

# **RULES & REGULATIONS**

# **HALLCRAFT VILLAS EAST V HOMEOWNERS' ASSOCIATION**

## **RULES AND REGULATIONS**

### **INTRODUCTION**

This manual contains the Rules and Regulations established by the Board of Directors of the Hallcraft Villas East V Homeowners' Association. It is intended to be of benefit to homeowners and tenants alike.

Though these policies may seem to be restrictive in nature, they are designed as guidelines for good community relations.

The provisions contained herein are supplemental to the covenants contained in the document known as the "Declaration of Restrictions," recorded in Maricopa County, Arizona, at Docket 972, pages 587-592.

This manual also incorporates by reference herein the Articles of Incorporation and the Bylaws of this Association. Each member subscribes to the provisions and covenants contained in the afore-described documents by virtue of ownership.

Violation of these Rules and Regulations may result in unnecessary expense to the homeowner or tenant.

Your Board of Directors hopes, however, that these policies will facilitate communications and cooperation throughout Hallcraft Villas East V

ADOPTED: March 13, 2007

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**IMPORTANT PHONE NUMBERS**

In the event of any emergency, such as a fire, the need for police, etc. **CALL 911.**

The numbers listed below are in the 602 area code.

To discuss a matter with the police.....495-5006

**Bus Service:**

Route & Schedule Information..... 253-5000  
Dial-A-Ride.....253-4000  
Ride Sharing.....262-7433

Property Taxes (County)..... 506-8511  
Tenant (Renter Information).....262-7210  
Water Meters.....262-6551  
Water-New Accounts / Turn-offs..... 262-6551  
Water Leaks—Main & Hydrants..... 262-6551  
Cable TV (if problems not resolved by Cable Co.)..... 495-0102  
Abandoned Vehicles—Private Property..... 262-7844  
Illegal Dumping..... 256-3190

When calling the management company (AMCOR).....(480) 948-5860  
Service Request - Extension 22 – Tom Anglin  
Block Watch - Extension 17 – Barbara Leabo  
Senior Manager - Extension 16 – Robin Thomas

**HALLCRAFT VILLAS EAST V  
HOMEOWNERS' ASSOCIATION**

**RULES AND REGULATIONS**

**BOARD OF DIRECTORS**

The Board of Directors of the Association is composed of five (5) members, elected at the annual meeting of homeowners. Any owner is eligible to become a Board member providing his voting rights are not under suspension.

The purpose of the Board is to function as a central authority and final court for the members of the Association and to provide assistance for those homeowners who cannot obtain satisfactory results through the property Management Company.

**VOTING AND COMPLAINING RIGHTS**

Each homeowner shall be entitled to one vote for each lot owned. A delinquency in payment of maintenance fees or any other amount due for more than thirty (30) days shall result in automatic suspension of all voting or complaining rights.

**CORPORATE MEETINGS**

A. Regular meetings of the Board of Directors:

Regular meetings of the Board of Directors are held quarterly. Meetings are open to all homeowners. Homeowners who wish to attend should contact the Management Company for the time and place of the next meeting.

B. Special Meetings:

Special meetings may be called at any time by the President, Secretary or by written request of two (2) Board members. However, there must be at least one (1) day prior notice given to each director.

C. Annual Meetings:

The annual meeting of the Association is held each January. Special meetings may be called at any time by the President or by the Board of Directors or upon presentation of a petition signed by a quorum of the Members of the Association.

## COMPLAINTS

All complaints directed to the Management Company must be made in writing. A Complaint Form is attached hereto for your use.

Complaints lodged by telephone with the Management Company must be followed up in writing to the Management Company.

## OPERATION OF BUSINESS ON PREMISES

The Declaration of Restrictions prohibits any units being used for a business purpose in addition to or instead of a residential purpose. As clarification of that provision of the Declaration, the Board, exercising its discretion, specifically prohibits any resident from engaging in or allowing his visitors to engage in any type of business activities on the premises, whether as a sole proprietor or as an officer, partner, agent or employee of another, involving the exchange of monetary consideration or items of value in return for goods or services of any kind of nature whatsoever. This includes, but is not limited to yard sales.

## DUMPSTERS

Dumpsters serve as garbage collection stations and are located next to the roadways. Residents are responsible for placing their trash in the dumpster serving their respective homes. You are asked to bag your trash, break down boxes, and make sure the door to the dumpsters is securely closed after each use. Trash not placed in the dumpster will not be picked up.

Old appliances, water heaters, discarded furniture, building materials, rocks, stones, bark, car batteries, oil or any toxic material is not to be placed in the dumpster or even along the sides of the dumpster bins. Vendors or workmen should be instructed to remove such items, at their expense, before the homeowner agrees to accept their services.

Homeowners who violate this section, or employ a vendor, who violates this section, will receive an automatic fine of two hundred and fifty dollars (\$250) without warning.

## PETS

Dogs, cats and other domestic household pets may be kept, provided they are not kept, bred or maintained for any commercial purposes. Each household may not have more than one (1) dog, or (1) cat.

**Pets over twenty (20) pounds in weight are prohibited.**

The leash law is in effect in Phoenix, and here at Hallcraft Villas East V. You are not permitted to allow your dog or cat to roam free, regardless of the time of day or night. You are not permitted to chain your dog or cat in any common area, including the area in front of or around your front door or outside your patio. Dogs running free are subject to impoundment.

No pet is allowed to be a nuisance. Barking or whining for extended periods of time will not be allowed.

You are requested to walk your pets, and should your pet dirty any common area, you are responsible for cleaning up promptly after the pet. If patio areas are used to kennel pets, they should be cleaned on a daily basis.

Pets are not allowed in swimming pool areas.

Residents who keep pets are required to keep them under control at all times. Whenever dogs are walked, they must be on a leash. Cats should bear an identification tag and must be kept indoors. Cats or dogs roaming the complex will be considered strays; strays may be trapped and turned over to the appropriate animal shelter. Residents are encouraged to report residents who allow cats to roam freely. The offending resident will be fined.

**There will be a fine for violation of these rules. There will be a fine for violation of these rules. Fines of \$5.00 per day will be issued for violations of this provision.**

### EXTERIOR CHANGES

All proposed exterior changes must be submitted to the Board of Directors in writing, and no exterior changes shall be made without prior approval of the Board, including but not limited to exterior color schemes for doors, window frames and shutters. The block walls surrounding the patios shall not be altered or painted without prior written approval of the Board of Directors.

(In order to obtain Board approval of proposed changes, homeowners must submit a Request for Architectural Change form, available from the Management Company. The form must show detailed drawings and plans of the proposed change.)

All clotheslines, equipment, and storage areas must be concealed from the view of the streets, walkways, and common area.

The purpose of these restrictions is to maintain the architectural integrity of the complex. If exterior change violations are noted by the Board, the Board will request in writing that the homeowner remedy such violation. If the violation is not remedied within thirty (30) days, the Board of Directors will retain legal counsel to compel compliance with the Association's governing documents.

#### 1. Trees and shrubs:

All trees, bushes, shrubs that are inside the patio walls are the homeowner's responsibility and must be kept neatly trimmed. Dead trees, bushes or shrubs must be removed. A notice will be mailed to homeowners who do not remove this identified growth.

The planting of trees and shrubs, and the trimming and pruning of the common ground areas is done by the Homeowners Association. Homeowners/residents are not permitted to plant in the common area.

Owners may plant shrubs inside their patios. Henceforth, trees may not be planted inside the patios. Catclaw vines are also prohibited. When buildings are painted, residents with vines will have to remove them or the obstructions will be removed by the Association at the owner's expense. Damage caused to the stucco or structure by vines or trees will be repaired at the owner's expense.

2. Patio Covers, Gates, Vents, Security Bars, Privacy Screens, Etc.:

There shall be no patio covers, gates, patio vent coverings, security screens, privacy screens, etc. without prior written approval from the Board. PLEASE SEE THE SECTION ON STANDARDS AND GUIDELINES FOR CHANGES.

3. Antennas and Satellite Dishes:

Receivers not regulated by the FCC, whether attached to a building or structure, or on any Lot, must be approved in writing by the Board of Directors, with such screening and fencing as the Board of Directors may require, prior to installation. **Notwithstanding the foregoing, prior approval of the Board of Directors is not required for (i) an antenna or dish or dish that is designed to receive direct broadcast satellite service, including direct-to-home satellite services, that is one meter or less in diameter, (ii) an antenna or dish that is designed to receive video programming services via multi point distribution services, including multi channel multi point distribution services, and that is one meter or less in diameter or diagonal measurement, or (iii) an antenna or dish that is designed to receive television broadcast signals, provided, however, that the following requirements shall be adhered to:**

**Antennas and dishes shall be placed, to the extent feasible, in locations that are not visible from ground level view from the street(s) running immediately in front of or along the side of a Lot or adjacent properties provided such restriction does not impair the reception of an acceptable signal. Should such location impair the reception, the antenna or dish shall be placed at the minimum height which provides an acceptable signal and which minimizes visibility from ground level view from such streets and adjacent properties.**

**No antennas or dish shall be installed on any storage room or townhome roof.**

**Antennas and dishes shall be painted in a fashion that blends into the background against which they are mounted, provided such painting will not interfere with reception. Mounting material, accessories, and cabling shall be painted in a fashion that blends into the background against which they are mounted.**

**Outdoor wiring to antennas and dishes shall be routed in such a manner as to minimize or eliminate its visibility from ground level view from such streets, common areas, and adjacent properties.**



**Guidance should be sought from the Management Company or Board of Directors prior to installation when a Lot owner is uncertain whether he is complying with these provisions. Receivers regulated by the FCC shall be subject to the requirements that are available from the Management Company.**

*Cable Television is permitted to be installed at individual units, after written approval is granted by the Board of Directors. A Request for Architectural Change form must be submitted to the Management Company and approval granted prior to a cable television facility (Cox Communications or Qwest) installing cable wire on the exterior of buildings. Cable installation that does not comply with the foregoing is subject to removal by the Management Company.*

4. Changes allowed:

The following is a list of changes that will be permitted within the Association without prior written approval from the Board of Directors. These should reflect good taste and planning and are still subject to the approval of the Board if they detract from the general appearance of the complex:

- a) Potted plants or flowers may be placed on the front step as long as they are not attached and can be easily removed.
- b) All holiday decorations, ornamental lighting, flag holders (flags may not be larger than 3 feet x 5 feet), house numbers, etc., should be put up in a manner so as to avoid damage to the townhouse exterior and to preserve the architectural integrity of the building. (Holiday lighting may be put up 30 days before such holiday and must be removed 15 days after the holiday.)

PATIOS

The patio area of each unit is the responsibility of the individual unit owner. Patio areas must be kept clean and orderly. Landscaping within the patio areas is to be maintained weed free, neatly trimmed, and adequately watered.

In-door furniture, appliances, and other unsightly items not designed for patio use are prohibited from being stored, placed or maintained on the patio whereas they are visible from the streets, common areas or neighboring units. **Storage of combustible materials is prohibited.**

Acceptable items to be placed on a patio are as follows:

- 1) Patio furniture (i.e., lawn chairs, patio tables, patio chairs);
- 2) Barbecue grills;
- 3) Potted plants.

No items may be stored on the rooftops of the storage rooms or the roof of the dwelling. Appliances (such as refrigerators, washers, etc.) are not to be stored in patio areas.

**If you have questions as to an acceptable item to be stored/placed on your patio, please contact the Management Company for clarification.**

## LEASE/RENTALS

Tenants, like owners, are required to observe all policies, rules and regulations governing residents of Hallcraft Villas East V. A statement of this nature must be included in the tenant's lease. The Association, The Board of Directors and the Management Company are not responsible for advising tenants of these policies, but in all cases, tenants are obliged to observe these policies.

The Owner(s) shall be responsible for all violations committed by family members, guests, tenants and other occupants and the penalties shall be enforced in the same manner as delinquent maintenance assessments under the Declaration of Restrictions for Hallcraft Villas East V.

**All leases shall be required to be in writing with a copy forwarded to the Management Company, shall be for a term of thirty (30) days or more, and shall convey no less than all of the Lot.**

**Landlords are responsible for advising tenants of policies and the Rules and Regulations regarding the Association and insuring compliance with the same. Should a tenant receive three (3) notices for the same violation, the Owner must begin eviction proceedings to vacate the tenant from the unit. Furthermore, any evidence of criminal activity including, but not limited to, police department response to domestic violence, criminal activity/damage, vandalism, drug use/distribution/paraphernalia, assault, weapons, gang related activity, etc. will be deemed terms for immediate eviction. Should the landlord fail to evict the tenant pursuant to the foregoing within fifteen (15) days from the date of notification from the Management Company, the Association will retain legal counsel to evict the tenant. All attorneys' fees and costs will be assessed back to the unit owner's account.**

Owners are responsible for providing the Management Company with a completed Association Rental Agreement (See Attached) and copy of the Lease for the property.

## ENTERTAINMENT/NOISE/USE RESTRICTIONS

Every Hallcraft Villas East V resident is entitled to quiet and peaceful enjoyment of his unit. Loud stereos, televisions and radios, noisy parties, excessive noise from individuals, excessive noise from vehicles, and barking dogs is not permitted. Any noise must not impose upon other residents. Residents who have noise problems at night should contact the City of Phoenix Police Department immediately, and file a written complaint with the Management Company.

Hallcraft Villas East V is a residential complex. Accordingly, the following conditions will not be tolerated:

- Loud parties/congregating and/or loitering on common ground
- No drug or gang related activities allowed within the Association
- Drinking of alcoholic beverage of any kind on common area
- Barbecuing and/or any types of fires on common ground
- Any behavior or nuisance that affects the peace of neighbors
- Handling, carrying, wearing of a dangerous weapon or firearm and the discharging of fireworks, firearms capable of causing serious physical injury or death is strictly prohibited in all common areas and subject to the most severe penalties. Exceptions: Peace officers, security personnel in the performance of their official duties.
- Window coverings such as blankets, newspaper, sheets, aluminum foil, etc. is prohibited. Approved window coverings are blinds, curtains or shutters. Window coverings must be maintained in good condition at all times.
- Shopping carts are not allowed to be brought into the Association, nor the playing with shopping carts found within the Association.
- Any activity deemed by the Board of Directors to be dangerous to the safety of individuals or property

#### WINDOWS/ACCESS

Broken windows must be replaced in a timely manner. In the interim of replacement, the window opening **must** be boarded up with plywood and the plywood painted to match the exterior of the building.

Vacant units are to be appropriately secured in order to alleviate the accessibility of transients and trespassers entering the unit.

Should the owner failure to comply with the foregoing, the Association will contract to have the areas boarded up and assess the owner's account for the cost incurred.

#### PARKING SPACES

At the present time, two (2) parking spaces are allotted to each unit. You are advised to caution your guests as to where they may park, so they do not violate the parking areas reserved for another unit. Residents are to use their assigned parking only. No resident may use guest parking areas for extra vehicles. A guest is one who is received and entertained for no longer than thirty (30) days. If the stay is to exceed thirty (30) days, written approval for use of a guest parking space must be obtained from the Management Company.

#### 1. Towing:

Any car parked illegally is subject to towing by the Board of Directors or individual homeowners whose parking space(s) is/are violated.

“Illegally Parked” shall be defined as:

- a) Fire lanes (red-curbed areas).
- b) Loading/unloading zones (yellow-curbed areas) parking must not exceed 30 minutes.
- c) Parking in other than assigned parking spots without the assignee's permission.
- d) Parking in any manner as to obstruct emergency vehicles.
- e) Resident parking in guest space(s).
- f) Parking in any space in such a manner as to obstruct walkways, or backing into a parking space.
- g) Any vehicle repeatedly or frequently parked in unassigned or guest parking areas after the vehicle owner has been given reasonable notice that the vehicle may no longer be parked in such areas at any time, as determined by the Board of Directors of Hallcraft Villas IV Homeowner's Association. The determination of the Board of Directors concerning any such vehicle shall be final.
- h) Every vehicle, which is parked on the property, is expected to fit within the dimensions of a single parking space.
- i) Parking in front of dumpster.
- j) Parking on common area landscape.
- k) Commercial vehicles, recreational vehicles, trailers, or boats may not be parked anywhere within Hallcraft Villas East V for longer than 24 hours in any seven (7) consecutive day period.

2. No Parking Areas:

The "No Parking" areas in Hallcraft Villas East V are indicated by red-painted curbing and as outlined above. Any vehicle parked in these areas is subject to immediate towing at the owner's expense.

3. Mechanical Repairs:

No mechanical repairs or overhauls will be commenced in any parking space at Hallcraft Villas East V unless it is minor. All repairs should be made during such hours as are not in conflict with the City of Phoenix ordinances regarding loud noises. Minor repairs **do** not include motor or transmission overhauls, extensive body work or painting of vehicles. The surfaces of parking areas are to be kept clean of grease and oil, and owners will be assessed for any cleaning or repair to the parking area caused by oil changes, auto lubrication and other minor vehicle repairs or maintenance. **No oil changes are permitted. Repairs on any type of non-resident vehicles is prohibited.**

4. Storage:

No storage is permitted in any parking area. All garbage cans, boxes, cleaning equipment, ladders, furniture or miscellaneous items of any kind must be kept in the resident's storeroom, or dwelling.

5. Abandoned/Inoperable Vehicles:

Any vehicle obviously inoperable, in a state of disrepair, and not moved regularly will be considered abandoned. All vehicles parked on Association property **must be in good working order**, shall bear current and valid registration and be kept free of dirt and debris. Such will be subject to tow away and impoundment at the vehicle owner's expense.

MOTORCYCLES, MOTORBIKES, BIKES, SKATEBOARDS, ROLLER SKATES

Motorcycles or motorbikes may be parked in an assigned parking area. Parking on the sidewalks, on the grass or on any common area within the complex is prohibited.

Excessive noise from motor driven vehicles violates city law. Riding of motor driven vehicles is restricted to streets only.

MISCHIEVOUS ACTS AND VANDALISM

Any person observed damaging property at Hallcraft Villas East V will be billed for the expenses of repair or replacement as well as fines and other damages and be subject to civil prosecution.

Vandalism cost each homeowner additional money. Repairs must come from the Association's funds. Residents are responsible for damage incurred by their guests, children, or children's guests; landlords are responsible for damages caused by their tenants, tenant's children or guest of the tenants. All residents are responsible to stop mischievous acts and report them to the Management Company promptly. To help protect yourself and the residents of Hallcraft Villas East V from damage and inconvenience, please lock your car when not in use and turn on outside lights at night. A well-lit area is a deterrent to vandalism.

SIGNS

"For Sale" or "For Rent" signs are the only signs permitted. They may only be placed in the window of a unit. Only one sign is permitted for each unit that is being advertised. Signs are not to be placed in the common area. Any damage resulting from the placement of signs will be charged to the individual unit owner.

ROOFS/BLOCK WALLS/GATES

No person, except contractors hired by the Association, owner's and their authorized representatives, with prior approval from the Board of Directors, is allowed on the roof of any residential unit, storage unit or structure within the complex.

Sunbathing on roofs, climbing block walls and roofs is prohibited.

Regular, routine maintenance of block walls is the responsibility of Hallcraft Villas East V. However, repairs deemed necessary due to damage from owners, tenants, or residents to the block wall of a unit, will be the responsibility of the individual unit owner.

Entrance gates to the private patios must be installed on each unit. Private yard gates must be maintained in good condition at all times. Gate maintenance and replacement is the responsibility of the individual unit owner. Gates must be wrought iron with natural wood slats. Gates must be equipped with a lock and handle for entry. Failure of an owner to maintain his/her private patio gate will result in the Association initiating the necessary repairs and assessing the individual unit owner's account for the costs incurred.

### POOL AND SPA RULES

1. The pool gate is to be kept closed and locked at all times. The pool will be opened during designated hours as stated by the Board of Directors.
2. The pool area will be manned with a security guard for verification of residency and to insure compliance with the Association's pool rules.
3. Parents are responsible for the safety and actions of their children and guests while in and around the pool.
4. No alcohol of any kind or intoxicated persons are allowed in the pool area.
5. Bicycles, tricycles, skateboards, etc., are not allowed in the pool area.
6. Pets are not allowed in the pool areas.
7. Glass containers shall not be brought into the pool area. Cigarettes and trash should be placed in proper receptacles. Littering is grounds for suspension from the pool and pool area.
8. There shall be no running, "horseplay," diving or obscene language, allowed in the pool area. No loud playing of stereo or radios.
9. No person utilizing the pool area is permitted to create or become a nuisance to other residents.
10. Persons having infectious diseases cannot use the pool. All open sores or wounds must be properly bandaged.
11. Children that are not potty trained are not allowed in the pool.
12. Only persons dressed in swimming suits (proper swimming attire) will be allowed in the pool or spa. No cutoffs or street clothes permitted.

13. Children under 16 will not be permitted to use the pool unless accompanied by a parent or guardian.
14. No adult supervisor is allowed to be responsible for the supervision of more than three (3) children under the age of 18.
15. No lifeguard is on duty – swim at your own risk.
16. The pool is to be used only by residents and guests of the residents. Proper identification showing residency at Hallcraft Villas V will be required for entry.
17. The pool or spa shall not be used during repair or maintenance.
18. The pool or spa may not be reserved or used for private parties. A social committee or other committees appointed by the Board of Directors may, with Board approval, have certain functions that may take up the swimming pool for a certain period of time.
19. Pool play equipment shall be limited to small rings, floats, and balls.
20. Suntan oils, body lotions, hair curlers, hair pins, etc. must be removed prior to entering the pool.
21. All residents must accompany their guests to the pool. Any ineligible, non-conforming person or persons will be removed.
22. Vandalism will not be tolerated. Any person discovered to have damaged any portion of the pool area will be removed and prosecuted for the cost of repairing damages.

**Any violations of the foregoing pool rules by an owner, tenant, guest, or invitee will be cause for temporary and/or permanent suspension of the resident's pool privileges, and possible fines and penalties assessed to the individual unit owner's account.**

#### STANDARDS AND GUIDELINES FOR EXTERIOR CHANGES

In order to bring a sense of uniformity to Hallcraft Villas East V, the Board has established the following standards and guidelines governing certain architectural changes that are acceptable with prior approval from the Board of Directors (See section on Exterior Changes):

1. Patio Screenings for Privacy:

Homeowners who desire screening on the patio for privacy might consider using some a type of plantings for this purpose. However, planting should be used which does not require the use of a free standing or attached trellis for support.

2. Patio Covers:
  1. Patio covers must be approved in writing by the Board of Directors.
  2. Patio covers must comply with City of Phoenix building code and permitted. A copy of the City of Phoenix building permit must be submitted to the Management Company prior to installation.
  3. A complete set of plans and specifications must be approved by the Board of Directors prior to construction.
  4. Maximum height of patio covers shall be no higher than the bottom of the second floor. Current building codes specify distance from side fences and parking area fences.
  5. Patio covers must be painted to match the exterior of the building, and maintained in good condition at all times.
3. Security Bars
  1. Security bars may be installed on windows with prior written approval from the Board of Directors. Owners must submit a Request for Architectural Change form for the Board's review and consideration. A City of Phoenix permit must be obtained and forwarded to the Management Company.
  2. Security bars may only be installed on non-bedroom windows of a unit, unless the security bars have a quick release mechanism for quick exit incase of fire.
  3. Security bars must be painted to match the exterior of the building.
4. Awnings:
  1. Submit a request form including a diagram and indicate the color and pattern.
  2. Exterior blinds on patio doors or unit windows are not allowed. Awnings that have been approved, in writing, (by submitting a Request for Architectural Change form to the Board, through the Management Company) may be used. Options are: A) Install sunscreens; or, B) Hang black-out drape material over the window or door from the inside.



## **FINES AND PENALTIES**

Pursuant to A.R.S. Sections 33-1242 and 33-1803, after notice of the violation and an opportunity to be heard, a community association may impose reasonable monetary penalties on lot/unit owners for violations of the declaration, bylaws and rules of the association. These fines and penalties are enforceable in the same manner as unpaid assessments.

Any infraction of these Rules or of any provision of the CC&R's, Articles of Incorporation or By-Laws, by a Member (Owner), family member, tenant, guest, invitee or licensee, shall result in a fine against the applicable Owner and penalized as follows (in addition to any other penalties, disabilities or remedies available to the Association):

- First offense: warning letter to the Owner giving them thirty (30) days to correct the violation,
- Second offense: violation letter sent to the Owner giving them ten (10) days to appeal the violation and request a hearing in front of the Board of Directors at the next scheduled Board of Directors meeting (or a time mutually agreed upon by both parties) prior to assessing any monetary penalties. If the Owner fails to appeal the violation within ten (10) days, a \$100.00 fine will be assessed to the Owner's account.<sup>1</sup>
- Third offense: violation letter sent to the Owner giving them ten (10) days to appeal the violation and request a hearing in front of the Board of Directors at the next scheduled Board of Directors meeting (or a time mutually agreed upon by both parties) prior to assessing any monetary penalties. If the Owner fails to appeal the violation within ten (10) days, a \$100.00 fine will be assessed to the Owner's account.
- Fourth offense: the Association will turn the file over to legal counsel to compel compliance through temporary and permanent injunctions. The attorneys' fees and costs incurred by the Association for said action will be assessed to the Owner's account. Furthermore, if the unit in violation is a leased property, the tenant causing the infraction (if applicable) shall be evicted from the unit.

***Each subsequent offense/violation will result in fines being assessed to the Owner's account in \$100.00 increments, accompanied with a letter demanding compliance within ten (10) days and giving the Owner an opportunity to appeal the violation at a hearing before the Board of Directors, prior to assessing any monetary penalties.***

(The hearing requirement is satisfied by allowing an opportunity for the Owner to be heard at the next scheduled meeting of the Board of Directors, by written response within ten (10) days of the violation notice, or as otherwise set forth in the notice of violation.)

The Owner so notified has the obligation to find out when and where the next scheduled Board of Directors meeting will be held or to satisfy the requirements of the notice. Failure to satisfy

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<sup>1</sup> The fine for an Owner who makes a change to the exterior of the unit without prior approval from the Board of Directors or Architectural Control Committee is a minimum of \$500.00 to a maximum of \$1,500.00.

the requirements of the notice or to attend said meeting will constitute a waiver of the right to a hearing by the Owner. In the event of a hearing, any determination by the Board of Directors or designated committee shall be deemed conclusive.

**Any penalties assessed against the Owner(s) may be enforced against the Lot of the Owner(s) in the same manner established in the Declaration in regard to delinquent maintenance assessments.**