

# WINDROSE EAST HOMEOWNERS ASSOCIATION

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## RULES, GUIDELINES AND CC&R VIOLATION ENFORCEMENT POLICY

Effective Date: April 2002

The Board of Directors of the Windrose East Association, has established the following enforcement policy for Rules, Guidelines, 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 5 of the Bylaws, and to maintain the value of the Members' properties. The Board may modify the policy as required.

### **FRIENDLY REMINDER:**

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 fifteen (15) calendar days to bring the violation.

### **FIRST NOTICE OF VIOLATION:**

The second letter will again define the violation and notify the Homeowner that in the event the property is not brought into compliance within fifteen (15) calendar days, a fine may be assessed to their association account. This fine is collectable just as it is for any other assessment amount. See fine schedule attached to this document. The notification letter will offer an opportunity for a hearing with the Board of Directors.

### **SECOND NOTICE OF VIOLATION:**

The third letter notifies the Homeowner that a fine has been assessed against them, and that if the violation continues for an additional fifteen (15) calendar days, an additional fine will be assessed. The Board may elect to systematically double the fines for a continuing or chronic violation. The letter will offer an opportunity for a hearing with the Board of Directors.

### **THIRD NOTICE OF VIOLATION:**

The fourth letter and any subsequent letter notifies the Homeowner that an additional fine has been assessed to their account. This notice is sent both regular and certified mail. The Homeowner is responsible for the certification fee (currently \$5.00) as well as the fine amount. The Homeowner has ten (10) calendar days to correct the violation. Continued violations may result in additional fines (which may include the doubling of the fine each month to the maximum of \$3,200), legal action and legal costs assessed against the Homeowner at the discretion of the Board of Directors. This letter will offer an opportunity for a hearing with the Board of Directors.

### **DEMAND LETTER:**

The Board will review the violation situation and can elect to correct the violation for the Homeowner at the Homeowner's expense by informing the Homeowner of the action and the costs associated with the corrective action including additional fines. The letter will offer an opportunity for a hearing with the Board of Directors.

**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.

### **VIOLATION DURATION (PLEASE TAKE NOTE):**

The violation notification sequence is based on a twelve (12) month cycle from the date of the original violation. For example: a reminder notice for a specific violation was sent in January and the violation was corrected in February. The violation reappeared in May, the second violation notice would be sent. Say the violation was again corrected in June and reoccurred in November, then a third notice would be sent and the Homeowner would be fined. If the violation did not reoccur again until the next February, then the violation sequence would start over with a reminder notice.

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