

MARLBOROUGH PARK HOMEOWNERS ASSOCIATION

RULES, REGULATIONS AND CC&R VIOLATION ENFORCEMENT POLICY

Effective Date: May 10, 1999 Revised July 14, 2003

The Board of Directors of the Marlborough Park Estates Homeowners Association, has established the following enforcement policy for Rules, Regulations, and Covenant, Conditions and Restrictions (CC&R's) violations, and any applicable monetary fines for continuing violations. This policy was formed following the established law of the State of Arizona, Section 1, Title 33, Arizona Revised Statute, Chapter 17, Planned Communities. The goal of this policy is to protect all of the Members of the Association from excessive costs in enforcing the CC&R's as outlined in the ARTICLES of the legal documents, and to safeguard the value of the Members' properties. The Board may choose to modify this policy on specific cases that require special handling.

FIRST NOTICE:

A letter will be sent to the Homeowner of the property outlining the violation. In the event that the Homeowner of the property can be identified as an absentee Homeowner, a copy of the violation letter will also be sent to the tenant at the property address. The Homeowner will be given at least thirty (30) calendar days to bring the violation into compliance. The homeowner has the responsibility of notifying MPE in writing when the violation has been corrected. *Request for additional time must be submitted to MPE, in writing and within 30 days from the date of the first notice, along with a plan of action to correct the violation. MPE will respond to the written request within 10 day from the date of your letter.*

SECOND NOTICE:

If we haven't received a written response, a notice will be issued for a \$50 fine if correction is still not made within 10 days from the date of the second notice. The second letter notifies the Homeowner that a fine will be assessed against them, and that if the violation continues for an additional time period of at least 30 calendar days, an additional fine will be assessed. The letter will offer an opportunity for a Hearing with the Board of Directors at the next regularly scheduled board meeting.

THIRD NOTICE:

If we still have not received a written response within 30 days from the date of the second notice, you will receive a third notice, imposing an additional \$50 fine. The third letter and any subsequent letter notifies the Homeowner that an additional fine has been assessed to their account. Continued violations will result in additional fines, legal action and legal costs assessed against the Homeowner at the discretion of the Board of Directors. The letter will offer an opportunity for a Hearing with the Board of Directors.

Fines are due upon receipt. If not paid, MPE reserves the right to file a lien. Fines will remain on a homeowner's account and must be settled before your home can be sold.

Trash Containers:

Homeowners will receive a CC&R violation notice if trash containers are not stowed away by the morning following the scheduled trash pick-up day. Board members and/or an authorized community management company; will be recording the date of each incident, and after a homeowner receives 3 notices, MPE will assess the homeowner a \$25 fine. These fines are also in accordance with state statutes.

Common Area Policy:

Pursuant to the common Area Policy enacted by the Board of Directors on July 14, 2003, the fine for any violation of that Policy shall be a minimum of \$100.00 plus any actual damages. The Board shall determine the total fine and damages due on a case by case basis upon evidence presented to it.

HEALTH, SAFETY, AND WELFARE: Immediate action will be required on any violation that affects the health, safety, and welfare of the Association or Association Members.

OPPORTUNITY TO BE HEARD: Grievances (Statement of Defenses) arising from, or an appeal of, any enforcement Action and/or Assessment must be addressed in writing to the Board of Directors of the Association, dated and signed by an Owner, and forwarded to the Association with (14) calendar days of receipt of the formal notice of violation. Upon receipt of a request for a hearing, the Board shall set a date and time to hear the Owner's grievance, and the Board will provide notice to the Owner at least (7) calendar days prior to the date of the hearing. Decisions of the Board are final in all cases.

** An exception to the above enforcement policy applies to vehicle violations. See the fine schedule for clarification.*

*** Before any fines are levied against anyone, all violations will be verified. The Board has also provided all Homeowners with the right to appeal any infraction that they may receive.*

Managed by: VISION COMMUNITY MANAGEMENT

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