

**SIERRA VERDE COMMUNITY ASSOCIATION  
FINE POLICY AND APPEAL PROCESS  
Effective 3/29/2017**

**FINE POLICY**

Pursuant to the Declaration, the Association shall have the right to adopt a schedule of fines for violation of any provision of the Governing Documents. The following Fine Policy and Appeal Process shall be followed for Sierra Verde Community Association:

**FIRST NOTICE:** An initial notice of the violation shall be mailed to the Owner requesting compliance within fourteen (14) days - **NO FINE**.

**SECOND NOTICE:** If violation still exists fourteen (14) days after the initial notice of violation, a second notice requesting compliance within fourteen (14) days shall be mailed to the Owner. A **\$50.00 FINE** will be assessed with the second notice of violation and is due immediately.

**THIRD NOTICE:** If violation still exists fourteen (14) days after the second notice of violation, a third notice requesting compliance within fourteen (14) days shall be mailed to the Owner. A **\$75.00 FINE** will be assessed with the third notice of violation and is due immediately.

**FOURTH NOTICE:** If violation still exists fourteen (14) days after the third notice of violation, a fourth notice requesting compliance within fourteen (14) days shall be mailed to the Owner. A **\$100.00 FINE** will be assessed with the fourth notice of violation and is due immediately.

**CONTINUING VIOLATIONS:** If the violation continues without resolution after the fourth notice of violation, a **FINE of \$100.00** shall be assessed **every fourteen (14) days** until the violation is resolved. In addition, the Board of Directors shall have the right to remedy the violation and/or take legal action, the cost of which shall be invoiced to the Owner and collected in the same manner as assessments.

**FINES:** No fine shall be imposed without first providing a written warning to the Owner describing the violation and stating that failure to correct the violation within fourteen (14) days or ***another occurrence of the same violation within six (6) months*** of the original violation shall make the Owner ***subject to imposition of a fine***. Failure to pay any fine shall subject the Owner to the same potential penalties and enforcement as failure to pay any assessments under the Declaration.

**PARKING AND MOTOR VEHICLES:** Pursuant to Article V of the Declaration.

**FIRST NOTICE:** An initial notice of the violation shall be mailed to the Owner requesting compliance within fourteen (14) days - **NO FINE**.

**SECOND NOTICE:** If violation still exists fourteen (14) days after the initial notice of violation, a second notice requesting compliance within fourteen (14) days shall be mailed to the Owner. A **\$100.00 FINE** will be assessed with the second notice of violation and is due immediately.

**CONTINUING VIOLATIONS:** If the violation continues without resolution after the second notice of violation, a **FINE of \$200.00** shall be assessed **every fourteen (14) days** until the violation is resolved. In addition, the Board of Directors shall have the right to remedy the violation and/or take legal action, the cost of which shall be invoiced to the Owner and collected in the same manner as assessments.

**SELF HELP:** Pursuant to Article VIII of the Declaration, each Owner shall maintain his residence and lot in good repair. In the event an Owner fails to fulfill his maintenance and repair obligations or in the event an Owner fails to landscape his lot as required by the Declaration, the Board of Directors may have said lot and residence landscaped, cleaned and repaired ("Self Help") and may charge the Owner for said Self Help in accordance with the provisions of the Declaration. An Owner shall not allow a condition to exist on his lot which will adversely affect any other lots and residences or other Owners. The Board of Directors' right to exercise Self Help may be implemented at anytime during the notification process at the discretion of the Board.

**Notwithstanding the foregoing, the Board of Directors reserves the right to seek Injunctive Relief at anytime regardless of the presence or absence of notices hereunder, for any violation that the Board of Directors determines in its sole and absolute discretion constitutes a material danger to persons or property or requires immediate action for any other substantial reason.**

**The Board of Directors reserves the right to take any action permitted by law or the Declaration, in addition to the above mentioned fine policy.**

## **APPEAL PROCESS**

- When a violation notice is sent to an Owner, such notice shall include a statement notifying the Owner that he/she has the "RIGHT OF APPEAL."
- When an Owner desires to appeal a violation, he/she must so notify the Management Company in writing within ten (10) days after the date of the violation notice.
- Appeals shall demonstrate ***extenuating circumstances*** which require deviation from the Governing Documents.
- Appeal shall include all pertinent backup information to support the existence of the ***extenuating circumstance***.
- All decisions of the Board are final and may not be further appealed.
- Any appeal that does not meet the above requirements shall not be heard by the Board and shall be considered ***DENIED***.

- The Owner appealing the violation will be given written notice that a hearing on the appeal is scheduled.
- The appeal shall be heard in Executive Session.
- The Board President will introduce all parties.
- Lengthy discussions are not a part of an appeal process.
- The Owner who is appealing will be asked to state their case and present any applicable documentation.
- Each Board Member will have the opportunity to ask the Owner specific questions regarding the appeal.
- Upon completion of the question and answer period, the Board President will state that the appeal has been heard and the Board will make their decision in closed session. Written Notice of the Board's decision will be delivered to the Owner within seven (7) working days.
- If the appeal is denied, the Owner must bring the violation into compliance within ten (10) days. If the violation still exists after ten (10) days, the Owner will be fined \$100.00 every ten (10) days until the violation is corrected. In addition, the Board of Directors may seek legal action to remedy the violation. All costs of legal action will be billed to the Homeowner and collected in the same manner as assessments.

**UNANIMOUS CONSENT TO ACTION  
BY THE BOARD OF DIRECTORS  
SIERRA VERDE COMMUNITY ASSOCIATION**

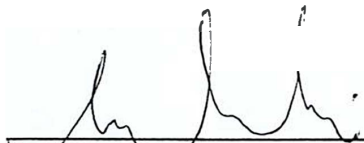
**FINE POLICY AND APPEAL PROCESS**


The undersigned, constituting all of the members of the Board of Directors of Sierra Verde Community Association, an Arizona nonprofit corporation, hereby take the following actions in writing and without a meeting pursuant to Section 10-3821 , Arizona Revised Statutes, which actions shall have the same force and effect as if taken by the Board at a duly called meeting of the Board.

RESOLVED, that the Board of Directors hereby approves the Fine Policy and Appeal Process for Sierra Verde Community Association attached to this resolution.

The Board of Directors hereby instructs the managing agent to notify all Owners of the implementation of the Fine Policy and Appeal Process effective as of March 29, 2017

IN WITNESS WHEREOF, the undersigned have executed this consent as of this 29 day of March 2017.

  
\_\_\_\_\_  
Dariusz Modrzejewski, President

  
\_\_\_\_\_  
JoAnna Mankiewicz, Secretary