

CENTER POINTE VISTOSO COMMUNITY ASSOCIATION

REVISED ENFORCEMENT POLICY RESOLUTION

2020

WHEREAS, Arizona Revised Statute §33-1803 empowers the Board of Directors to impose reasonable monetary penalties on lot Owners for violations of the Association's Governing Documents (CC&Rs and Rules).

NOW THEREFORE, the Board of Directors adopts the following policy for enforcement of the Association's Governing Documents (CC&Rs and Rules):

When there is a violation of the Association's Governing Documents, the following action shall be taken:

1. NOTICES:

A. **COURTESY Notice:** The Community Manager shall send the owner a Courtesy notice which shall include the following:

- a description of the alleged violation(s) and the provision(s) of the Governing Documents that has (have) been allegedly violated
- the date of the alleged violation or the date that it was observed
- the name of the person or persons who observed the alleged violation
- the action required to restore the property to a conforming condition and the date by which such corrective action must be taken

Owner will have 21 days to correct the violation or to notifying the Community Manager that the violation has been corrected.

B. **FINAL Notice:** Should the Owner fail to correct the violation(s) by the date provided in the Friendly Reminder, the Community Manager shall send the owner a Final Notice which shall include the same information as in the Courtesy Notice as well as the following:

- The process the Owner must follow to **contest** the violation **OR** request a Hearing. A written response to the Association must be received within ten (10) business days of the date of the notice by certified mail.

If violation is not corrected after 15 calendar days and a Hearing has not been requested by the Owner, the Owner may be fined accordingly.

The Owner is responsible for notifying the Community Manager that the violation has been corrected.

2. HEARINGS, FINES AND PENALTIES:

A. **HEARINGS:** If an Owner would like to appear before the Board of Directors before fines are assessed, the Owner must respond in writing within **10 business days** of the Final Notice.

➤ **Notice Of Action:** If the Owner requests a hearing, the Board of Directors shall determine the action to be taken including, but not limited to, the imposition of monetary penalties. Within thirty (30) calendar days of the hearing, written notice of the findings of the Board and the action taken will be sent to the Owner.

B. **FINES AND PENALTIES:** Monetary penalties may be assessed as follows: **Permitted Uses and Restrictions - Articles 5, 8.3 & Rules and Regulations (excluding Architectural Compliance):**

- 1st Violation - \$50
Owner will have 15 days to correct violation.
- 2nd Violation - \$75
Owner will have 15 days to correct violation.
- 3rd Violation - \$100
Owner will have 15 days to correct violation.
- 4th and subsequent violations - \$175 per violation. Owner will have 15 days to correct violation.

Continuing Violations:

- If an Owner receives a notice for the same violation within a **12-month period**, additional fines may be assessed as follows unless a Hearing has been requested by the Owner:
- 2nd Violation - \$100
Owner will have 15 days to correct violation.
- 3rd violation - \$150
Owner will have 15 days to correct violation.
- 4th and subsequent violations - \$175

The Owner is responsible for notifying the Community Manager that the violation has been corrected.

3. LANDSCAPING:

NONPERFORMANCE by OWNERS: (Section 8.5 of the CC&Rs)

"If any Owner fails to maintain any portion of such Owner's Dwelling Unit, Lot, and/or the Improvements located thereon, the Association shall have the right, but not the obligation, to enter upon such Owner's lot to perform the maintenance and repairs not performed by the Owner, and the cost of any such work performed by or at the

request of the Association shall be paid for by the Owner of the Lot, upon demand from the Association, and such amounts shall be a lien upon the Owner's Lot, and the Association shall enforce collection of such amounts in the same manner and to the same extent as provided elsewhere in this Declaration for the collection and enforcement of Assessments."

➤ **FIRST AND ONLY LANDSCAPING NOTICE** – Homeowner shall be given 21 calendar days to correct the landscaping violation. If the Management Company does not receive any communication from the homeowner within the 21-day period, the following fines shall apply in addition to the cost of the 3rd party contractor hired to correct the violation.

- 1st Violation - \$35
- 2nd Violation - \$55
- 3rd and subsequent violations - \$100 per violation

4. DESIGN GUIDELINES (Architectural Compliance):

If an Owner fails to submit an Architectural Application Form as required per the Design Guidelines, a notice shall be sent to the Owner stating that the application must be completed and returned to the Management Company within ten (10) business days from the date of the notice **OR** the Owner must request a Hearing.

If the application has not been received within ten (10) business days and a Hearing has not been requested by the Owner, the Owner may be fined as follows:

- 1st Violation - \$100
Owner will have 30 days to correct violation.
- 2nd Violation - \$150
Owner will have 30 days to correct violation.
- 3rd and subsequent violations - \$200 per violation. Owner will have 30 days to correct violation.

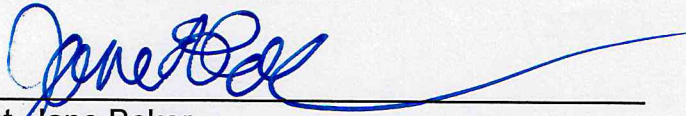
Tenants and Guests: Owners are liable for violations of the Governing Documents by their invitees, tenants and guests.

Legal Action: At any time after providing an owner with a Notice of Violation, the Association may pursue legal action to obtain injunctive relief and or damages against an owner.

Scope: This Enforcement Policy Resolution is intended to serve as a guideline for the Association's Board of Directors in enforcement matters. Nothing contained herein shall be interpreted as prohibiting the Association from seeking other available legal

remedies at any time in the enforcement process if the Board of Directors, in its sole discretion, finds that the nature of the CC&R violation warrants such action. This Enforcement Policy is not applicable to matters involving failure to pay annual assessments and special assessments for capital improvements.

This Enforcement Policy Resolution was Revised & Adopted at a duly-held meeting of the Board of Directors of the Center Pointe Vistoso Community Association on the 12th day of August, 2020.



President, Jane Baker
Center Pointe Vistoso Community Association