

**West Fork Village
Preservation (Compliance) Committee
April 13, 2016**

Members Present:

Jan Massey – Secretary/Committee Member

Travis Ryan - On-site Manager

Danna York – Committee Member

Wanda Thwaites - Volunteer

The purpose of this meeting is to address the process by which noise complaints are processed between residents:

The reason for this change is that Travis is spending an inordinate amount of time running an Adult Day Care trying to referee these complaints. It not only involves Travis, but the board as well and an inordinate amount of unnecessary e-mails and board meeting time that could better be spent dealing with budgets, contracts and other Association business.

This refers specifically to **Covenant 15.15.2 and Covenant 15.15.3** as it pertains to disputes between owners and tenants or any combination thereof.

Covenant 15.15.2 reads: “No noxious, destructive, or offensive activity shall be carried on in any Unit or in the Common Elements or any part thereof, nor shall anything be done within the Project which may be or may become an annoyance or nuisance to any other Owner or to any person at any time lawfully using the Project.”

Covenant 15.15.3 reads: “No annoying lights, sounds, or odors shall be permitted to emanate from any Unit to any other portion of the Project.”

It was recommended that Resolution 12 should be amended rather than reinventing the wheel and that Sections A, B, C, D, E, F, G, H, and I be removed and replaced with the following:

In case of emergency call 911

Corroboration and documentation are key to the amicable solution of a justifiable dispute.

Following are the non-emergency steps (otherwise known as the PROPER PECKING ORDER or

PPO) that should be taken by a Resident if you feel that either Covenant 15.15.2 or 15.15.3 are being violated.

1. Contact the resident of the offending Unit and try to resolve the issue in a civil manner.
2. If you are a renter and unable to resolve the conflict with the other resident contact your landlord with your complaint.
3. Owners should contact each other whether you are a resident or a landlord to negotiate an amicable solution.
4. If the dispute cannot be resolved. The involved parties should seek mediation at their own expense.
5. The Clubhouse can be reserved by the parties for said mediation.

From this point on the Mediation, Arbitration and Failure to comply with Agreement or Award wording should be taken directly from Resolution 13 sections 4c, 4d and 5.

In resolution 12 there is a reference to Colorado Common Interest Ownership Act (CCIOA) Section 38-33-3-209.5 Responsible governance polices, which reads (IV) Enforcement of covenants and rules, including notice and hearing procedures and the schedule of fines.