

**RIVERWALK AT ESCALANTE CROSSING HOME OWNERS' ASSOCIATION RULES
AS AMENDED NOVEMBER 2014**

Whereas "The Bylaws [sic] of Riverwalk at Escalante Crossing Homeowner's Association, Inc." dated September 16, 2004 (the "By-Laws") authorize the Board of Directors ("Board") to adopt rules under Article 2 Section 2.2(a); and

Whereas Rule 5.1 of the "Riverwalk at Escalante Crossing Home Owners' Association Rules as Amended July 2014" state that the rules may be amended from time to time by the Board as deemed necessary;

Now therefore, the Riverwalk at Escalante Crossing Home Owners' Association Rules as Amended July 2014 are amended as of November 2014 by adding sections 2.1.3 and 2.6.1.3.

The complete text of the rules in place as of November 2014 is as follows.

SECTION 1 – DEFINITIONS

- 1.1 Terms used in the 2014 Amended Rules shall have the same meaning as set forth in the By-Laws and Declaration unless defined in this section.
- 1.2 "Association" means the Riverwalk at Escalante Crossing Homeowners Association, Inc.
- 1.3 "Development" means the 16 units (duplex and triplex townhomes) and associated land, sidewalks, pedestrian paths, parking areas and private street that comprise the Development and where the context requires, the established practices of the Record Owners and Occupants.
- 1.4 "Record Owner" means the actual owner of a unit within the Development as recorded in the LaPlata County records.
- 1.5 "Occupant" means any of the Record Owner's invitees, agents, tenants, guests, visitors and any family members of the foregoing.
- 1.5 "Governing Documents" means the Articles of Incorporation, By-Laws, Declaration and 2104 Amended Rules.

SECTION 2 – RESTRICTIONS ON USE

2.1 General

- 2.1.1 Unless clarified or further defined or explained in the 2014 Amended Rules, the By-Laws and Declaration govern the conduct of the Record Owners and Occupants and it is incumbent on Record Owners and Occupants to be familiar with those provisions and the 2014 Amended Rules.

- 2.1.2 It is the responsibility of every Record Owner and Occupant to ensure that children under the age of 12 are supervised by an adult at all times while in the Development.
- 2.1.3 Record Owners assume the risk of liability for their Occupant's actions when Occupants are on the Development's premises. It is incumbent on Record Owners to ensure Occupants conduct themselves in an appropriate manner at all times and that Record Owners and Occupants exercise due care when on the Development's limited and common elements.

2.2 Improvements to Common Areas Adjoining Unit

- 2.2.1 This rule clarifies Declaration Article 10, Section 10.1 (b) relating to landscaping and plantings.
- 2.2.1.2 Record Owners are permitted to make improvements such as adding or replacing plantings to limited common elements and those common elements immediately adjoining their units provided such improvements are in keeping with the overall theme and aesthetics of the Development.

2.3 Noise.

- 2.3.1 This rule clarifies and further defines the restrictions set forth in Declaration Article 10, Section 10.1 (f).
- 2.3.1.1 Record Owners and Occupants have a right to enjoy the Development without being unreasonably disturbed by the activities of other Record Owners and Occupants. Thus, Record Owners and Occupants shall be considerate of all neighbors, especially where unit walls are shared.
- 2.3.1.2 Record Owners and Occupants shall not make noise or play sound systems at any time whether in a unit or any vehicle at decibel levels, including low frequency base, that disturbs Record Owners and Occupants.
- 2.3.1.3 It is understood that with respect to paragraph 2.3.1.2 above, the daily activities by Unit Owners and Occupants may result in noise which is not in the ordinary course considered disturbing and is thus, presumptively acceptable. The ordinary course does not, for example, include playing sound systems at a level that would be deemed disturbing by the Association's established community standards and practices which historically have reflected a peaceful and quiet neighborhood environment
- 2.3.1.4 Any noise, regardless of its source, made by a Unit Owner or Occupants at a level heard by an adjoining unit or other units and which is not an isolated incident or

occurrence made before 7 AM and after 10 PM, is presumptively unacceptable and a violation of this rule.

2.4 Animals

2.4.1 This rule further defines liability under Article 10, Section 10.1 (j).

2.4.1.1 The Record Owner shall be personally responsible for all actions, including damage, done by any animal resident in the Record Owner's unit. The Record Owner of a unit in which an Occupant's animal is living shall bear ultimate responsibility for any damages or liability caused by the Occupant's animal.

2.5 Trash & Recycling

2.5.1 This rule further clarifies Declaration Article 10, Section 10.1 (k) by addressing the issue of city recycling containers and the established practices of the Development.

2.5.1.1 Trash and recycling containers shall be stored at all times so that they are not visible from the Development's road and to the Development's Record Owners and Occupants. The exception to this rule is on the evening before the day of pick-up and on the day of pick-up and as set forth in 2.5.1.2 below.

2.5.1.2 It is not a violation of this rule or the Declaration if a trash or recycling container remains outside and visible for two days after the scheduled pick-up date due to the Record Owner's or Occupant's absence provided that the Record Owner or Occupant has made arrangements that the container be moved back from curbside to the exterior of the unit within two days after pick-up.

2.6 Vehicle Parking

2.6.1 This rule clarifies and explains Declaration Article 10, Section 10.1 (l) and reflects the established practices of the Development.

2.6.1.1 The temporary parking of recreational vehicles, trailers, campers or boats is permitted for the express purpose of preparing or cleaning these vehicles for or after travel or storage. These vehicles may be parked in a Record Owner's or Occupant's driveway (excepting units 114, 116 and 118) or in the cul-de sac, but not in the guest parking spaces, for up to forty-eight (48) hours.

2.6.1.2 The unit numbers referenced in Declaration Article 10, Section 10.1 (l), are changed to reflect the units as currently numbered and to clarify that units 114,

116 and 118 (excepting unit 112) shall park vehicles inside their garage at all times except that the vehicles of the Record Owner or Occupant of these three units may be parked outside the unit's garage on a temporary basis for loading or unloading, provided that the vehicle does not interfere with access to any other unit.

- 2.1.6.3 To maintain adequate room for emergency vehicles, no vehicle shall be parked curbside on either side of River Oaks Ct. from River Oaks Drive to the parking spaces by the mail boxes except a single vehicle actively loading or unloading. At no time, however, shall there be two vehicles parked curbside directly across from one another.

2.7 Storage Sheds

- 2.7.1 This rule clarifies the prohibition on storage sheds and structures in Article 10, Section 10.1 (m).
- 2.7.1.1 Raised garden beds constructed in a manner in keeping with the overall appearance of the Development are permitted. Raised gardens beds for any Triplex unit must be of a temporary and movable nature.

2.8 Antenna

- 2.8.1 This rule clarifies the location of small TV and computer dish antenna as set forth in Declaration Article 10, Section 10.1 (n).
- 2.8.1.1 Due to the potential for damage to roofing and units and to prolong the life of the roofing, small antenna, including dish antenna, shall not be located on any unit roof. Existing antennas are excepted from this prohibition except that if such installation is to be replaced, then the replacement shall not be on any roof.

2.9 Common Parking

- 2.9.1 This rule corrects, updates and clarifies the parking restrictions set forth in Declaration Article 10, Section 10.1 (o) as amended by the First Amendment of Declaration of Covenants, Conditions and Restrictions for Riverwalk at Escalante Crossing.
- 2.9.1.1 There are six (6) lined parking spaces by the mail boxes. This area is principally reserved for guest parking. Record Owners or Occupants may temporarily (no more than 48 continuous hours) park their vehicles in these spaces provided that there remain at least three (3) open spaces at all times. Otherwise, Record Owners or Occupants may park in the cul-de-sac. Cul-de-sac parking may or may not be lined and at times the number of lined parking spaces may vary. All

Record Owners or Occupants should park in such a way in an attempt to maximize the available parking.

SECTION 3 – ENFORCEMENT

- 3.1 This section is designed to harmonize the process for addressing violations of the By-Laws, Declaration and 2014 Amended Rules.
- 3.1.1 If it appears a violation of the By-Laws, Declaration or 2014 Amended Rules has occurred, the Board, at its **sole discretion**, may:
 - 3.1.1.1 engage in direct written communications with the Record Owner in an attempt to resolve the issue in accordance with Declaration Article 16, Section 16.1; or
 - 3.1.1.2 pursue mediation against the Record Owner in accordance with Declaration Article 16, Section 16.2; or
 - 3.1.1.3 pursue arbitration against the Record Owner in accordance with Declaration Article 16, Section 16.3; or
 - 3.1.1.4 provide written demand and notice (the “Demand to Cure and Notice of Hearing”) to the Record Owner providing an opportunity to cure the violation and opportunity for hearing; or
 - 3.1.1.5 commence legal proceedings against the Record Owner and Occupants in the appropriate court in the City of Durango or LaPlata County.
- 3.1.2 If the Board elects to proceed with a demand and notice the Demand to Cure and Notice of Hearing shall be served on the Record Owner in accordance with Section 4 of the 2014 Amended Rules.
 - 3.1.2.1 The Demand to Cure and Notice of Hearing shall be dated, signed by a Board member, state the date of the violation, include a brief description of the nature of the violation, the By-Law, Declaration or Rule alleged to have been violated and the proposed remedies and sanctions.
 - 3.1.2.2 The Demand to Cure and Notice of Hearing shall contain the following statements:
 - 3.1.2.2.1 “You have a maximum of five (5) calendar days from the date of service of this Demand to Cure and Notice of Hearing to cure the violation. If the violation cannot be cured within this five day period you must initiate procedures reasonably calculated to remedy the violation and you must thereafter, diligently pursue such action until the violation has been cured.”

- 3.1.2.2.1 “If you wish to contest the Demand to Cure and Notice of Hearing you must deliver your written objection to the Board in accordance with Section 4 of the 2014 Amended Rules within five (5) calendar days following the date of service of the Notice of Violation. The written objection must state the basis for believing that the alleged violation did not occur.”
- 3.1.2.2.2 If no action is taken by the Record Owner to cure within the time period specified or if the Record Owner fails to object within the time period specified, the Board shall enter a default judgment and proceed accordingly including the imposition of fines.
- 3.1.2.2.3 If the Record Owner objects to the Demand to Cure and Notice of Hearing, then upon receipt of a written objection, the Board shall schedule a hearing not more than forty-five (45) days from the date of the Demand to Cure and Notice of Hearing. The hearing will be at a convenient place within the Durango City or LaPlata County limits to be determined and the Board shall advise the Record Owner as to the date, time and location of the hearing. The hearing shall have a quorum of the Board, as defined by the By-laws and shall be the sole judge of the charges. The Record Owner may be represented by legal counsel or by any other person of his/her choice. If the charges are substantiated, the Board shall issue a written ruling and serve the same upon the Record Owner in accordance with Section 4 of the 2014 Amended Rules.
- 3.1.3 In addition to any other remedy available to the Board, the Board after hearing may impose a fine up to twenty-five dollars (\$25) per day for each day that a violation continues after the Record Owner is served.
- 3.1.4 A fine imposed by the Board after a default or hearing is an assessment levied against the Record Owner’s unit and the Association may proceed as authorized under Declaration Article 5, Sections 5.1 & 5.7 in collection thereof as a lien upon such unit. Pursuant to the Declaration and the Colorado Common Interest Ownership Act (“CCOIA”), all collection costs and reasonable attorney fees incurred in the enforcement and collection of such fines shall become part of the assessment and lien collection.

SECTION 4 – NOTICES AND REQUESTS

- 4.1 Any notice or request under these 2014 Amended Rules other than Demand to Cure and Notice of Hearing shall be given in writing. An email communication is, for this rule, a writing.
- 4.2 A Demand to Cure and Notice of Hearing must be in writing and cannot be in the form of an email. Service may be made in person to the Record Owner or by first class certified mail return receipt requested mailed to the Record Owner's address on record with the Board.

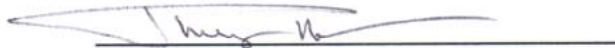
SECTION 5 – AMENDMENT OF RULES

- 5.1 The 2014 Amended Rules may be amended from time to time by the Board as deemed necessary to ensure the 2014 Amended Rules are consistent with the Association's By-Laws, Declaration, CCOIA and the Development's established practices.
- 5.3 Any amendment to the By-Laws or Declaration which conflicts with the 2014 Amended Rules shall automatically be applied to the 2014 Amended Rules without any further action necessary by the Board.

SECTION 6 – DOCUMENT PRECEDENCE

- 6.1 If there are conflicts between the Governing Documents the following hierarchy of control applies: Articles of Incorporation, Declaration, By-Laws, 2014 Amended Rules.

Adopted by the Riverwalk at Escalante Crossing Home Owners Association Board of Directors/Officers this 20th day of November, 2014.



Phillip Hofling
Secretary