

## San Marcos County Club Estates

### Architectural Fine Policy

**VIOLATIONS OF ARCHITECTURAL GUIDELINES OR POLICIES** In order to provide uniform guidelines for architectural applications for all homeowners specific requirements are in place. These include that prior to any architectural changes being made to properties within San Marcos County Club Estates including landscaping changes, repainting of homes, driveway changes, etc.; an architectural request application must be processed and approved by the Architectural Review Committee prior to completing any modifications. In cases of homeowners proceeding with a modification to their property without proper approval from the Architectural Review Committee, the homeowner, will receive a notice of the violation via certified mail to the homeowner requesting the homeowner comply with Architectural Application procedures within fourteen (14) calendar days of the noted violation and be subject to a MONETARY PENALTY of \$500 for the initial violation.

**SECOND AND EACH SUBSEQUENT NOTICE:** If violation still exists after fourteen (14) calendar days of the noted violation, or an Architectural Review Application is not made, a subsequent notice with an additional \$1000 monetary penalty shall be mailed via certified mail to the homeowner, return receipt requested for each subsequent violation occurring. A \$1000 MONETARY PENALTY will be assessed and due immediately with all subsequent notices, plus all fees associated with certified mailings. In the event a homeowner submits an Architectural Review Application and is rejected by the Architectural Review Committee, the homeowner may incur the cost to correct the violation including undoing work previously made.

Under ARS 33-1803 (C): In all cases of violations, the homeowner has the right to appeal the monetary penalty to the Board of Directors. The homeowner may provide the Association a written response by sending the response by certified mail within twenty-one (21) calendar days after the date of the notice. The response shall be sent to the address contained in the notice. Within ten (10) business days after receipt of the certified mail containing the response from the homeowner, the Association shall respond to the homeowner with a written explanation regarding the notice.

**Suspension of Further Architectural Requests:** If an Owner is in violation of this Policy or any other restrictions in the Declaration or Rules and Regulations, or if an Owner owes any amount of fines to the Association, the Board (and Architectural Committee) reserves the right to suspend its review of any subsequent Architectural Requests made by the violating Owner(s) and/or to withhold its approval of any pending or subsequent Requests until the Owner is in good standing.

**Board Discretion:** The Board of Directors has the discretion to determine whether there has been a violation of the Architectural Guidelines, policies, and restrictions contained in the Declaration. Further, the Board has discretion to deviate from the above policy (including increasing the monetary penalties assessed, shortening response deadlines, or taking immediate legal action) for conduct that is especially egregious or that threatens the health, safety, or welfare of other Owners and residents, in the Board's sole discretion.

Summary of Notices and Fines for Violation of Architectural Rules:

- Letter 1 sent to Owner – 14 days to contact Association or cure violation
- If issue not cured, \$500 fine imposed – Reinspection to occur in an additional 14 days
- If issue not cured (or resubmitted for approval) – \$1000 fine imposed with certified notice mailed to Owner
- \$1,000 fine may be imposed for each additional inspection where the violation remains uncured

**CERTIFICATION**

I HEREBY CERTIFY that I am the President for San Marcos Estates Homeowners Association and that the above Policy was presented to and adopted by the Board of Directors for Association at a meeting duly called and held on the 9<sup>th</sup> day of April, 2020, at which a quorum of Directors was present and voted, and that such Resolution is duly adopted and is now in full force and effect.

San Marcos Estates Homeowners Association

By: Paul Esch

Its: President