

ALTA MESA TOWNHOMES ASSOCIATION

RULES AND REGULATIONS

CC&R VIOLATION AND ENFORCEMENT POLICY

Alta Mesa Townhomes Association has established the following Enforcement Policy for Covenants, Conditions and Restrictions (CC&R's) violation enforcement, and any applicable monetary penalties for continuing violations. This Policy will be deemed part of the Association Rules and is subject to amendment or modification at any time by majority vote of the Board of Directors. This Enforcement Policy for monetary violations is adopted in accordance with Arizona Law and the provisions of the CC&R's as currently in force and effect.

The Board of Directors has determined that the fine amounts set forth below are appropriate based on the nature of the violations. In determining the appropriateness of each fine, the Board of Directors has taken into account (at a minimum) the impact that the violation may have on the community as a whole, including but not necessarily limited to, property values and aesthetics; the impact that the violation may have on individual members of the community, a negative impact on the quiet enjoyment of their property and/or the common areas; and whether the fine amount is sufficient to increase the likelihood of compliance and reduce the likelihood of recurrence.

First Notice

A first notice will be sent to the owner of the property outlining the violation. In the event that the owner of the property is identified as an absentee owner, a copy of the notice shall be sent to any known offsite addresses; and, a copy of the notice may also be sent to the tenant at the property address. The owner will be given twenty-one (21) calendar days to bring the violation into compliance. The first notice shall include a warning that if the violation is not cured within twenty-one (21) calendar days, a fine of \$25.00 will be assessed, except as provided below.

In the event that the owner violates the Amendment to the CC&R's dated 3/17/2006 by leasing a lot for a period of less than ninety (90) days, the owner will be given a warning and if the violation is not cured within twenty-one (21) calendar days a fine of \$250.00 fine will be assessed.

All fees will be comprised of the fine and an additional \$15.00 certified mailing fee.

Second Notice

A second notice will be sent if the owner has not complied with the first notice, or if the violation has returned or has been repeated. The second notice will inform the owner that a fine has been assessed in the amount of \$25.00 plus the \$15.00 for the certified mailing fee, except as provided below.

The second notice will also include a warning that if the violation is not cured within twenty-one (21) calendar days a fine of \$50.00 will be assessed, except as provided below.

If the owner continues to be in violation of the leasing of a lot for a period of less than ninety (90) days, or if the violation has returned or has been repeated, a second notice will be sent. The second notice will inform the owner that a fine has been assessed in the amount of \$250.00 plus the \$15.00 for the certified mailing fee.

The second notice will also include a warning that if the violation is not cured within twenty-one (21) calendar days a fine of \$500.00 will be assessed.

All fees will be comprised of the fine and an additional \$15.00 certified mailing fee.

Third Notice

A third notice will be sent if the owner has not complied with the second notice, or if the violation has returned or has been repeated. The third notice will inform the owner that a fine has been assessed in the amount of \$50.00 plus the \$15.00 for the certified mailing fee, except as provided below.

The third notice will also include a warning that if the violation is not cured within twenty-one (21) calendar days a fine of \$100.00 will be assessed, except as provided below.

If the owner continues to be in violation to the leasing of a lot for a period of less than ninety (90) days, or if the violation has returned or has been repeated, a third notice will be sent. The third notice will inform the owner that a fine has been assessed in the amount of \$500.00 plus the \$15.00 for the certified mailing fee.

The third notice will also include a warning that if the violation is not cured within twenty-one (21) calendar days a fine of \$1,000.00 will be assessed.

All fees will be comprised of the fine and an additional \$15.00 certified mailing fee.

Additional Monetary Penalty

If the owner has not complied with the above notices the \$100.00 fine will continue to be assessed every twenty-one (21) calendar days, except as provided below.

If the owner has not complied with the above notices for leasing a lot for a period of less than ninety (90) days, the \$1000.00 fine will continue to be assessed every twenty-one (21) calendar days.

All fees will be comprised of the fine and an additional \$15.00 certified mailing fee.

Should a period of time of at least ninety (90) calendar days lapse between violation letters of the same offense, the next letter will be a first notice again.

Parking Violations and Towing

In addition to notices and fees outlined in this policy, parking violations may be subject to immediate vehicle towing in accordance with the governing documents and state statues. Towing expenses are the responsibility of the owner.

Fine Schedule

Description of Violation

Violations of CC&R's	\$ 25.00	\$ 50.00	\$ 100.00
Violation of Amendment to CC&R's	\$250.00	\$500.00	\$1,000.00

Exception to Notice Procedure

Violations posing a threat to the health, safety, and welfare of the community as a whole or any one or more other owners may require immediate action and thus create exceptions to the foregoing notice provisions. Examples of health, safety, and welfare violations, include but are not limited to, the following: accumulation of trash and/or other materials that may attract pests; threat of flood or fire damage to neighboring properties; an escaped pet; or a collapsed structure or tree blocking the road or drivers' lines of vision.

The Board of Directors reserves the right, in its sole discretion, to forego the procedures set forth herein and escalate any enforcement matter to an attorney for further action.

Opportunity to be Heard

The Association recognizes each owner's right to explain the reasons why there is a violation of the CC&R's, particularly if the violation results in an assessment. Before any fine is assessed, an owner has the opportunity to request a hearing before the Board of Directors. The owner must provide timely **written** request for a hearing. If the hearing is scheduled, and attended, the owner is bound by the decision of a majority of the Board of Directors.

Gennie Westover, president
For Alta Mesa Townhomes Association
Date 8/15/22