

**RESOLUTION
OF
BLUE RIVER RUN HOMEOWNERS ASSOCIATION
TOWNHOME LOT PATIO REPAIR AND REPLACEMENT**

SUBJECT: Adoption of a resolution for Blue River Run Homeowners Association (the "Association") regarding Owner repair and replacement of concrete patios adjacent to a dwelling located on a Townhome Lot (the "Patio").

PURPOSE: The purpose of this policy is to clarify the responsibility of the Townhome Lot Owners for Patio repair and replacement. Allocating the responsibility of repair and replacement of a Patio to the Owner is an appropriate exercise of discretion by the Executive Board that promotes the efficient administration, operation and maintenance of a first class residential project. The Executive Board (the "Board") has adopted the following standards for Owner repair and replacement of Patios.

AUTHORITY: The Colorado Common Interest Ownership Act, the Nonprofit Corporation Act, the Declaration of Covenants, Conditions, Restrictions and Easements for Blue River Run recorded with the Summit County, Colorado, Clerk and Recorder on December 22, 1997 at Reception No. 554672, as amended (the "Declaration"), the Bylaws of Blue River Run Homeowners Association, which together with the Articles of Incorporation, Policies, Rules and Regulations are referenced as the "Association Documents".

The Executive Board may take any action necessary to administer the Association and to operate and maintain a first class residential project, so long as such act is not prohibited by the Association Documents or applicable law.¹ Generally, the Association is responsible for maintaining the exterior of the structures located on each Townhome Lot "including paint, repair, replacement and care of...exterior building surfaces...and/or other exterior improvements, with the nature and extent of such maintenance to be...established from time to time by the Executive Board".² However, the cost of such Patio maintenance is a common expense that may be shared by all the Townhome Lot Owners,³ or only those Townhome Lot Owners affected by extraordinary repair or replacement.⁴ Allocating the responsibility of Patio repair or replacement to the affected Owner(s) shifts the burden of performance to the affected Owner, and avoids the need for the Association to levy special assessment to recover common expenses from the affected Owners. It is an appropriate exercise of the Board's discretion as it promotes the efficient administration, operation and maintenance of a first class residential project.

EFFECTIVE: Upon Approval

RESOLUTION: The Board hereby adopts the following policy and procedure subject to:

- Definitions: Unless otherwise defined, initially capitalized or terms defined in the Declaration shall have the same meaning herein.
- Compliance with Law. The provisions of this Resolution comply with the provisions of the Declaration and the law of the State of Colorado governing the Association.
- Deviations. The Board may deviate from any provision of this Resolution if in its sole discretion such deviation is reasonable under the circumstances.
- Amendment. The Board may amend the following policies from time to time.

¹ The Bylaws, Article V § 5.5.

² The Declaration, Article IX § 9.2(A), See also C.R.S. § 38-33.3-307(1).

³ The Declaration, Article IX § 9.2(C).

⁴ The Declaration, Article XI § 11.6.

PATIO REPAIR AND REPLACEMENT POLICY

1. Patio Repair and Replacement. Townhome Lot Owners are responsible for Patio repair or replacement. The Association's oversight of Patio repair and replacement will assure adherence to the Patio specifications approved by the Board, proper insurance by all laborers, and Association recourse if improper work damages the Common Elements or other Lots. A Townhome Lot Owner's repair or replacement of their Patio is subject to the Design Guidelines set forth in the Declaration, Article XVI. Additionally, all new concrete must, at a minimum, meet the following specifications: a) 4,000 psi; b) 6" thick; c) use of rebar or fiber mesh; d) standard concrete color and similar to the concrete color used on adjacent Lots; and e) concrete must be properly sealed.

2. Patio Repair or Replacement by the Association. If a Townhome Lot Owner fails to repair or replace their Patio as required herein, the Association may repair or replace said Patio as it deems necessary to protect the Townhome Lot, the Common Elements or the other Lots from damage that may result from failure to repair or replace the Patio, and may assess the responsible Townhome Lot Owner for said repair or replacement.

3. Notice. Prior to repairing or replacing a Patio, the Association must provide written notice to the Owner at their last known address by regular mail. The Association may, but is not required to send an additional copy of the notice by e-mail or certified mail. The notice must describe the needed repair or replacement, and explain that the Association will perform the repair or replace the Patio if the Owner has not done so within a reasonable time as set forth in the notice. However, in event of emergency the Association may repair or replace a Patio without notice.

4. Violation and Enforcement. An Owner's failure or refusal to repair or replace their Patio as set forth above will be a violation of this Resolution. If a violation occurs, the Board will follow the Association's covenant and rule enforcement policy in addition to repairing or replacing the Patio pursuant to Paragraph 2 above.

5. Damage Assessment. Notwithstanding the foregoing, costs incurred by the Association to repair or replace any Patio, Lot or Common Elements due to an act or omission in violation of this Policy of an Owner, or his/her family member, invitee, guest, tenant, licensee, employee, contractor or agent, in whole or in part, shall be assessed to that specific Owner.

The undersigned officer of Blue River Run Homeowners Association hereby certifies that the foregoing Resolution is true and correct as adopted by the Executive Board.

By: Mike Kelley, President Date July 20, 2015