

**TEMPE HOMESTEAD HOMEOWNERS ASSOCIATION
PROCEDURE FOR ENFORCING
MONETARY PENALTIES FOR RULES VIOLATIONS**

Adopted: July 23, 1998

Published: July 31, 1998

Monetary penalties for violations of the CC&R's, Bylaws and rules of the Association shall be imposed uniformly according to the procedure set forth as follows:

Written notice will be sent to the owner at the mailing address as it appears on the records of the association at the time of the notice. The FIRST NOTICE shall be a violation letter with no monetary penalty imposed and shall give the owner 14 days to comply. The notice shall include:

- 1) The nature and date the violation was observed.
- 2) A date for correction of the violation.
- 3) The fact that a monetary penalty may be imposed for failure to correct the violation or for repeat violations of the same rule as determined by the Board. The amount of the monetary penalty will be given.

If the violation is not corrected within the given date or if the same violation reoccurs within a ninety (90) day period of the previously written notice, a SECOND NOTICE will be sent. The notice shall include:

- 1) The nature and date of the violation and the date of the first notice.
- 2) A date for correction of the violation.
- 3) The fact that a monetary penalty will be imposed, without further notice, for failure to correct the violation or for repeat violations of the same rule as determined by the Board. The amount of the monetary penalty will be given.
- 4) A statement advising the owner of the manner in which the owner will be provided with an opportunity to be heard with respect to the violation. And, if the owner does not respond, it will be deemed that the owner has waived his/her opportunity to be heard and to contest the violation and monetary penalty as set forth above.

The owner will be provided an opportunity to discuss the violation and the monetary penalty to be imposed in one of two ways:

- 1) Within fourteen (14) calendar days following the date of the second notice, the owner may appeal the monetary penalty in writing to the Board and request a hearing, and/or
- 2) Within fourteen (14) calendar days following the date of the second notice, the owner may appeal the monetary penalty in person at a Board meeting if one is scheduled within that period.

Whether or not the owner appeals, the Board can assess the problem and determine whether to levy the monetary penalty upon the expiration of that fourteen day appeal period. The owner will be notified of the Board's decision and date of required compliance. If the lot is not in compliance by the last given date, the case may be referred to an attorney for corrective action through legal means in accordance with the CC&R's.

Tempe Homestead Homeowners Association Monetary Penalty Summary:

- ◆ A monetary penalty will be assessed for a violation of the CC&R's, Bylaws and rules of the Association in accordance with the attached Monetary Penalty Schedule.
If the same violation reoccurs within a 90-day period of the previous monetary penalty an additional monetary penalty will be assessed. Refer to the attached Monetary Penalty Schedule for monetary penalties for reoccurring violations.
- ◆ If the lot is not in compliance by the last given date subsequent to the assessment of the monetary penalty, the Board of Directors may have no choice but to pursue corrective action through legal means.

TEMPE HOMESTEAD HOMEOWNERS ASSOCIATION

MONETARY PENALTY SCHEDULE

Adopted: July 23, 1998
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<u>VIOLATION:</u>	<u>MONETARY PENALTY</u>	<u>CONTINUING OR REOCCURRING VIOLATION WITHIN 90-DAY PERIOD</u>
Installation of an addition, alteration, repair, change, or other work which in any way alters the exterior appearance including but without limitation, the exterior color scheme or any lot or other improvement(s) on a lot without written approval of the Architectural Committee.	\$ 500.00	\$ 500.00
Garbage can visible other than trash pick-up days.	\$ 25.00	\$ 50.00
Signs.	\$ 25.00	\$ 50.00
All other violations.	\$ 50.00	\$ 100.00

NOTE: This is an "illustrative list" of the most common violations and is not exhaustive.

Addition to above schedule

Adopted June 2, 2009

Published _____

VIOLATION:

**MONETARY
PENALTY**

**REOCCURRING VIOLATION
EVERY 30 DAYS UNTIL
VIOLATION ELIMINATED**

**CC&R Article VI, Section 14
Use Restrictions**

**Property Rental Agreements less than
12 months and/or not approved
by HOA Board**

**\$ 500.00 upon second
notice of violation**

**\$ 500.00 per month
until violation eliminated**