

CENTER POINTE VISTOSO COMMUNITY ASSOCIATION

ENFORCEMENT POLICY

This policy is adopted by the Board of Directors pursuant to its authority under A.R.S. §33-1803 and Article 11, Section 11.1 and Article 7, Section 7.1 of the CC&R's.¹ All notices under this Policy shall be sent by U.S. mail, postage prepaid, to the address on file with the Association or if no address has been provided by the Owner, the Lot address.

1. COURTESY NOTICE: The Association shall provide the breaching Owner with written notice of the following:

- a) The nature of the violation(s).
- b) The date by which the violation(s) must be corrected, which shall not be less than ten (10) days from the date of the notice unless it is a recurring violation.²

2. NOTICE OF VIOLATION: Should the Owner fail to correct the violation(s) by the date provided in the Courtesy Notice or fail to correct a recurring violation, the Association shall provide the Owner with written notice of the following:

- a) The provision(s) of the CC&R's and/or Rules that the Owner has violated.
- b) The date of the violation(s) or when it was observed.
- c) The name of the person who observed the violation(s).
- d) The date by which the violation(s) must be corrected in order to avoid any sanctions unless it is a recurring violation.

3. WRITTEN RESPONSE FROM OWNER: If the Association receives a written response from an Owner sent by certified mail within twenty-one (21) days after the date of a Courtesy Notice or Notice of Violation, the Association shall provide the Owner with a written response within ten (10) days which includes the following information to the extent not previously provided:

- a) The provision(s) of the CC&R's and/or Rules that the Owner has violated.
- b) The date of the violation(s) or when it was observed.
- c) The name of the person who observed the violation(s).
- d) The process by which the Owner may dispute the violation.

¹ This policy does not apply to nonpayment of assessments.

² A "recurring violation" as used in this policy is a CC&R and/or Rule violation that is often brief in duration and habitual in nature.

4. HEARING NOTICE: If an Owner fails to correct the violation(s) by the date set forth in the Notice of Violation, or has recurring violations after the Notice of Violation, the Owner shall be provided with written notice of the following:

- a. The nature of the continuing violation(s).
- b. That the Owner has a right to be heard before any sanctions are imposed.
- c. The date, time and place of the Owner's hearing before the Board of Directors.

5. CHANGE IN HEARING DATE. If the Owner cannot attend the violation hearing on the date provided in the Hearing Notice, the Owner may make a one-time written request to have the hearing re-scheduled.

6. HEARING. Hearings shall be conducted in open session unless the Owner requests that the hearing be held in executive session.

7. SANCTIONS. The following sanctions may be imposed by the Board for any CC&R or Rule violation regardless of whether the Owner attends the hearing:

A. MONETARY PENALTY. The Board may impose a reasonable fine for each violation of the CC&R's and/or Rules and any fine may be continuing in nature (reimposed every thirty (30) days or per occurrence if it is a recurring violation) until such time that the violation is corrected. As an alternative, the Association may impose a fine and hold it in abeyance upon the condition that the Owner corrects the violation by a certain date.

B. SUSPENSION OF RIGHTS. The Board may suspend the Owner's right to use the common area recreational facilities for up to sixty (60) days.

8. PAYMENT OF FINES. An owner shall be provided with written notice of any fine imposed and the date by which payment is due. If a fine remains unpaid fifteen (15) or more days after its due date, it shall be deemed delinquent and subject to a late fee of \$15.00 or ten percent (10%) of the unpaid fine, whichever is greater. In the case of a continuing fine, the Owner is responsible for notifying the Association that the violation has been corrected.

Payment of a fine does not constitute a variance for the violation. All violations must be corrected regardless of whether a fine is imposed.

9. TENANTS AND GUESTS. Owners are responsible for violations of the CC&R's and Rules by their invitees, tenants and guests. The Association may send a copy of a Courtesy Notice or Notice of Violation to an Owner's tenant.

10. GUIDELINES. This enforcement policy is intended to establish general guidelines for CC&R and Rules violations. Nothing contained in this Policy shall be interpreted as prohibiting the Association from bypassing some or all of these procedures, or referring violations to counsel at any time in the enforcement process, if Board determines that the nature of the violation(s) warrants such action. Owners shall be responsible for attorney's fees incurred in obtaining compliance.

This Enforcement Policy was adopted by the Board of Directors on the 19 day of April, 2021

By: 
Its: President