

# VERDANTE AT WESTLAND ESTATES PROPERTY OWNERS' ASSOCIATION

## VIOLATION ENFORCEMENT POLICY AND FINE SCHEDULE

The Lots and Owners within Verdante at Westland Estates are governed by the Declaration of Covenants, Conditions and Restrictions for Verdante at Westland Estates (the "Declaration") and the Amended and Restated Bylaws of Verdante at Westland Estates (the "Bylaws").

Per Article 5, Section 5.2 and Article 9, Section 9.1 of the Declaration, and Article 3, Section 3.11.19 of the Bylaws, the Board has the power to levy reasonable fines after the Owner is given notice and an opportunity to be heard.

The Board of Directors (the "Board") hereby adopts this Violation Enforcement Policy and Fine Schedule ("Policy") to set forth procedures for enforcement of the Declaration, Rules, and Architectural Committee Rules.

*The Board intends to follow the procedures set forth herein, but reserves the right, in its sole and absolute discretion, to vary from the procedures set forth herein due to the unique circumstances of individual situations so as to help ensure that only reasonable fines and enforcement measures are used.*

### ESTABLISHMENT OF VIOLATION AND VIOLATION NOTICES

1. Establishment of Violation: Any improvement of any kind or nature erected, placed, or altered on any Lot which has not been first approved by the Architectural Committee or which does not in all respects conform to that which has been so approved is deemed a violation. Any activity on a Lot or in the Common Area and any condition on a Lot that is in opposition to the Declaration and/or Rules, which is not expressly authorized by the Board, is deemed a violation.
2. Courtesy Notice: Upon verification of the existence of a violation, a written Courtesy Notice will be mailed to the Owner providing the specific information regarding the violation and requesting that corrective action be taken within a specific timeframe or that the violation not re-occur.
3. Violation Notice: If the Owner fails to remedy the violation within the timeframe set forth on the Courtesy Notice, or if the violation is initially cured but then occurs again within a period of ninety (90) days from the initial violation, a written Violation Notice shall be mailed to the Owner. The first Violation

Notice shall include:

- a. The nature and date of the violation was observed.
- b. A date for correction of the violation.
- c. If applicable, the Board's intent to levy a fine against the Owner.
- d. A statement advising the Owner of the opportunity to be heard with respect to the violation and the timeframe (at least ten (10) business days after the Violation Notice was sent) to contact the Association, in writing, to exercise the opportunity to request the hearing.
- e. A statement advising the Owner of how the Owner may contest the violation.

- f. A statement advising the Owner that the Owner has the right to petition for an administrative hearing on the outstanding violation to the Department of Real Estate.

4. Subsequent and/or Continuing Violation Notices: If the violation still exists after the timeframe for compliance in the prior notice or re-occurs within ninety (90) days of the prior notice, subsequent violation notices can be sent, and/or additional Fines can be imposed in accordance with this Policy. If the violation is a re-occurrence, the notice shall contain information required to be provided with the first notice.

## **FINES**

1. Hearing and Waiver of Right to be Heard: If requested within the timeframe prescribed in the notice to the Owner, a hearing will be granted, and a reasonable effort will be made to schedule the hearing at a time convenient to both the Board and the Owner. Any of the following shall constitute a waiver of the Owner's right to the hearing:

- a. The Owner does not contact the Association to request a hearing in the timeframe prescribed in the Violation Notice to the Owner.
- b. The Owner does not respond to the Association's reasonable attempts to schedule a hearing.
- c. After a hearing is scheduled, the Owner does not attend the hearing or provide at least forty-eight (48) hours' notice of their inability to attend the hearing.

A fine may be imposed after the hearing or after the Owner waives the right to be heard. If an Owner waives the right to be heard, the Board will make a decision regarding a fine based on the information it has. Any fine imposed may be applied retroactively to the initial date of the violation.

2. Notice and Amount of Fines: The Owner will be given written notice of the amount of any fines imposed and the due date for payment of such fines. The Board intends to impose fines generally in accordance with the attached Fine Schedule for violations listed on this schedule; however, the Board reserves the right to vary from this schedule based on the nature and severity of the offense and the number and history of violations by the Owner. The amount of the fines imposed by the Board shall range from \$25.00 to a maximum of \$500.00 per calendar day.

3. Fines for Continuing and Recurring Violations: Once it has been determined by the Board that the violation is a continuing violation, the Board may impose reasonable continuing fines (such as daily, weekly or monthly fines) while the violation continues, and such continuing fines shall accrue until the Owner notifies the Association that the violation has ceased and the Board confirms that it has ceased. If any violation recurs within ninety (90) days from a past violation, it will be considered a continuation of that past violation.

## REFERRAL TO LEGAL COUNSEL AND OTHER REMEDIES

Where it is determined to be in the best interest of the Association, the Board may, at any time during the enforcement process, refer the violation to legal counsel for action seeking injunctive relief against the Owner to correct or otherwise abate the violation, or to pursue any other legal or equitable remedy that may be available to the Association. If legal action is taken, the Board will pursue the cost of such action, including attorney's fees, from the Owner to the extent allowed by the Declaration and/or Arizona law.

### CERTIFICATION

This is to certify that the foregoing policy was adopted by the Board of Directors and made effective as of January 22, 2018, until such date as it may be modified, rescinded, or revoked.

Verdante at Westland Estates Property Owners Association,

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

**VERDANTE AT WESTLAND ESTATES HOA**  
**6702 E. Cave Creek Road, Suite 4, Cave Creek, AZ 85331**

**INITIAL NOTICE OF VIOLATION**

The following condition exists on your property that violates the Association's governing documents:

Click or tap here to enter text.

The condition on your property is in violation of the following section(s) of the Association's governing documents. Reference Section(s) [Click or tap here to enter text.](#) of the Declaration of Covenants Conditions and Restrictions. You are hereby requested to remedy this violation.

This violation occurred or was observed on the following date(s): [Click or tap here to enter text.](#)  
The first and last name(s) of the person or persons who observed the violation is / are:

Click or tap here to enter text.

Contact the Association at the address above within **14 days** regarding your intent to remedy the situation. If the violation has already been corrected, please disregard this notice.

You may contest this notice by sending a letter setting forth your position to be received by the Association within fourteen (14) days from notice of violation in accordance with the Process for Owner to Contest Violation outlined below.

**Process for Owner to Contest Violation**

Any Owner receiving Notice of Violation has the right to contest the violation as follows:

- 1) Architectural Violations (Notice of Violation from HOA Architectural Committee)
  - Within 14 days from Notice of Violation Owner may request in writing a hearing with the A/C.
  - Owners written request for hearing must include the reason and rationale for why the violation is inappropriate.
  - Based on the A/C hearing, the violation may be rescinded or upheld and Owner will be notified of the Committee's decision within 5 days of the hearing.
  - If violation is upheld by A/C, the Owner will have 5 days to request in writing a hearing with the HOA Board Executive Committee.
  - Based on the Board hearing; the violation may be rescinded or upheld and Owner will be notified within 5 days of the hearing.
  
- 2) Violation of Use Restrictions (Notice of Violation from the HOA Board of Directors)
  - Within 14 days from Notice of Violation Owner may request in writing a hearing with the Board
  - Owners written request for hearing must include the reason and rationale as to why the violation is inappropriate.
  - Based on the Board hearing; the violation may be rescinded or upheld and Owner will be notified within 5 days of the hearing.

Thank you for your timely attention to this important matter.

Signed: \_\_\_\_\_

**VERDANTE AT WESTLAND ESTATES HOA  
6702 E. Cave Creek Road, Suite 4, Cave Creek, AZ 85331**

**SECOND NOTICE OF VIOLATION**

The following condition exists on your property that violates the Association's governing documents:

Click or tap here to enter text.

The condition on your property is in violation of the following section(s) of the Association's. Governing documents. Reference Section(s) Click or tap here to enter text. of the Declaration of Covenants Conditions and Restrictions.

This violation occurred or was observed on the following date(s): Click or tap here to enter text.

The first and last name(s) of the person or persons who observed the violation is / are:

Click or tap here to enter text.

Work on any improvement must cease and / or the condition of violation must be remedied immediately.

Failure to remedy or cease work will result in the Association electing to pursue any one or more remedies available under the by-laws or enforcement policy.

If this violation is corrected within 14 days, no further action will be taken. Or if the violation has already been corrected, please disregard this notice.

If not already contested, Owner may contest this notice by sending a letter setting forth their position to be received by the Association within fourteen (14) days from the notice of this violation in accordance with the Process for Owner to Contest Violation contained and described in the Initial Notice of Violation.

Thank you for your timely attention to this important matter.

Signed: \_\_\_\_\_

**VERDANTE AT WESTLAND ESTATES HOA  
6702 E. Cave Creek Road, Suite 4, Cave Creek, AZ 85331**

**FAILURE TO REMEDY NOTICE OF FINE**

The following condition exists on your property that violates the Association's governing documents:

Click or tap here to enter text.

The condition on your property is in violation of the following section(s) of the Association's governing documents. Reference Section(s) Click or tap here to enter text. of the Declaration of Covenants Conditions and Restrictions.

This violation occurred or was observed on the following date(s): Click or tap here to enter text.

The first and last name(s) of the person or persons who observed the violation is / are:

Click or tap here to enter text.

Failure to remedy the above violation has resulted in a fine being levied against your property as follows:

Initial Fine Amount: Click or tap here to enter text.

Continuing Daily Fine Amount: Click or tap here to enter text.

Effective Date of Fine: Click or tap here to enter text.

If Owner has not previously requested and been granted a hearing, Owner is hereby given a final opportunity to request in writing a hearing before the Association Board of Directors Executive Committee to contest the violation and fine as follows:

- 1) The request must be received within 14 days from receipt of this Notice of Fine.
- 2) The request must be in writing and state the reasons and rationale why the violation is inappropriate.
- 3) No request for hearing by Owner within 14 days of Notice of Fine constitutes a waiver of right to hearing.
- 4) The Board will notify Owner of its decision to either rescind or uphold the violation and Fine within 5 days of the hearing.

Owner is hereby notified that once the fine reaches \$300, Self Help and / or injunctive Relief will be enacted to obtain compliance; and / or the offending improvement or condition may be corrected by the Association. This corrective action will be at the expense of the Owner and recovered through a Specific Assessment being levied against the Owner.

Thank you for your timely attention to this important matter.

Signed: \_\_\_\_\_

## **FINE SCHEDULE**

### **TRASH/RECYCLE RECEPTACLES**

First Notice - \$15 FINE per day left out  
Second Notice - \$25 FINE per day left out  
Third Notice - \$35 FINE per day left out  
Fourth Notice - \$45 FINE per day left out  
Continuing Violations - \$40 FINE per day left out

### **PARKING AND VEHICLE VIOLATIONS**

First Notice - \$25 FINE  
Second Notice - \$50 FINE  
Third Notice - \$100 FINE  
Fourth Notice - \$250 FINE  
Continuing Violations - \$75 FINE per day

### **SPEEDING AND DRIVING VIOLATIONS**

First Notice - \$200 FINE  
Second Notice - \$350 FINE  
Third Notice - \$500 FINE  
Fourth Notice - \$650 FINE  
Continuing Violations - \$500 FINE per week

### **LANDSCAPING VIOLATIONS (INCLUDING WEEDS)**

First Notice - \$25 FINE  
Second Notice - \$50 FINE  
Third Notice - \$100 FINE  
Fourth Notice - \$250 FINE  
Continuing Violations - \$75 FINE per week

### **FAILING TO PROPERLY MAINTAIN STRUCTURES ON LOT (INCLUDES PAINTING)**

First Notice - \$25 FINE  
Second Notice - \$50 FINE  
Third Notice - \$100 FINE  
Fourth Notice - \$250 FINE  
Continuing Violations - \$75 FINE per week

### **UNAPPROVED/PROHIBITED ITEMS PLACED/STORED ON LOT**

First Notice - minimum \$50 FINE  
Second Notice - minimum \$100 FINE  
Third Notice - minimum \$150 FINE  
Fourth Notice - minimum \$300 FINE  
Continuing Violations - \$100 FINE per week

### **PROHIBITED MACHINERY OR EQUIPMENT**

First Notice - minimum \$50 FINE  
Second Notice - minimum \$100 FINE  
Third Notice - minimum \$150 FINE  
Fourth Notice - minimum \$300 FINE  
Continuing Violations - \$100 FINE per week

**COMMENCING ADDITION OR MODIFICATION TO EXISTING STRUCTURE, OR NEW STRUCTURE WITHOUT ARCHITECTURAL APPROVAL**

First Notice - minimum \$500 FINE  
Second Notice - minimum \$750 FINE  
Third Notice - minimum \$1,000 FINE  
Fourth Notice - minimum \$1,500 FINE  
Continuing Violations - \$500 FINE per day

**CONSTRUCTION OR ALTERATION OF AN IMPROVEMENT OTHER THAN WHAT WAS APPROVED BY THE ARCHITECTURAL COMMITTEE**

First Notice - minimum \$300 FINE  
Second Notice - minimum \$450 FINE  
Third Notice - minimum \$600 FINE  
Fourth Notice - minimum \$750 FINE  
Continuing Violations - \$300 FINE per day

**CONSTRUCTION VIOLATIONS (NOISE, CONDITION OF THE PROPERTY, ETC.)**

First Notice - \$200 FINE  
Second Notice - \$400 FINE  
Third Notice - \$600 FINE  
Fourth Notice - \$800 FINE  
Continuing Violations - \$500 FINE per week

**TEMPORARY BUILDINGS VIOLATION**

First Notice - \$200 FINE  
Second Notice - \$400 FINE  
Third Notice - \$600 FINE  
Fourth Notice - \$800 FINE  
Continuing Violations - \$500 FINE per week

**TRADE OR BUSINESS VIOLATION**

First Notice - minimum \$500 FINE  
Second Notice - minimum \$750 FINE  
Third Notice - minimum \$1,000 FINE  
Fourth Notice - minimum \$1,500 FINE  
Continuing Violations - \$500 FINE per day

**ANIMAL OR ANIMAL-RELATED STRUCTURE VIOLATION - NO INJURIES**

First Notice - \$25 FINE  
Second Notice - \$50 FINE  
Third Notice - \$100 FINE  
Fourth Notice - \$250 FINE  
Continuing Violations - \$75 FINE per day

**ANIMAL VIOLATION CAUSING INJURIES TO PERSON(S) OR OTHER ANIMAL(S)**

First Notice - minimum \$250 FINE  
Second Notice - minimum \$500 FINE  
Third Notice - minimum \$750 FINE  
Fourth Notice - minimum \$1,000 FINE  
Continuing Violations - \$100 FINE per day

**SIGNAGE VIOLATION**

First Notice - \$25 FINE

Second Notice - \$50 FINE

Third Notice - \$100 FINE

Fourth Notice - \$250 FINE

Continuing Violations - \$75 FINE per week

**GARAGE CONVERSION**

First Notice - \$300 FINE

Second Notice - \$450 FINE

Third Notice - \$600 FINE

Fourth Notice - \$750 FINE

Continuing Violations - \$300 FINE per day

**ROOFTOP HVAC EQUIPMENT VIOLATION**

First Notice - \$300 FINE

Second Notice - \$450 FINE

Third Notice - \$600 FINE

Fourth Notice - \$750 FINE

Continuing Violations - \$300 FINE per day

**BASKETBALL HOOPS**

First Notice - \$25 FINE

Second Notice - \$50 FINE

Third Notice - \$100 FINE

Fourth Notice - \$250 FINE

Continuing Violations - \$75 FINE per day

**FURTHER SUBDIVISION, PROPERTY RESTRICTIONS, REZONING VIOLATIONS**

First Notice - minimum \$500 FINE

Second Notice - minimum \$750 FINE

Third Notice - minimum \$1,000 FINE

Fourth Notice - minimum \$1,500 FINE

Continuing Violations - \$500 FINE per day

**TIMESHARE VIOLATIONS**

First Notice - minimum \$300 FINE

Second Notice - minimum \$450 FINE

Third Notice - minimum \$600 FINE

Fourth Notice - minimum \$750 FINE

Continuing Violations - \$300 FINE per day

**RENTAL VIOLATION (LEASE OF LESS THAN ENTIRE LOT AND RESIDENCE)**

First Notice - minimum \$200 FINE

Second Notice - minimum \$350 FINE

Third Notice - minimum \$500 FINE

Fourth Notice - minimum \$650 FINE

Continuing Violations - \$200 FINE per day

**RENTAL VIOLATION (LEASE TO MORE THAN THREE (3) UNRELATED PERSONS DURING ANY 365-DAY PERIOD.)**

First Notice - minimum \$300 FINE

Second Notice - minimum \$450 FINE

Third Notice - minimum \$600 FINE

Fourth Notice - minimum \$750 FINE

Continuing Violations - \$300 FINE per day

**NUISANCES (NOISE, ODOR, AND/OR LIGHT) VIOLATION**

First Notice - minimum \$50 FINE

Second Notice - minimum \$100 FINE

Third Notice - minimum \$200 FINE

Fourth Notice - minimum \$350 FINE

Continuing Violations - \$100 FINE per week

**USE OF AREA OF ASSOCIATION RESPONSIBILITY CAUSING DAMAGE**

First Notice - minimum \$100 FINE plus cost of repairing or restoring damage

Second Notice - minimum \$150 FINE plus cost of repairing or restoring damage

Third Notice - minimum \$200 FINE plus cost of repairing or restoring damage

Fourth Notice - minimum \$250 FINE plus cost of repairing or restoring damage

**ALTERATION OF AREA OF ASSOCIATION RESPONSIBILITY**

First Notice - minimum \$100 FINE plus cost of restoring area

Second Notice - minimum \$150 FINE plus cost of restoring area

Third Notice - minimum \$200 FINE plus cost of restoring area

Fourth Notice - minimum \$250 FINE plus cost of restoring area