

ARCADIA SQUARE HOMEOWNERS ASSOCIATION
ENFORCEMENT POLICY RESOLUTION

WHEREAS, Arizona Revised Statute §33-1803 empowers the Board of Directors to impose reasonable monetary penalties on lot owners for violations of the Association's Governing Documents (CC&R's and Rules).

NOW THEREFORE, the Board of Directors adopts the following policy for enforcement of the Association's Governing Documents (CC&R's and Rules):

1. **NOTICE**. When there is a violation of the Association's Governing Documents, the following action shall be taken:

First Notice: The Association manager shall send the owner a First Violation Notice informing the owner of the violation(s), the applicable provision(s) of the Association's Governing documents, and a date by which the violation(s) must be corrected. (21 days)

The owner is responsible for notifying the Association Manager that the violation has been corrected.

Final Notice: Should the owner fail to correct the violation(s) by the date provided in the **First Notice**, the Association Manager shall send the owner a Final Notice which shall include the following: (14 days)

- a description of the alleged violation(s) and the provision(s) of the Governing Documents that has (have) been allegedly violated
- the date of the alleged violation or the date that it was observed
- the name of the person or persons who observed the alleged violation
- the action required to restore the property to a conforming condition and the date by which such corrective action must be taken
- the process the owner must follow to contest the notice: a written response within ten (10) business days of the date of the notice sent to the Association by certified mail.

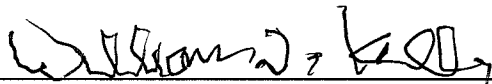
The owner is responsible for notifying the Association Manager that the violation has been corrected.

2. **HEARING**. If an Owner would like to appear before the Board of Directors before fines are assessed, the Owner must respond in writing within 10 business days of the Final Notice.
3. **NOTICE OF ACTION**. IF the violation persists after the date provided in the Hearing Notice and the Owner has not notified the Association that the violations has been corrected, a monetary penalty may be imposed. Notice of this action will be sent to the Owner
4. **FINES AND PENALTIES**. Monetary penalties, in addition, the amount of any attorney's fees, costs, and expenses the Association has incurred as a result of the violation may be imposed for violations of the Governing Documents, and continuing penalties may be imposed if the violation is not corrected by the date set forth in the Final Notice. The Committee reserves the right to waive monetary penalties if, in its sole judgment, the violation warrants immediate legal action, or the homeowner is attempting to correct the violation(s). Payment of a penalty does not constitute a variance for the violation; all violations must be corrected to come into compliance with the Governing Documents. (SEE ATTACHED FINE SCHEDULE)

Continuing Violations

- If an Owner receives a notice for the same violation within a 6-month period, additional fines may be assessed.
5. TENANTS AND GUESTS. Owners are liable for violations of the Governing Documents by their invitees, tenants and guests.
 6. LEGAL ACTION. At any time after providing an owner with a Final Notice, the Association may pursue legal action to obtain injunctive relief and or damages against an owner.
 7. SCOPE. This Enforcement Policy Resolution is intended to serve as a guideline for the Association's Board of Directors in enforcement matters. Nothing contained herein shall be interpreted as prohibiting the Association from seeking other available legal remedies at any time in the enforcement process if the Board of Directors, in its sole discretion, finds that the nature of the CC&R violation warrants such action. This Enforcement Policy is not applicable to matters involving failure to pay annual assessments and special assessments for capital improvements.

This Enforcement Policy Resolution was ADOPTED at a duly-held meeting of the Board of Directors of Arcadia Square # Homeowners Association on the 26 day of June, 2019.



President
Arcadia Square Homeowners Association

Arcadia Square HOA

FINE SCHEDULE

The Declarations, By-Laws, Rules and Regulations and Articles of Incorporation of Arcadia Square Homeowners Association, have adopted as a resolution this fine schedule.

Adopted August 24, 2016

After notice of a violation and an opportunity for a hearing, the Board may impose a fine against the Owner for any violation of the provisions of the Association's governing documents.

Fines are as follows:

- 1) Initial Violation = \$25.00
- 2) Second Violation = \$50.00
- 3) At the discretion of the Board, if a violation continues beyond the second fine, a fine of \$10 per day will be imposed for each day of the violation for the first 30 days, \$15 per day for the next 30 days, and \$25 per day thereafter.

In the event that the Association retains legal counsel, the Board may impose as an additional penalty, reimbursement of the Attorney's fees incurred.

Collection of the fines, costs and late fees may be enforced against any Owner in the same manner as the collection of delinquent assessments.