

STONEGATE VILLAGE OWNERS ASSOCIATION, INC.  
RESOLUTION  
REGARDING NOISE COMPLAINTS

RECITALS:

- A. Article VIII of the recorded Declaration of Covenants, Conditions, and Restrictions for Stonegate Village Owners Association ("Declaration") authorizes the Association acting through the Board of Directors, to make and enforce reasonable rules governing the use of the Properties that are consistent with the rights and duties established by this Declaration.
- B. The Land Use Standards attached as Exhibit C to the recorded Declaration has various sections that prohibit owners from using their property in such a manner so as to create a nuisance for the owners of other property within the Stonegate Village community. Section 27 of the Land Use Standards states "no noxious or offensive activity shall be carried on upon any residential unit lot nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood."
- C. From time to time the Board of Directors receives complaints from residents and members regarding noise attributed to neighbors. Including claims that the volume and the duration of the noise is unreasonable and in some cases acts to deprive the complaining member of the peaceful enjoyment of their property.
- D. Historically the Association has suggested the complaining member contact Douglas County about such complaints. The Board has been told that Douglas County explains that the noise complaints are a civil matter and the complainant should take the issue to the Owners Association.
- E. The Board of Directors would agree that certain levels and duration of noise are unreasonable and if allowed to continue would be offensive and may constitute an annoyance to a reasonable person.

THEREFORE, IT IS RESOLVED that the Board of Directors of the Owners Association having allowed the members of the Association an opportunity to speak on this proposal adopts the following rule:

A resident of the Stonegate Village community may use the Lot within the community for residential purposes consistent with Federal, state, and local laws and the provisions contained in the Declaration and rules adopted by the Association provided the use does not unreasonably interfere with the adjoining owners' right to peaceably enjoy their property or in a manner to be offensive or to be an annoyance to a reasonable person.

Members complaining of noise that is unreasonable, offensive, or an annoyance must file a written Notice of Violation with the Association in accordance with the Association's Enforcement Policy. The Association will process the notice in

accordance with the Association's Enforcement Policy.

The Owners Association's obligation to enforce the provisions of the Declaration and the rules is subject to business judgment. As a general rule, the Owners Association will be reluctant to initiate formal enforcement proceedings of this noise rule absent a clear showing that the noise is material and significant or the noise constitutes a clear interference with an adjoining owner's ability to enjoy his/her property and that a reasonable person would consider the noise to be both offensive and annoying.

Further, the Owners Association will expect the complaining owner to exhaust reasonable efforts to resolve the matter with the alleged violator informally and by using honest efforts to mediate the situation before asking the Board of Directors to implement formal enforcement proceedings.

Notwithstanding the Association's enforcement authority, pursuant to Colorado law each owner of real property within the Stonegate Village community has the right to institute proceedings to enjoin a violation of the provisions in the Declaration and the rules of the community in the same manner and with the same effect as the Association does.

Date: June 25, 2012

*Debra L. Jidder*  
As Secretary of the  
Stonegate Village Owners Association, Inc.