

Design Guidelines (Administrative Update dated 13 Dec 22)

V. USES AND RESTRICTIONS

A. ENFORCEABILITY (Changes on page 17)

Currently is:

The following procedures will be used when fining a homeowner for violation of the Covenants Conditions and Restrictions (CC&R's) of the Association. When a violation has been observed the homeowner will be sent a notice by the Managing Agent advising the homeowner of the violation and requesting that the situation be corrected.

If the violation is repeated a second time the homeowner will be sent a notice by the Managing Agent advising the homeowner of the violation and requesting that the situation be corrected.

If the violation is repeated a third time a certified letter will be sent to the homeowner by the Managing Agent inviting the homeowner to the next scheduled meeting of the Board of Directors to show just cause why a fine should not be assessed.

The Board of Directors may, at its sole and absolute discretion, waive the three notice requirement, for any act it believes presents a clear and present danger to residents and guests.

If the homeowner fails to appear before the Board, the Board may impose a fine in absentia. Any fine imposed against a homeowner must follow the established guidelines for fining.

When a fine has been imposed the homeowner will be sent notification and given ten (10) days to pay the fine. In the event of a default in payment within the allotted time, the amount of the fine will be added to the homeowner ledger card. All delinquent fines shall bear interest at twelve percent (12%) per annum (but not to exceed the maximum rate permitted by Arizona law) from and after a date that is thirty (30) days after the date the fine was due. The Board of Directors may file a lien against the lot to protect the interest of the Association. The homeowner will be responsible for all costs incurred as a result of placing a lien on a lot, including all legal fees should the Board of Directors decide to begin foreclosure proceedings against the lot.

Change to:

The following procedures will be used when fining a homeowner for violation of the Covenants Conditions and Restrictions (CC&R's) of the Association. When a violation has been observed the homeowner will be sent a Notice of Violation notice by the Managing Agent advising the homeowner of the violation and requesting that the situation be corrected.

If the violation is repeated a second time the homeowner will be sent a second and final notice, a Notice of Hearing notice by the Managing Agent advising the homeowner of the violation and requesting that the homeowner to contact the management company and arrange a time to meet with the Board to discuss the violationsituation be corrected. (Only these two letters are required by Arizona State Law, the management company has been authorized by the Board to also send a Friendly Reminder, in the form of a post card or a letter, to those Homeowners who have a small violation or have not been cited in the past.)

~~If the violation is repeated a third time a certified letter will be sent to the homeowner by the Managing Agent inviting the homeowner to the next scheduled meeting of the Board of Directors to show just cause why a fine should not be assessed.~~

The Board of Directors may, at its sole and absolute discretion, waive the twothree notice requirement, for any act it believes presents a clear and present danger to residents and guests.

If the homeowner fails to appear before the Board, the Board may impose a fine in absentia. Any fine imposed against a homeowner must follow the established guidelines for fining.

When a fine has been imposed the homeowner will be sent notification and given ten (10) days to pay the fine. In the event of a default in payment within the allotted time, the amount of the fine will be added to the homeowner ledger card. All delinquent fines shall bear interest at twelve percent (12%) per annum (but not to exceed the maximum rate permitted by Arizona law) from and after a date that is thirty (30) days after the date the fine was due. The Board of Directors may file a lien against the lot to protect the interest of the Association. The homeowner will be responsible for all costs incurred as a result of placing a lien on a lot, including all legal fees should the Board of Directors decide to begin foreclosure proceedings against the lot.