

**SILVER SPURS RANCH
PROPERTY OWNERS ASSOCIATION, INC.
P.O. Box 293
Walsenburg, CO 81089**

HANDBOOK

with

RULES, POLICIES and RESOLUTIONS

Revised 7-3-2019

GOVERNING STYLE

Silver Spurs Ranch Property Owners Association, Inc., hereafter referred to as the Association, is currently a self-managing association, meaning we do not employ a manager to take care of routine ranch business.

The Board of Directors, hereafter referred to as the Board, will approach its tasks with a style that encourages diversity in viewpoints, emphasizes strategic leadership more than administrative detail, future rather than past or present, and will strive to be proactive rather than reactive in its endeavors.

In this spirit the Board will focus on initiating policy, and review its own performance on a regular basis.

Board Terms and Board Positions:

All Elected Board Members are elected for 3 years. Each position was originally elected in a rotating manner so that there is always an experienced member on the board.

Board Member Positions

President

Vice President

Special Projects/ Covenant Enforcer

Non Board Member Positions

Secretary

Treasurer

Newsletter Editor

Historian/Photo Journalist

Web Page Managers

Definitions

Rule - A prescribed guide for conduct or action; a principle or condition that governs behavior; a standard procedure.

Policy - A specific decision designed to carry out a course of action; the principles, plan or procedures established with the intent of reaching a long-term goal.

Resolution - A formal solution to a problem voted on by an official governing body or an assembled group

Rules for Board Members

1. Always keep and maintain current recorded legal documents.
2. Make sure the association's master insurance policy is current and adequate, including Director and Officer Coverage.
3. Communicate with owners – whether the news is good or bad.
4. Solicit owners input on major changes or projects.
5. Enforce your legal documents, but be reasonable.
6. Develop a realistic budget
7. Understand the goals and concerns of the Property Owners' Association.
8. Work closely with all your hired professionals – manager, accountant, lawyer, maintenance men etc.

Privacy Policy

1.0 The Association's Membership Register is for the sole purpose of Association business. Personal information will not be distributed.

Safety Policy

Safety is utmost in the minds of the Board members when making decisions.

1.0 Speed limits, caution signs and other road improvements are implemented to foster the safety and security of anyone using our roads.

2.0 It is the responsibility of each member to monitor the behavior of themselves and their guest with regard to our community.

Delinquent Assessment Policy

- 1.0 Annual dues of \$295.00 per lot owned, must arrive no later than March 15th each year of assessment.
- 2.0 A \$50.00 late fee will be assessed annually to a members account should any assessment be delinquent.
- 3.0 If the assessment is not received by June 1st of the given year, a lien will be placed against that member's property (s) until the members assessment has been paid in full.
 - A) All fees associated with filing the lien and removing the lien will be added on to the member's assessment.
 - B) All legal fees associated with the collection process will be added on to the member's assessment.
 - C) The outstanding balance for the member will be turned over to the Silver Spurs POA attorney for collections. Which may include a personal suit against the owner, foreclosure of the association's lien against the property, and or appointment of a receiver.
- 4.0 On January 1st any outstanding balances on a member's assessment will have an 8% interest charge calculated and added on to the member's assessment.
- 5.0 A member who has fallen behind on their assessment may contact the board to work out a payment plan. The Board on a case by case basis will consider any reasonable plan to get the members assessment paid in full.
- 6.0 Failure to pay any assessment will render a member's status ineligible to vote.

Road Maintenance Priority Policy

Priority of Road work performed on the ranch is as follows:

- A) Main egress roads, to maintain safe escape from the ranch in times of emergency.
- B) Repairs do to nature and unexpected incidents.
- C) Repairs of heavily utilized roads due to wear and tear.
- D) Development of secondary roads in order of occupancy.

Home Based Businesses

1.0 When a member wishes to conduct any type business on property within the confines of Silver Spurs Ranch they must:

- A) Apply in writing to the Board.
- B) Ensure that the business does not create a nuisance or violate any covenant.
- C) Not post signage, create parking lots, maintain a storefront or otherwise give any outward appearance of a business.

2.0 Any substantiated complaint with regard to an approved business will result in revocation of Board's approval to conduct such business on the Ranch.

Covenant Violation Policy

It is the Boards duty to uphold and enforce the covenants of the Ranch community.

1.0 Violations should be brought to the attention of the Board in writing.

2.0 A notice of violation will be issued to the member.

A) The Board will follow the rules outlined in accordance with the Hearing and Requirements of this document.

3.0 Failure to correct a violation or non-response will warrant the imposition of fines after the Hearing Requirements have been met.

4.0 The Board will follow the Procedures outlined in the Hearing Requirements and Fine Schedule contained within the rules until the violation has been resolved. Results from the hearings can result in legal action against the violating member.

NOTICE & HEARING REQUIREMENTS

This section sets forth procedural requirements that must be satisfied when Silver Spurs Property Owners Association's board of directors imposes discipline (i.e., imposes a fine or suspends privileges) on a member for a violation of the association's governing documents, or imposes a reimbursement assessment against a member for repairing damage caused to the common area as a result of the member, the member's guest or tenant. Those procedural requirements are outlined below and may vary depending upon the terms of the association's governing documents.

Notice of Violation & Hearing

At least Fifteen (15) days prior to the meeting (the "hearing") at which the Silver Spurs Property Owners Association's board will decide to impose discipline, the Silver Spurs Property Owners Association's board will notify the member in writing, by either personal delivery or individual delivery. If the disciplinary measure will involve suspension of the member's membership privileges, the notice must be provided at least Twenty (20) days in advance of the hearing.

Contents of Notice –

- At a minimum, the notification will include:
- The date, time and place of the hearing; The nature of the alleged violation for which the member may be disciplined or the nature of the damage to the common area for which a reimbursement assessment may be imposed; *and*
- A statement that the member has a right to attend and may address the board at the hearing.

Hearing Where Board Decides to Impose Discipline

The Silver Spurs Property Owners Association's board may conduct the hearing in executive session if it so desires. However, if the member requests for the hearing to be conducted in executive session, the board must honor the member's request, and also allow for the member to attend the executive session hearing. It is common practice for disciplinary hearings to be conducted in executive session even in the absence of a member's request for the same.

Decision Must be Based Upon Findings – The decision to impose discipline should be based upon findings made by the board regarding the alleged violation for which discipline is being imposed. Those findings are necessary to demonstrate that the board's decision was made in good faith, was reasonable and not arbitrary or capricious.

Notice of Decision

If the Silver Spurs Property Owners Association's Board imposes discipline or a reimbursement assessment, the board is required to, within fifteen (15) days following the action, provide the member with written notification of the board's decision by either personal delivery or individual delivery.

Fine Schedule and Enforcement

Fact Finding

Silver Spurs Property Owners Association's Board of Directors, has implemented a written policy governing the imposition of fines. The Silver Spurs Property Owners Association's Board of Directors will conduct a fair and impartial fact-finding process concerning whether the alleged violation occurred and whether the owner is the one who should be held responsible for the violation.

Establishment of a violation.

The attached Schedule of Fines has been adopted by the Silver Spurs Property Owners Association's Board of Directors. This policy also specifies that a fine may only be imposed after the owner has been sent written notice that a fine is being considered and is provided a reasonable opportunity to be heard regarding the alleged violation by the Silver Spurs Property Owners Association's Board. No fine or enforcement fee will be imposed until after the requested hearing has taken place. The purpose of fines is to encourage compliance with Silver Spurs Property Owners Association's governing documents. This schedule of fines serves to provide each homeowner a clear understanding of the penalties involved for violations of Silver Spurs Property Owners Association's governing documents, and for failure to respond to notice of alleged violations.

Fine Schedule and Enforcement Procedure

Initial Violation: A courtesy letter is mailed to the homeowners' last mailing address on file citing the specific violation(s) and requesting correction of said violation(s).

First Violation: A letter is mailed requesting the homeowner to appear at a hearing before the Silver Spurs Property Owners Association's Board to address the cited violation(s). The letter will identify the nature of the violation(s), the potential fine, and the date, time and location of the hearing. If the Board determines that there has been a violation or if the homeowner fails to appear at the hearing or provide written evidence on his/her behalf, a monetary penalty may then be imposed against the property owner. The Silver Spurs Property Owners Association's Board will notify the homeowner in writing of its decision.

Continuing Violation: After the hearing, The Silver Spurs Property Owners Association's Board may impose a continuing monetary penalty without additional notice or hearing, until the infraction or violation has been remedied. (A continuing violation is a violation of an ongoing nature which has not been corrected.)

Repeat Violation: Hearing Letter to Homeowner. (A repeat violation occurs when a person violates the same provision of the Association's governing document more than once and has already been given the appropriate warnings and offered a hearing. A repeated violation may result in an immediate doubling of fines.)

Fine Schedule

VIOLATION	TIME TO CURE BEFORE VIOLATION IS REASSESSED	FINE AMOUNT
Initial notice of violation	Fifteen (15) Days	Courtesy – No Fine*
First notice of violation Same Offense after Hearing	Fifteen (15) Days	\$50-\$200
Second notice of violation Same Offense	Fifteen (15) Days	\$100-\$300
Third notice of violation Same Offense	Fifteen (15) Days	\$200-\$400
Additional Violations Same Offense	Reassessed Every Month	Up to \$400
<p>* association, through its board of directors, reserves its right to alter time line and fine amount under circumstances that it determines are just in the board’s sole discretion.</p> <p>* The association reserves its right to refer any violation to its legal counsel at any time.</p>		

Collection: Fines and penalties that are levied as stated above may be assessed against an owner and may become due and payable within 30 days after the fine is assessed after providing the owner with notice and an opportunity to be heard. Failure to pay the fines and penalties may result in the following collection procedure:

1. Interest accruing on the total balance owed at the rate of ten (8%) percent per year on any unpaid fines as of January 1st.
2. After the initial 30 days, a demand letter sent to the owner via U.S. Mail or personally delivery to the owner. The owner will be provided 10 days in which to respond. The owner will be charged for the cost of this letter. If the owner fails to bring his balance current within the 10 days prescribed in the demand letter, the association may place the owner in collections and the association may proceed with the legal remedies available to it.
The owner will lose all voting rights until the balance is paid in full. Any and all costs associated with the collection of the past due fines and penalties, costs, attorney’s fees and other charges will be assessed against the owner’s lot. Legal counsel may initiate action seeking injunctive relief against the lot owner to correct or otherwise abate the violation, or to pursue any other legal or equitable remedy that may be available to the association, including, but not limited to the collection of the past due fines assessed and other charges and attorney fees incurred.

Silver Spurs Ranch Property Owners Association, Inc.

RES 03/02

WHEREAS, the Association desires and there is a need for clear and easy reference and review of corporate resolutions and policy,

IT IS HEREBY RESOLVED THAT all previous resolutions, rules and policies identified in this resolution are reaffirmed.

1. Resolution indemnifying incorporator, Minutes 10/28/94.
2. Resolution identifying corporate seal, Minutes 10/28/94; further added to Bylaws.
3. Transfer of Association governance from Developer to Membership, Minutes 5/20/98.
4. Liability insurance coverage for Association instituted, Minutes 7/18/98.
5. Architectural Review Committee instituted, all buildings must be pre-approved, Minutes 7/18/98.
6. CPA to review books and accounts once a year, Minutes 10/3/98.
7. Late dues will be assessed a fee of \$50.00. Late payment of dues without including this fee will make the member ineligible to vote. Minutes 5/1/99.
8. ARC approval form established; 10/5/99.
9. The POA will keep a reserve of \$50,000.00 for emergencies, Minutes 2/15/00.
10. Annual Budget and its use initiated, Minutes 4/2/00.
11. Resolution to adopt amended Bylaws recorded Huerfano County, file # 349389 6/15/01.
12. Resolution that all checks require two signatures Minutes 7/16/00; added to Bylaws.
13. Association will use business size checks with detailed notations; Minutes 7/16/00.
14. Newsletter will be published quarterly after final draft approval by Board. Minutes 7/16/00.
15. Policy that all comments issues and concerns must be in writing to be recognized by Board; 7/16/00.
16. Bids must be taken and approved by board on major Road projects, Minutes 7/16/00.
17. Resolution allowing travel reimbursement to board members traveling > 5 miles not to exceed IRS endorsed amount, Minutes 7/16/00.
18. Board of Directors will act as ARC, Minutes 7/30/00.
19. Roadwork priority policy, Minutes 7/30/00.
20. Liability Insurance established for Board of Directors, Minutes 7/30/00.
21. Policy on Home Businesses established, Minutes 9/11/00.

22. Phone calls made on behalf of the association will be reimbursed with receipt; Minutes 10/7/00.
23. Ads may be sold to offset costs of Newsletter, Minutes 3/12/01.
24. Establish a noxious weed program, state requirement, Minutes 7/21/01.
25. Establish an information packet for Realtors and new members, Minutes 8/5/01.
26. Resolution establishing policy and procedure for excess funds in electrical extension account, Recorded Huerfano County, file #200200353621 on 4/29/02.
27. Resolution establishing definition and policy on “mobile homes”, Recorded Huerfano County, file #2002353620 on 4/29/02.
28. A Board member Handbook, Resolutions, Rules and Policy book will be established, 7/02
29. Modification to the Delinquent Assessment Policy to make clear on the rules established. 5-12-18
30. Modifications to the Delinquent Assesment Policy to dates to June 1st to start the collection process. Established Meeting Minutes 7-3-2019.
31. Addition of the Notice and Hearing Requirements and Fine Schedule. Established Meeting minutes 7-3-2019.

IT IS FURTHER RESOLVED that any previous covenant, Bylaw or resolution, which has been recorded with Huerfano County, is reaffirmed.

Dated and effective _____

These resolutions will stand until rescinded

The undersigned certify that on the date above the foregoing resolutions were adopted by the Board of Directors of the Corporation by a vote of

In Favor	Against	Abstain

Reproducible Forms

The following forms are provided as a reproducible original to allow a quick recording template for official documentation.

A photocopy of the form can be used for note taking and later typed into the form and saved as a new page for hard copy printing.

SILVER SPURS RANCH

PROPERTY OWNERS ASSOCIATION, INC.

WHEREAS, _____

IT IS HEREBY RESOLVED THAT _____

IT IS FURTHER RESOLVED _____

Dated and effective _____

These resolutions will stand until _____

The undersigned Secretary of the Corporation certifies that on the date above the foregoing resolution(s) were adopted by the Board of Directors of the Corporation by a vote of

_____ In Favor; _____ Against and _____ Abstaining

Recorder

Secretary