

**RESOLUTION  
OF THE  
MONTE VISTA SUBDIVISION OWNERS' ASSOCIATION  
ADOPTING POLICIES AND PROCEDURES  
REGARDING WEED CONTROL ON UNOCCUPIED LOTS**

**WHEREAS**, Monte Vista Subdivision (the "Subdivision") is a residential subdivision located in Montrose County, Colorado; and

**WHEREAS**, The property encompassing the Subdivision is subject to Declaration of Covenants Conditions and Restrictions for Monte Vista Subdivision filed with the Montrose County Clerk and Recorder's Office on July 9, 2003, at Reception No. 705969 (the "Declaration"); and

**WHEREAS**, In order to preserve and enhance the value and quality of the real property encompassing the Subdivision, the Declaration is administered and enforced by the Monte Vista Subdivision Owners' Association, a Colorado nonprofit corporation (the "Association"); and

**WHEREAS**, The Association is governed by a Board of Directors (the "Board of Directors"); and

**WHEREAS**, The Board of Directors has the authority under the Declaration to adopt reasonable rules and regulations for the purposes of insuring compliance with the Declaration; and

**WHEREAS**, The proliferation of weeds through the Subdivision is a nuisance.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Directors for the Association hereby adopts the following rules and regulations regarding the removal of weeds on vacant lots.

- 1) **Scope.** The scope of this Resolution is to establish a policy for the proper maintenance of vacant Lots as stated in Article 3, Section n. "Weed Control," of the Declaration to define the procedure for when the weeds on vacant Lots shall be removed by the Lot Owners; to define the procedure for when the weeds on vacant Lots shall be removed by the Association; to institute a procedure to ensure that Lot Owners comply with the upkeep of their Lot; and to set forth a fines policy and the procedure for enforcement of this Resolution.
- 2) **Policy.** As of the Effective Date, the Board of Directors and the manager for the Association shall decide when the weeds on any vacant Lot are to be removed and/or cut. Weeds shall be cut as low to the ground as possible on the Lot and in any ditches associated with the Lot. Weeds shall be maintained when the Association deems the weeds on the vacant Lot have become unsightly and may be a fire hazard. Lot Owners who have elected to be part of the Association's weed cutting program will have the weeds on their Lot cut down and shall be invoiced accordingly. Those Lot Owners who have elected to maintain the weeds on their vacant Lots themselves will be notified by the

manager for the Association that the weeds on their Lots need to be maintained and will have fourteen (14) days to comply.


- 3) Fines. Any Lot Owner who fails to comply with Association's weed maintenance policy as out lined herein and fails to maintain the weeds on their Lot within fourteen (14) days of being notified may be fined Twenty-five Dollars (\$25.00) per day until they comply. Fines shall be invoiced accordingly and due upon receipt. As outlined in the Declaration, Article V, Section 1. "Delinquency," if fines are unpaid after fifteen (15) days from the due date on the invoice, there shall be a One Hundred Dollar (\$100.00) late fee imposed and added to the delinquent invoice plus an additional Fifty Dollars (\$50.00) per month added for time spent by the Association's manager for processing. Any such invoice not paid within thirty (30) days shall bear interest of twenty-four percent (24%) annually, which shall be added to the unpaid amount. In addition, if any such invoice is not paid within sixty (60) days, the Association may file a lien against the delinquent Lot Owner, and the Lot Owner shall be responsible for all fines, late fees, related costs for preparing and filing such action and attorneys' fees related thereto.
- 4) Definitions. Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning herein.
- 5) Supplement to Law. The Provisions of this Resolution shall be in addition to and in supplement of the terms and provisions of the Declaration, the Bylaws, the Articles of Incorporation and the laws of the State of Colorado.
- 6) Deviations. The Board of Directors may deviate from the procedures set forth in this Resolution if in its sole discretion such deviation is reasonable under the circumstances.
- 7) Amendment. This Resolution may be amended at any time by the Board of Directors.
- 8) Effective Date. This Resolution shall become effective on AUGUST 6, 2013 2013 (the "Effective Date"), as herein referenced throughout this Resolution.

**DIRECTORS CERTIFICATION:** The undersigned, being the Members of the Board of Directors of the Monte Vista Owners' Association, a Colorado nonprofit corporation, certify that the foregoing Resolution was adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors on AUGUST 6<sup>th</sup> 2013, and in witness thereof, the undersigned has subscribed his/her name.

*Signatures on next page.*

**MONTE VISTA OWNERS' ASSOCIATION**

By:   
**BILL SELF, Member**

By:   
**HARRY TAYLOR, Member**

By:   
**CRAIG CAYO, Member**