

THUNDERBIRD PASEO CONDOMINIUM ASSOCIATION FINE POLICY AND APPEAL PROCESS

Effective March 1, 2013

FINE POLICY

The following Fine Policy and Appeal Process shall be followed for the Thunderbird Paseo Condominium Association ("Association") for any violation of the Association's governing documents, including the CC&Rs and Rules:

FIRST NOTICE: An initial notice of the violation shall be mailed to the Owner requesting compliance within fourteen (14) days of the notice.

SECOND NOTICE: If violation still exists fourteen (14) days after the date of the first notice, a second notice requesting compliance within fourteen (14) days shall be mailed to the Owner. A **\$50.00 FINE** will be assessed with the second notice and is due immediately. (Subject to the Owner's appeal rights below).

THIRD NOTICE: If violation still exists fourteen (14) days after the date of the second notice, a third notice requesting compliance within fourteen (14) days shall be mailed to the Owner. A **\$100.00 FINE** will be assessed with the third notice and is due immediately.

CONTINUING VIOLATIONS: If the violation continues without resolution fourteen (14) days after the date of the third notice, a **FINE of \$100.00** shall be assessed **every fourteen (14) days** until the violation is resolved. In addition, the Board of Directors shall have the right to remedy the violation and/or take legal action, the cost of which shall be billed to the Owner and collected in the same manner as assessments.

FINES: No initial fine shall be imposed without first providing a notice of the violation from the Association to the Owner describing the violation and stating that failure to correct the violation within fourteen (14) days or ***another recurrence of the same violation within three (3) 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.

SELF HELP: Pursuant to Section 5.4 of the CC&Rs, if any Owner fails to maintain in good condition and repair his or her Unit or any Limited Common Element which he or she is obligated to maintain under the CC&Rs, the Board shall provide written notice to the offending Owner that unless corrective action is taken within fifteen (15) days, the Board may cause such action to be taken ("Self Help") at such Owner's cost.

BOARD DISCRETION: Notwithstanding the above provisions of the violation policy, the Board at its sole discretion, may at any time assess a fine in an amount up to \$1,000 for any incident the Board deems to be

egregious, dangerous, that may threaten the life, health, safety, or welfare of any person, resident or owner, or that cause detriment or damage to any Association or other Owner's property. The Board may levy this fine despite any past violation history or lack thereof.

In addition, nothing in this Fine Policy will limit the Board of Directors' right to seek immediate Injunctive Relief at anytime regardless of the presence or absence of notices hereunder, for any violation that the Board of Directors determines in its sole and absolute discretion constitutes a material danger to persons or property or requires immediate action for any other substantial reason.

The Board of Directors reserves the right to take any action permitted by law or the CC&Rs, in addition to the above mentioned fine policy.

APPEAL PROCESS

- When a violation notice is sent to an Owner, such notice shall include a statement notifying the Owner that he/she has the "RIGHT OF APPEAL".
- When an Owner desires to appeal a violation, he/she must so notify the Association in writing within fourteen (14) days after the date of the notice.
- Appeals shall demonstrate **extenuating circumstances** which require deviation from the CC&Rs and/or guidelines.
- Appeal shall include all pertinent backup information to support the existence of the **extenuating circumstance**.
- All decisions of the Board of Directors are final and not subject to further appeal.
- Any appeal that does not meet the above requirements shall not be heard by the Board of Directors and shall be considered **DENIED**.
- The Owner appealing the violation will be given written notice that a hearing on the appeal is scheduled.
- The Owner who is appealing will be asked to state their case and present any applicable documentation.
- Each Board Member will have the opportunity to ask the Owner specific questions regarding the appeal.
- Upon completion of the question and answer period, the Board President will state that the appeal has been heard and the Board of Directors will make their decision in closed session. Written Notice of the Board's decision will be delivered to the Owner within seven (7) business days.
- If the appeal is denied, the Owner must bring the violation into compliance within fourteen (14) days. If the violation still exists after fourteen (14) days, the Owner shall be subject to the Fine Policy as outlined above until the violation is corrected. In addition, the Board of Directors may seek legal action to remedy the violation. All costs of legal action will be billed to the Owner and collected in the same manner as assessments.