

Section Clause #1 - Sample Provision Excerpt (Public Preview)

Indian Mountain Covenants
All Filings in General
Updated May 21, 2015
Background: The developers of the Indian Mountain Subdivision recorded protective covenants in the records of Park County. There were minor variations in the covenants from filing to filing, but the substance of each filing was the same

ISSUE #1

MARKUP #1 ->



MARKUP #1 · MISSING MANDATORY STATUTORY PROVISION

BOARD & COUNSEL REVIEW

Sec. Clause #1 (p. 1): Enforcement provisions omit the mandatory HB 22-1137 certified mail notice, two 30-day cure periods, and \$500 fine cap for non-health/safety violations under C.R.S. § 38-33.3-209.5(1.7) - (2).

Statutory / Legal Reference: C.R.S. § 38-33.3-209.5(1.7) - (2) (HB 22-1137)

Statutory Comparison: Under C.R.S. § 38-33.3-209.5(1.7) - (2), an association may not fine a unit owner or refer a covenant violation to an attorney unless it complies with the mandatory certified mail notice, two 30-day cure windows (or 72-hour cure window for public health/safety threats), and \$500 total fine cap enacted by HB 22-1137.

CURRENT WORDING IN DOCUMENT:

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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

For any covenant violation that does not threaten public health or safety, the Association shall send notice by certified mail, return receipt requested, granting two (2) consecutive thirty (30) day cure periods, and total fines for the violation shall...