

**SONORAN DESERT WILLOW ESTATES HOMEOWNERS ASSOCIATION
ENFORCEMENT POLICY RESOLUTION**
Adopted this 15 day of June, 2023

The following Enforcement Policy Resolution has been adopted by the Sonoran Desert Willow Estates Homeowners Association ("Association"):

RECITALS

WHEREAS, pursuant to the Declaration of Covenants, Conditions, Restrictions and Easements for Desert Willow Estates recorded in the Pima County Recorder's Office on January 9, 2003 at Sequence Number 20030061004, as may be amended from time to time ("Declaration") at Article 2, Section 2.8, gives the Board of Directors the right "to adopt, amend or repeal such rules and regulations as it deems reasonable and appropriate..." including the "establishment of a system of fines and penalties in violation of the Rules...;"

WHEREAS, pursuant to the Article 12, Section 12.4 of the Declaration gives the Association and Board of Directors the right to enforce the Governing Documents as defined in Article 11, Section 11.3.1 of the Declaration; and

WHEREAS, the Board of Directors of the Association desire to adopt a policy for the enforcement of all of the Association's Governing Documents, including the Declaration;

NOW, THEREFORE, be it resolved that the Association hereby adopts the following procedures for enforcement of the Association's Governing Documents:

1. **Knowledge of Violation:** Information regarding violation of the Association's Governing Documents shall be obtained by Association site inspections, thought its managing agent, and observations, and/or receipt of complaints from Owners or residents. Complaints must be received in writing and must identify the complainant. In the event of receipt of a written complaint, the complainant will be issued confirmation of receipt of the complaint and advised that it shall be investigated (to the extent possible) by the Association. Violations observed by the Association's managing agent will be documented with photographs and maintained in the violating Owner's lot file.
2. **Easement:** Pursuant to Article 3, Section 3.1.5 and 3.1.6 and Article 10, Section 10.27 of the Declaration:

any member of the Board, or any authorized representative of the Board shall have the right upon reasonable notice to the Owner of a Dwelling Unit to enter upon and inspect the Lot (except the interior of Dwelling Unit), for the purpose of ascertaining whether or not the provisions of this Declaration have been or are being complied with, and such persons shall not be deemed guilty of trespass by reason of such entry.

3. Friendly Reminder (First Notice):

Days in Violation: 0 Fine: \$0

In most cases, a courtesy notice will be mailed informing the Owner of the violation and request that the violation be corrected within fourteen (14) days. The violation must be corrected within fourteen (14) days or a fine of twenty-five dollars (\$25.00) may be imposed. The Friendly Reminder will provide the following information:

- a. The provision of the community documents that has/have allegedly been violated;
- b. The date(s) of the alleged violation(s), and the date(s) observed;
- c. The first and last name of the person or persons who witnessed the violation(s);
- d. The process the Owner must follow to contest the notice, which is outlined in Paragraph 15, below.

4. Second Notice:

Days in Violation: 14 Fine: \$25.00

If at the beginning of the second fourteen (14) day correction period, the same violation remains, a second violation notice will be mailed informing the Owner of the violation and a twenty-five dollar (\$25.00) fine will be imposed.

5. Third Notice:

Days in Violation: 28 Fine: \$50.00

If after twenty-one (21) days, the same violation remains, a third violation notice will be mailed informing the Owner of the violation and a fifty dollar (\$50.00) fine will be imposed.

6. Fourth Notice and Continuing:

Days in Violation: 42 Fine: \$100.00 continuing

If the violation remains for twenty-eight days or longer, all continuing violations will be mailed to the Owner advising the Owner of the ongoing violation and that a one hundred dollar (\$100.00) fine has been imposed. Fines will continue to be

imposed every fourteen (14) days until the violation is corrected. The Owner will be informed if any legal action and/or self-help by the Association to correct the violation will occur and the Owner will be responsible for all costs incurred.

7. **Violation Life:** Violations are considered open for a six (6) month period from the date of the Friendly Reminder.
8. **Schedule of Fines:** The above-identified fines are considered the general fines for most violations. Some situations may warrant a different schedule of fines, and in those situations the Board reserves the right to adopt supplemental fine schedules for specific violations. The Board of Directors also reserves the right to suspend the schedule and policy set forth above and impose greater fines with a shorter or no correction period if extreme circumstances merit.
9. **Processing Fee:** A processing fee of \$5.00 will be applied to the Owners account for every Violation Notice sent after the Friendly Reminder that is mailed to the Owner. This is in addition to any fines that may be imposed.
10. **Payment of Monetary Penalties:** The Board of Directors shall advise the Owner that any monetary penalty, if imposed, shall be due and payable and will be added to the Owner's account balance. Collection of fines and penalties may be enforced against any Owner by filing a lawsuit against the Owner and obtaining a judgment against the Owner for the amount of the unpaid fines. If the Association files such an action, it will request that the court enter a judgment in its favor for all of its attorneys' fees and costs incurred.
11. **Suspension of Vote and use of Common Area:** Pursuant to Article 5, Section 5.2.3 and Article 12, Section 12.4.2 of the Declaration and Article VII Section 7.1(B) & (C) of the Bylaws, the Board may suspend an Owners right to vote or use the Common Area for a period not to exceed sixty (60) days for each infraction as provided for in the Bylaws. Each day an infraction continues is a separate infraction.
12. **Self-Help:** Pursuant to Article 3, Section 3.1.5, Article 9, Section 9.7, Article 10, Section 10.27, and Article 12, Section 12.4.2 of the Declaration, should a violation exist, and after the required notice pursuant to each of the previously identified sections, the Association has the authority, but not the obligation, to enter the Owner's Lot and cause corrective action to be taken. The cost of such action shall be the responsibility of the Owner.

13. **Injunctive Relieve:** If a violation is not cured after the Forth Notice, the Board of Directors may request the Association's attorney to file an action seeking Injunctive Relief against the Owner to cure the violation(s). However, this Enforcement Policy shall not limit the Board of Directors right to seek immediate Injunctive Relief at any time regardless of the presence or absence of notices or fines hereunder, for any violation that the Board of Directors determines in its sole and absolute discretion.

14. **Board Discretion:** The Board of Directors shall consider the fines set forth in this Fine Policy and schedule to constitute damages sustained by the Association, and are intended to compensate the Association for the administrative burden of addressing the violation and the adverse impact of the violation on the community. The Board of Directors reserves the right to deviate from the fine amounts set forth herein if, after a hearing on the matter, ~~the~~ Board finds good cause to modify the amount of the fine levied in a particular case. The Board also reserves the right to pursue any and all other remedies set forth in the Declaration or permitted by law at the same time or in lieu of levying the fines set forth in this Fine Policy. This includes turning a matter over to the Association's legal counsel.

15. **Appeals:** All violations and fines may be contested or appealed by submitting a written request to the Board of Directors to resolve the matter within ten (10) days of the date on the letter. The written request should be mailed to the attention of the Association in care of Platinum Management at 7225 East Broadway Boulevard, Suite 140, Tucson, Arizona 85716, via email to april@platinumonline.org.

Approved by the Board of Directors on 15 day of JUNE, 2023 and effective as of the date adopted above.

By: [Signature]
Board President

6/15/2023
Date

Merrise Becker
Board Secretary

6/15/2023
Date