

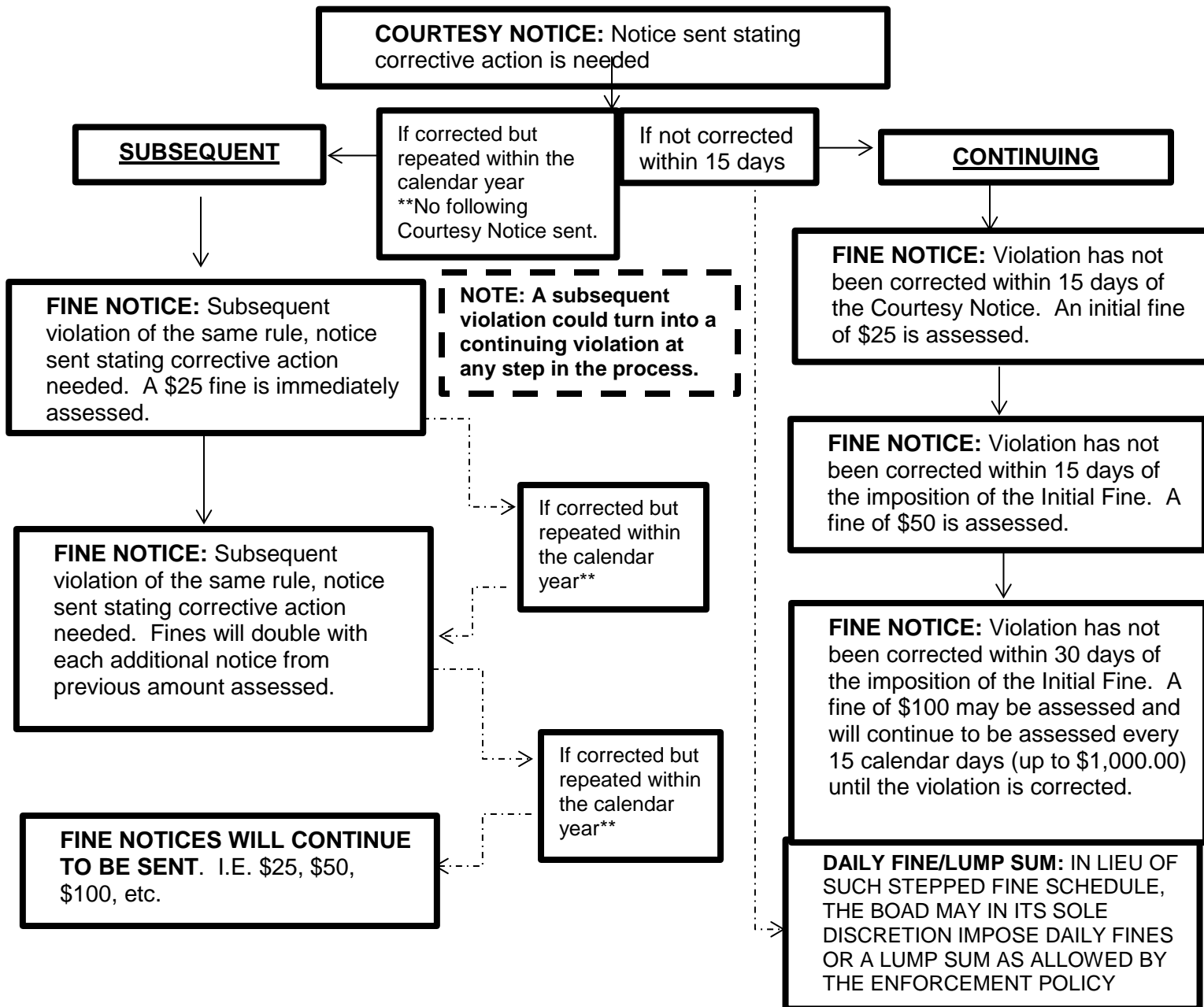
ASPEN TRAILS HOMEOWNERS ASSOCIATION, INC.

Enforcement Procedures

ADOPTED July 10, 2018 BY THE BOARD OF DIRECTORS

Effective July 10, 2018

- Violation inspections are performed on a routine basis.
- It is the owner's responsibility to contact the Association to report what corrective measures were taken to cure the violation.
- **SUBSEQUENT VIOLATION:** Breaking the same rule/provision after previous infraction was corrected.
- **CONTINUING VIOLATION:** Infraction is not corrected within allotted time.
- ALL SUBSEQUENT VIOLATION NOTICES WILL RESET IN JANUARY.
- CONTINUING VIOLATIONS will not re-set until corrected.
- All monetary fines posted will remain on the account and must be paid.



LEGAL ACTION: Account sent to the Association's attorney for further action. *The Board of Directors reserves the right to go immediately to this step at any point of the schedule.*

ASPEN TRAILS HOMEOWNERS ASSOCIATION, INC.

Enforcement Procedures

ADOPTED 07/10/18 BY THE BOARD OF DIRECTORS

Effective July 10, 2018

The Enforcement Procedures for violations of the Declaration, the Bylaws, the Rules and Regulations and the other governing documents of the Aspen Trails Homeowners Association shall be imposed according to the procedures set forth as follows:

COMPLAINT/VIOLATION PROCESS:

Any member, Board member or agent of the Association may file a Complaint against another member for violation of any provision of the Association governing documents by the member, his family, tenants or guests. The Association Complaint Form attached hereto, must be used, must be signed (unless submitted via e-mail) and dated and must include a description of the alleged violation and the identity of the alleged violator, if known. A Complaint Form from a member is considered filed when the Complaint Form is received (i) by a member of the Board or a Board member or (ii) by the Association's management company. A copy or record of all Complaint Forms shall be provided to the Board.

Any Complaint received by the Association shall be forwarded to the Association's Enforcement Person. As used herein the term "Enforcement Person" means the Association's management company, if any, or if none, the Board. In all cases where an Enforcement Person other than the Board receives the Complaint, the recipient thereof shall forward a copy of the Complaint to the Board. Upon its receipt of a Complaint, the Enforcement Person shall take the following action (i) immediately if it determines that the complained of situation constitutes an emergency requiring immediate action, or (ii) within ten (10) business days of its receipt of a Complaint Form if it determines that the complained of situation does not constitute an emergency requiring immediate action.

1. Conduct an investigation of the Complaint to confirm that there is reason to believe that the conditions complained about actually exist, and
2. If the Enforcement Person determines that there is reason to believe that the conditions complained about actually exist it shall attempt to contact the unit owner and try to resolve the Complaint informally.
3. If a violation is witnessed on a regular routine community inspection the informal resolution step will be bypassed.

If the violation is informally resolved, the Enforcement Person shall document in writing for the related unit file what the alleged violation was and how the issue was resolved. If the Enforcement Person is unable to resolve the violation informally, the following enforcement process shall be begun.

COURTESY NOTICE:

In the event the Board or its agent determines that a violation of the Association's governing documents exists and such violation is not informally resolved, a written notice may be sent by first class mail to the Unit Owner at the mailing address as it appears on the records of the Association at the time of notice. No fine will be imposed with this notice. The Courtesy Notice shall include at a minimum the following information:

- The provisions of the governing documents that have been violated;
- The date of the violation or the date the violation was observed;
- The first and last name of the person or persons who observed the violation;
- The date by which the violation must be corrected – typically fifteen (15) calendar days from the date of the Courtesy Notice unless the board determines that immediate action is needed; and
- A description of the process the unit owner must follow to contest the violation notice.
- The fact that a fine may be imposed for failure to correct the violation by the required deadline or if the infraction takes place again within the same calendar year. Except in the event it is a refuse storage violation, the infraction clock will reset quarterly.
- The Board of Directors will determine the period for corrective action of a violation by Board Resolution as updated from time to time
- Notice of the Owner's right to petition for an administrative hearing with the Arizona Department of Real Estate pursuant to A.R.S. § 32-2199.01.

FINE NOTICE:

Depending on the violation, the Board in its sole discretion may determine that a Courtesy Notice will not be sent to the unit owner and may commence the enforcement process with the mailing of a Fine Notice. If the violation has not been corrected by the time frame set forth in any Courtesy Notice, or the Board decides not to send such notice, the Board may impose a fine pursuant to the then effective Fine Schedule and send the unit owner a Fine Notice which shall include the following information:

- The provision of the governing documents that has been violated and date of the violation or the date the violation was observed;
- The first and last name of the person or persons who observed the violation;
- The date the original violation occurred, if that is the case;
- The right of the unit owner to appeal the Board's decision that a violation has occurred and the manner in which such appeal must be requested, or it will be deemed waived;
- If a Courtesy Notice was NOT sent, a statement that in the event the violation is not cured within 15 calendar days after the date of the Fine Notice, the Board of Directors will impose a fine effective as of such date as set forth in the Fine Schedule if the violation is not cured as set forth in the Fine Notice;
- If a Courtesy Notice was sent, the amount of such fine immediately imposed;
- If applicable, any requirements or special instructions for compliance;
- A statement informing the owner of the Association's right to seek legal and/or equitable action to collect the fine and/or to remedy the noticed violation of the Association governing documents; and
- The right of the unit owner to petition for an administrative hearing on the violation in the Arizona Department of Real Estate pursuant to Arizona Revised Statutes Section 32-2199.01.

- The Board of Directors will determine the period for corrective action of a violation by Board Resolution as updated from time to time
- The Fine Notice will be mailed first class mail and certified return receipt.

APPEAL PROCESS:

Any unit owner who has received a Fine Notice shall have the opportunity to appear before the Board to appeal the Board's decision that a violation exists. Such appeal right shall be deemed waived if not timely exercised by the unit owner. The appeal process shall be as follows:

- Within 15 calendar days following the date that the Fine Notice was mailed, the unit owner may appeal the violation decision in writing to the Board and request a hearing on the matter. If the written hearing request is not received within such ten (10) day period, the unit owner's right of appeal shall terminate as of the end of the tenth day.
- The unit owner shall have the right to appear at the hearing in person or by a representative and to present all pertinent supporting information.
- A unit owner who timely exercises his or her appeal right shall be provided a written notice of the time, date and place of scheduled appeal hearing which shall be conducted in an Executive Session meeting of the Board. In the event the unit owner fails to appear in person or by representative at such scheduled hearing, his or her appeal right shall be deemed waived.
- After completion of the appeal hearing, the Board will make its decision. The unit owner will be informed in writing of such decision within ten (10) calendar days from the date of the appeal hearing.
- In the event the appeal is denied, unless otherwise stated in the Board's written decision, the effective date of the fine shall be retroactive to the date set forth in the Fine Notice.
- All decisions of the Board as to an appeal hearing are final and may not be appealed.
- Once the total amount of accumulated fines reaches **\$1,000.00**, the Association will pursue corrective action through legal means.

FINES:

- A fine may be assessed in accordance with the then effective Fine Schedule for an uncorrected violation of the governing documents of the Association.
- In the event of a subsequent violation by a unit owner of the same provision of the governing documents within the calendar year, all fines for each such violation shall be doubled and a fine will be assessed for each violation that has occurred during that period.
- The Board of Directors will determine the period for corrective action of a violation by Board Resolution as updated from time to time.
- Fines are cumulative and will continue without further written notice until the violation is corrected. The violation will be deemed corrected as of the date the unit owner notifies the Board of the correction thereof unless the Board subsequently determines that the violation has not been corrected or that such date is not correct.
- At any time, the Board may exercise the option to pursue corrective action through legal means.

The Association further retains the right to recover from the Owner the legal costs and fees incurred by the Association in enforcing the Association governing documents. **FINE SCHEDULE:**

- The initial fine amount shall be **\$25.00**.

- If the violation has not been corrected within fifteen (15) calendar days after the effective date of the imposition of the initial fine, the unit owner shall be assessed an additional fine of **\$50.00**.
- If the violation has not been corrected within thirty (30) calendar days after the effective date of the imposition of the initial fine, the unit owner shall be assessed an additional fine of **\$100.00** and shall be assessed an additional fine of **\$100.00** every fifteen (15) calendar days thereafter (up to \$1,000.00) until the violation is corrected.
- Once the total amount of accumulated fines reaches **\$1,000.00**, the Association will pursue corrective action through legal means.

GENERAL:

These Enforcement Procedures are intended as a guideline for the Association. The Board retains the right to vary the enforcement process when it in its sole discretion determines that any such variance is appropriate. The Board further retains the right to amend or replace all or any portion of these Enforcement Procedures. The assessment of fines by the Association does not relieve the unit owner from the obligation to correct the violations or comply with Association governing documents. These Enforcement Procedures and the remedies set forth herein do not constitute an election of remedies by the Association which reserves all such remedies available at law and in equity. The Association shall have the right to enforce the Association governing documents through any other remedies available to the Association concurrently with the Enforcement Procedures set forth herein.

ASPEN TRAILS HOA

COMPLAINT FORM

**First and Last Name of person who
observed the violation:**

**Lot number or address of person
who observed the violation:**

**Address of the property allegedly in
violation of the Association's
governing documents:**

N/A – LOCATION:

Date(s) the violation occurred:

Nature of the violation:

Are you sending supporting evidence along with this form?

No Yes Evidence: _____

The person complaining of the alleged violation must state their first and last name and this information will be shared with the party who is accused of the violation.

Signature of Observer: _____ Date: _____

cc: Owner file