

THE VILLAGES AT QUEEN CREEK HOMEOWNERS ASSOCIATION, INC.
FINE POLICY AND APPEAL PROCESS
Effective July 1, 2011
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 The Villages at Queen Creek Homeowners Association, Inc.:

FIRST NOTICE: An initial notice of the violation shall be mailed via regular mail 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 via regular mail to the Owner. A **\$25.00 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 via regular mail to the Owner. A **\$50.00 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 via regular mail 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 as allowed by Arizona Revised Statutes.

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 three (3) months*** of the original violation shall make the Owner ***subject to imposition of a fine.***

SELF HELP: Pursuant to Article 9 of the Declaration, each Owner of a lot shall be responsible for the maintenance of his lot, including landscaping. In the event the Owner of any lot is failing to perform any of its 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 notice that a hearing on the appeal is scheduled.
- The appeal shall be heard in Executive Session.
- If the homeowner is present, 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 fourteen (14) working days.
- If the appeal is denied, the Owner must bring the violation into compliance within fourteen (14) days. If the violation still exists after fourteen (14) days, the Owner will be fined \$100.00 every fourteen (14) days until the violation is corrected. In addition, the Board of Directors may seek legal action to remedy the violation.

**CONSENT TO ACTION
BY THE BOARD OF DIRECTORS**

THE VILLAGES AT QUEEN CREEK HOMEOWNERS ASSOCIATION, INC.

c/o AAM, LLC

1600 West Broadway Road, Suite 200

Tempe, Arizona 85282

(602) 957-9191

FINE POLICY AND APPEAL PROCESS

The undersigned, constituting a quorum of the members of the Board of Directors of the Villages at Queen Creek Homeowners Association an Arizona nonprofit corporation, ("Association") hereby takes the following action at a duly held Board of Directors Meeting on May 26, 2011 and, reflected in the meeting minutes.

RESOLVED, that the Board of Directors hereby approves the Fine Policy and Appeal Process, dated July 1, 2011, for the Villages at Queen Creek Homeowners Association, attached to this resolution.

FURTHER RESOLVED, that the Board of Directors hereby instructs the managing agent to notify all Owners of the implementation of the Assessment Collection Policy effective as of July 1, 2011.

IN WITNESS WHEREOF, the undersigned have executed this consent as of this 26th day of May, 2011.



Bill Lehman

President and Director, Board of Directors

The Villages at Queen Creek Homeowners Association