

DAWSON RANCH HOMEOWNERS  
ASSOCIATION COVENANT ENFORCEMENT  
PROCEDURES

**I Definitions**

HOA – Dawson Ranch Homeowners Association, Inc.

Board – Board of Directors of the HOA.

Approving Authority (“AA”) – Up to five members of the HOA Board who have decision making authority regarding covenant enforcement.

Covenants - Declaration of Protective Covenants of Dawson Ranch Planned Development District

Complainant - Any person or group of people making a complaint regarding a Covenant violation.

**II. Role of the Board and AA:**

The HOA Board and the AA have different roles.

The Protective Covenants are a contract between the AA and the homeowner, which gave power to the AA to enforce the covenants. The AA role is mandated under the recorded covenants, which is a contract entered into with all homeowners at the time they bought their properties in Dawson Ranch. The voluntary HOA works to support the role of the AA, as well as being an entity that helps connect the Dawson Ranch community. The HOA board has no direct authority under the protective covenants to enforce covenants, but the AA does.

**III. General:**

The procedures set forth in this document will be followed when the AA determines that a violation of the Covenants has occurred, and that enforcement action is necessary to resolve the violation. If the AA decides to take enforcement action, the AA shall follow all requirements for enforcement as established by the Covenants and these procedures.

Depending on the nature of the covenant violation and if the AA determines there is a need for immediate resolution, the AA reserves the right to deviate from the procedures outlined below but shall continue to abide by the Covenants. In circumstances where the AA deviates from the procedures below, the AA shall provide notice of such deviation to any subject of enforcement.

Complaints can be initiated by individual residents without AA or Board participation as provided in Section 607 of the Covenants. The AA reserves the right, in its sole judgment, whether to initiate enforcement action pursuant to Section 607 of the Covenants on complaints. The AA may also recommend that the Complainant seek the assistance of city, county or state authorities for resolution.

Complaints originating from property owners that rise to the level of requesting the AA or Board to act can be made in writing, via postal mail or email to the AA group, or by a phone call to Dawson Ranch HOA. The failure of a Complainant to show their willingness to actively involve themselves in the enforcement process, including attendance and participation at meetings/hearings held in conjunction with their complaints, MAY be a basis for the AA to decline acceptance of the claim for enforcement, or to otherwise limit its involvement in the enforcement process.

These procedures may be amended by the majority vote of the Board, or by a majority vote of the HOA membership at a meeting called for the purpose of amending this procedure, where a quorum of Members is present. Upon such amendment, the amended procedure will be made available to the Members on the HOA website as soon as practicable.

#### **IV. Complaint Procedure:**

The AA will follow the general procedures for addressing Covenant violations as outlined below. The AA has the discretion on whether to initiate an enforcement action and will not be liable for its decision not to initiate an enforcement action, based on the AA's sole judgment.

The AA will initially determine whether a complaint or situation constitutes a Covenant violation.

- A. If the AA determines there is no violation, or the AA decides not to act on a complaint.

If the AA determines there is no violation, or the AA decides not to act on a complaint, the AA will make a record of its determination and, if applicable, advise the Complainant that the AA will not act on the complaint. However, the Complainant, on their own accord, can pursue an enforcement action under Section 607(c) of the Covenants without the participation of the AA.

- B. If the AA determines a violation has occurred.

If the AA determines that a covenant violation has occurred, and agrees to initiate an enforcement action, it will do the following:

1. Attempt Informal Resolution. The AA will follow the sequence below if it deems that a violation of the Covenants has occurred:
  - a) The AA will keep a written log (or electronic record) of all violations it intends to act on. This written/electronic log must be shared with the Board upon request. The AA will document the date, nature of the violation, the expected outcome(s), and timeframe in which

resolution is expected.

- b) At their option, the AA will contact the violator via direct in person contact at the property location, by phone, by email, or in writing.
- c) If the AA chooses to contact the violator by in-person visit, the visiting members of the AA will adhere to the following steps:
  - i. Wear a badge showing their name and title.
  - ii. Approach the front door of the dwelling via the driveway and walkways (not on landscaping).
  - iii. They will knock on the door and/or ring the doorbell no more than once each.
  - iv. If there is no response from within the home, the members of the AA will leave the property immediately. They will not attempt to linger or search for a contact. The AA does have the legal right to be on the property to verify a possible violation.
  - v. The AA may thereafter resort to phone, registered email, or written contact at their discretion. If via email, The AA will use a tracking method.
  - vi. In person visits will be documented by an email record.

2. At the AA's option, it can decide to skip informal contact methods and go directly to documenting the violation in writing and mailing it to the property owner from the HOA Records and/or the Fremont County Assessor's Office records.

3. If the property is known to be rental unit, the AA may decide to notify the tenants as well as the owner.

4. The AA is free to attempt an informal resolution for as long as the AA determines such informal attempts are warranted. The AA group can send more than one "first letter" if they choose.

C. Second Letter. If informal resolution is not successful, if the AA elects to forego attempting an informal resolution, or if damage may continue to occur, the AA will provide written formal notice, as contemplated by the Covenants, via registered US Mail to the alleged violator at the address listed in the HOA records, in the Fremont County Assessor's Office records, or at the regular business address if the alleged violator is a business. The notice will state the nature of the Covenant violation, the action that must be taken to correct the violation, and a reasonable time frame, not less than thirty (30) days and taking into account any previously approved extensions granted by the AA, in which the violation must be corrected. The notice will also provide the opportunity for the alleged violator to schedule a meeting/hearing before the AA on

whether a violation has occurred. Such meeting/hearing shall be held as soon as practicable by the AA, in a manner as determined by the AA, whereby the alleged violator shall be given the opportunity to present their side of the matter. The AA shall make a decision at the conclusion of the meeting/hearing. The time provided for the alleged violator to correct the violation per the formal notice shall be tolled from the date a meeting/hearing is requested until the date the meeting/hearing is concluded. Nothing herein shall be construed as preventing the AA and alleged violator from reaching a stipulated resolution at such meeting/hearing.

If there is no response to the formal notice of violation during the period allowed for correction, a second formal notice will be sent from the HOA Attorney. The alleged violator may be charged the legal fees attributed to this action. It will contain all the information contained in the first notice with a stated date and time where correction must be made, otherwise the issue will be escalated to a court action against the alleged violator.

D. Post-Hearing Enforcement Action. If the AA or hearing officer determines that a violation has occurred and corrective action must be taken, and if the violation has not been corrected within the time limit stated in the decision, then the AA may pursue legal and other enforcement action against the violator as provided in Section 607 of the Covenants. If the infraction is also a city or state infraction, they may be notified to also become involved.

**V. Authority for Covenant Enforcement Action by the AA:**

Covenants – Section 607

Bylaws – (2024 edition) Article 6, Section 2

Articles of Incorporation – Section 6.3