

## **The Role of IMPOA to IM Covenants**

The Indian Mountain Property Owner's Association (IMPOA) was established in 1985 "as a voluntary association to promote the health, welfare, safety and interest of the members." The IMPOA Board of Directors recognize there is an expectation and desire among many property owners, built up over the years of its operation, that IMPOA will monitor the provisions in the IM Covenants that are attached by law to every Indian Mountain property.

IMPOA acknowledges that it cannot legally enforce the IM covenants because it has no legal authority to do so. The enforcement of the Indian Mountain covenants is the right and option of each individual property owner.

What IMPOA can do, as a service to the community, is to contact property owners and request their voluntary compliance with the covenants. In most cases, a property owner may not be aware of the covenants or are confused, and a friendly neighboring contact will resolve the situation. IMPOA believes this service is a valuable role for the community to ensure the distinctive natural character that is valued by the vast majority of property owners.

IMPOA offers the following steps as a process that property owners may follow towards resolving conflicts related to the IM covenants, local and state laws, and/or Park County land use regulations (LURs). These general steps are offered as a suggestion and may not be appropriate in each specific situation. It is the responsibility of IM property owners to decide on their appropriate course of action.

### **A General Process to Help IM Owners Address Covenant Violations**

**Step 1.** Typically, an Indian Mountain property owner (henceforth referred to as the complainant) who has a conflict will contact an IMPOA Board member (henceforth referred to as IMPOA) either by email or via the IMPOA.net response form. A telephone conversation will follow in order to get a better understanding of the situation and what action has been taken to date to remedy the situation.

Complainants are advised that (a) IMPOA has no legal authority to resolve disputes, (b) IMPOA has no legal authority to enforce the Indian Mountain covenants, and (c) its volunteer board members do not and can not provide legal advice. On the other hand, IMPOA has had experience since 1985 in helping to resolve property owner disputes and may be able to assist in encouraging voluntary compliance of the Indian Mountain covenants or through its ability to leverage action by Park County.

Complainants may contact other neighbors to determine if there are other property owners who are also having the same conflict. Furthermore, complainants are advised to keep a thorough journal and to maintain documentation (e.g., pictures, letters, emails) that may be useful in their effort to resolve the situation.

**Step 2.** The complainants should personally discuss the situation with those who are causing the complaint. The Park County coordinator in charge of enforcing the County's land use regulations reported in the April 26, 2006, Flume that 85% of the people contacted regarding land use regulations "did not know they were out of compliance and when notified they came into compliance." Another 14% were confused about the regulations but came into compliance when the regulations were explained. Only 1% of the people knowing and willfully were in violations and did nothing about it.

The point is that most conflicts can be resolved by a neighborly conversation, making others aware of the situation, and with a little understanding and compromise. Another option, although believed to be less effective than a friendly conversation, is for the complainants to send a letter or email to the property owner. Names and addresses of IM property owners can be obtained from Park County.

IMPOA will typically not assist a property owner until there has been an earnest effort by the complainant to personally discuss the situation with the owner causing the conflict.

**Step 3.** If a personal conversational appeal does not improve the situation and the problem continues, IMPOA recommends contacting appropriate county offices (e.g., animal control, environmental health, development services, county sheriff, building department, road and bridge). County office phone numbers can be easily accessed via the Park County website ([http://www.parkco.us/county\\_offices.htm](http://www.parkco.us/county_offices.htm)). It is recommended that contacts be made by telephone or in-person, with a follow letter or email for documentation.

**Step 4.** If the County cannot provide any assistance and/or the situation is not acted upon or improved in 90 days, the complainant may ask for IMPOA to assist on their behalf.

If the complainant has paid their annual IMPOA dues for that current year (i.e., they are IM members in good standing), and the person provides IMPOA with a written description of the situation including steps taken in an attempt to remedy the situation, then an IMPOA Board member(s) will personally meet with the complainant to assess the situation. The visiting Board member(s) will recommend to the full Board as to whether IMPOA should help to remedy the situation.

**Step 5.** If the Board agrees, several actions may be taken: (a) a letter could be mailed to the owner(s) allegedly causing the conflict requesting their voluntary cooperation and assistance to remedy the situation within 90 days, (b) a letter may be mailed to the County commissioners and appropriate county offices asking for assistance, and (c) both A and B could be done.

**Step 6.** If the situation is not improved or acted upon within 90 days of the first letter, IMPOA may send a second letter of stronger appeal to one or both parties identified in step #5 above. The complainant may also consider such legal intervention services as arbitration or mediation.

**Step 7.** If the situation is not resolved within 60 days of the second letter, IMPOA may agree to provide witness as part of a civil legal action initiated by an IM property owner. IMPOA does not have the financial resources to initiate or support legal actions.