

IVYGLEN TOWNHOUSES ASSOCIATION

FINES AND PENALTIES POLICY

Pursuant to A.R.S. Sections 33-1242, 33-1803 and the Ivyglen Townhouses Association ("Association") Declaration of Covenants, Conditions and Restrictions ("CC&Rs"), after notice of a violation and an opportunity to be heard, the Association may impose reasonable monetary penalties on lot owners for infractions of the Association's CC&Rs, Bylaws, Rules, Architectural Committee Standards and Policies (collectively "Governing Documents").

Any failure to correct an infraction of the Governing Documents 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:** *Courtesy Notice* sent to the Owner/Resident explaining the infraction of the Governing Documents and the Article and Section they are in violation of, and the steps to be taken to correct the infraction. The Owner/Resident will have twenty-one (21) calendar days to correct the infraction or appeal the violation. Pursuant to ARS 33-1803 C. If you wish to appeal this notice, you may provide the association with a written response by sending the response by certified mail within twenty-one calendar days after the date of this notice. The response shall be sent to the address identified in the notice. **(Violations are to be remedied within the time allotted. Violations will accrue for a 6-month period, i.e., if an owner receives a first violation in January, they can receive a second notice and fine for a second infraction in April, and a third notice and fine in June. The accrual commences with the date of the first violation and continues on a rolling basis thereafter. Each violation commences an additional six-month rolling period and each subsequent offense thereto constitutes a second offense subject to further corrective action as explained below.)**
- **Second offense:** *Violation Notice* sent to the Owner instructing that the infraction be corrected immediately and imposing a \$50.00 fine for failure to comply with the previously sent *Courtesy Notice*. The owner will have (10) calendar 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 the allotted time, the \$50.00 fine will be automatically assessed to the Owner's account.
- **Third offense:** *Violation Notice* sent to the Owner instructing that the infraction be corrected immediately and imposing a \$100.00 fine for failure to comply with the previously sent *Violation Notice*. The owner will have (10) calendar 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 the allotted time, the \$100.00 fine will be automatically assessed to the Owner's account.
- **Fourth and Subsequent offenses:** *Violation Notice* sent to the Owner instructing that the infraction be corrected immediately and imposing a \$100.00 fine for failure to comply with the previously sent *Violation Notice*. The owner will have (10) calendar 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 the allotted time, the \$100.00 fine will be automatically assessed to the Owner's account.

PENALTY FOR MAKING IMPROVEMENTS/CHANGES TO THE EXTERIOR OF THE HOME OR LOT WITHOUT THE REQUIRED WRITTEN APPROVAL FROM THE ASSOCIATION:

Any modification to the exterior of a home or lot must have written approval from the Architectural and Landscape Committee prior to the commencement of the project. A fine of \$300.00 will be automatically assessed against any owner who begins modifications or improvements to the exterior of the home or lot prior to receiving the requisite approval; regardless if the modification or improvement is within the guidelines and aesthetics of the community and would essentially receive approval.

If the infraction is not corrected by the Fourth Violation Notice, the Governing Documents and Arizona law empower the Association to cure the infraction and assess the cost against the Owner's account, which the Association hereby reserves the right to effectuate. Furthermore, the Association may file a lawsuit against the Owner for injunctive relief to have a court order that the infraction be cured. In the event litigation is necessary, the Association will be entitled to seek all of its attorneys' fees and costs incurred in enforcing your compliance with the Governing Documents. These attorneys' fees and court costs can be expensive and will far exceed the amount in fines you have already been assessed.

APPEAL PROCESS

The Association's Courtesy Notice and Fine Notices state the Owner's right to appeal any notice of violation. The process of submitting a letter of appeal is as follows:

1. All appeal requests must be in writing and submitted to the Association's Managing Agent no more than twenty-one (21) days from the date of the Courtesy Notice or ten (10) days from the date of the last Violation Notice. Failure to satisfy the requirements of the notice or to request an appeal within 21 days of the first notice or 10 days from the date of the last Violation Notice will constitute a waiver of the right to a hearing by the Owner.
2. Letters of appeal should include:
 - a) Your name and address.
 - b) A statement of the violation in which you are appealing.
 - c) A statement of appeal; such as: Why are you disagreeing with the violation? Are you asking for additional time to cure? Do you need further clarification? Be as specific as possible.
 - d) If you would like to appear in person to present your appeal.
 - e) Whether you would like the appeal heard in regular session or executive (closed) session.
3. The Owner will be notified of the appeal hearing date within thirty (30) days from the request for appeal.
4. If the Owner appeals in person, he/she will be given ten (10) minutes to state their position. The Board of Directors will listen and ask questions as necessary to obtain information to make an informed decision. The Board of Directors will not debate the issue. The Association's Meeting Code of Conduct must be adhered to.
5. Failure to comply with the notice or attend the scheduled hearing, or notify within 48 hours to the Association of the necessity to reschedule the hearing, will waive the Owner's rights to a future hearing.
6. In the event of a hearing, the Board of Directors or designated committee's decision on an appeal shall be final.
7. The Owner will be notified in writing as to the final decision.

**APPEAL PROCESS TAKES APPROXIMATELY
45 DAYS FROM RECEIPT OF THE REQUEST**