

Sun Lakes Phase Two Unit Eleven Townhouse Association, Inc.

VIOLATIONS OF COVENANTS, CONDITIONS, RESTRICTIONS, RULES AND REGULATIONS

In the event of notice in writing from a member or discovery or an alleged violation by the Association, the following shall apply:

I. Determination of Violation

A determination of whether a violation exist or not shall be made by the Association

II. Violations of Governing Documents

A. General Document Violations

If the alleged violation is determined to be an actual violation of the Sun Lakes Phase Two Unit Eleven Townhouse Association, Inc. governing documents (Articles of Incorporation; Conditions, Covenants, and Restrictions; Rules and Regulations; Board Policy; Architectural Compliance Guidelines; Homeowner's Handbook; as adopted from time to time by the Board of Directors), other than as identified in II(B) or II(C) below the Association will notify the owner in writing of the violation and ask the violation to be cured within a reasonable period of time. The notice shall identify the specific provisions of the Governing Documents which the owner is alleged to have violated, containing as many specifics as deemed necessary or appropriate by the Board of Directors.

The General Manager may impose an immediate restriction of privileges to deal with immediate problems requiring such action in the General Manager's opinion; and the Board will then hold a hearing for the violator and determine the final penalties to be imposed, including fines, if any. The decision may be made at the conclusion of the hearing, or it may be postponed to no later than ten (10) days hence. A summary of the decision shall be included in the records of the Association.

Continuing infractions or Violations

An infraction/violation/offense that continues without correction shall be considered a separate/new infraction/violation at the end of each suspension period for purposes of suspension of membership privileges and the member will be entitled to a new notice and opportunity for a hearing.

B. ACC Property Violations

If the owner has failed to discharge properly his or her obligation with regard to the maintenance, repair or replacement of items for which he or she is responsible; or the need for the maintenance, repair or replacement of items is caused through the willful or negligent act or omission of an owner, the Association, except in the event of an emergency, shall give the owner notice of ACC violation via mail, email or phone call and grant 21 days from the date of notice to correct the violation. If at the end of 21 days the violation has not been corrected, a second notice will be sent with a \$50 fine and the homeowner will be given 30 days to correct the violation. If at the end of 30 days the violation has not been corrected, the homeowner will be fined \$100 plus \$10 per day until the violation has been corrected and the homeowner will be automatically scheduled for a Board hearing. If after the Board hearing, the owner does not comply with the provisions hereof, the Association may provide any such maintenance repair or replacement at the owner's sole cost and expense and/or proceed with an injunction against the property.

Starting work without an ACC Permit: All appropriate work must have an Association approved permit prior to initiating work. Failure to secure Association permits will result in an immediate order to stop all work until an ACC permit is issued and will result in a \$25 fine. If the work continues without a permit a notice will be sent with a \$100 plus \$25 per day fine until the permit is obtained.

The cost, expenses and fees incurred by the Association shall be added to and become a part of the assessment to which such owner is subject and shall become a lien against the Lot. All fines will be subject to interest.

C. Landscape Deficiencies:

Landscape issues will include, but are not limited to weeds, trees, bushes, shrubs, flowers, cactus, lawns, items associated with irrigation systems, and any deficiency that would have a negative visual impact on the property.

If landscape deficiencies are noted, the owner will be given notice via mail, email or phone call and 21 days to correct the problem. If after the end of 21 days the owner has failed to correct the deficiency, the homeowner shall be fined \$50 and provided an additional 21 days to correct the deficiency. If at the end of the additional 21 days the deficiency has not been corrected, the homeowner shall be fined \$100 and \$10 per day until the deficiency has been corrected. In addition, the homeowner will be scheduled for a Board hearing for consideration of an injunction against the property and/or to provide a landscape contractor, at homeowner expense, to remedy the deficiency.

Repeat Violation: Repeat violation for same offenses (within 15 months of first violation), either actual or similar in nature, will subject the homeowner to double fines (doubling with each additional occurrence).

III. Notification

Other than as identified in II(B) or II(C), the homeowner shall be notified by regular mail to the address on record. All homeowners are expected to update current mailing addresses for communications with the Association.

IV. Board Hearing

The Board of Directors will conduct the hearing and may invoke any or all of the following sanctions (pursuant to the Arizona Revised Statute, Planned Community Act):

- A.** Impose/confirm/alter any fine or such owner as deemed appropriate for the violation.
- B.** Suspend the right of such owner and his family, guests, licensees, lessees, and invitees to use the Association property as the Board may specify.
- C.** Cause the violation to be cured and charge the costs thereof to such owner.
- D.** Obtain injunctive relief against the continuance of such violation, and/or;
- E.** The owner, found in violation, may also be liable for legal fees and court costs. The foregoing is in addition to the Association's right to assess legal fees and court costs.

Adopted April 18, 2018