

# **MEADOW VALE FARM HOA**

## **MEADOW VALE FARM COMMUNITY ASSOCIATION OPERATIONAL & PROCEDURAL POLICIES**

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**POLICY #1**  
**ADOPTION & AMENDMENT OF POLICIES, PROCEDURES & RULES**

**WHEREAS** the Declaration of Covenants, Conditions & Restrictions of the Association in Article IV, Section 9 give the Association, through its Board of Directors, the authority to adopt policies, procedures & rules governing the operation of the Association, and

**WHEREAS** the Legislature of the State of Colorado has enacted, and the Governor has signed into law on June 6, 2005, Senate Bill 05-100, which requires that Homeowner Associations within the State adopt & maintain certain written policies & procedures, then be it

**RESOLVED** that the procedure which will be followed in order to review, adopt, repeal or amend such policies, procedures, or rules shall be as follows:

Any member of the Association may propose adoption, amendment, or repeal of a policy, by submitting a written copy of that proposal to the Association's Board of Directors at any scheduled meeting of the Board. Discussion and consideration of the proposal will be placed on the agenda for the next meeting of the Board and the Secretary will cause a copy of the proposal to be presented to each member of the Board (either in person or by regular US Mail) at least ten (10) days before the next meeting along with notice that the proposal will be considered at that meeting.

Once the notice requirements have been fulfilled, policies may be adopted, amended or repealed only at a scheduled meeting of the Board of Directors and upon a majority vote of all Board members. Board members may vote on policy issues either in person at the meeting or by written proxy ballot presented to another Board member ahead of the meeting provided that the written proxy ballot must state the issue which is being voted on, instruct the proxy how to cast the ballot, be signed & dated by the Board member casting the ballot, and be valid only at the next scheduled meeting following the date on which the proxy ballot was signed.

If adopted by the Board of Directors, notice of the new, amended or repealed policy will be mailed to each member of the Association within 90 days of the date of adoption.

This Resolution is adopted this 28<sup>th</sup> day of November, 2005.

For the HOA Board of Directors  
Carrie Shellenberger, President

**POLICY #2  
RETENTION, EXAMINATION, INSPECTION & COPYING OF  
ASSOCIATION RECORDS**

**WHEREAS** the Declaration of Covenants, Conditions & Restrictions of the Association in Article IV, Section 9 give the Association, through its Board of Directors, the authority to adopt policies, procedures & rules governing the operation of the Association, and

**WHEREAS** the Legislature of the State of Colorado has enacted, and the Governor has signed into law on June 6, 2005, Senate Bill 05-100, which requires that Homeowner Associations within the State adopt & maintain a policy in regard to retention, examination, inspection and copying of Association records, then be it

**RESOLVED**

that the Association will retain its records in written form, or another form capable of conversion into written form within a reasonable time,

that the Association will make available to any member of the Association for inspection and copying, the following records:

Permanent Records:

- Declaration of Covenants, Conditions & Restrictions
- Articles of Incorporation .
- By Laws
- Listing of all current Owners
- Listing of all current members of the Board of Directors
- Listing of all current members of any Committees appointed by the Board
- Resolutions, Policies or Rules adopted by the Board of Directors
- Minutes of all Owner or Board of Directors meetings
- Minutes of all meetings of Committees acting on behalf of the Association
- Records of actions taken by Owners or Board by written ballot or consent in lieu of a meeting
- Record of any waiver of notice of Owner, Board or Committee meeting

Records to be retained for at least seven (7) years:

- All financial reports, paid invoices & bank records

Records to be retained for at least three (3) years:

- All written communication with Owners
- Reports of financial audits or reviews of Association records

that any member of the Association may review the records of the Association at its principal office during regular business hours and within 5 business days after submitting a written request to review the records, provided:

- that such request states the name and address of the member making the request

that the request, with reasonable accuracy, describes the records sought & the purpose of the request  
that the request is made in good faith and for proper purpose  
that the records sought are relevant to the purpose of the request  
that the member of the Association making the request provide the Association the assurance that, during the review of the records, those records will not in any way be removed, damaged, altered or destroyed  
that the member of the Association making the request, sign the request

that, during such review of the Association's records, the member may copy those records provided that such person will reimburse the Association for the cost of any copies in an amount not to exceed the Association's actual cost of copying including personnel and equipment used for the search, retrieval and copying of the records.

This Resolution is adopted this 28<sup>th</sup> day of November, 2005.

For the HOA Board of Directors  
Carrie Shellenberger, President

**POLICY #3  
CONDUCT OF OWNER & BOARD MEETINGS**

**WHEREAS** the Declaration of Covenants, Conditions & Restrictions of the Association in Article IV, Section 9 give the Association, through its Board of Directors, the authority to adopt policies, procedures & rules governing the operation of the Association, and

**WHEREAS** the Legislature of the State of Colorado has enacted, and the Governor has signed into law on June 6, 2005, Senate Bill 05-100, which requires that Homeowner Associations within the State adopt & maintain a policy in regard to the conduct of meetings of the Owners or Board of Directors, then be it

**RESOLVED**

that meetings of the Owners or Board of Directors will be scheduled in accordance with the terms of the By Laws of the Association,  
that notice of such meetings will be provided in accordance with terms of the By Laws, that, where feasible, notice of any Owner's meeting will be posted in a conspicuous location on the property of the Association,  
that Association members who contact the Association's management company requesting the time and location of the next meeting will be provided that information by the management company by either e-mail, phone mail, or US mail as soon as possible after the meeting date has been established,

that proxy ballots will be provided by the Association along with the notice of any Owner's meeting,  
that proxy ballots will provide an opportunity for a member to instruct his proxy how to vote any significant issue to come before the meeting,  
that, in order to be valid, proxy ballots must be dated and signed by the member casting the proxy ballot, be assigned to a current member of the Association in good standing and be presented to the Secretary before the meeting is officially convened,  
that a proxy ballot will be declared invalid if the member who signed the ballot is in attendance at the meeting,  
that, unless clearly marked otherwise on the ballot by the person casting the ballot, proxy ballots will be considered as giving the proxy the right to vote any issue on the published agenda for the meeting or any adjournment of that meeting,  
that proxy ballots will not be valid for any vote on any issue not on the published agenda of the meeting, introduced for the first time at the meeting, or of which the member casting the ballot may not be aware,

that Board members not in attendance at a Board meeting may vote on issues to come before that meeting by written proxy ballot presented to another Board member ahead of

the meeting provided that the written proxy ballot must state the issue which is being voted on, instruct the proxy how to cast the ballot, be signed & dated by the Board member casting the ballot, and be valid only at the Board meeting immediately following the date on which the proxy ballot was signed.

that the agenda for Owner's meetings will include a time to allow any member to speak, that the agenda for meetings of the Board of Directors will include an opportunity for any member of the Association to speak with the provision that the Board may limit the time available to each member and may insist that a member leave the meeting if his conduct becomes disruptive of the meeting,

that any vote which involves election of a member to the Board of Directors will be handled by secret, written ballot,

that, upon request of at least one Owner, any vote on any issue will be handled by secret, written ballot.

This Resolution is adopted this 28<sup>th</sup> day of November, 2005.

For the HOA Board of Directors  
Carrie Shellenberger, President

**POLICY #4  
BOARD MEMBER CONFLICTS OF INTEREST**

**WHEREAS** the Declaration of Covenants, Conditions & Restrictions of the Association in Article IV, Section 9 give the Association, through its Board of Directors, the authority to adopt policies, procedures & rules governing the operation of the Association, and

**WHEREAS** the Legislature of the State of Colorado has enacted, and the Governor has signed into law on June 6, 2005, Senate Bill 05-100, which requires that Homeowner Associations within the State adopt & maintain a policy in regard to disclosure of potential Board member conflicts of interest & the criteria for determination of whether such a conflict exists, then be it

**RESOLVED**

that a conflict of interest will be deemed to exist at any time a member of the Board of Directors or the Management Company stands to gain personally in any manner as a result of a decision to come before the Board or has any family relationship, no matter how distant, with a person involved in that decision,  
that, at any time a member of the Association's Board of Directors or the Manager is aware of a potential conflict of interest, he must immediately disclose that conflict in an open meeting of the Board,  
that the remaining Board members may ask the person with the potential conflict to leave the meeting while they discuss and vote on whether an actual conflict of interest exists, whether it is material to the decision at hand, or whether to allow the person with the conflict to participate in the discussion of the decision,  
that, upon determination by the Board that a conflict of interest does exist, the person with the conflict may not vote on that issue.

This Resolution is adopted this 28<sup>th</sup> day of November, 2005.

For the HOA Board of Directors  
Carrie Shellenberger, President

**POLICY #5  
INVESTMENT OF RESERVE FUNDS OF THE ASSOCIATION**

**WHEREAS** the Declaration of Covenants, Conditions & Restrictions of the Association in Article IV, Section 9 give the Association, through its Board of Directors, the authority to adopt policies, procedures & rules governing the operation of the Association, and

**WHEREAS** the Legislature of the State of Colorado has enacted, and the Governor has signed into law on June 6, 2005, Senate Bill 05-100, which requires that Homeowner Associations within the State adopt & maintain a policy in regard to the methodology & standards to be used by the Association's Board of Directors in deciding how to invest and manage Association reserve funds, then be it

**RESOLVED**

that, not less often than once each year, the Board of Directors will review the financial condition of the Association and the investment accounts in which funds of the Association are invested,  
that funds of the Association will not be co-mingled in accounts with any other legal entity,  
that funds will not be invested in any instrument not insured by an agency of the government of the United States of America,  
that funds of the Association will not be allowed to accumulate in any account or institution to an amount in excess of a limitation which would preclude the funds from being insured by an agency of the government of the United States of America,  
that the terms of the investments will be staggered so as to allow for maximum return on investment while still accommodating the cash flow needs of the Association.

This Resolution is adopted this 28<sup>th</sup> day of November, 2005.

For the HOA Board of Directors  
Carrie Shellenberger, President



## Meadow Vale Farm Community Association, Inc

**WHEREAS** the Declaration of Covenants, Conditions and Restrictions of the Meadow Vale Farm Community Association, Inc. (Covenants) in Article V provides the Association the authority to establish and collect common expense assessments and water charges, and

**WHEREAS** the Association's Board of Directors seeks to establish a procedure to be followed uniformly with all members for the payment of such assessments and in the event of untimely payment of assessments, then be it

**RESOLVED** that assessments are payable in advance and are due on the 1<sup>st</sup> day of the month. Assessments are delinquent if not paid by the 10th day of the month, that any check returned to the Association by the homeowner's bank marked "insufficient funds" will result in a \$20.00 charge being added to that person's account, and be it further.

The following resolutions have been adopted by the Meadow Vale Farm Community Association, Inc. pursuant to Colorado Law, the Declarations of Covenant and the Bylaws of the Association at a regular meeting of the Board of Directors. These Policies apply to the Meadow Vale Farm Community Association, Inc. (hereinafter the Association), the Association Manager and the Association's Board of Directors.

**Authority:** The Declaration, Articles of Incorporation and Bylaws of the Meadow Vale Farm Community Association, Inc and Colorado law, including but not limited to C.R.S § 38-33.3-209.5 and Colorado's Common Ownership Interest Act ("CCIOA"), as amended (collectively "Governing Documents").

**Effective Date:** July 18, 2016

### Policy #6

#### Policy and Procedure for Collection of Unpaid Assessments & Late Fee

**Purpose:** To provide notice of the Association's adoption of a uniform and systematic procedure to collect member assessment and other charges of the Association.

**Resolution:** The Association hereby adopts the following policy and procedure.

1. **Due Dates:** The monthly installments of the annual assessment as determined by the Association and as allowed for in the Declaration shall be due and payable on the 1<sup>st</sup> day of the month. Assessments or other charges not paid in full to the Association within 10 days of the due date shall be considered past due and delinquent. Assessments or other charges not paid in full to the Association within 10 days of the due date shall incur late fees and interest as provided herein.
2. **Late Charges on Delinquent Installments:** the Association shall impose a \$25.00 late charge each month for any Owner who fails to timely pay their monthly installment of the annual assessment within 10 days of the due date. This late charge shall be a "common expense" for each delinquent Owner.
3. **Personal Obligation for Late Charges:** The late charge shall be the personal obligation of the Owner(s) of the unit for which such assessment or installment is unpaid. All late

charges shall be due and payable immediately, without notice, in the manner provided by the Declaration (and as set forth herein) for payment of assessments.

4. **Insufficient Funds Charges:** In addition to any and all charges imposed under the Declaration, Articles of Incorporation and Bylaws, the Rules and Regulations of the Association or this Resolution, a \$20.00 fee or other amount deemed appropriate by the Board of Directors shall be assessed against an Owner in the event any check or other instrument attributable to or payable for the benefit of such Owner is not honored by the bank or is returned by the bank for any reason whatsoever, including but not limited to insufficient funds. Such return payment charge shall be due and payable immediately. Notwithstanding anything contained herein to the contrary, the Association shall be entitled to all additional remedies as may be provided by applicable laws including, but not limited to, turning the dishonored payment over to collections.
5. **Application of Payments:** If a delinquent account has been given over to collections, the funds collected shall be applied as follows.
  - A. Any and all fees and costs (including attorney fees)
  - B. Expenses of enforcement and collection, late charges, returned check charges, lien fees
  - C. Repairs for specific work performed for the owner not covered by assessments
  - D. Other costs owing or incurred with respect to such Owner pursuant to the Declaration Articles, Bylaws, Rules and Regulations or this Resolution, including but not limited to, fines, working capital, and status letters
  - E. Special Assessments
  - F. Regular Assessments
6. **Collection Process:**
  - A. After any installment of annual assessment or other charges due to the Association becomes more than 60 days delinquent, the Association's management company shall send a written notice to the property owner requesting immediate payment.
  - B. After any installment of annual assessments or other charges due to the Association becomes more than 90 days delinquent, the Association's management company shall send a written notice of intent to file a lien to the property owner unless payment is made in full or the Owner agrees to a one time payment plan of not less than current dues plus 1/6 of balance owing.
  - C. After any installment of annual assessments or other charges due to the Association becomes more than 120 days delinquent, the Association shall file a lien against the property of the delinquent Owner and inform the Owner the file will be turned over to collections if not satisfied.
  - D. After an installment of an annual assessment or other charges due to the Association becomes more than 180 days delinquent, the Association, or authorized agent of the Association, shall turn the account over for collection. Upon receiving the delinquent account, the Association's Collection Agency shall proceed with the collection of the unpaid assessments as determined by the state of Colorado.
7. **Certification of Status of Assessments:** If requested in writing the Association shall furnish to an Owner or such Owner's designee a written statement setting forth the amount of unpaid assessments currently levied against such Owner's property.
8. **Bankruptcies and Foreclosure:** Upon receipt of any notice of a bankruptcy filing by an Owner, or upon receipt of a notice of a foreclosure by any holder or an encumbrance against any unit within the Association, the Association's manager shall notify the Association's Collection Agency of the same.

9. **Certified Mail:** Pursuant to the Declaration, any and all notices to delinquent Owners may be sent by first class mail, postage prepaid or by hand delivery. The Board, Association's management company and/or the Association's Collection Agency may require the use of certified mail, return receipt requested.
10. **Referral of Delinquent Accounts:** Upon referral to the Association's Collection Agency, the agency shall take all appropriate action to collect the accounts referred. Owners agree to reimburse the Association the fees of any collection agency, which may be based on a percentage at a maximum of 33% of the debt, and all costs and expenses, including reasonable attorney fees, the Association incur in such collection efforts. After any account has been referred to a collection agency, the account shall remain with the collection agency until the account is settled either by zero balance or, in the Board's sole and absolute discretion, the delinquent account is written off. The collection agency, in consultation with the Association, is authorized to take whatever action is necessary and determined to be in the best interest of the Association, including, but not limited to:
  - A. Filing of a personal suit against the delinquent Owner for a monetary judgment;
  - B. Instituting a foreclosure of the Association's lien;
  - C. Filing a Notice of Claim and related motions in bankruptcy court;
  - D. Filing a court action seeking appointment of a receiver

All payment plans involving accounts referred to a collection agency for collections shall be set up and monitored through the Association's management company. Upon referral of any matters to the Association's attorney, the Association shall pay the Attorney's usual and customary charges as well as any costs incurred by the Attorney on the Association's behalf, promptly upon receipt of the monthly invoice from the attorney.

11. **Appointment of a Receiver:** The Association may seek the appointment of a receiver for an Owner that is delinquent on the payment of Associations dues. A receiver is a disinterested person, appointed by the court, who manages the rental of the property, collects the rent and disburses the rent according to the court's order.
12. **Foreclosure:** The Association may choose to foreclose on its lien in lieu of, or in addition to, suing an Owner for a money judgment, once assessment and charges equal or exceed 6 months of common assessments. The purpose of foreclosing is to obtain payment of all assessments owing in situations where either a money judgment lawsuit has been or is likely to be unsuccessful or other circumstances favoring such actions. The Board of Directors at its sole and absolute discretion, shall formally resolve, by a recorded vote, to authorize filing of legal actions against the delinquent owner on an individual basis. The Board may not delegate this duty.
13. **Waivers:** The Association is hereby authorized to extend the time for the filing of lawsuits and liens, or to otherwise modify the procedures obtained herein, as the Association shall determine appropriate under the circumstances.
14. **Communications with Owners:** All communications with a delinquent Owner shall be handled through the Association's Collection Agency once a matter has been referred to the collection agency. Neither the Association's management company nor any member of the Board of Directors shall discuss the collection of the account directly with an Owner after it has been turned over to the Association's Collection Agency unless the collection agency representative is present or has consented to the communication.
15. **Defenses:** Failure of the Association to comply with any provision in this Policy shall not be deemed a defense to payment of assessment fees or other charges, late charges, return payment charges, attorney fees and/or costs as described and imposed by this Policy.

**Definitions:** unless otherwise defined in this Policy Resolution, initially capitalized or terms define in the Declaration shall have the same meaning herein.

**Supplement to governing documents and law:** the provisions of this resolution shall be in addition to and supplement the Policies and Procedures of the Association, the terms and provisions of the Declaration, CCIOA and the laws of the state of Colorado governing the project.

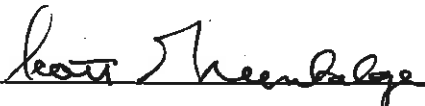
**Deviations:** The Board may deviate from the procedures set forth in this Resolution if in its sole discretion such deviation is reasonable under the circumstances.

**Amendment:** This Procedure may be amended from time to time by the Board of Directors.

**Board of Directors Certification:**

The undersigned, being the President of the Board of Directors of the Association certifies that the foregoing Resolution was approved and adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors of the Association on \_\_\_\_\_, and in the witness there of, the undersigned has subscribed their name.

**Meadow Vale Farm Community Association, Inc,** A Colorado nonprofit corporation.

  
\_\_\_\_\_, President

**POLICY #7**  
**ENFORCEMENT PROCEDURE FOR FAILURE TO COMPLY WITH COVENANTS**

**WHEREAS** a primary purpose of the Homeowners Association is to preserve the quality of life and value of property within the community by seeing that the Covenant requirements are met, and

**WHEREAS** the Declaration of Covenants, Conditions and Restrictions For the Meadow Vale Community Association, Inc. (Covenants) in Article IV, Section 10 provides the Association the power to enforce the provisions of the Covenants "by levying and collecting, after notice and hearing, reasonable and uniformly applied fines and penalties...from any member of the Association for breach of or failure to comply with" the Covenants or Rules and Regulations adopted by the Association, and

**WHEREAS** the Board of Directors seeks to establish a procedure to be followed uniformly with all members in response to a failure to comply with Covenant requirements, rules and regulations, then be it

**RESOLVED** that Board members will notify the Management Company when Covenant violations which are of concern have been identified. The Management Company will then communicate the nature of the violation, in writing, to the homeowner asking that the infraction be corrected.

If the infraction remains and no acceptable response has been received from the homeowner within 30 days, the Management Company will send a second letter to the homeowner stating the infraction, providing a copy of this policy, stating that the Board of Directors will consider the assessment of a fine against the homeowner at their next meeting and providing the homeowner in question the opportunity to attend that meeting.

If the infraction remains at the time of the Board's next meeting (and in the absence of some acceptable response from the homeowner) a fine in the amount of \$50 will be levied against the homeowner and the Manager will send a third letter to the homeowner, along with a copy of this policy, informing him that additional fines will be levied if the infraction remains. An additional fine of \$100 will be levied if the infraction remains for a second 30 days after which a fine of \$200 will be levied for each additional period of 30 days during which the infraction remains.

This Resolution is adopted this 28<sup>th</sup> day of November, 2005.

For the HOA Board of Directors  
Carrie Shellenberger, President

**POLICY #8**  
**ENFORCEMENT PROCEDURE FOR INAPPROPRIATE USE OF WATER**  
**WHEN WATERING RESTRICTIONS ARE IN PLACE**

**WHEREAS** irrigation water is supplied to the Association's Common Areas and private lots by means of shares of the Oligarchy Irrigation Company owned by the Association for the benefit of all members equally, and

**WHEREAS** conditions will periodically exist during which the amount of water available from the Oligarchy Irrigation Company and supplemental water purchased by the Association may not be adequate to meet the demands of its members, and

**WHEREAS** during periods when such conditions exist restrictions on watering times and durations will be required, and

**WHEREAS** the purpose of the restrictions is to spread the consumption of the available water over the remaining portion of the irrigation season and minimize the damage to landscape materials by making water available to all users equally, then be it

**RESOLVED** that the Association's Board of Directors will monitor closely the availability of water and will post prominent notices in the mail house and at all community entrances when restrictions become mandatory. Once published, the Board will monitor compliance with those restrictions and take the following actions where use of water is not in compliance with the published restrictions:

- Upon witnessing a violation by a member, the Board will shut the valve between the common area irrigation system and the lot of the offending member and place a notice on that valve stating "Water service has been terminated as a result of use not in compliance with watering restrictions". A letter stating that water service has been suspended and including a copy of this Policy will be mailed to the member. If the violating member contacts the Association, demonstrates his understanding of the restrictions and agrees to comply, water service to that lot will be restored.
- If a second violation of the restrictions is noted on the same lot after service has been restored, the Board will assess a fine against the owner of the lot in the amount of \$100 and will lock the valve closed for a period of one week. Water service will be restored at the end of that period and upon receipt of the fine amount and agreement by the member to comply with the restrictions.
- If further violations of the restrictions are noted on the same lot after service has been restored, the Board will assess a fine against the owner of the lot in the amount of \$100 and will lock the valve closed for a period of two weeks. Water service will be restored at the end of that two week period and upon receipt of the fine amount and agreement by the member to comply with the restrictions.

**Policy #9**

**Policy and Procedure for Addressing Disputes**

**Purpose:** Adopt a written policy for addressing disputes arising between the Association and Owners.

**Resolution:** The Association hereby adopts the following Policy:

1. **Informal Process:** In the event of any dispute involving the Association and an Owner, the owner is invited and encouraged to meet with the Board of Directors to resolve the dispute informally and without the need for litigation. If the Owner requests to meet with the Board, the Board shall make a reasonable effort to comply with the Owner's request.
2. **Mediation:** Any dispute, claim or controversy between the Association and an Owner arising out of the Policies and Procedures of the Association, the terms and provisions of the Declaration, CCIOA, and/or laws of the State of Colorado shall submit to mediation by agreement of the parties prior to the commencement of any legal proceeding. The mediation agreement, if one is reached, may be presented to the court as a stipulation. If either party subsequently violates the stipulation, the other party may apply immediately to the court for relief. Either party to the mediation may terminate the mediation process without prejudice.
3. **No Waiver or Rights:** Nothing in this Resolution shall be construed to require any specific form of alternative dispute resolution, or require the parties to meet. Nether the Association nor the Owner waive their rights to pursue whatever legal or equitable remedial actions that are available to either party.

This resolution is adopted this 12<sup>th</sup> day of February, 2016.