

**Resolution of the Board of Directors
Garden Club Homeowners Association, Inc.
Violation Policy
Adopted on February 24, 2020**

This policy shall serve as a resolution of the Board of Directors of Garden Club Homeowners Association, Inc. for the process for dealing with violation of the Rules and Regulations and CC&Rs.

RESOLVED, The Board of Directors hereby approves and adopts the following Violation Policy for any violation of the CC&Rs or Rules and Regulations adopted by Garden Club Homeowners Association, Inc.

The Board of Directors intends to impose monetary penalties as authorized by A.R.S. Section 33-1256 and 33-1242. The Board of Directors, when imposing monetary penalties reserves the right to enforce the community's restrictions in any other legal manner. The following fine schedule is intended to be a guide only and is not intended to create any rights.

COURTESY NOTICE:

An initial courtesy notice of the violation shall be mailed via regular mail to the homeowner requiring compliance within ten (10) days.

SECOND NOTICE:

If the violation still exists, a second notice requesting compliance within ten (10) days shall be mailed via regular mail to the homeowner. A \$25.00 FINE will be assessed and due immediately with the second notice.

THIRD NOTICE:

If the violation still exists, a third notice requesting compliance within ten (10) days shall be mailed via certified mail to the homeowner, return receipt requested. A \$50.00 FINE will be assessed and due immediately with the third notice.

FOURTH NOTICE:

If the violation still exists, a fourth notice requesting compliance within ten (10) days shall be mailed via certified mail to the homeowner, return receipt requested. A \$100.00 FINE will be assessed and due immediately with the fourth notice.

CONTINUING VIOLATIONS:

If the violation continues without resolution after the fourth notice, a FINE of \$100.00 shall be assessed every ten (10) days until the violation is resolved. In addition the Board shall have the right to remedy the violation and/or take legal action, the cost of which shall be billed to the homeowner and collected in the same manner as assessments.

FINES:

No fines shall be imposed without first providing a written warning to the Owner describing the violation and stating that failure to stop the violation within no less than ten (10) days or

another reoccurrence 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 fines shall subject the Owner to the same potential penalties and enforcement as failure to pay assessments under Article VI.

APPEAL PROCESS:

1. When a violation notice is sent to a homeowner, the notice includes a statement notifying the homeowner that they have a "RIGHT OF APPEAL".
2. When a homeowner wants to appeal a violation, they must send the Management Company written notice that they are requesting an appeal of the violation.
3. Appeals shall be received within ten (10) days of the date of the fine notification (violation letter).
4. Appeals shall demonstrate extenuating circumstances, which require deviation from the CC&Rs and/or Rules and Regulations.
5. Appeal shall include all pertinent backup information to support the existence of the extenuating circumstances.
6. All decisions of the Board are final and may not be further appealed.
7. Any appeal, which does not meet the above requirements, shall be heard by the Board and shall be considered denied.
8. The homeowner appealing the violation will be given written notice that the appeal is schooled.
9. The appeal shall be held in the Executive Session.
10. The Board President will introduce all parties, if done in person.
11. Homeowners appealing in person will have the opportunity to be heard for ten (10) minutes as part of the appeal process.
12. The homeowner who is appealing will be asked to state their case and present any documentation that is applicable.
13. Each Board Member will have the opportunity to ask the homeowner specific questions regarding the appeal.
14. Upon completion of the questions and answer period, the Board President will state that the appeal has been heard and the Board will make their decision in closed session. Then "Written Notice" will be given to the homeowner of the Board's decision within seven (7) working days.
15. If the appeal is denied, the homeowner must bring the violation into compliance within fourteen (14) days. If the violation still exists after the fourteen (14) days, the homeowner 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 and fines will be billed to the homeowner and collected in the same manner as assessments.

Date this 24th, Day of February, 2020.

Garden Club Board President