

**RESOLUTION
OF THE BOARD OF DIRECTORS OF
BELLE CREEK METROPOLITAN DISTRICT NO. 1**

ESTABLISHING THE ENFORCEMENT COMMITTEE

WHEREAS, Belle Creek Metropolitan District No. 1 (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado, duly organized pursuant to Article 1, Title 32, Colorado Revised Statutes; and

WHEREAS, the District was organized for the purpose of providing certain improvements, facilities and services to and for the use and benefit of Belle Creek Metropolitan District No 1, its residents, users, property owners and the public; and

WHEREAS, pursuant to § 32-1-1004(8), C.R.S., the District has the power to furnish covenant enforcement services within the District if the District and the governing body of the applicable master association or similar body have entered into a contract to define the duties and responsibilities of each of the parties, including the covenants that may be enforced by the District, and the covenant enforcement services of the District do not exceed the enforcement powers granted in the declaration of the association; and

WHEREAS, the District and Belle Creek Master Association, Inc. (the “**Association**”) entered into that certain Covenant Enforcement Agreement, dated December 8, 2008 (the “**Enforcement Agreement**”), pursuant to which the Association assigned certain covenant enforcement rights to the District; and

WHEREAS, pursuant to § 32-1-1001(1)(m), C.R.S., the District has the power to adopt, amend, and enforce bylaws and rules and regulations for the purpose of carrying on the business, objects, and affairs of the board and the District; and

WHEREAS, pursuant to § 32-1-1001(1)(h), C.R.S., the Board of Directors of the District (the “**Board**”) is empowered with management, control, and supervision of all business and affairs of the District; and

WHEREAS, in order to uniformly and efficiently effectuate its enforcement obligations set forth in the Enforcement Agreement, and in accordance with its authority to adopt rules and regulations for the purpose of carrying on the business, objects and affairs of the District, and its authority to manage, control and supervise all business affairs of the District, the Board desires to establish an Enforcement Committee for the purpose of managing the enforcement functions and authority assigned to the District in the Enforcement Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Belle Creek Metropolitan District No. 1 as follows:

1. Establishment and Purpose of the Enforcement Committee. The Board hereby establishes a committee for the purpose of managing and overseeing the District's rights and obligations in relation to covenant enforcement in accordance with the Enforcement Agreement (the "Enforcement Committee").

2. Authority of the Enforcement Committee. The Enforcement Committee is hereby authorized to:

- A. Receive complaints of alleged violations of the governing documents of the Association from owners, residents, the Board, Enforcement Committee members, and/or any managing agent(s) engaged by the District.
- B. Investigate (or cause to be investigated by the District's managing agent, if any) such complaints if additional information is needed to determine if the reported violation is occurring or has occurred.
- C. Send (or cause to be sent by the District's managing agent, if any) warning and fine letters to violating owners.
- D. Send (or cause to be sent by the District's managing agent, if any) notices to violating owners of hearings to be held by the Enforcement Committee to consider the imposition of fines for violations.
- E. Conduct hearings with violating owners prior to the imposition of any fines.
- F. Make determinations and decisions about the imposition of such fines.
- G. Make determinations and decisions about waiving of any such fines imposed.
- H. Make recommendations to the Board regarding the turn over of any particular violation to the District's attorney(s) for further action.
- I. Make recommendations to the Board regarding the filing of any covenant violation notices related to uncured violations occurring on any property within the jurisdiction of the District and the Enforcement Committee.

3. Compliance with Policies and Procedures for Covenant and Rule Enforcement. All actions and authority of the Enforcement Committee are subject to and shall be in accordance with the District's Policies and Procedures for Covenant and Rule Enforcement. The Committee shall follow (or cause the managing agent, if any, to follow) the process set forth in the District's Policies and Procedures for Covenant and Rule Enforcement and may only deviate from that policy if the Enforcement Committee determines that such deviation is reasonable under the circumstances.

4. Committee Members. The Enforcement Committee members will be appointed by the Board from time to time as reflected in the minutes of the Board meeting at which such appointment is made. The Enforcement Committee members shall serve at the pleasure of the Board and any member of the Enforcement Committee may be removed at any time, with or without cause, by the Board. The Enforcement Committee members shall serve as volunteers and are not entitled to any compensation for their service on the Enforcement Committee, but are entitled to reimbursement for any out-of-pocket costs incurred by them for Enforcement Committee purposes, subject to prior written approval from the Board. The Enforcement Committee members may, from among the membership of the Enforcement Committee, select one of them to act as the chairperson of the Enforcement Committee.

5. Relationship to the Board and the District Manager.

A. The Enforcement Committee's primary point of contact for the District in relation to scheduling of hearings, mailing of letters, coordination, and the like, is the District's managing agent. At the time of the adoption of this Resolution, the District has engaged Charles Wolfersberger of Wolfersberger, LLC to act as the District's managing agent in relation to covenant enforcement matters. As such, Mr. Wolfersberger is hereby designated as the District's primary point of contact for the Enforcement Committee. Further, any reference to managing agent in the District's Policies and Procedures for Covenant and Rule Enforcement shall be a reference to Charles Wolfersberger and Wolfersberger, LLC, and Mr. Wolfersberger and Wolfersberger, LLC are hereby authorized to perform those specific functions assigned to the District's managing agent in the District's Policies and Procedures for Covenant and Rule Enforcement.

B. The Enforcement Committee shall provide the Board with a monthly written report detailing its activities for the prior month, including a list of current outstanding violations.

6. Amendment. The Board expressly reserves the right to amend, revise, redact, and/or repeal the Enforcement Committee's authority granted in this Resolution in whole or in part, from time to time, in order to further the purpose of carrying on the business, objects, and


affairs of the District. The foregoing shall specifically include, but not be limited to, the right to remove Enforcement Committee members, increase the number of Enforcement Committee members, add to or reduce the authority of the Enforcement Committee or eliminate the Enforcement Committee, in the Board's discretion.

7. Severability. If any term or provision of this Resolution is found to be invalid or unenforceable by a court of competent jurisdiction or by operation of any applicable law, such invalid or unenforceable term or provision shall not affect the validity of the remainder of this Resolution as a whole, but shall be severed, leaving the remaining terms or provisions in full force and effect. In addition, in lieu of such void or unenforceable provision, there shall automatically be added a provision similar in terms to such illegal, invalid or unenforceable provision so that the resulting reformed provision is legal, valid and enforceable.

[Signature page follows.]

APPROVED and ADOPTED this 17th day of August, 2015.

**BELLE CREEK METROPOLITAN DISTRICT
NO. 1**, a quasi-municipal corporation and political
subdivision of the State of Colorado



Officer of the District

ATTEST:



APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law

General Counsel to the District

[Signature page to Resolution Establishing the Enforcement Committee]