

Ponderosa Trails Unit 8 Community Association
“The Retreat at Ponderosa Trails HOA”
Enforcement Procedures

Adopted: April 15, 2019

Effective: April 15, 2019

Pursuant to Section 12.2 and Section 14.4 of the Declaration of Covenants, Conditions, Restrictions, Reservations and Easements (the “Declaration”) for Ponderosa Trails Unit 8 Community Association (the “Association”), the following Enforcement Procedures shall be followed for the Ponderosa Trails Unit 8 Community Association for violations of the Declaration, the Bylaws, the Association Rules and the other governing documents of the Association and fines shall be imposed according to the procedures set forth as follows:

COMPLAINT/VIOLATION PROCESS:

Any member, Board member or agent of the Association may file a Complaint against another member for violation of any provision of the Association governing documents by such other member, his family, tenants or guests. A Complaint must be submitted in writing on a Complaint Form (attached hereto) provided by the Association, must be signed (unless submitted via e-mail) and dated and must include a description of the alleged violation and the identity of the alleged violator, if known. A Complaint from a member is considered filed when the written Complaint is received (i) by a member of the Board or a Board member or (ii) by the Association’s management company. A copy or record of all Complaints shall be provided to the Board.

Any Complaint received by the Association shall be forwarded to the Association’s Enforcement Person. As used herein the term “Enforcement Person” means the Association’s management company, if any, or if none, the Board. In all cases where an Enforcement Person other than the Board receives the Complaint, the recipient thereof shall forward a copy of the Complaint to the Board. Upon its receipt of a Complaint, the Enforcement Person shall (i) immediately if it determines that the complained of situation constitutes an emergency requiring immediate action, or (ii) within ten (10) business days of its receipt of a Complaint if it determines that the complained of situation does not constitute an emergency requiring immediate action, conduct an investigation of the Complaint to confirm that there is reason to believe that the conditions complained about actually exist. If the Enforcement Person determines that there is reason to believe that the conditions complained about actually exist, the Enforcement Person may attempt to contact the Owner via telephone or e-mail and try to resolve the Complaint informally.

If the violation is informally resolved, the Enforcement Person shall document in writing for the related unit file what the alleged violation was and how the issue was resolved. If the Enforcement Person is unable to resolve the violation informally, the following enforcement process shall be begun. The following enforcement process also applies to any violation observed by the Association’s Enforcement Person.

ENFORCEMENT PROCESS:

1. The first notice of violation will be a *COURTESY NOTICE* sent to the lot owner via regular mail. The *COURTESY NOTICE* shall include the description of the alleged violation, the action required to abate the violation and the process the owner must follow to contest the notice. The *COURTESY NOTICE* shall inform the lot owner that he or she has fourteen(14) days from the date of the *COURTESY NOTICE* to correct the violation and shall contain a statement that any further violation of the same rule within the same calendar year will result in fines.
2. As to continuing violations, the notices shall be as follows:
 - A. The second notice shall be the *FIRST WARNING* sent via regular mail to the lot owner. The *FIRST WARNING* shall contain the same information as the prior notice except that the lot owner shall have ten (10) days from the date of the *FIRST WARNING* to correct the ongoing violation.

- B. The third notice sent shall be the *SECOND WARNING* sent via certified mail and first class mail to the lot owner. The *SECOND WARNING* shall contain the same information as the prior notices except that the lot owner shall have an additional ten (10) days from the date of the *SECOND WARNING* to correct the violation. The *SECOND WARNING* will inform the lot owner that a \$25 per day fine will be assessed commencing the date of the expiration of the ten (10) day notice period in the event the violation is not cured within such period. It shall also notify the lot owner that each day a continuing violation continues after the date of the *SECOND WARNING* constitutes a separate violation and of the lot owner's right to a hearing pursuant to A.R.S. 33-1803.
3. As to violations that are not continuing violations, no additional warning notices shall be sent regarding the violations by the lot owner of the same rule within a calendar year. Upon the subsequent violation by the lot owner of the same rule within a calendar year, the Board shall send the lot owner a *FINE LETTER* which shall include the description of the alleged violation and notify the lot owner that a fine of \$50 has been assessed by the Board for such violation. In the event such lot owner subsequently violates the same rule during the same calendar year, additional notices shall be sent with successive fines for violation of the same rule increasing as follows: \$100 (second violation), \$200 (third violation), and any subsequent violations shall increase in increments of \$50. Each *FINE LETTER* shall notify the lot owner of his or her right to a hearing pursuant to A.R.S. 33-1803.
 4. In the event that the violation is not corrected promptly or there is another violation of the same rule by the same lot owner, such violation may result in legal action being taken by the Association. All related attorneys' fees and other enforcement costs will be assessed to the lot owner.
 5. Depending on the violation, the Board in its sole discretion may determine that a Courtesy Notice and/or First or Second Warning will not be sent to the Owner and may commence the enforcement process with the mailing of a Fine Letter.
 6. Notwithstanding the above, the following fines will be levied for the violations detailed below:

A. Architectural Violations

The violation fine for improvements, alterations, repairs, excavation, landscaping or other work which in any way alters the Lot, or the exterior improvements located thereon, commenced and/or completed without the prior review and written authorization shall be a daily fine of \$25 per day until the violation is cured. This includes painting, fencing, landscaping, sheds, driveway extensions, and any other improvement/alteration deemed appropriate by the Design Review Committee.

***THE FACT THAT A FINE OR FINES HAVE BEEN ASSESSED (AND COLLECTED) DOES NOT RELIEVE THE LOT OWNER OF THE RESPONSIBILITY TO CEASE THE VIOLATION, CORRECT THE VIOLATION, IMPROVE THE VIOLATION AND/OR REMOVE THE VIOLATION AS THE BOARD OF DIRECTORS REQUIRES AND INSTRUCTS. ***

The Board of Directors reserves the right in its sole discretion to forgo any intermediate steps listed above and seek immediate legal action or adjudication as the Board deems necessary should the violation be repeated or the nature of the violation or emergency circumstances dictate so. The Board of Directors reserves the right to amend these Enforcement Procedures at any time and from time to time in its sole discretion. The Board may also at any time enforce any and all other remedies available to it under the governing documents of the Association and/or applicable law.

THANK YOU FOR YOUR COOPERATION!
Ponderosa Trails Unit 8 Community Association

PONDEROSA TRAILS UNIT 8 COMMUNITY ASSOCIATION

COMPLAINT FORM

First and Last Name of person who
observed the violation: _____

Lot number or address of person who
observed the violation: _____

Address of the property allegedly in
violation of the Association's governing
documents: _____

N/A - LOCATION: _____

Date(s) the violation occurred: _____

Nature of the violation: _____

Are you sending supporting evidence along with this form?

No Yes Evidence: _____

In accordance with State Statute requirements, the person complaining of the alleged violation must state their first and last name and this information may be shared with the party who is accused of the violation.

Signature of Observer: _____ Date: _____

cc: Owner file