

# Cherry Creek Farm HOA

## R u l e s & R e g u l a t i o n s



### Third Addendum

WHEREAS, Article No. 6.4 of the By-Laws of the Cherry Creek Farm Homeowners Association (the "Association") adopted by the Board of Directors thereof (the "Board") on August 25, 1982, provide that the Board may establish, make and enforce compliance with, and amend from time to time, such rules and regulations as may be necessary for the operation, use, occupancy and enjoyment of the properties and lots subject to the declaration of Covenants, Conditions and Restrictions for Cherry Creek Farm (the "Declaration"); and

WHEREAS, on the 3rd day of September, 1982, the Board did adopt those certain Rules and Regulations of Cherry Creek Farm Homeowners Association ("Rules and Regulations"), a copy of which is attached hereto and incorporated herein as Exhibit A; and

WHEREAS, the Association has the authority and obligation to collect assessments and other charges payable to the Association and desires to clarify the costs and charges incidental thereto which shall be payable by an Owner; and

WHEREAS, the Board has deemed it necessary and appropriate to make and enforce certain additional rules and regulations of the Association, to be effective as of the date specified herein in order to preserve, promote and protect the financial existence and integrity of the Association so that the Association can continue to effectively perform and operate.

NOW, THEREFORE, the Board hereby establishes, makes and adopts the following Third Addendum to the Rules and Regulations of Cherry Creek Farm Homeowners Association:

#### 1. Notice/Hearing

Except as may be provided elsewhere in these Rules:

- A. Prior to the levying of Fines, Persons liable for the payment thereof must be provided Notice and an opportunity to be heard. Each alleged Violation must be substantiated by written documentation from one of the following 1) the Property Manager, 2) a member of the Board of Directors, 3) an owner when such documentation is delivered to a member of the Board of Directors or Property Manager.
- B. Persons entitled to a Hearing shall have the opportunity to be heard at 1) the next regularly scheduled meeting of the Board of Directors or 2) at such meeting as may be scheduled by the Board of Directors at a date and time no less than 10 calendar days after such Person's receipt of the Notice. All Hearings shall be held at the location set forth in the Notice.
- C. Notice of alleged Violations required to be given shall be given to the following Persons:
  1. In the case of alleged Violation of these Rules by a Minor Resident, Notice shall be given to an Adult Resident of the Unit and the Owner of the Unit.
  2. In the case of an alleged Violation of these Rules by a Tenant or a Related User of a Tenant, Notice shall be given to the Tenant and the Owner of the Unit.
  3. In the case of an alleged Violation of these Rules by an Adult Resident, Notice shall be given to the Adult Resident, and also to the Owner of the Unit.
  4. In the case of an alleged Violation of these Rules by a Guest, Notice shall be given to the Owner of the Unit.
- D. All Notices required to be given under these Rules shall be in writing and shall be deemed given when delivered personally or when deposited into the United States mail, sent first class postage prepaid, return receipt requested, and addressed to the receiving party as follows:

1. If to an Owner, to his or her Unit, or such other address as may be delivered, in writing, to the Property Manager; and
  2. If to a Tenant or an Adult Resident, to the Unit where he or she resides.
- E. In the event a Violation is cured prior to the Hearing and this is the first Violation of a particular Rule, no further action will be taken by the Board of Directors.
- F. In the event any Person entitled to a Hearing fails to appear, he or she will be presumed to have acknowledged the Violation and will be subject to all penalties for the occurrence of the Violation.

**2. Fines**

- A. After Notice and Hearing, Persons responsible for the Violation, shall be subject to the following schedule of Fines:
1. \$25.00 for the first month following the Violation if the Violation is not cured.
  2. \$50.00 for the second month following the Violation if the Violation is not cured.
  3. \$100.00 for the third and each subsequent months the violation is not cured.
- B. Each Owner shall be personally liable for all Fines assessed against him or her and against his or her Related Users or Tenants.
- C. Each Owner shall be personally liable for all Fines assessed for the Violation of Minor Residents of the Unit.
- D. All fines not paid within 10 days will be assessed interest at the rate of 18% per annum.

**3. Roofing Material**

The following relates to roof replacement with material other than cedar shakes:

- A. Removal and replacement cannot commence until written approval is provided by the ACC to a homeowner. Non-compliance will be considered a violation.
- B. Before installing any roof material other than natural wood shakes, a written request must be submitted to the ACC specifying the following:
1. Manufacturer
  2. Series
  3. Color
- C. The following replacement roof materials are suggested although the specific material must still be approved by the ACC:
1. 40 year, dimensional composition roofs with minimum weight and thickness requirements. Current manufacturers and series to consider include Tamko/Heritage Series, Celotex/Presidential Series, Elk/Prestique Plus Series, Owens Corning/Oak Ridge Series, Certaineed/ Carriage House Series and Grand Manor Series.
  2. Man-made wood-like shakes.

IN WITNESS WHEREOF, the undersigned, constituting the Board of Directors of the Association, have hereunto set their hands and seals (if any) this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, for the purpose of adopting this First Addendum to the Rules and Regulations of Cherry Creek Farm Homeowners Association.

CHERRY CREEK FARM HOMEOWNERS ASSOCIATION

\_\_\_\_\_  
Director

\_\_\_\_\_  
Director