

SONORAN DESERT WILLOW ESTATES

ENFORCEMENT AND FINE POLICY

Enforcement Process - In Accordance with Arizona Revised Statutes (A.R.S 33-1803 & 33-1242)

STEP I: When an infraction of the CC&Rs, Bylaws, Rules and Regulations, or Architectural and Landscape Guidelines has been observed by the management company or submitted in writing by a Sonoran Desert Willow Estates Association resident, the homeowner will be notified by letter as a "First Notice of Violation" to comply.

STEP II: Notice of Violation: If the violation or non-compliance continues (21) twenty-one calendar days beyond the date the "Violation Letter is sent, or if the same rule or provision of the Governing Documents is subsequently violated within 90 days of its resolution, a written "Notice of Hearing," together with a request to Cease and Desist from the "repeated" violation, shall be sent to the owner of the Lot (and property manager, if applicable). The letter will contain information required by Arizona Revised Statutes. The homeowner is responsible to come to the hearing and explain why the violation has not been corrected.

To officially document that the Infraction will be or has been corrected, the homeowner shall contact the managing agent with an action plan stating when the infraction will be corrected or that the infraction has since been corrected.

This notice will contain the following

information: The nature of the alleged

violation(s);

The date(s) on which the violation(s) was/were observed;

The time and place of the hearing, which shall not be less than seven (7) days from the date of the notice;

At the hearing meeting the homeowner will be given reasonable time to make a statement and present evidence or a witness on his/her behalf. The Board of Directors will deliberate and may or may not impose a fine.

If the homeowner or the homeowner's designated representative fail to appear before the Board, the Board may impose a fine *in absentia*.

Sanctions to be imposed shall include a \$10.00 per day penalty that the non-compliance and violation of the governing documents continues. The Board may also act to correct the violation and bill the homeowner for the cost of remediation.

Once a fine has been imposed, the homeowner will be sent notification and given fifteen (15) days to pay the fine. If the fine is not paid, the Board may authorize legal action, and the homeowner will be responsible for all attorney fees and costs.

Violations remedied after a penalty fine has been assessed, do not necessarily cancel the fine.

When the fines reach \$300.00, the debt will be turned over to a collection agency and/or Small Claims Court.