charges due the Association from a delinquent owner. The reasonable attorney fees incurred by the Association shall be due and payable immediately when incurred, upon demand.

5. Application of Payments made to the Association.

Regardless of inscriptions or notations on the front of the check, all payments received on the account of any owner shall be applied in the following order:

- a) any and all attorney fees, legal fees and costs incurred for collection of assessments or for owner's failure to comply with provisions of the Association's Governing Documents, including lien fees;
- b) fines, late charges and interest;
- c) returned check charges, and other costs owing or incurred with respect to such owner pursuant to the Declaration, Colorado statutes, Rules and Regulations, or this Policy;
- d) Past-due Special Assessments (if any);
- e) Currently due Special Assessments (if any);
- f) Past-due Annual Assessments;
- g) Current Annual Assessments. Checks containing a restrictive endorsement on the back will be returned to the owner and the amount tendered shall be considered unpaid.



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a. Collection Procedures.

- a) Finance charges will be assessed to delinquent owners' accounts. Delinquent owners will receive a statement indicating the assessed finance charges and all other assessments, fines, and fees, and notifying the owner that Notice of Default may be delivered if the full outstanding balance is not paid. Payments must be received within 30 days of billing to avoid further actions and fees, fines, etc. by the Association.
- b) All accounts with outstanding balances as per the current Assessment Payments Policy and the Collections Policy may be subject to placement of a lien upon the property.
- c) The Board may in its sole and absolute discretion offer an owner delinquent in assessments an opportunity to enter into a payment plan over a period of at least six months. The total amount due at the time such a payment plan is established will be determined by the Association and will include any amounts owed including assessments, fees, late charges, attorney fees, fines and interest on common expense assessments. The Association may pursue legal action against an owner if the owner fails to comply with the terms of the payment plan. An owner's failure to remit payment of an agreed upon installment, or to remain current with regular assessments as they become due during the six month period, constitutes a failure to comply with the terms of the payment plan.
- d) Before the Association turns over a delinquent account to a collection agency or refers it to an attorney for legal action, the Association must send the owner a notice of delinquency specifying: i) the total amount due, with an accounting of the total was determined; ii) instructions for entering into a payment plan pursuant to Sec. 38-33.3-316.3 of the Colorado Common Interest Ownership Act and instructions for contacting the Association to enter into such a payment plan; iii) the name and contact information for the individual the owner may contact to request a copy of the owner's ledger in order to verify the amount of the debt; iv) that action is required to cure the delinquency and that failure to do so within 30 days may result in the owner's delinquent account being turned over to a collection agency, a lawsuit being filed against the owner's property, or other remedies available under Colorado law; v) the method by which payments are applied on the delinquent account of the owner; vi) the legal remedies available to the association to collect on an owner's delinquent account pursuant to the governing documents of the Association and Colorado law.

7. Filing of Liens.

If, after written Notice of Default, and allowing a reasonable period for collection the account remains delinquent, a Notice of Assessment Lien against the owner's unit shall be recorded. Such lien shall not be removed until the account has been paid in full.

8. Judicial Foreclosure.

The Board may choose to foreclose on the Association's lien in lieu of or in addition to suing an owner in county court for a money judgment. The purpose of foreclosing is to obtain payment of all assessments owing in situations where either a money judgment lawsuit has been or is likely to be unsuccessful in obtaining payment, or in which other circumstances favor such action.

10. Ongoing Evaluation.

Nothing in this policy shall require the Board to take specific actions at a specific time but the Board shall not take any action in less than the time stated herein for a particular action. The Board has the option and right to continue to evaluate each delinquency on a case by case basis.

SECRETARY'S CERTIFICATION: The undersigned, being the Secretary of The Crystal Bluffs Townhome Association, a Colorado non-profit corporation, certifies that the foregoing policy and procedure was adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board on 1-13-21, 2021, and in witness thereof, the undersigned has subscribed his/her name.



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THE CRYSTAL BLUFFS TOWNHOME ASSOCIATION, a Colorado non-profit corporation By: Gay Zanni,
Owner lot 162B

Gay Zanni, Secretary

AIMEE LANE LUTHER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20174016437
MY COMMISSION EXPIRES APRIL 17, 2021

Aimee Lane Luther
Notary Expires - April 17, 2021

SECRETARY'S CERTIFICATION: The undersigned, being the Secretary of The Crystal Bluffs Townhome Association, a Colorado non-profit corporation, certifies that the foregoing policy and procedure was adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board on 1-23-21, 2021, and in witness thereof, the undersigned has subscribed his/her name.

10. Ongoing Evaluation. Nothing in this policy shall require the Board to take specific actions at a specific time but the Board shall not take any action in less than the time stated herein for a particular action. The Board has the option and right to continue to evaluate each delinquency on a case by case basis.

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