

**RESOLUTION
OF THE BOARD OF DIRECTORS OF
TALON POINTE METROPOLITAN DISTRICT
ADOPTING THE FIRST AMENDMENT TO THE
SECOND AMENDED AND RESTATED RESOLUTION ESTABLISHING GUIDELINES
FOR THE PROCESSING AND COLLECTION OF DELINQUENT FEES AND
CHARGES**

WHEREAS, the Talon Pointe Metropolitan District (the “**District**”), a quasi-municipal corporation and political subdivision of the State of Colorado; and

WHEREAS, pursuant to § 32-1-1001(1)(j)(I), C.R.S., the Board of Directors of the District (the “**Board**”) is authorized to fix and from time to time increase or decrease fees, rates, tolls, penalties, or charges for services, programs, or facilities furnished by the District (collectively, the “**Fees**”) to properties within and without (each property individually referred to herein as the “**Property**”) the District’s boundaries; and

WHEREAS, pursuant to § 32-1-1004(1)(j)(I), C.R.S., until paid, the Fees shall constitute a perpetual lien on and against the property served; and

WHEREAS, those certain Guidelines for the Processing and Collection of Delinquent Fees and Charges for Talon Pointe, last amended and restated by the Board on May 11, 2023 (the “**Guidelines**”) are in place; and

WHEREAS, the Governor of the State of Colorado, signed legislation (the “2024 Legislation”) which provides, among other things, that the District may not foreclose on any lien that arises from amounts that a unit owner owes the District as a result of covenant violation or enforcement from a failure to comply with the governing documents, and allows for Delinquent Fees and Charges to be certified to the county treasurer for payment in the same manner as taxes pursuant to § 39-10-107 (the “2024 Legislation”); and

WHEREAS, in order to bring the Guidelines into compliance with the 2024 Legislation, the District desires to adopt the first Amendment to the Guidelines (the “**Amendment**”), attached hereto as **Exhibit A** and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

1. Adoption of Amendment. The first Amendment to the Guidelines for the Processing and Collection of Delinquent Fees and Charges for Talon Pointe, attached as **Exhibit A**, is hereby adopted.

2. Prior Provisions Effective. Except as amended herein, the Guidelines shall remain in full force and effect without limitation.

3. Contradicting Provisions. Any provision of any governing document of the District, including, without limit, rules and regulations, policies and the like, which contradict the Amendment and/or New Legislation shall automatically become null and void and unenforceable.

4. Effective Date. The Amendment shall be effective as of August 7, 2024, in order to coincide with the effective date of the New Legislation.

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RESOLVED AND ADOPTED this 14th day of November 2024.

TALON POINTE METROPOLITAN DISTRICT

Signed by:
By: Justin Baumgartner
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Officer of the District

Attest:

DocuSigned by:
By: Angela Elliott
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APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON

Signed by:
Heather Hartung
C0000026370A4B8...
General Counsel to the District

EXHIBIT A

**First Amendment
to the
Guidelines for the Processing and Collection of Delinquent Fees and Charges
for Talon Pointe**

**FIRST AMENDMENT
TO THE
GUIDELINES FOR THE PROCESSING AND COLLECTION OF DELINQUENT FEES
AND CHARGES
FOR TALON POINTE**

This First Amendment to the Second Amended and Restated Guidelines for the Processing and Collection of Delinquent Fees and Charges for Talon Pointe Metropolitan District was duly adopted the day and year set forth in the above Resolution.

1. Add Provision. The following language should be incorporated into the Guidelines as Section 1(a)(ii):

Certification of Account to County Treasurer. Pursuant to § 32-1-1004.5(3)(b)(III), C.R.S., the Board may elect to certify any delinquent fees, rates, tolls, fines, penalties, charges, and/or assessments made or levied specifically for covenant enforcement and design review services satisfying the criteria established therein to the county Treasurer's Office for collection with the District's ad valorem property taxes. The certification process may be performed by the District Representative, Special Counsel or general counsel to the District in addition to or in lieu of any procedures set forth in this Resolution in the Board's sole discretion. The fees for the certification process shall be in accordance with Colorado law and the county's policy.

2. Provision Repealed and Restated. Section 16 of the Guidelines is hereby repealed in its entirety the following is substituted as Section 16 of the Guidelines:

Savings Provision: The failure to comply with the procedures set forth herein shall not affect the status of the Delinquent Fee and Charges as a perpetual Lien in accordance with law. Failure by the Manager, General Counsel or Special Counsel or other authorized representative to take any action in accordance with these Guidelines provided herein shall not invalidate subsequent efforts to collect the Delinquent Fees and Charges.

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TO THE
GUIDELINES FOR THE PROCESSING AND COLLECTION OF DELINQUENT FEES
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FOR TALON POINTE**

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DISTRICT**

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By: Justin Baumgartner
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Officer of the District

Attest:

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APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON

Signed by:
Heather Hartung
CD999D36370A4B6...
General Counsel to the District

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