



DESERT VIEW/FOUR PEAKS HOMEOWNERS ASSOCIATION

FINE POLICY for CC&R Violations

Revised November 14, 2022

Pursuant to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Parcel "D" at Troon Village ("Declaration"), recorded with the Maricopa County Recorder's Office at Instrument No. 2002-0019451 and any amendments thereto, Parcel "D" at Troon Village Homeowners Association dba Desert View/Four Peaks Homeowners Association ("Association") adopts this Fine Policy for violations of the Declaration, Bylaws, Association Rules, or Architectural Committee Rules (collectively referred to herein as "Project Documents") and it is intended to supersede and replace any prior fine policy of the Association.

Any Owner who is found to be in violation of the Project Documents, with the exception of the Owner's failure to pay assessments and other related charges, will be provided a written Notice of Violation regarding that certain violation in accordance with the schedule below. In the event the Owner fails to comply and remedy the violation after written notice and an opportunity to be heard in accordance with the schedule of Notices below, the Association may cause corrective action to be taken, impose monetary penalties ("fines") in accordance with the Fine Schedule attached hereto or take legal action.

FIRST NOTICE: An Initial Notice of Violation shall be mailed via regular mail to the Owner in violation requesting compliance with the Project Documents within twenty-one (21) days of the date of the Notice. The Notice may inform the Owner that if compliance is not met the Association may cause corrective action to be taken and the related costs incurred by the Association shall become part of the Owner's obligation and can be collected as per State Statute including, but not limited to, in the process of the sale of the home (disclosure), legal counsel/means or Collection Company.

SECOND NOTICE: If the violation still exists, a Second Notice of Violation shall be mailed via regular mail to the Owner in violation demanding compliance with the Project Documents within ten (10) days of the date of the Notice. The Notice will also inform the Owner that a Fine will be levied in accordance with the attached Fine Schedule if compliance is not met.

THIRD NOTICE: If the violation still exists, a Third Notice of Violation shall be mailed via regular mail to the Owner in violation demanding compliance with the Project Documents within ten (10) days of the date of the Notice. The Notice will also inform that Owner of the Fine that has been levied and will state that an additional Fine will be levied in accordance with the attached Fine Schedule if compliance is not met.

FOURTH NOTICE: If the violation still exists, a Fourth Notice of Violation shall be mailed via regular mail to the Owner in violation demanding compliance with the Project Documents within ten (10) days of the date of the Notice. The Notice will also inform that Owner of the Fine that has been assessed and will state that additional Fines will be levied in accordance with the attached Fine Schedule until the violation is resolved.

CONTINUING VIOLATIONS: If the violation continues to exist without resolution after the Fourth Notice of Violation, additional Notices may be sent to the Owner demanding compliance with the Project Documents within ten (10) days of the Notice imposing a Fine in accordance with the attached Schedule of Fines that a Fine will be levied every ten (10) days until the violation is resolved. If the same type of violation recurs within six (6) months after it has been corrected, the Association may start the process above with the Third Notice of Violation.

Notwithstanding the foregoing, nothing in this Policy will limit the Association's right to immediately pursue any and all legal remedies to address an Owner's violation of the Project Documents and the offending Owner shall be obligated to pay court costs and reasonable attorney fees incurred by the Association. The Association also reserves the right to pursue any other legal action permitted by law or the Project Documents in addition to this Policy.

APPEAL PROCESS

A. Any Owner who receives a Notice of Violation that the condition of the Owner's Lot is in violation of the Project Documents may provide the Association with a written response contesting the Notice of Violation by sending the response by certified mail within twenty-one (21) days after the date of the Notice of Violation.

B. Any Owner contesting a Notice of Violation may also request a hearing with the Association's Board of Directors that will take place during the Board's executive session meeting unless the Owner requests to meet with the Board during the open meeting.

C. Following the appeal hearing, the Board of Directors will render a decision and notify the Owner in writing within ten (10) business days.

D. All decisions of the Board are final and may not be further appealed.

E. If the appeal is denied, the homeowner is required to bring the violation into compliance within ten (10) days. If the violation still exists after ten (10) days, the violation will be treated as a continuing violation and the Owner may continue to receive Violation Notices every ten (10) days thereafter with accompanying Fines in accordance with the attached Fine Schedule.

Category of Violation	# of Notices	Fine		Examples
Architectural (Section 5.19 of the Declaration)	1 2 3 4+	\$0 \$300 \$500 \$750		Unapproved addition or permanent alteration to property (i.e., Lot)
Rentals/Leasing (Sections 5.1 and 5.12 of the Declaration)	1 2 3 4+	Jan.-Apr. \$600 \$800 \$1,200 \$1,400	May-Dec. \$300 \$400 \$600 \$800	Short-term leases; failure to register with the City or Association, operation of a commercial business
Serious Nuisances (Sections 5.6 and 5.13 of the Declaration)	1 2 3 4+	\$200 \$300 \$500 \$750 Fine plus cost of remediation of damage to the NAOS. Minimum \$200.00		Pool backwashing into the NAOS. Insects, livestock or other noxious or offensive activity, machinery or equipment, refuse, pets causing alarm or bodily injury to other pets or residents; damage to NAOS /Common Area, allowing wildlife access to food/water
Parking (Sections 5.3 and 5.4 of the Declaration)	1 2 3 4+	\$0 \$100 \$200 \$300		Inoperable or unsightly vehicles, vehicles incapable of fitting in garage, on-street parking
Maintenance (Article VII of the Declaration)	1 2 3 4+	\$0 \$100 \$200 \$300 Fine plus cost of remediation of damage to the NAOS. Minimum \$200.00		Failure to properly maintain a Lot including landscaping and weed control, failure to remove invasive and unapproved plants/trees. Failure to remove vegetation growing through the View Fence. In no event, shall vegetation protrude into the five-foot fire break on the outside of the perimeter wall
Smaller Nuisances (Section 5.2 of the Declaration)	1 2 3 4+	\$0 \$100 \$200 \$300		Pet droppings, trash-cans, loud parties, excessive noise including pets, exceeding pet limit