

**POLICY OF  
TENDERFOOT LODGE CONDOMINIUM ASSOCIATION  
UNIT MAINTENANCE, DAMAGE and REPAIRS and INSURANCE**

**SUBJECT:** Adoption of policies and procedures regarding Maintenance of Units, Damage and Repairs and Insurance.

**PURPOSES:** Clarify maintenance obligations of each Owner to keep the Owner's Unit in good repair, avoid damage to other Units and Common Elements and establish responsibility for repair as well as Insurance Responsibility.

**AUTHORITY:** The Declaration, Articles of Incorporation, and Bylaws of the Association. See also the Colorado Common Interest Ownership Action ("CCIOA").

**EFFECTIVE DATE:** 7/8/20

**RESOLUTION:** The Association adopts the following Policy:

**1.1 Unit Maintenance and Responsibility**

All maintenance and repair of a Condominium Unit is the sole responsibility of the Owner of each Unit. Each Owner also has the responsibility to:

- a. promptly report to the Association or its managing agent any defect or need for repairs, for which the Association is responsible;
- b. pay for the cost of repairing, replacing, or restoring any damage, regardless of negligence, resulting from the failure of any fixture located within a Unit which the Unit Owner has the responsibility to maintain; this reimbursement obligation includes costs to repair damage to any other Unit, and any Common or Limited Common Element arising from any the Owner's Unit.
- c. perform maintenance responsibility in such manner so as not to unreasonably disturb or put at risk other persons in Units, other Units or the Common Elements.

An Owner shall be strictly liable for all injuries or damages to person or property caused by any incident occurring or originating from within a Unit or resulting from the Owner's maintenance or lack of maintenance of the Unit.

In the event a failure of an item within a Unit occurs and damages a neighboring Unit, the Owners of the Units affected will be responsible for resolving repairs; the Association will not be responsible for resolving repairs for damage caused between Units.

**1.2 Common Element Maintenance.** All maintenance and repair of any Common Element or Limited Common Element is the responsibility of the Association. The Association shall be responsible for resolving damages to Units, Common elements and Limited Common Elements resulting from the failure of a Common Element or Limited

Common element, unless, the failure of the Common or Limited Common Element is caused by an act of Unit Owner or occupant.

## INSURANCE DEDUCTIBLES AND CLAIMS

**2.1 Insurance.** The Association will maintain liability insurance and property insurance for the Common Element Buildings, the Limited Common Elements and the Units. The Association policy shall cover the replacement costs of improvements in accordance with the plans and specifications of the Property as originally built.

Owners are responsible for repair of any upgrades and improvements to a Unit. Each Owner should obtain a homeowner's policy (HO-6) for their Unit to cover personal liability, Owner improvements and upgrades, personal property, loss assessments, loss of use and loss of income for rental units.

**2.2 Deductible Amount.** From time to time, the Board, in its reasonable discretion, may set, increase or decrease the amount of the deductibles for the Association's insurance policies. The current deductible amount is \$5000.

**2.3 Payment of Deductible by Responsible Owner.** If the Association settles any insurance claim the Board may assess all or any part of deductibles paid by the Association to an Owner causing the loss or an Owner benefitting from the repair or restoration.. In the event that there is more than one Unit damaged by a loss which is covered by Association insurance, the Board in its reasonable discretion may assess each Unit Owner a pro rata share of any deductible paid. All determinations by the Board will be made in a nondiscriminatory manner. In the event the Board determines in its reasonable discretion that good cause exists to not assess all or part of any deductible as permitted above, the deductible shall be paid by the Association as a Common Expense.

This Policy adopted this 8th day of July 2020.

Brett H. Geis