

# WOODLANDS VILLAGE ROA

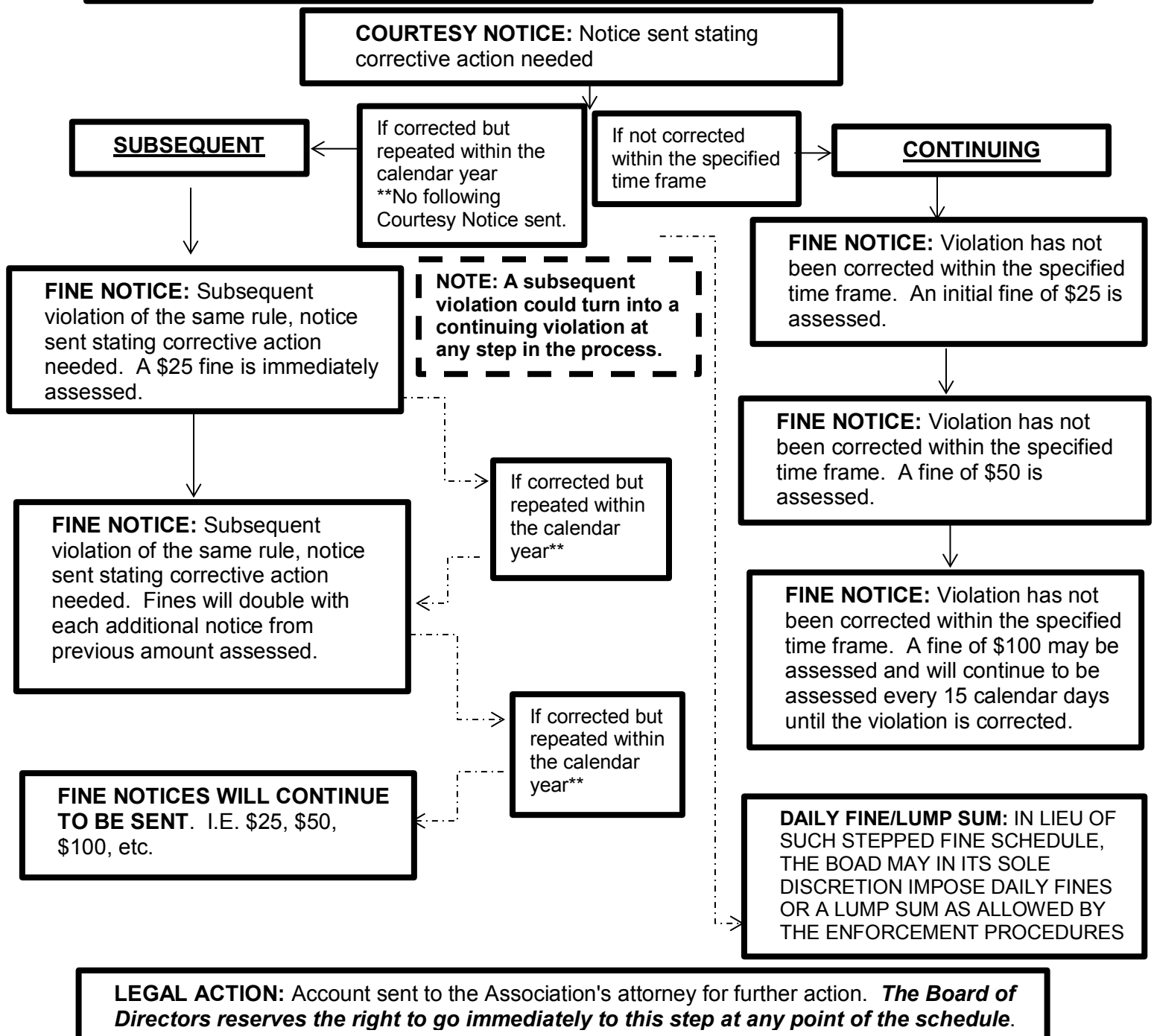
## Enforcement Procedures

AS ADOPTED 12/5/17 BY THE BOARD OF DIRECTORS

Revised 02/26/19

Effective April 15, 2019

- 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.
- Trash and recycle can violations will reset quarterly.
- **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 EACH JANUARY.
- CONTINUING VIOLATIONS will not re-set until corrected.
- All monetary fines posted will remain on the account and need to be paid.
- This flow chart is to be used as a tool, please refer to the adopted policy for formal enforcement.



# **WOODLANDS VILLAGE ROA**

## **Enforcement Procedures**

AS ADOPTED 12/5/17 BY THE BOARD OF DIRECTORS

**Revised 02/26/19**

**Effective April 15, 2019**

The Enforcement Procedures for violations of the Declaration, the Bylaws, the Rules and Regulations and the other governing documents of the Woodlands Village Residential Owners 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 in writing, such as email.
3. If a violation is witnessed on a regular routine community inspection the informal resolution step will be bypassed.
4. In the event a violation continues to exist that was initially filed as a Complaint Form, the Association's Enforcement Person or a Board Member shall inspect per the Enforcement Procedures correction period and enforcement will continue per the Enforcement Procedures.

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 fourteen (14) calendar days from the date of the Courtesy Notice; 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

## **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 by the date ten (10) calendar days after the date of the Fine Notice (or by such other date as the Board determines appropriate), the Board of Directors will impose a specified fine effective as of such date and additional fines 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.

## 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 twenty-one (21) calendar days following the date of the Fine Notice, 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 twenty-one (21) 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 twenty-one (21) 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.

## 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.

#### **FINE SCHEDULE:**

- The initial fine amount shall be **\$25.00**.
- If the violation has not been corrected or occurs again after the correction period has expired, as set forth in the adopted Board Resolution, the unit owner shall be assessed an additional fine of **\$50.00**.
- If the violation has not been corrected or occurs again after the correction period has expired, as set forth in the adopted Board Resolution, the unit owner shall be assessed an additional fine of **\$100.00** and shall be assessed an additional fine of **\$100.00** at the expiration of each correction time period thereafter until the violation is corrected.
- In lieu of such stepped fine schedule, the Board may in its sole discretion impose (i) a daily fine of **\$25.00** for each day a violation continues where the Board determines that due to the nature of the violation such a daily fine is more appropriate; or (ii) a reasonable lump sum fine that the Board determines is appropriate due to the nature of the violation.

#### **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.

## **RESOLUTION 2020-01**

### **A Resolution of the Board of Directors for Woodlands Village Residential Owners Association, Inc., to set violation correction time frames**

**WHEREAS**, Section 3.9 of the Bylaws of Woodlands Village Residential Owners Association, Inc. establishes the mechanism to allow the Board of Directors to have all powers and duties necessary for the administration of the affairs of the Association; and,

**WHEREAS**, Section 3.9 (c) of the Bylaws of Woodlands Village Residential Owners Association, Inc. establishes the mechanism to allow the Board of Directors to exercise its discretion to enforce by legal means the provisions of the Project Documents; and,

**WHEREAS**, at the December 5, 2017 board of directors meeting, the Board adopted Enforcement Procedures; and,

**WHEREAS**, On February 15, 2018, Resolution 2018-01 was adopted setting forth violation correction times; and,

**WHEREAS**, the Enforcement Procedures specifically state that the Board shall set violation correction time frames by board resolution; and,

**WHEREAS**, at the October 1, 2020 Board of Directors meeting, the Board unanimously agreed to adjust the correction time for both violation infractions noticed on regular inspections and complaint driven and set a minimum follow up inspection period; and,

**WHEREAS**, the Board has revised the below violation correction time frames, in which the owner shall bring the property into compliance with the Association Documents and the time between the notice of violation and follow up inspection. This Resolution 2020-01 replaces Resolution 2018-01 in its entirety.

- **Non architectural related violations - 14 days from the date of the notice**
- **All architectural violations correction time frames will be determined on a case by case basis depending on the severity of the violation and realistic time to have the violation corrected.**
- **Follow up inspections will not take place sooner than 14 days from the date of the notice**

**NOW THEREFORE BE IT RESOLVED**, that the Board of Directors for The Woodlands Village Residential Owners Association, adopts the above violation correction time frames and inspection follow up time for violations of the Association documents.

DATED, this 16<sup>th</sup> day of November 2020.

WOODLANDS VILLAGE RESIDENTIAL OWNERS ASSOCIATION INC,  
An Arizona nonprofit corporation

*David Brink*

David Brink (Dec 22, 2020 17:33 MST)

\_\_\_\_\_  
President, Board of Directors

ATTEST:

  
Jason Cureton (Dec 23, 2020 10:53 MST)

\_\_\_\_\_  
Secretary

# WOODLANDS VILLAGE ROA

## 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:

Date(s) the violation occurred:

Nature of the violation:

Written description AND ALL DATES of evidence being submitted (i.e. photo/video/audio):

In order to submit a complaint form, Arizona State Statute requires you to provide your full name (A.R.S. 33-1803 (D)(3)). This form, along with any evidence you provide, is subject to formal record requests (A.R.S. 33-1805). In order to resolve your complaint, **you understand and agree that we may share evidence from this form with the accused party.**

Printed name of observer \_\_\_\_\_

Signature of observer: \_\_\_\_\_ Date: \_\_\_\_\_

cc: Owner file

REV 03.2025