

**TIERRA DEL RIO HOMEOWNERS ASSOCIATION  
ENFORCEMENT POLICY AND SCHEDULE OF FINES**

WHEREAS, pursuant to A.R.S. §33-1803 and the Declaration of Covenants, Conditions and Restrictions for Tierra Del Rio Homeowners Association, recorded in the Mohave County Recorder's Office at Fee Number No. 84-33399 (hereinafter, the "Declaration"), the Board of Directors of Tierra Del Rio Homeowners Association, an Arizona non-profit corporation (hereinafter, the "Association"), hereby resolves and implements, by a majority vote of the undersigned directors present at a duly called and noticed meeting of the Board of Directors on this 17<sup>th</sup> day of July, 2018, this Enforcement Policy and Schedule of Fines to be effective as of October 28, 2018.

WHEREAS, the Board of Directors intends to implement a schedule of reasonable fines and penalties for particular offenses that are common or recurring in nature and for which a uniform fine schedule is appropriate. Violations of these rules may result in action by the Board of Directors and a fine.

WHEREAS, the Board of Directors intends to use fines to discourage violations of the Declaration and to encourage compliance when a violation occurs - not to punish violators or generate revenue for the association. Any fine imposed as a consequence is not punitive in nature and unrelated to any reimbursement or other cost incurred.

WHEREAS, although a fine may be an effective and efficient remedy for certain types of violations, or violators, it is only one of several methods available to the Board of Directors for enforcing compliance with the Declaration. The Board of Directors, when imposing monetary penalties, reserves the right to enforce the Association's restrictions in any other available legal manner. The following **ENFORCEMENT POLICY AND SCHEDULE OF FINES** is intended to be a guide only and is not intended to create any additional rights.

WHEREAS, the Association has established as its main goals the protection, maintenance and enhancement of the community and property owned within the Association. To that end, the purpose of adopting this **ENFORCEMENT POLICY AND SCHEDULE OF FINES** is to maintain the aesthetic value and integrity of the community on behalf of all residents, and to ensure the market value of the community and to maintain property values within the community as well. The Association and its Members suffer harm and damages when the above goals and aims are not met.

THEREFORE, BE IT RESOLVED THAT, the Board of Directors of the Association hereby approves the following **ENFORCEMENT POLICY AND SCHEDULE OF FINES** for any violation of the Declaration, including any rules or regulations of Association This **ENFORCEMENT POLICY AND SCHEDULE OF FINES** repeals and replaces all other previous enforcement policies of the Association.

## **ENFORCEMENT POLICY**

All definitions set forth in the Declaration are hereby incorporated herein as if fully expressed and have full application hereto.

**First [COURTESY] Notice of Violation(s) Letter:** An initial "Courtesy Notice of Violation" letter will be sent describing the alleged violation(s) and/or cite the provision(s) of the community documents that have been violated. This Courtesy/Notice letter will request that the violation(s) be remedied within twenty-one (21) calendar days from the date of the Courtesy/Notice letter. This initial Courtesy/Notice letter will also describe the enforcement process, including the right and opportunity to be heard, the potential imposition of a fine and the Association's ability to intercede and cure if the violation(s) continue.

**Second [WARNING] Notice of Violation(s) Letter:** If Owner does not respond or cure the violation(s) within twenty-one (21) calendar days as indicated in the initial Courtesy/Notice letter, a second "Warning Notice of Violation" letter will demand that the violation(s) be remedied. This second Warning/Notice letter will expressly indicate that Owner has an additional THIRTY (30) calendar days to cure the outstanding violation(s) and expressly assert that a fine will be assessed (as indicated in the enclosed Fine Schedule) upon a third Notice letter, as necessary, and contingent on any opportunity to be heard request.

**Third [FINE] Notice of Fine Letter:** If Owner does not respond or cure the described/cited violation(s) within Thirty (30) days as indicated in the second Warning/Notice letter, a third "Notice of Fine" letter will be sent notifying Owner of the fine(s) now instituted on the Owner's account. This final Notice letter will also indicate that if the outstanding violation(s) are not rectified within a reasonable time (based on the violation(s) at issue), the matter will be turned over to the Association's attorney for further enforcement and/or collection efforts.

## FINE SCHEDULE

The below is a schedule of fines to be imposed pursuant to this Policy:

VIOLATION	FINE AMOUNT
Landscaping Violations: (failure to maintain property, dying or overgrown weeds, grass, plants, trees or foliage)	\$75
Garbage Bin Violations: (removal from street or improperly stored)	\$25
Signage Violations: (improper signage or unreasonable display of any signage)	\$15
Lighting Violations: (improper or unreasonable use of outdoor spotlights, floodlights or similar type high-intensity outdoor lighting)	\$25
Other Minor Violations*: (e.g., those involving only the homeowner and his/her property)	\$25
Business or Offensive Violations*: (no business, professional, commercial, religious rest home or institutional purposes; and/or any noxious, offensive or any other nuisance type activity)	\$50
Surrounding and Pony Wall Violations:	\$25
Animal/Pet Violations: (only commonly accepted household pets are allowed; no animal(s) shall be kept, bred or maintained for a commercial or otherwise improper or unreasonable purpose)	\$50
Parking Violations: (no parking of any truck, bus, van, trailer, boat, antique car, camper or similar type recreational vehicle, is allowed on streets or driveways; no unreasonable or improper storage of any recreational or commercial vehicle)	\$50
Garage Door Violations: (improperly kept open or for an unreasonable amount of time)	\$25
Window and Awning Violations:	\$50
Noisy Equipment Violations: (vehicle and home audio systems should be at a low enough level not to be heard outside of the vehicle or home.	\$25

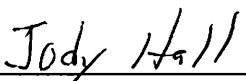
Unreasonable or improper use of lawn mowers, power hedge clippers, power chain saws or other similarly noisy equipment)	
Antenna Violations: (no radio, television, microwave, or other antennas, or other transmission or receiving devices)	\$25
Paint Violations: (house or yard walls painted non-approved color)	\$100
Construction Repair and Upkeep Violations:	\$50
Property Alteration and/or Improvement Violations: (work done or completed without ARC approval)	\$100
Other Significant Violations, Nuisance: (e.g., those affecting the safety of surrounding properties or the aesthetics of the entire community)	\$100
General Nuisance Violations	\$50

**NON-FINE RELATED ENFORCEMENT**

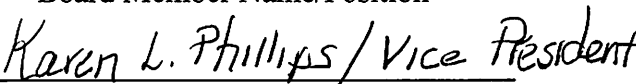
This **ENFORCEMENT POLICY AND SCHEDULE OF FINES** is not intended by the Board of Directors to preclude any other enforcement remedy the Association may possess at law or in equity with respect to any violation of the governing documents of Association, including, but not limited to, seeking injunctive relief or instituting self-help. All legal, collection and other expenses incurred by Association to obtain compliance of a member with the restrictions or other provisions of the governing documents may be the obligation of the owner pursuant to the Declaration.

BE IT ALSO RESOLVED, that this resolution is included in the books and records of Association and that a copy of this Resolution be sent to all homeowners in the Association.

  
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Signature of Board Member

 *President*  
\_\_\_\_\_  
Board Member Name/Position

  
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Signature of Board Member

 *Vice President*  
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Board Member Name/Position

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Signature of Board Member

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Board Member Name/Position

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Signature of Board Member

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Signature of Board Member

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Board Member Name/Position