

ONE HUNDRED HILLS HOMEOWNERS ASSOCIATION

FINE POLICY and APPEAL PROCESS

Amended July 1, 2018

Pursuant to Article II, Section 2.4 of the Declaration of Covenants, Conditions and Restrictions for One Hundred Hills Homeowners Association, Inc, recorded at Instrument No. 96-0172324 in the records of Maricopa County, Arizona (the "Declaration"), the Board of Directors of One Hundred Hills Homeowners Association Inc. (the "Association") has resolved and adopted this Policy providing for notice and an opportunity to be heard to an owner prior to the imposition of a monetary penalty **for certain violations** of the Declaration, as may be amended from time to time, and any track declaration or plat governing any portion of One Hundred Hills, or any architectural committee rules, Association rules and/or regulations, and any landscape or design guidelines adopted by the Board of Directors of the Association (collectively, the "Governing Documents").

The Board of Directors intends to impose monetary penalties as authorized by A.R.S. Section 33-1803. The Board of Directors, when imposing monetary penalties reserves the right to enforce the Governing Documents in any other legal manner. The following Fine Policy and Fine Appeal Process is intended to be a guide only and is not intended to create any rights or obligations. **The Board of Directors reserves the right to impose a monetary penalty on the first date of a violation, to accrue the fine daily until the violation is cured, and to impose fines in the amounts in excess of those set forth in the fine schedule of the Fine Policy.**

FINE POLICY

The following Fine Policy shall be followed for the ONE HUNDRED HILLS HOMEOWNERS ASSOCIATION for any and all violations relating to Declaration of Covenants, Conditions and Restrictions or the Association Rules & Design Guidelines.

FIRST NOTICE:

An initial notice of the violation shall be sent to the Homeowner via regular mail requesting compliance within ten (10) days, except for the violations that fall outside the ten (10) day notice policy. This notice shall contain information of the violation appeal process, as described in this document, **NO FINE, NOTICE OF HEARING.**

CONTINUING VIOLATIONS:

If the violation continues or re-occurs within a six (6) month time period, without resolution and after the first notice a continuing violation notice may be sent to the Homeowner via regular mail. This notice shall contain information of the Violation appeal process, as described in this document. A fine of \$100.00 shall be assessed for each occurrence of the violation until the violation is resolved. In addition, the Board shall have the right to remedy the violation and/or take legal action; the cost of which shall be billed to the Homeowner and collected as allowed by Arizona Revised Statutes. This notice, and future notices, shall contain information of the violation appeal process as described in the VIOLATION APPEAL PROCESS as described in this document. A \$100.00 FINE will be assessed per occurrence. **\$100 FINE IMPOSED PER OCCURANCE, NOTICE OF HEARING.**

FINES:

For violations relating to the condition of the property, no fine shall be imposed without first providing a written warning (FIRST NOTICE) to the Homeowner describing the violation and stating that failure to stop the violation within no less then ten (10) days or another recurrence of the same violation within six (6) months of the original violation shall make the Homeowner subject to imposition of a fine.

This Fine Policy is in addition to any and all other remedies provided for by laws of the State of Arizona and the Declaration of Covenants, Conditions and Restrictions of One Hundred Hills Homeowners Association and any amendments thereto and the use hereof does not inhibit the Association exercising any other rights of enforcement.

FINE POLICY

The following Fine Policy shall be followed for the ONE HUNDRED HILLS HOMEOWNERS ASSOCIATION for all violations not previously listed in this Policy. This Policy may also include those violations relating to the prior FINE POLICY.

- 1. Courtesy Letter – Sent to homeowner specifying violation of Association CC&Rs, Rules and Regulations or other governing documents, the possibility of fines and outlining state statue regarding a hearing on the violation. Homeowner has 10 days to remedy the violation.**
- 2. Second Letter Notice – Association fines homeowners account \$25 with another 10 days to cure the violation.**
- 3. Third Letter Notice – Fine is increased to \$50 against homeowner account with 10 more days to cure the violation.**

- 4. Fourth Letter Notice – Fine is increased to \$75 against homeowner account with 10 more days to cure the violation.**
- 5. Fifth Letter Notice – Fine is increased to \$100 against homeowner account with 10 more days to cure violation.**

Continuing Violations: If a violation is not cured by homeowner after the fifth notice, a \$100 fine will be added every 10 days to the account until the violation is resolved, all amounts being cumulative.

Note: A homeowner who receives a written notice that the condition of the owner's property is in violation of a requirement of the Association's documents may provide the Association with a written response by certified mail to the Association's address **within ten (10) business days after the date of the notice.**

VIOLATION APPEAL PROCESS

When a violation notice is sent to a Homeowner, the notice includes a statement notifying the Homeowner that they have the **"RIGHT OF APPEAL"**. When a Homeowner wants to appeal a violation, they must send the Management Company written notice that they are requesting an appeal of the violation.

- Appeals shall be received within five (5) days of the date of the fine notification (violation letter).
- Appeals shall demonstrate extenuating circumstances which require deviation from the CC& R's and/or Community Rules and Design Review Guidelines.
- Appeals shall include all pertinent backup information to support the existence of the extenuating circumstances. · All decisions of the Board are final and may not be further appealed. · Any appeal that does not meet the above requirements shall not be heard by the Board and shall be considered DENIED.
- The Homeowner appealing the violation will be given written notice that the appeal is scheduled.
- The appeal shall be heard in Executive Session.
- The Board President will introduce all parties.
- Lengthy discussions are not a part of an appeal process.
- The Homeowner who is appealing will be asked to state their case and present any documentation that is applicable.
- Each Board Member will have the opportunity to ask the Homeowner specific questions regarding the appeal.
- Upon completion of the question and answer period, the Board President will state that the appeal has been heard and the Board will make their decision in closed session. Then 'Written Notice' will be given to the Homeowner of the Board's decision within seven (7) days working days.

If the appeal is denied, the Homeowner must bring the violation into compliance within fourteen (14) days. If the violation still exists after fourteen (14) days, the Homeowner will be fined **\$200** every fourteen (14) days until the violation is corrected. In addition, the Board of Directors may seek legal action to remedy the violation.

Violations that fall outside of the 10-day notice policy include, but are not limited to:

- 1. Parking a Recreational Vehicle in the community. Vehicles are allowed in the community for loading and unloading purposes only. Owner will be required to remove the vehicle from the community within 4 hours. No overnight parking of recreation vehicles is allowed. The fine for non-compliance will be \$100 per day.**
- 2. Staging any construction, landscape, or other materials on the street must be removed by the end of business day. No storing of construction, landscape, or any other materials is allowed on roadways. Owner will receive a fine of \$100.00 per day.**
- 3. Placing bulk trash on the street outside of the posted times. Owner will receive notice and an opportunity to be heard for the first offense. All additional offenses, even if not consecutive, will receive an immediate \$100.00 fine.**
- 4. Parking a vehicle on the street overnight. Owner will receive notice and an opportunity to be heard for the first offense. All additional offenses, even if not consecutive, will receive an immediate \$100.00 fine.**
- 5. Violation of Saturday, Sunday or Holiday work rules. Owner will receive notice and an opportunity to be heard for the first offense. All additional offenses, even if not consecutive, will receive an immediate \$100.00 fine.**
- 6. Leasing a portion (less than 100%) of a total property (including the rental of a casita or guest house) as outlined in The One Hundred Hills Homeowners Association Covenants, Conditions and Restrictions ARTICLE 7.2. Owner will receive notice and an opportunity to be heard for the first offense. If there is no response from the homeowner within 10 days of notification, there will be an immediate \$1,000 fine. If there is a continuing offense, a \$1,000 fine will be levied every 10 days, until the offense is cured.**
- 7. Failure to comply with the Real Estate Sign Policy. Owner will receive notification to either remove the sign or comply with the policy within 48 hours of receiving notice. The fine for non-compliance will be \$100 per day.**

- 8. Any activity that adversely affects the quiet enjoyment of the neighboring properties is expressly prohibited. Owner will receive a warning notice and an opportunity to be heard for the first offense. The second offenses will receive an immediate \$500.00 fine, and all additional offenses will receive a \$1000.00 fine.**
- 9. Failure to receive approval for modifications to the outside of a property via an Architectural Submittal Form, will result in a violation. If the Architectural Approval Form is not received by the Association within 3 business days of notification, a fine of \$100.00 per day will be levied.**
- 10. The flying of drones over neighboring properties is prohibited. Owner will receive notice and an opportunity to be heard for the first offense. All additional offenses, even if not consecutive, will receive an immediate \$100.00 fine.**
- 11. The blowing of, or the placing of, landscape or other debris onto community property is prohibited. Owner will receive notice and an opportunity to be heard for the first offense. All additional offenses, even if not consecutive, will receive an immediate \$100.00 fine.**
- 12. The trimming of trees or bushes on other than homeowner owned property is prohibited. Owner will receive notice and an opportunity to be heard for the first offense. All additional offenses, even if not consecutive, will receive an immediate \$500.00 fine.**

Notwithstanding the above provisions, nothing in this Enforcement Policy will limit the Board of Directors' right to seek immediate injunctive relief at anytime regardless of the presence or absence of notices hereunder, for any violation that the Board of Directors determines in its sole and absolute discretion constitutes a material danger to persons or property, requires immediate action or for any other substantial reason. The Board of Directors reserves the right to take any action permitted by law or the CC&Rs, in addition to the above mentioned fine policy.