

POINTE COMMUNITY ASSOCIATION
VIOLATION POLICY AND PROCEDURES FOR ENFORCEMENT

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SECTION ONE

PURPOSE

The Violation Enforcement Policy and Procedure is for use by the Pointe Community Association's Board of Directors, Management Company and Standards and Compliance Committee to ensure consistent enforcement of the governing documents within the regulation of such activity under the current state law.

The Associations' Board of Directors is the principal entity legally accountable for the implementation and preservation of the governing documents (HBA's, Pointe Rules and Bylaws). It is understood that these documents represent deed restrictions that are a legal contract between the Association and the homeowners. Further, it is the fiduciary duty and responsibility of the Board to administer enforcement of the documents for the benefit of all members of the community.

These Policies and Procedures must be applied in a consistent and impartial manner. For that reason the implementation, on behalf of the Board of Directors, will be a prime responsibility of the contracted management company. They shall provide regular on-site observation of individual property conditions and adherence to the standards of the Association. These Policies and Procedures are guided by and conform to Arizona State Statute 33-1803, that specifically was enacted to cover HOA violation enforcement procedures. As provided for in the statute, this Policy and Procedure affords adequate homeowner opportunity for written appeal, prior to the enactment of a monetary fine.

Summary

A homeowner who takes responsibility for his own property by adhering to the governing documents serves his neighbors and himself by guaranteeing the future value of not only his own property but the value and lifestyle of the overall Community .The Violation Enforcement Policy and Procedure is the primary means of assuring the present and future maintenance and aesthetic consistency of the community. It is equally the method the Board of Directors has enacted to fulfill their legal, fiduciary responsibility to uphold the governing documents of the Association.

SECTION TWO

ENFORCEMENT POLICY

The following is the Notification and Fine Policy for **The Pointe Community Association**:

COURTESY NOTICE: An initial notice of the violation shall be mailed via regular mail to the Homeowner requesting compliance within fourteen (14) days - **No Fine**.

FIRST NOTICE: If the violation still exists, a first notice requesting compliance within fourteen (14) days shall be mailed to the homeowner - **No Fine**.

SECOND NOTICE: If the violation still exists, a second notice requesting compliance within seven (7) days shall be mailed to the homeowner. An **\$85.00 Fine** will be noticed and due immediately if the homeowner fails to appeal the fine or if the appeal is denied.

THIRD NOTICE: If the violation still exists, a third notice requesting compliance within seven (7) days shall be mailed to the homeowner. A **\$100.00 Fine** will be assessed and due immediately with the Third notice.

FOURTH NOTICE: If the violation still exists, a fourth and final notice requesting compliance within seven (7) days and advising the homeowner that the matter will be referred to an attorney shall be mailed to the homeowner. A **\$100.00 Fine** will be assessed and due immediately with the Fourth notice.

If the violation continues without resolution after the Fourth, notice the matter will be referred to an attorney for corrective action.

FINES: No fine shall be imposed without first providing a written warning to the homeowner describing the violation, specific Association standard violated, the date and witness of the violation stating that failure to correct the violation within the specified time will result in additional notices and fines and notifying the owner of their right to appeal the fine as set forth below.

AC APPROVAL VIOLATION: If a homeowner has made an Architectural Change (see HBAs 3.9) without the required prior approval of the Architectural Committee the Courtesy Notice will require the homeowner to submit an application for architectural change to the AC within 7 days of the date of the notification letter. Upon AC review, at their next scheduled meeting, the homeowner shall be advised of the acceptance or denial of the change. If denied, the homeowner will have 7 days to correct the unapproved change or show proof of scheduling and hiring of vendor to perform the work. If the change correction is not completed within 30 days from the AC change denial the above fine process shall be enacted beginning with the Second Notice level.

SECTION THREE

HOMEOWNER RIGHT OF APPEAL

The homeowner's right of appeal, as prescribed in ARS 33-1803, is an integral part of the violation notification and is clearly stated in each violation notification. The appeal language in the violation notification is extracted from the Arizona state requirements which state:

"A member who receives a written notice that the condition of the property owned by the member is in violation of the community documents, without regard to whether a monetary penalty is imposed by the notice, may provide the Association with a written response by sending the response by certified mail within ten business days after the date of the notice. The response shall be sent to the address contained in the notice or in the recorded notice.

Within ten business days after receipt of the certified mail containing the response from the member, the Association shall respond to the member with a written explanation regarding the notice that shall provide at least the following information unless previously provided in the notice of violation:

- 1. The provision of the community documents that has allegedly been violated.*
- 2. The date of the violation or the date the violation was observed.*
- 3. The first and last name of the person or persons who observed the violation.*
- 4. The process the member must follow to contest the notice."*

Since this statutory required information is fulfilled in each Pointe Community violation notice, the Association response's to any homeowner appeal received will be (1) an acknowledgement of receipt of homeowner's written appeal, and, (2) notification of the date the Board will review the written appeal and render a decision on that appeal.