

ATV-1 HOMEOWNERS ASSOCIATION

ENFORCEMENT AND FINE POLICY

Effective this 19th day of May, 2022.

Monetary penalties: In accordance with the Amended and Restated Declaration of Covenants, Conditions and Restrictions of Ahwatukee ATV-1, **Section 6.12** states that the Board, by a majority vote, shall be empowered to adopt, amend, or repeal such rules and regulations as it deems appropriate. The Association Rules may include the establishment of a system of fines and penalties..." Pursuant to its rule making authority and Arizona law, a majority of the Board of Directors adopts the following Enforcement and Fine Policy for any violations of the CC&Rs and other governing documents for the Association.

Written notice will be sent to the owner via regular mail at the mailing address as it appears on the records of the association at the time of the notice. **The FIRST NOTICE shall be a courtesy violation letter with no monetary penalty imposed and shall give the owner fourteen (14) calendar days to comply.** The notice shall include:

- 1) The provision of the community documents that has allegedly been violated.
- 2) The date of the violation or the date the violation was observed.
- 3) the first and last name of the person or persons who observed the violation
- 4) A statement advising the owner of the process the owner must follow to contest the notice, including the owner's option to petition the Department of Real Estate under A.R.S. § 33-1803(E).
- 5) The timeframe in which the violation must be cured and the fact that a monetary penalty may be imposed if not cured, and the amount of same.

If the violation is not corrected within the compliance time or if the same violation reoccurs within a ninety-day period of the previously sent first notice, notices will continue to be sent and a fine of \$30.00 per notice will be assessed to the Homeowner's account. Each successive notice shall give the owner fourteen (14) calendar days to comply. The notices shall include:

- 1) The provision of the community documents that has allegedly been violated.
- 2) The date of the violation or the date the violation was observed.
- 3) The first and last name of the person or persons who observed the violation
- 4) The fact that a monetary penalty will be imposed, without further notice, on a specific date and the amount of monetary penalty stated.
- 5) A statement advising the owner of the manner in which the owner will be provided with an opportunity to be heard with respect to the violation. If the owner does not respond, it will be deemed that the owner has waived his/her opportunity to be heard and to contest the violation and monetary penalty as set forth above.

Right to Appeal Notice of Violation

Homeowners have a right to appeal a Notice of Violation. The appeal must be in writing and submitted to the address included in the Notice of Violation within fourteen (14) days of the Notice of Violation. An Owner's appeal shall demonstrate extenuating circumstances which require deviation from the CC&Rs and/or other governing documents and shall include all pertinent information to support an Owner's claim of those extenuating circumstances.

All appeals will be heard during executive session unless otherwise requested by the Owner. Whether or not the owner appeals, the Board shall assess the violation and, at its discretion, determine whether to levy the monetary penalty upon the expiration of that fourteen-day appeal

period. The owner will be notified of the Board's decision and date of required compliance. If the Lot is not in compliance by the last given date, the case may be referred to an attorney for corrective action through legal means in accordance with the CC&R's.

Exception to Notice Requirement

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 collapsed structures or landscaping blocking the road or a driver's line of vision.

Right to Self Help

In addition to the provision of this policy, and pursuant to Section 3.35 of the CC&Rs, the Association or its authorized agents may, upon reasonable written notice, enter any lot in which a violation of the CC&Rs exist and correct such violations at the expense of the Owner of such lot. Such expenses, and such fines as may be imposed pursuant to the Declaration, the Articles, Bylaws, Association Rules, Construction Guidelines and/or Design Guidelines, shall be a Lot Specific Assessment secured by a lien upon such Lot and enforceable in accordance with the provisions of Section 7 of the CC&Rs.

CERTIFICATION

IN WITNESS WHEREOF, the undersigned acknowledges that this policy was approved and adopted by a majority of the Board of Directors at a duly noticed open board meeting held on this 19th day of May, 2022 and is reflected in the meeting minutes.

Signed this 19th day of May, 2022.

ATV-1 Homeowners Association

By: John T. Scott
Its: President