

# **TROON RIDGE COMMUNITY ASSOCIATION**

Desert Crest I, II, III  
Dorado I, II, III  
Estates at Desert Crest  
Saguaro Canyon

*"The most livable communities within the most livable city."*

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## **POLICY AND PROCEDURE CONCERNING NUISANCE ANIMALS**

Since the formation of the Troon Ridge Community Association, it has been the duty of the Board of Directors and its agents to faithfully interpret and enforce all the provisions of all the governing documents. When the governing documents are incomplete concerning the procedures for enforcement, the Board is required to create reasonable procedures for the benefit of the community as a whole. While all of the provisions must be complied with by the property owners, some provisions require additional policy and procedure statements. In the CC&Rs under Article V, 1b, all property owners with animals are responsible for the actions of the animals on their property and elsewhere if they could adversely affect other members. Article V, 1b, specifically states "No animal, bird, fowl, poultry, or livestock shall be allowed to make an unreasonable amount of noise or to become a nuisance." It shall be the policy of this Board, in fulfillment of its duty to the Community, to strictly enforce this and other provisions of the CC&Rs relating to animals.

### Enforcement Procedure:

1. Upon written notice by one or more property owners of an alleged infraction of Article V, 1b, the Board or the Board's agent shall verify the existence and extent of the infraction including, but not limited to, on-site inspection and interviews with the complaining party or parties.
2. Upon determining the magnitude of the infraction, the Board shall notify in writing the property owner where the animal normally resides that they are in violation of Article V, 1b. The notice shall specify a date by which the property owner must submit a written response to the allegations or present to the Board in Executive Session oral responses to the allegations. The Board shall treat all communications in confidence in an effort to remedy the situation amicably.
3. If the infraction has not been rectified within the stated timeframe and the property owner fails to respond and satisfy the Board with an effective remedial plan, the Board shall send a second notice to the property owner where the animal normally resides stating the conditions to be met and stating the extent and duration of any fines the Board feels appropriate for the infraction. Such a notice shall contain the starting date of any fines, the amount, and the duration of the fines, and shall inform the property owner that the property owner has the

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right to be heard by the Board within a reasonable amount of time before the fines are imposed. Alternatively, the Board may choose to set a fine for each occurrence. The fines shall be limited as in the TRCA "Fine Policy" to a maximum of \$250 per day or per occurrence.

4. In the event that the offending property owner refuses or fails to remedy the nuisance infraction to the satisfaction of the Board, the Board may initiate legal action to compel the property owner to abide by the CC&Rs. However, this action may not take place unless: a) the complaining property owner(s) agree in writing to record dates and times and other appropriate information of each infraction subsequent to the second notice to the offending property owner; and b) the complaining property owner(s) agree in writing to testify in court in concert with the Board of Directors and their legal counsel; and c) the Board of Directors has determined that this infraction or series of infractions is of such importance that Community funds for the litigation should be spent; and d) legal counsel has advised the Board that the suit is meritorious.
5. In the event that litigation becomes necessary, the offending property owner shall be assessed all costs of litigation and attorney fees upon approval of the court, and any accumulated unpaid fines by means of a lien against the property.



**REVISED REGULATIONS FOR DISPLAY OF FLAGS  
IN  
TROON RIDGE COMMUNITY ASSOCIATION**

The undersigned Directors of the Troon Ridge Community Association (the "Association"), pursuant to the authority granted them by Section 7.5 of the Declaration of Covenants, Conditions, Restrictions, Assessments, Liens, Reservations and Easements for Troon Ridge, and Pursuant to Arizona Revised Statutes sections 33-1808, hereby revise the Association's Regulations for Display of Flags and adopt the following reasonable regulations regarding the display of the American Flag:

1. Every owner shall be permitted to install one (1) flagpole on their lot subject to the following reasonable restrictions:
  - a) The flagpole must not exceed fifteen (15) feet in height;
  - b) Only American Flags may be displayed, and such flags must be displayed in a manner consistent with the Federal Flag Code (P.L. 94-344);
  - c) Owners installing flagpoles must take reasonable efforts to mitigate the noise created by the flagpole and all related hardware;
  - d) Illumination of the flag and/or flagpole must be approved by the Architectural Review Committee ("ARC");
  - e) Prior to installation of a flagpole on any lot, the owner must submit an application with the ARC requesting approval for installation of the flagpole. The ARC will consider the height of the flagpole, the requested location of the flagpole, the efforts of the Owner to mitigate noise created by installation of the flagpole and related hardware, and the request, if any, to illuminate the flag and flagpole. The ARC shall not unreasonably deny a request to install a flagpole, but retains the right to approve the flagpole subject to the above height, location, noise and/or light restrictions.
  
2. Any owner who installs a flagpole without complying with these rules may be fined in a manner consistent with the provisions of the Association's Governing Documents.

# **TROON RIDGE ASSOCIATION**

## **ENFORCEMENT POLICIES AND PROCEDURES FOR VIOLATIONS OF THE TROON RIDGE CC&Rs, GUIDELINES AND RULES AND REGULATIONS**

### **ARTICLE 1**

#### **INTRODUCTION**

These enforcement policies and procedures ("Enforcement Policies") have been adopted by the Board of Directors of Troon Ridge Community Association (the "Association") to outline the policies and procedures to be followed by the Association and the Architectural Committee in the event of a violation of the Declaration of Covenants, Conditions, Restrictions, Assessments, Liens, Reservations and Easements for Troon Ridge, as amended (the "CC&Rs"), the Guidelines adopted by the Architectural Committee pursuant to the CC&Rs (the "Guidelines") and the rules and regulations adopted by the Board of Directors of the Association (the "Rules"). The Enforcement Policies shall apply to all violations of the CC&Rs, the Guidelines or Rules other than the failure to pay assessments, fees or other charges to the Association pursuant to the CC&Rs. Unless otherwise defined, each capitalized term used in these Enforcement Policies shall have the meaning given to such term in the CC&Rs.

### **ARTICLE 2**

#### **INVESTIGATION AND NOTICE OF VIOLATION**

2.1 Upon receipt of information that a violation of the CC&Rs, the Guidelines or Rules has occurred, either by receipt of a complaint from a Member, Owner or Occupant or as a result of an inspection by a director, officer or employee of the Association or by a member of the Architectural Committee, the Association shall perform such investigation as the Board deems necessary and appropriate to determine whether a violation of the CC&Rs, Guidelines or the Rules has occurred. In the case of a possible violation of the Guidelines, the investigation may be conducted by the Architectural Committee.

2.2 If, as a result of the investigation by the Association or the Architectural Committee of a possible violation of the CC&Rs, the Guidelines or the Rules, the Board or the Association's managing agent or, in the case of a violation of the Guidelines, the Architectural Committee, determines that a violation of the CC&Rs, the Guidelines or the Rules has occurred and that enforcement action is appropriate, the Association or the Architectural Committee may send a written Notice of Violation to the Owner or Member responsible for the violation. The Notice of

Violation shall describe the nature of the violation, the action necessary to correct the violation and the period of time in which the corrective action must be taken.

2.3 If a violation specified in a Notice of Violation issued by the Association or the Architectural Committee is not corrected within the time specified in the Notice of Violation, then the Board may suspend the Member's right to use the Common Areas in accordance with the procedures set forth in Article 4 of these Enforcement Procedures, institute proceedings to impose a fine on the Owner or Member responsible for the violation in accordance with the procedures set forth in Article 3 of these Enforcement Procedures, refer the matter to the Association's legal counsel for commencement of legal action to obtain injunctive relief to restrain the violation or compel the appropriate corrective action to be taken by the Owner or Member or take any other action available to the Association under the CC&Rs or at law or in equity.

2.4 Notwithstanding the foregoing provisions of this Article 2, the Association may file a legal action to obtain injunctive relief to restrain a violation of the CC&Rs, the Guidelines or the Rules without first serving a Notice of Violation on the offending Owner or Member if the Board, in its discretion, determines that such action is necessary in order to preserve the Association's right to enforce the CC&Rs, the Guidelines or the Rules or is otherwise in the best interest of the Association.

### ARTICLE 3

#### **IMPOSITION OF FINE**

3.1 No fine may be imposed for a violation of the CC&Rs, the Guidelines or the Rules until the Owner or Member responsible for the violation has been given written notice of the violation (the "Fine Notice") and an opportunity to have a hearing with respect to the violation. A Fine Notice shall contain: (a) a description of the violation; (b) the approximate date, time and place at which the violation occurred; (c) the maximum amount of the fine that may be imposed by the Board with respect to such violation; (d) a statement advising the Owner or Member that the Owner or Member may request a hearing before the Board with respect to the violation before any fine is imposed; (e) a statement advising the Owner or Member that if the Association does not receive a written request for a hearing from the Owner or Member within fifteen (15) days after the date of the Fine Notice, the Owner or Member will be deemed to have waived their right to a hearing with respect to the violation; and (f) information concerning the manner in which collection of a fine may be enforced by the Association.

3.2 If, within fifteen (15) days after the date of a Fine Notice, the Association receives a request for a hearing from an Owner or Member who was served with the Fine Notice, the Board shall serve on the Owner or Member a Notice of Hearing advising the Owner or Member of the date, time and place of the hearing to be conducted by the Board with respect to the violation. The Notice of Hearing shall be served in the same manner as a Fine Notice. At the hearing, the Owner or Member and any other interested party, as determined in the sole discretion of the Board, may present all relevant material and evidence. The hearing shall not be open to the public or to the Members of the Association unless the Board and the Owner or Member charged with the violation

agree to open the hearing. Following the hearing, the Board shall determine whether a violation of the CC&Rs, the Guidelines or the Rules occurred and, if so, the amount of the fine, if any, to be imposed for such violation. In determining the amount of the fine to be imposed with respect to a violation, the Board may consider, among other factors, the seriousness of the violation, whether the Owner or Member has previously violated the CC&Rs, the Guidelines or the Rules, whether the violation poses a danger to persons or property and whether the Owner or Member has abated or agreed to abate the violation. If the Owner or Member fails to appear at the hearing, then the Owner or Member shall be deemed to have waived their right to a hearing with respect to the violation.

3.3 The maximum fine that may be imposed against an Owner or Member for any violation of the CC&Rs, the Guidelines or the Rules shall be \$250. With respect to continuing violations, the Board may impose a fine up to the maximum fine of \$250 for each day that the violation continues after a Notice of Violation was given to the Owner or Member with respect to the violation.

3.4 Any fine imposed by the Board shall be enforceable by the Association in the same manner as Assessments and will bear interest at the same rate of interest as delinquent Assessments from the date on which the fine was due until the fine is paid in full. Unless a later due date is set by the Board, any fine imposed by the Board shall be paid within fifteen (15) days after notice of the imposition of the fine is served upon the Owner or Member. Service of a notice of the imposition of a fine by the Board shall be made in the same manner as service of a Fine Notice. If a fine is not paid when due, the fine shall be considered delinquent and a late charge of \$15.00 or ten percent (10%) of the amount of the unpaid fine, whichever is greater, shall be assessed against the Owner or Member.

#### ARTICLE 4

#### **SUSPENSION OF VOTING RIGHTS AND RIGHTS TO USE COMMON AREAS**

As provided in Section 2.1(b) of the CC&Rs, the Board shall have the right to suspend the voting rights of an Owner and the right of an Owner or Occupant to use the Common Areas for a period not to exceed sixty (60) days for any infraction of the CC&Rs, the Guidelines or the Rules and for successive 60-day periods if the infraction is not corrected during any prior 60-day suspension period. Any suspension of voting rights or of the right to use the Common Area shall only be imposed by the Board after notice and opportunity to be heard is given to the Owner or Occupant.

**ARTICLE 5**

**GENERAL PROVISIONS**

5.1 In addition to or in lieu of the imposition of a fine or the suspension of the right of a Member or other Person to use the Common Areas, the Board may proceed at any time with any other enforcement action available to the Association or the Architectural Committee under the CC&Rs or at law or in equity. Enforcement actions available to the Association may be exercised separately or concurrently, and the exercise of one enforcement action shall not constitute an election of remedies or be a waiver of the right of the Association to take any other enforcement action.

5.2 Any notice to be served by the Association or Architectural Committee pursuant to these Enforcement Procedures shall be served either by personal delivery or by mailing of the notice by United States mail, registered or certified, postage prepaid, to the address of the Owner or Member as set forth in the records of the Association. Any notice served by mail shall be deemed to have been received by the person to whom the notice was addressed on the earlier of the date the notice is actually received or three (3) days after the notice is deposited in the United States mail, registered or certified, postage prepaid. If a Lot is owned by more than one Person, a notice served on one of the joint owners pursuant to this Section 5.2 shall constitute notice to all of the joint Owners. Any notice to be given by the Association pursuant to these Enforcement Policies may be given by any officer of the Association, the managing agent of the Association or any other person authorized by the Board to give such notice. Any notice to be given by the Architectural Committee may be given by any member of the Architectural Committee or by any architectural consultant retained by the Architectural Committee and authorized to give such notices.

**CERTIFICATION**

The undersigned, being the President of the Troon Ridge Community Association, an Arizona nonprofit corporation, hereby certifies that the foregoing Enforcement Policies and Procedures for Violations of the Troon Ridge CC&Rs, Guidelines and Rules and Regulations were adopted by the Board of Directors of the Troon Ridge Community Association at a meeting duly called and held on April 21, 1999.

Dated this 1 day of May, 1999

Hugo A Di Giulio

President