

*Ramparts at Roxborough Homeowners' Association*



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**Informal Action of Board of Directors  
Policy 2006-02, Maintenance, Repair and/or Replacement  
Of Limited Common Elements**

March 19, 2007

The undersigned, being all of the members of the Board of Directors of Ramparts at Roxborough Homeowners' Association, a Colorado nonprofit corporation (hereinafter referred to as the "Association"), in accordance with Section 7-128-202 of the Colorado Revised Nonprofit Corporation Act, do hereby take the actions below set forth, and to evidence their waiver of any right to dissent from such actions, do hereby consent as follows:

WHEREAS, the Association's Agent has recommended that the Association establish and adopt written nondiscriminatory policies and procedures relating to the maintenance, repair and/or replacement of Limited Common Elements that reflect applicable provisions of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Ramparts at Roxborough Condominiums recorded on September 16, 1985, in the office of the Clerk and Recorder for Douglas County, Colorado, at Reception No. 362164 (the "CC&Rs");

WHEREAS, the Association's Agent has proposed a form for such written policies and procedures, a copy of which is attached hereto (hereinafter referred to as "Policy 2006-02");

WHEREAS, the Board of Directors has reviewed and discussed Policy 2006-02 paragraph by paragraph; and

WHEREAS, the Board of Directors has deemed it advisable and determined it to be in the best interests of the Association that Policy 2006-02 be established and adopted;

NOW THEREFORE, be it

RESOLVED: That Policy 2006-02 is hereby established and adopted on behalf of the Association, effective immediately.

WITNESS the execution hereof effective on the day and year first above written.

  
Julia Fairley, President

  
James P. Schott, Vice President

  
Rich Keil, Secretary/Treasurer

  
Greg Bradshaw, Director

  
Jérôme Garland, Director



## **Policy 2006-02 Maintenance, Repair and/or Replacement of Limited Common Elements**

Reference: Amended and Restated Declaration of Covenants, Conditions and Restrictions (CC&Rs) for Ramparts at Roxborough Condominiums, Recorded September 16, 1985, Reception 362164, Book 595, Page 275, Douglas County Clerk and Recorder

Section 38-33.3-208(1) of the Colorado Common Interest Ownership Act (CCIOA)

In connection with clarifying the responsibilities of the Owners under Article II.A.2 of the CC&Rs, the following policies of the Ramparts at Roxborough Homeowners' Association (HOA) are hereby adopted:

1. Limited Common Elements are defined in Article I.C.2 of the CC&Rs as follows:

*"Limited Common Elements. Included in the General Common Elements, but restricted to the use of the owners of the Units to which such General Common Elements are appurtenant are all fixtures and improvements located in whole or in part within the boundaries of the individual Units and intended for the service of such Units, including patios and garages, designated or intended solely for the use of one or more of such Units to the exclusion of others, all of which shall be deemed Limited Common Elements."*

2. For purposes of clarification, the following fixtures and improvements constitute Limited Common Elements under Article I.C.2 of the CC&Rs:

(a) All internal installations within each Unit, such as appliances, heating, plumbing, electrical, and air conditioning fixtures or installations, and any portion of any other utility service facilities located within the Unit;

(b) Water lines from the Unit to the Roxborough Park Metropolitan District's main line;

(c) Sewer lines from the Unit to the Roxborough Park Metropolitan District's main line;

- (d) Decks and patios appurtenant to a Unit;
- (e) Interior of garages, all garage doors, windows, and light fixtures serving the Unit; and
- (f) Windows, doors, vestibules and entryways appurtenant to a Unit.

3. Per Article II.A.2 of the CC&Rs, and as permitted under Section 38-33.3-307(a) of the CCIOA, each Owner is responsible for maintaining, repairing, and/or replacing those Limited Common Elements listed above that are appurtenant to such Owner's Unit at the Owner's sole cost. This is consistent with the provisions of Article II.A.1 of the CC&Rs, which provides the Association is responsible for maintenance, repair and replacement of all Common Elements, exclusive of, among other things, those Common Elements "which may be the responsibility of an individual Unit owner under any other provisions of [the CC&Rs."

4. Per Article II.A.2(d) of the CC&Rs, and as permitted under Section 38-33.3-302(1)(f) of the CCIOA, the Owner of each Unit must obtain written approval from the HOA prior to "painting or otherwise decorating or changing the appearance of" those Limited Common Elements comprising the exterior of the building in which such Owner's Unit is located. For purposes of clarification, this requirement shall be deemed to include all modifications and replacements of such Limited Common Elements that alter their appearance in any fashion when viewed from outside the Unit to which they are appurtenant.