

Governing Documents

The provisions in the documents that are higher on the hierarchy scale trump any inconsistent provisions of documents that are lower on the scale.

Hierarchy order:

1. Recorded Map, Plat or Plan and Declaration of Covenant, Conditions, Restrictions (Covenants or CC&R's). The Colorado Common Interest Ownership Act (CCIOA) defines these 2 documents as being part of one another.
2. Articles of Incorporation
3. Bylaws
4. Rules and Regulations, Governance Policies, Resolutions, Design Guidelines.

Definitions

1. Map or Plat
 - A drawing of the footprint and layout of the community
 - Shows location of lots or units and common areas
 - May contain notes with regard to ownership and maintenance of certain elements
 - Shows location of easements
2. Declarations
 - Defines ownership of elements in the community (lots, common areas, limited common elements, etc.)
 - Establishes maintenance and repair responsibilities as between owners and association
 - * Provides some of the framework for the governance and management of the community

- Addresses the process of transition of the community from developer to owner control
3. Articles of Incorporation
- Establishes the nonprofit corporation
 - Sets forth general corporate (association) powers and authorities
 - Provides for the composition of a board of directors
4. Bylaws
- Procedures and rules for the governance of the association
 - Notice requirements
 - Meeting procedures for the board of directors
 - Roles and authorities of directors
5. Rules, Regulations and Policies
- More detailed explanations, clarifications and definitions of restrictions and authorities found in the Declaration, Bylaws and Articles of Incorporation
 - Provides for the procedures to be used in putting restrictions into effect
 - Sets forth procedures for anything from collection of delinquent assessments to conducting the association's annual meetings
 - May not contradict or conflict with anything found in the governing documents of superior authority (i.e. Declaration etc.)