

# LOST DUTCHMAN GARDENS HOMEOWNERS ASSOCIATION

## **RULES AND REGULATIONS CC&R VIOLATION AND ENFORCEMENT POLICY**

Lost Dutchman Gardens Homeowners Association has established the following Enforcement Policy for Covenants, Conditions and Restrictions (CC&R's) violations enforcement, and any applicable monetary fines for continuing violations. This Policy will be deemed part of the Association Rules and is subject to amendment or modification at any time by majority vote of the Board. This Enforcement Policy for non-monetary violations is adopted in accordance with Arizona's Planned Communities Act, Arizona Revised Statutes 33-1801 through 33-1807 (Supp. 1997) and the provisions of the CC&R's and Project Documents, as currently in force and effect.

### **First Notice**

A letter will be sent to the Owner of the property outlining the violation. In the event that the Owner of the property can be identified as an absentee Owner, a copy of the violation letter will also be sent to the tenant at the property address. The Owner will be given fourteen (14) calendar days to bring the violation into compliance.

### **Second Notice and Assessment of Initial Monetary Penalty**

The Association will assess a Initial Monetary Penalty of twenty five (25) dollars if the Owner has not corrected or removed (or has chosen not to correct or remove) the violation or the violation has repeated or returned. The Owner will be given fourteen (14) calendar days to bring the violation into compliance.

### **Third Notice and Assessment of Additional Monetary Penalty**

The Association will assess an Additional Monetary Penalty of fifty (50) dollars if the Owner has not corrected or removed (or has chosen not to correct or remove) the violation or the violation has repeated or returned. The Owner will be given fourteen (14) calendar days to bring the violation into compliance.

### **Additional Monetary Penalty**

After the imposition of the Maximum Initial Monetary Penalty, the full amount of the Additional Monetary Penalty of one hundred (100) dollars may be imposed upon subsequent inspections if the Owner has not corrected or removed (or has chosen not to correct or remove) the violation or the violation is repeated or has returned. Inspections will be conducted to coincide with the terms of the notices. The Owner will be given fourteen (14) calendar days to bring the violation into compliance.

### **Certified Mailing Fee**

In addition to the monetary penalties there will be a fifteen (15) dollar certified mailing fee assessed per violation.

**Should a period of time of at least ninety (90) days lapse between violation letters of the same offense, the next letter will be a First Notice again.**

**Exception to Notice Procedure**

Violations posing a threat to the health, safety, and welfare of the community as a whole or any one or more other Owners may require immediate action and thus create exceptions to the foregoing notice provisions. Examples of health, safety, and welfare violations include, but are not limited to, the following: accumulation of trash and/or other materials that may attract pests; threat of flood or fire damage to neighboring properties; an escaped pet; or a collapsed structure or tree blocking the road or drivers' lines of vision.

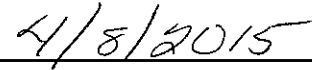
**Right of Self-Help**

The Association has the right (but not the obligation) to enter the Owner's property and to provide all maintenance and repairs that are necessary to remove the violation. Entry by the Association and any of its agents is not an actionable trespass. The Association may assess the Owner for the costs of all maintenance and repairs performed by the Association.

**Opportunity to be Heard**

The Association recognizes each Owner's right to explain the reasons why there is a violation of the CC&R's or the other Project Documents, particularly if the violation results in an assessment. Before any fine is assessed, an Owner has the opportunity to request a hearing before the Board of Directors. The Owner must provide timely written request for a hearing. If the hearing is scheduled, and attended, the Owner is bound by the decision of a majority of the Board.

  
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Lindsey C Hoet  
Lost Dutchman Gardens Board President

  
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Date