

**BILTMORE GARDENS HOMEOWNERS ASSOCIATION
FINE POLICY**

RESOLVED:

By unanimous consent the Board of Directors of Biltmore Gardens Homeowners Association, approved the following **FINE SCHEDULE** for any violation of the CC&R's or guidelines of the Biltmore Gardens Homeowners Association.

The Board of Directors intends to impose monetary penalties as authorized by A.R.S. Section 33-1803. The Board of Directors, when imposing monetary penalties reserves the right to enforce the community's restrictions in any other legal manner. The following fine schedule is intended to be a guide only and is not intended to create any rights. The Board of Directors reserves the right to impose a monetary penalty on the first date of a violation to accrue the fine daily until the violation is cured, and to impose fines in amounts in excess of those set forth in the fine schedule.

COURTESY NOTICE/FIRST NOTICE:

An initial courtesy notice of the violation shall be mailed via regular mail to the homeowner requesting compliance within (10) days. **INTENT TO FINE**

SECOND NOTICE:

If violation still exists a second notice requesting compliance within (10) days shall be mailed via regular mail to the homeowner. A **\$25.00 FINE** will be assessed and due immediately with the second notice.

THIRD NOTICE:

If violation still exists a third notice requesting compliance within (10) days shall be mailed via certified mail to the homeowner, return receipt requested. A **\$50.00 FINE** will be assessed and due immediately with the third notice.

FOURTH NOTICE:

If violation still exists a fourth notice requesting compliance within (10) days shall be mailed via certified mail to the homeowner, return receipt requested. A **\$100.00 FINE** will be assessed and due immediately with the fourth notice.

CONTINUING VIOLATIONS:

If the violation continues without resolution after the fourth notice, a **FINE of \$100.00** shall be assessed **every (10) days** until the violation is resolved. In addition the Board shall have the right to remedy the violation and/or take legal action, the cost of which shall be billed to the homeowner and collected in the same manner as assessments.

FINES:

No fine shall be imposed without first providing a written warning to the Owner describing the violation and stating that failure to stop the violation within no less than ten (10) days or ***another recurrence of the same violation within six (6) months*** of the original violation shall make the Owner ***subject to imposition of a fine***. Failure to pay any fine shall subject the Owner to the same potential penalties and enforcement as failure to pay any assessments under Article IV.

APPEAL PROCESS:

See attached appeals process, Exhibit (B)

**BILTMORE GARDENS HOMEOWNERS ASSOCIATION
VIOLATION APPEALS PROCESS**

- When a violation notice is sent to a homeowner, the notice includes a statement notifying the homeowner that they have a “RIGHT OF APPEAL”.
- When a homeowner wants to appeal a violation, they must send the Management Company writing notice that they are requesting an appeal of the violation.
- Appeals shall be received within (10) days of the date of the fine notification (violation letter),
- Appeals shall demonstrate **extenuating circumstances**, which require deviation from the CC&R’s and/or guidelines.
- Appeal shall include all pertinent backup information to support the existence of the **extenuating circumstance**.
- All decisions of the Board are final and may not be further appealed.
- Any appeal, which does not meet the above requirements, shall be heard by the Board and shall be considered **DENIED**.
- The homeowner appealing the violation will be given written notice that the appeal is scheduled.
- The appeal shall be held in Executive Session.
- The Board President will introduce all parties.
- Homeowner will have the opportunity to be heard for 10 minutes as part of the appeal process.
- The homeowner who is appealing will be asked to state their case and present any documentation that is applicable.
- Each Board Member will have the opportunity to ask the homeowner specific questions regarding the appeal.
- Upon completion of the questions and answer period, the Board will state that the appeal has been heard and the Board will make their decision in closed session. Then “Written Notice” will be given to the homeowner of the Boards decision within (7) working days.
- If the appeal is denied, the homeowner must bring the violation into compliance within (10) days. If the violation still exists after (10) days, the homeowner will be fined \$100.00 every (10) days until the violation is corrected. In addition, the Board of Directors may seek legal action to remedy the violation. All costs of legal action and fines will be billed to the homeowner and collected in the same manner as assessments.