

**RESOLUTION OF THE BOARD OF DIRECTORS  
MONTEREY AT MIRABEL VILLAGE COMMUNITY ASSOCIATION**

**WHEREAS**, pursuant to Article 7, Section 7.6 and Article 8, Section 8.15 of the Declaration of Covenants, Conditions, Restrictions and Easements for Monterey at Mirabel Village recorded at Instrument No. 2004-1502324, official records of Maricopa County, Arizona (“Declaration”) and Arizona law, the Monterey at Mirabel Village Community Association (“Association”) by and through the Board of Directors (“Board”) shall have the right to adopt rules and regulations governing the Association’s enforcement of its governing documents, which may include a schedule of fines for violations of its governing documents.

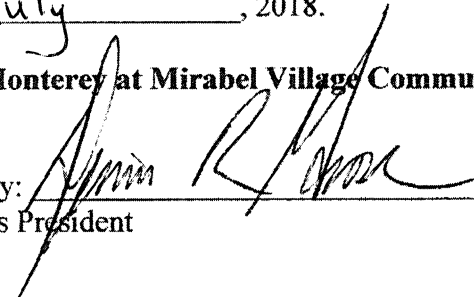
**WHEREAS**, A.R.S. § 33-1803(B), in part, provides that the Association may:

...after notice and an opportunity to be heard, impose reasonable monetary penalties on Property owners for violations of the declaration, bylaws and rules of the association.

**BE IT THEREFORE RESOLVED**, effective the date of this Resolution, the Board hereby adopts the following Initial Landscape Violation Enforcement Policy and Fine Schedule.

DATED this 5<sup>th</sup> day of July, 2018.

**Monterey at Mirabel Village Community Association**

By:   
Its President

**RESOLUTION OF THE BOARD OF DIRECTORS  
INITIAL LANDSCAPE VIOLATION ENFORCEMENT POLICY AND FINE  
SCHEDULE**

Effective September 15, 2018

The following Fine Schedule shall be imposed on members for violation of the Association's governing documents:

**INITIAL LANDSCAPE VIOLATIONS**

**FIRST NOTICE:** An initial notice of the violation shall be mailed to the Owner requesting compliance within thirty (30) days. **NO FINE** will be assessed with the first notice of violation.

**SECOND NOTICE:** If the violation still exists thirty (30) days after the date of the first notice, a second notice requesting compliance within sixty (60) days shall be mailed to the Owner. A **\$250.00 FINE** will be assessed with the second notice if the violation is not corrected by the deadline provided.

**CONTINUING VIOLATIONS:** If the violation continues without resolution sixty (60) days after the date of the second notice, a **\$50.00 FINE** shall be assessed **every day** until the violation is resolved. In addition, the Board of Directors shall have the right to remedy the violation pursuant to the Declaration, including but not limited to taking legal action, and/or sending the account to an attorney for enforcement.

**ADDITIONAL PROVISIONS**

**FINES:** No fine shall be imposed without first providing a notice of the violation from the Association to the Owner describing the violation and stating that failure to correct the violation within thirty (30) days will result in a fine.

**INJUNCTIVE RELIEF:** If a violation is not cured after the Second Notice, the Board of Directors may request that Association's legal counsel file an action seeking Injunctive Relief against the Owner to cure the violation. However, nothing in this Fine Schedule limits the Board of Directors' right to seek immediate Injunctive Relief at any time regardless of the presence or absence of notices or fines hereunder, for any violation that the Board of Directors determines in its sole and absolute discretion requires immediate action.

**SELF HELP:** Pursuant to Article 6, Section 6.3 and Article 9 of the Declaration, the shall have the right, but not the obligation, to enter upon such Owner's Lot to perform the maintenance and repairs not performed by the Owner, and the cost of such maintenance and repairs shall be added to and become a part of the Assessment to which such Lot is subject. The rights of the Association described above are in addition to any other remedies available to the Association under the Governing Documents or Arizona law.

**BOARD DISCRETION:** Notwithstanding the above provisions of the violation schedule, the Board at its sole discretion, may at any time, assess a fine in an amount up to \$2,000 for any incident the Board deems to be egregious, dangerous, that may threaten the life, health, safety, or welfare of any person, resident or owner, or that cause detriment or damage to any Association or other Owner's property. The Board may levy this fine despite any past violation history or lack thereof.

The Board of Directors reserves the right to take any action permitted by law or the Declaration, in addition to the above mentioned fine schedule.

*The Board of Directors shall consider the fines set forth herein to constitute damages sustained by the Association, and are intended to compensate the Association for the administrative burden of addressing the violation and the adverse impact of the violation on the community. The Board reserves the right to vary the procedures set forth herein when, in its sole discretion, the Board determines that any such variance is appropriate. Further, the Board reserves the right to deviate from the fine amounts set forth herein if, after an Owner appeals a fine, the Board finds good cause to modify the amount of the fine levied in a particular case. The Board also reserves the right to pursue any and all other remedies set forth in the Declaration at the same time or in lieu of levying the fines set forth in this Policy. This includes turning a matter over to the Association's legal counsel.*

#### APPEAL PROCESS


- When a violation notice is sent to an Owner, such notice shall include a statement notifying the Owner that he/she/it has the "RIGHT OF APPEAL."
- When an Owner desires to appeal a violation, he/she/it must so notify the Association in writing within twenty-one (21) days after the date of the violation notice. Such notice shall be sent via certified mail, return receipt requested to the address listed in the violation notice.
- Appeals shall demonstrate *extenuating circumstances* that require deviation from the governing documents.
- Appeals shall include all pertinent backup information to support the existence of the *extenuating circumstance*.
- 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 Owner appealing the violation will be given written notice that a hearing on the appeal is scheduled.
- The appeal shall be heard in an executive session of a Board meeting.
- The Board President will introduce all parties.
- Lengthy discussions are not a part of an appeal process.
- The appealing Owner will be asked to state his/her/its case and present any applicable documentation.
- Each Board Member will have the opportunity to ask the Owner specific questions regarding the appeal.

- Upon completion of the question and answer period, the Board President (or another Board Member in the Board President's absence) will state that the appeal has been heard and the Board will make its decision in executive session. Written notice of the Board's decision will be delivered to the Owner within fifteen (15) days.
- If the appeal is denied, the Owner must bring the violation into compliance within ten (10) days. If the violation still exists after ten (10) days, the Owner may be fined \$50.00 every day until the violation is corrected. In addition, the Board may seek legal action to remedy the violation. All costs of legal action may be billed to the Owner and collected in the same manner as assessments.

**CERTIFICATE OF PROMULGATION OF  
VIOLATION ENFORCEMENT POLICY AND FINE SCHEDULE**

I, Chance Bozeman, the Community manager for the Monterey at Mirabel Village Community Association hereby certify that I sent by mail to all of the Owners of record as of the 3<sup>rd</sup> day of August 2018, the Initial Landscape Violation Enforcement Policy and Fine Schedule for the Association adopted by the Board on the 5<sup>th</sup> day of July 2018.

DATED this 3<sup>rd</sup> day of August, 2018.

By:   
Printed Name: Chance Bozeman, CAM