

# PINNACLE HILL OWNERS ASSOCIATION

## ENFORCEMENT FINE POLICY

### RECITALS

Pursuant to the Declaration of Covenants, Conditions and Restrictions for Pinnacle Hill Owners Association (“Declaration”), recorded with the Maricopa County Recorder’s Office at Instrument No. 93-0141997 and any amendments thereto, Pinnacle Hill Owners Association (“Association”) adopts this Fine Policy for violations of the Declaration, Bylaws, Architectural Design Guidelines or any other Rules and Regulations governing the Association (collectively referred to herein as “Project Documents”) and it is intended to supersede and replace any prior provisions governing violations, fines, and appeal in the Rules and Regulations.

### SCHEDULE OF NOTICES

Any Owner who is found to be in violation of the Project Documents, with the exception of the Owner’s failure to pay assessments and other related charges, will be provided a written Notice of Violation regarding that certain violation in accordance with the schedule below. In the event the Owner fails to comply and remedy the violation after written notice and an opportunity to be heard in accordance with the schedule of Notices below, the Association may cause corrective action to be taken, impose monetary penalties (“fines”) in accordance with the Fine Schedule attached hereto or take legal action.

**FIRST NOTICE:** An Initial Notice of Violation shall be mailed via regular mail to the Owner in violation requesting compliance with the Project Documents within twenty-one (21) days of the date of the Notice. The Notice may inform the Owner that if compliance is not met the Association may cause corrective action to be taken and the related costs incurred by the Association shall become part of the Owner’s assessment obligation and secured by a lien against the Owner’s Lot.

**SECOND NOTICE:** If the violation still exists, a Second Notice of Violation shall be mailed via regular mail to the Owner in violation demanding compliance with the Project Documents within fourteen (14) days of the date of the Notice.

**THIRD NOTICE:** If the violation still exists, a Third Notice of Violation shall be mailed via Certified mail to the Owner in violation demanding compliance with the Project Documents within fourteen (14) days of the date of the Notice. The Notice will also inform that Owner of the Fine that has been levied and will state that an additional Fine will be levied in accordance with the attached Fine Schedule if compliance is not met.

**CONTINUING VIOLATIONS:** If the violation continues to exist without resolution after the Third Notice of Violation, additional Notices may be sent to the Owner demanding compliance with the Project Documents within fourteen (14) days of the Notice imposing a Fine in accordance with the attached Schedule of Fines. If the same type of violation recurs within six (6) months after

it has been corrected, the Association may start the process above with the Second Notice of Violation.

### **LEGAL ACTION**

Notwithstanding the foregoing Schedule of Notices, nothing in this Policy will limit the Association's right to immediately pursue any and all legal remedies to address an Owner's violation of the Project Documents and the offending Owner shall be obligated to pay court costs and reasonable attorney fees incurred by the Association. The Association also reserves the right to pursue any other legal action permitted by law or the Project Documents in addition to this Policy, including the Right of Entry.

### **APPEAL PROCESS**

- A. Any Owner who receives a Notice of Violation may provide the Association with a written response contesting the Notice of Violation by sending the response by certified mail within twenty-one (21) days after the date of the first Notice of Violation.
- B. Any Owner contesting a Notice of Violation may also request a hearing with the Association's Board of Directors. The hearing shall take place during an executive Board meeting unless the Owner requests to meet with the Board during an open meeting.
- C. Following the appeal hearing, the Board of Directors will render a decision and notify the Owner in writing within fourteen (14) business days.
- D. All decisions of the Board are final and may not be further appealed.
- E. If the appeal is denied, the homeowner is required to bring the violation into compliance within fourteen (14) days. If the violation still exists after fourteen (14) days, the violation will be treated as a continuing violation and the Owner may continue to receive Violation Notices every fourteen (14) days thereafter with accompanying Fines in accordance with the attached Fine Schedule.

**PINNACLE HILL OWNERS ASSOCIATION**  
**FINE SCHEDULE**

Subject to the requirements of the Association's Fine Policy, the Fine Schedule shall be as follows:

<b>Category of Violation<sup>1</sup></b>	<b>Severity</b>	<b># of Notices</b>	<b>Fine<sup>2</sup></b>	<b>Examples<sup>3</sup></b>
<b>Architectural</b>	\$\$\$\$	1	\$0	Unapproved permanent or semi-permanent alteration (i.e., building, fence, wall); failure to paint home
		2	\$100	
		3	\$250	
<b>Serious Nuisances</b>	\$\$-\$\$\$	1	\$0	Endanger health, safety and welfare; non-residential use; animals (i.e. wild animals or livestock); diseases and insects
		2	\$50	
		3	\$150	
<b>Parking</b>	\$\$	1	\$0	Parking in non-designated parking areas (i.e., granite on the front yard); recreational vehicles parked in the front and back yards; inoperable vehicles
		2	\$100	
		3	\$200	
<b>Maintenance</b>	\$\$-	1	\$0	Failure to maintain Lot (i.e., weeds); cut grass, tree / palm / plant material maintenance
		2	\$25	
		3	\$100	
<b>Smaller Nuisances</b>	\$	1	\$0	Exterior sound; visible trash cans; holiday decorations long after the ending of the holiday season
		2	\$25	
		3	\$100	

1. Some violations may fall into more than one Category of Violation. The Board shall have the discretion to determine which Category best describes the violation at issue.

2. Unless otherwise set forth in the Fine Policy, the monetary penalty amount to be levied shall be a one-time amount per Notice.

3. The examples listed are not intended to be limiting. Each Category of Violation may include other specific types of violations not listed.

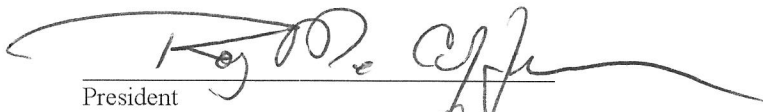
FINE POLICY AND FINE SCHEDULE

The undersigned, constituting all of the members of the Board of Directors ("Board") of Pinnacle Hill Owners Association ("Association"), an Arizona nonprofit corporation, hereby take the following action:

RESOLVED, that the Board hereby approves the foregoing and attached Enforcement and Fine Policy and Fine Schedule.

The Board hereby instructs the managing agent to notify all homeowners of the implementation of the fine policy and violation appeal process effective as of December 1st, 2018.

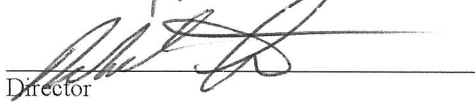
IN WITNESS WHEREOF, the undersigned have executed this consent as of this 16th day of October 2018.

  
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President

  
\_\_\_\_\_  
Vice President

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Treasurer

  
\_\_\_\_\_  
Director