

# Calliandra Estates Community Association

## VIOLATION AND FINE POLICY

(Adopted November 22, 2021)

To all Homeowners of the Calliandra Estates Community Association,

**RESOLVED:** that the following Violation and Fine Policy is hereby adopted:

### **First Notice**

An "**Important Notice**" letter will be sent to the homeowner's mailing address on file with the Association outlining the violation. In the event the homeowner(s) of the property has recorded a mailing address other than the property address, a copy of the violation letter will also be addressed and mailed to the "Resident" at the property address. The first notice letter will also outline the procedure the homeowner(s) must follow to exercise their "right to be heard" by the Board of Directors. The homeowner(s) will be asked to correct the violation as soon as possible. The Community Manager will conduct violation inspections every other week in the community.

### **Second Notice**

The Association will issue a second notice, a "**Violation Notice**" letter outlining the violation if, after no less than ten (10) calendar days from the issuance of the first notice, the homeowner(s) has/have not corrected the violation or the violation has repeated or returned. This second notice letter will notify the homeowner(s) the Board of Directors is also considering monetary penalties be levied against the homeowner(s) and/or possible legal action may also be pursued. The second notice letter will also outline the procedure the homeowner(s) must follow to exercise their "right to be heard" by the Board of Directors. The Community Manager will conduct violation inspections every other week in the community.

### **Third Notice**

In the event the homeowner(s) has/have not corrected the violation after no less than (10) calendar days from the issuance of the Second notice, a "**Notice of Fine**" letter outlining the violation will be mailed to the homeowner notifying them of a monetary penalty has been levied against them due to their failure to correct the violation in the amount commensurate with the attached monetary schedule. The homeowner(s) must pay the monetary penalty (fine) amount within ten (10) calendar days of the date of the "Notice to Fine" letter and correct the violation or be subject to possible additional monetary penalties being levied against them and/or legal action may also be brought against the homeowner(s) by the Association, if necessary.

### **Additional Fines**

After an initial monetary penalty has been levied against the homeowner(s) for violation of the Association's governing documents, additional monetary penalties may be levied against the homeowner(s) in the event they do not correct the violation as described in the initial Notice of Fine letter. Inspections will be conducted to coincide with the terms of the previous notices sent to the homeowner(s).

In the event a violation is corrected by the homeowner, however, the same type of violation reoccurs after 90-calendar days or more of the previous violation the letter sent to the homeowner(s) will be the **First Notice** letter.

### **Exception to Notice Procedure**

Serious violations and/or violations posing any possible threat to the **health, safety and/or welfare** of the community's property or any resident of the community may require immediate action and thus create exceptions to the foregoing notice provisions. Serious violations, such as but not limited to, RV's, Boats, etc., or violations that threaten the health, safety and/or welfare could be, but are not limited to, the accumulation of trash/debris that may attract vermin/insects and /or disease, any situation that may cause water and/or fire damage, escaped pets, structure damage /collapse, acts of vandalism, vehicles parked in areas designated as "no parking" or "fire lanes".

All homeowners are "Members" of the Calliandra Estates Community Association, the entity responsible for the management of all common areas as well as administration of the affairs of the community. The Association was created by the recording of the Declaration of Covenants, Conditions and Restrictions (the CC&R's) and by the Design Guidelines and/or Rules and Regulations, which govern the community. The Board of Directors is elected by the Members and is charged with the responsibility of overseeing the business of the Association in harmony with the Management Company hired by the Board to assist them in the overall management of the community's finances, legal issues, maintenance responsibilities and enforcement of the Association's governing documents.

As a reminder to all homeowners who rent/lease their property within the Association, the homeowner(s) is/are solely responsible for ensuring their tenants, family members, guests, etc., and their personal property management company, if applicable, understands and abides by all the CC&R's, Design Guidelines and/or the Rules and Regulations of the Association. Monetary penalties and legal actions, if necessary, will be imposed against the homeowner(s) in the event their tenants, family members, guests, etc., violate the Association's governing documents.

The Association's governing documents are not meant to be punitive towards the homeowners, but to maintain the overall aesthetic appearance of the community, to maintain the various amenities available for use by all residents, to help in maintaining and increasing property values and maintain equal enforcement, when necessary, of the governing documents as the rules are in place for the overall health, safety and welfare of both the homeowners/residents and all common area property.

# **RESOLUTION BOARD OF DIRECTORS**

## **Calliandra Estates Community Association**

### **Monetary Penalty Policy**

Effective immediately and pursuant to Section 33-1803 of the Arizona Revised Statutes, the Board of Directors shall have the power to impose monetary penalties upon the owners of Lots for violations of the Declaration of Covenants, Conditions and Restrictions, Bylaws and Rules of the Association. This power shall apply to violations by the homeowner(s). The homeowner(s) shall also be liable for any violation committed by a family member, guest, tenant or other occupant of the Lot of the homeowner(s). The amount of the monetary penalties shall be determined based on the nature of the offense, the attitude of the offending homeowner(s) and the number of violations and the amount so established by the Board of Directors shall range from \$25.00 to a maximum of \$500.00. The homeowner(s) in question shall be given an opportunity to be heard by the Board prior to the assessing of any monetary penalties, and written notice of said hearing shall be given at least ten (10) calendar days in advance of the hearing by regular first-class mail or by hand delivery at the last-known address of the homeowner(s). Once it has been determined that the homeowner(s) is guilty of a continuing violation, the Board may impose reasonable monetary penalties for the violation(s) and such continuing penalties shall continue to accrue until the owner(s) notifies the Board that the violation has ceased and the Board has confirmed that, this, in fact, is the case. Any penalties assessed against the homeowner(s) may be enforced in the same manner established in the Declaration in regard to delinquent maintenance assessments and said homeowner(s) shall be liable in this manner for all violations committed by the family members, guests, tenants or any other occupant of the owner(s).

DATED: November 22, 2021

DocuSigned by:  
*Michael Schneider*  
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Michael Schneider – President