

**TAMARAC AT MOON VALLEY HOMEOWNERS ASSOCIATION
FINE POLICY**

- A. When an Owner (including any family member, guest, agent or tenant of the Owner), violates the CC&Rs, Bylaws or Rules and Regulations of the Association, there shall be grounds for assessment of fines and the Owner shall be deemed responsible for such violation(s).
- B. Procedures:
1. Notice: Notice (warning citation) of the violation shall be sent in writing, via U.S. Mail or personally delivered, to the violating Owner.
 2. Opportunity to Appeal Assessment of Fine: If the violation continues to exist beyond the scheduled time of correction, the Owner will be sent a second notice, via U.S. Mail or personally delivered to the violating Owner, which shall notify the Owner of the continued violation, the proposed penalty that will be assessed against the Owner if the violation continues to exist, as well as the date, time and place the Board of Directors will hold a hearing in which the violation will be discussed or the date in which a written response from the Owner regarding the violation must be received. If a hearing is conducted, the Owner will be given an opportunity to be heard; if a written response from the Owner is received by the Board, the Board will review the written response at the next Board meeting. The Board will then make a final determination of the Owner's appeal and the Owner will be provided a response within a reasonable amount of time. Any appearance before the Board will be at the Board's next scheduled meeting from the date of the notice.
 3. Default: If the Owner does not appear before the Board at the scheduled hearing or send the Association a written response by the date on which a written response is requested, this shall constitute a default in which the Owner shall have no further right of appeal.
 4. Fines and Penalties – Time Frame: If the violation continues, a fine or penalty will be made due and payable if the violation continues to exist. The penalty shall be assessed against the Owner and shall be considered an assessment subject to a lien against the property.
 5. Fines and Penalties – Amounts: The following schedule is the penalty that will be assessed against an Owner (after notice and an opportunity to be heard) for the corresponding violation.

Violation	Time to cure before fine assessed	Fine for First Violation	Fine for Subsequent Violations
Construction, reconstruction or repair of any motorbike or motor vehicle on any lot or street.	3 days	\$15.00	\$30.00
Failure to maintain landscaping (weeds in area between sidewalk and home and backyard)	14 days	\$15.00	\$30.00
Failure to remove trash/recycle containers from street.	3 days	\$15.00	\$30.00
Failure to store trash/recycle containers according to rules of HOA	3 days	\$30.00	\$50.00
RVs or inoperable or expired or unlicensed vehicles parked on streets	3 days	\$15.00	\$30.00
Failure to maintain building, awnings, sidewalks, gates (except as described in D1)	14 days	\$30.00	\$30.00

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Violation of Architectural Guidelines	Per occurrence	\$15.00	\$30.00
Unapproved improvements	Per occurrence	\$100.00	\$100.00
General Nuisance: i.e., noise, trash, odor, etc.	3 days	\$15.00	\$30.00
Pool vandalism or violation of pool or common area rules	Per occurrence	Cost of repair or replacement \$15.00 minimum	\$30.00

C. **Collection:** Fines and penalties that are levied as stated above, will be assessed against an Owner's Lot and will become due and payable within 30 days after the fine is assessed. Failure to pay the fines and penalties will result in the following collection procedure:

1. Interest will accrue on the total balance owed at the rate of ten (10%) percent per annum;
2. After the initial 30 days, the Association may send another warning letter to the Owner via U.S. Mail or may personally deliver to the Owner. The Owner will be given 10 days in which to respond. The Owner will be charged for the cost of this letter.
3. If the Owner fails to bring his balance current within the 10 days prescribed in the warning letter, the Association will file a lawsuit in the proper justice court to obtain a personal judgment against the owner. This judgment may then be recorded with the Arizona Maricopa County Recorder's Office. This judgment lien may then be foreclosed in the same manner as an assessment lien. The Owner will lose all voting rights until the balance is paid in full. Any and all costs associated with the collection of the past due fines and penalties, costs, attorney's fees and other charges will be assessed against the Owner's lot.

D. **Exceptions to the Time Frame to Cure the Violations before Reassessment:**

1. **Repair of Buildings:** In the case of major damage caused to the building (i.e., damage caused by vehicle collision, fire, storm damage), the Owner shall notify the Association within fourteen (14) days of the occurrence of the extent of the damage caused, the approximate time frame to remedy the damage (based on insurance or contractor estimate). At the next Board of Directors meeting, or sooner if possible, the Board shall review the material submitted to determine the validity of the claim. A claim will be determined "major" if the cost to repair the building is in excess of the owner's insurance deductible, or the damage caused a threat to the structural integrity of the building, (which includes damage to roof tiles or concrete surfaces visible from the street). If the claim is determined to be a "minor" damage, the owner will have fourteen (14) days from the date of the occurrence to make the necessary repairs to remedy the damage.