

AMBERWOOD COMMUNITY ASSOCIATION

Sent via first class mail

July 12, 2019

To: All Amberwood Community Association Members

RE: Promulgation of Violation Fine Schedule - Revised June 13, 2019

Dear Amberwood Owners:

Enclosed you will find the recently revised Violation Fine Schedule, effective July 15, 2019. Please be sure to review the enclosed document so you are familiar with the Violation Fine Schedule. If you have any questions, feel free to contact the Association by emailing katy@sterlingrem.com.

Sincerely,

Your Board of Directors
Amberwood Community Association
www.amberwoodhoaaz.com

Enclosed: Amberwood Community Association Violation Fine Schedule

AMBERWOOD COMMUNITY ASSOCIATION
VIOLATION FINE SCHEDULE

ADOPTED 7/30/2013

REVISED 05/24/2018

SECOND REVISION 06/13/2019

1. Upon the first occurrence of a violation within a six-month period, a *FRIENDLY REMINDER* shall be sent to the lot owner via regular mail. The *FRIENDLY REMINDER* shall notify the owner of the alleged violation and shall include a request to abate the violation.
2. If the violation is noticed a second time within six months of a previous occurrence of the violation, a *COURTESY NOTICE* will be sent to the lot owner via regular mail. The *COURTESY NOTICE* shall include the description of the alleged violation and the action required to abate the violation. If the violation is a continuing violation, the *COURTESY NOTICE* shall inform the lot owner that he or she has fourteen (14) days from the date of the *COURTESY NOTICE* to correct the violation or, in the case of a violation that is not a continuing one, the *COURTESY NOTICE* shall contain a statement that any further violation of the same rule will result in sanctions.
3. As to violations that are not continuing violations, no additional warning notices shall be sent regarding the violations by the lot owner of the same rule within a six month period from the last violation. Upon the subsequent violation by the lot owner of the same rule within a six month period, the Board shall send the lot owner a *FINE LETTER* which shall include the description of the alleged violation and notify the lot owner that a fine of \$50 has been assessed by the Board for such violation. In the event such lot owner subsequently violates the same rule during the same six month period, additional notices shall be sent with successive fines for violation of the same rule increasing as follows: \$75 (second violation), \$100 (third violation) and \$ 150 (any additional violations) in each case during the six month period. Each *FINE LETTER* shall notify the lot owner of his or her right to a hearing pursuant to A.R.S. 33-1803.
4. As to continuing violations, the notices shall be as follows:
 - A. The second notice shall be the *FIRST WARNING* sent via regular mail to the lot owner. The *FIRST WARNING* shall contain the same information as the prior notice except that the lot owner shall have fourteen (14) days from the date of the *FIRST WARNING* to correct the ongoing violation.
 - B. The third notice sent shall be the *SECOND WARNING* sent via certified mail and first class mail to the lot owner. The *SECOND WARNING* shall contain the same information as the prior notices except that the lot owner shall have an additional seven (7) days from the date of the *SECOND WARNING* to correct the violation. The *SECOND WARNING* will inform the lot owner that a \$25 per day fine will be assessed commencing the date of the expiration of the seven (7) day notice period in the event the violation is not cured within such period. It shall also notify the lot owner that each day a continuing violation continues after the date of the *SECOND WARNING* constitutes a separate violation and of the lot owner's right to a hearing pursuant to A.R.S. 33-1803.
5. In the event that the violation is not corrected promptly or there is another violation of the same rule by the same lot owner, such violation may result in legal action being taken by the Association. All related attorneys' fees and other enforcement costs will be assessed to the lot owner.

“ARCHITECTURAL FINES”

1. The violation fine for commencing any new construction on a vacant lot without prior review and written authorization from either the Board of Directors or the Architectural Review Committee shall be \$1,000.00 (CC&R 2.4, R&R #1).
2. Removing and/or replacing live trees from any lot without prior written approval will result in a \$1,000 fine (R&R #2).
3. The violation fine for exterior improvements to a house commenced and/or complete without the prior review and written authorization shall be no less than \$100.00 and no greater than \$500.00. This includes fencing, landscaping, sheds, driveway extensions, and any other improvement deemed appropriate by the Architectural Review Committee. Fines shall be continuing if violation is not corrected (R&R #1, #3, #4). Deviation from approved plans shall also be subject to a fine.
4. The violation fine for new construction work not completed in a timely manner (one “1” year) shall be \$500.00 per month.
5. Not completing original landscaping within ninety (90) days following the final inspection of the residence and issuance of a certificate of occupancy by the City of Flagstaff shall result in a fine of \$100 per month until such time that the landscaping is complete (CC&R 2.6)

THE FACT THAT A FINE OR FINES HAVE BEEN ASSESSED (AND COLLECTED) DOES NOT RELIEVE THE LOT OWNER OF THE RESPONSIBILITY TO CEASE THE VIOLATION, CORRECT THE VIOLATION, IMPROVE THE VIOLATION AND/OR REMOVE THE VIOLATION AS THE BOARD OF DIRECTORS REQUIRES AND INSTRUCTS.

The Board of Directors reserves the right in its sole discretion to forgo any intermediate steps listed above and seek immediate legal action or adjudication as the Board deems necessary should the violation be repeated or the nature of the violation or emergency circumstances dictate so. The Board of Directors reserves the right to amend this Fine Schedule at any time and from time to time in its sole discretion. The Board may also at any time enforce any and all other remedies available to it under the governing documents of the Association and/or applicable law.

THANK YOU FOR YOUR COOPERATION!

Amberwood Community Association
Board of Directors
Sterling Real Estate Management
www.amberwoodhoaz.com