

# RESOLUTION 2018-06



FOREST LAKES  
METROPOLITAN  
DISTRICT

SUBJ: AMENDMENT TO THE FOREST LAKES METROPOLITAN DISTRICT RULES AND REGULATIONS  
RE: FLMD 90-10, CRS 32-1-1101

A RESOLUTION REVISING THE RULES AND REGULATIONS FOR THE FOREST LAKES METROPOLITAN DISTRICT, COLORADO REGARDING LIENS, FORECLOSURES, AND LEGAL FEES.

**WHEREAS**, the Board of Directors of the Forest Lakes Metropolitan District has the authority to adopt resolutions necessary for the governing and management of the District, for the execution of the powers vested in the District and for carrying into effect the provisions of Article I of Title 32, Colorado Revised Statutes, as amended to promote the health, safety, prosperity, security and general welfare of the inhabitants of the Forest Lakes Metropolitan District and of the people of the State of Colorado, and;

**WHEREAS**, the Forest Lakes Metropolitan District Board of Directors has determined that the current language in the District's rules and regulations regarding Liens, Foreclosure, and Legal Fees is inadequate to meet current and future needs, and;

**WHEREAS**, the Forest Lakes Metropolitan District Board of Directors has determined that a revision to the rules and regulations is required to meet current and future needs, and;

**WHEREAS**, the Forest Lakes Metropolitan District Legal Counsel and Manager have recommended a revision to the District's language in the rules and regulations to rectify said inadequacies, and;

**WHEREAS**, the Forest Lakes Metropolitan District Board of Directors agree that such a revision is necessary, is fair, is equitable and is in the best interest of the residents and property owners of the Forest Lakes Metropolitan District, Colorado.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE FOREST LAKES METROPOLITAN DISTRICT, COLORADO:**

That the old language under Section 4.6.10 Penalty for Late Payments, part a) and part b) be removed and the following be added which shall supersede and/or replace previous versions in their entirety with the adoption of this resolution:


9.19.4 **LIENS FOR UNPAID CHARGES AND FEES:** All charges and fees shall be charged against the owner or customer of the property served and shall be a perpetual lien upon the property to which said service is provided or requested from the time when due. For each account that is at least sixty (60) days delinquent in payment and which has a lien filed against the property, the District shall assess a lien collection fee equal to \$100 or all costs and attorney fees the District incurs in relation to filing the lien, whichever is greater. The District may, but shall not be obligated to file a lien against the property of the delinquent owner.

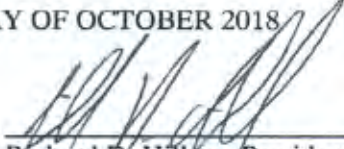
9.19.5 **COLLECTION AND FORECLOSURE:** The District may foreclose on its lien(s) in the same manner as provided under Colorado law for the foreclosure of mortgages or mechanics' liens. The District may also file a personal action against the delinquent owner to collect any outstanding fees. In either a personal or foreclosure action, the District shall be entitled to recover from the delinquent owner as a part of the action, all costs and attorney fees the District incurs in relation to such action(s), and all such costs and attorney fees shall be assessed against the delinquent owner.

In the event the District files any court or other action to address any violations or inappropriate or unlawful conduct, including but not limited to any actions for collection, injunction, foreclosure, or restraining order(s), the District shall be entitled to recover from the delinquent owner and/or other responsible parties as a part of the action, all costs and attorney fees the District incurs in relation to such action, and all such costs and attorney fees shall be assessed against the responsible property owner and/or other responsible parties. All such costs and attorney fees shall be a perpetual lien against the property of the responsible owner and the District may include such charges in any lien statement, collection and foreclosure action filed as further described in Sections 9.19.4 and 9.19.5 above.

INTRODUCED AND ADOPTED THIS 9<sup>TH</sup> DAY OF OCTOBER 2018

(SEAL)  
ATTEST:

  
Selina Gallero, Secretary to the Board

  
Richard D. Hillier, President  
FLMD Board of Directors