

**LAKE PATAGONIA RANCH PROPERTY OWNERS ASSOCIATION B
ENFORCEMENT POLICY RESOLUTION**

Adopted this __ day of _____, 20__

The following Enforcement Policy Resolution has been adopted by Lake Patagonia Ranch Property Owners Association B (“Association”):

RECITALS

WHEREAS, pursuant to the Bylaws of Lake Patagonia Ranch Property Owners Association B (“Bylaws”) at Article VIII, Sections 4 and 5, the Association has the power to adopt rules and regulations governing architectural control and “relating to the control, management and use of the Association property.”

WHEREAS, pursuant to the Amended Declaration of Covenants, Conditions and Restrictions for Lake Patagonia Ranch (“Declaration”) at Article XI, and the Bylaws, at Article VIII, Section 5, the Board of Directors is empowered to enforce the Declaration and any rules and regulations the Association has adopted.

WHEREAS, Arizona law, at A.R.S. § 33-1803(B), authorizes the Association to impose reasonable monetary penalties for violations of the Declaration or other governing documents.

WHEREAS, the Board of Directors of the Association desires to adopt a policy for the enforcement of all of the Association’s governing documents, including, but not limited to, the Declaration, as well as an initial Schedule of Fines, attached hereto as Exhibit “A.”

NOW, THEREFORE, be it resolved that the Association hereby adopts the following procedures for enforcement of the governing documents:

1. **Knowledge of Violation:** Information regarding violation of the governing documents shall be obtained by Association site inspections and observations, and/or receipt of complaints from Residents. Complaints must be received in writing and must identify the complainant. In the event of receipt of a written complaint, the Association shall investigate the alleged violation to the extent possible. If the Association’s investigation verifies the complaint, then it may proceed with appropriate action pursuant to this Policy or otherwise authorized by law. The Association makes no representations or guarantees that it will take action in response to a complaint.

2. **Friendly Reminder (First Notice):**

Days in Violation: 0 Fine: \$0

In most cases, in the event a violation is observed by or reliably reported to the Association, a courtesy notice will be mailed to the Owner in violation informing the Owner of the violation, which notice shall request 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 shall provide the following information:

- a. The provision of the community documents that was allegedly violated.
- b. The date of the alleged violation or the date it was observed.
- c. The first and last name of the person or persons who observed the violation.
- d. The process the Owner must follow to contest the notice, which is outlined in Paragraph 16, below.

3. Second Notice:

Days in Violation: 14 Fine: \$25.00

If the Owner does not correct the violation within the time stated in the Friendly Reminder, then a twenty-five dollar (\$25.00) fine will be charged to the Owner's account, and the Association will mail a second notice informing the Owner the violation must be corrected within fourteen (14) days.

4. Third Notice:

Days in Violation: 28 Fine: \$50.00

If the Owner does not correct the violation within the time stated in the Second Notice, then a fifty dollar (\$50.00) fine will be charged to the Owner's account, and the Association will mail a third notice informing the Owner the violation must be corrected within fourteen (14) days.

5. Fourth Notice and Continuing:

Days in Violation: 42 + Fine: \$75.00 continuing

If the Owner does not correct the violation within the time stated in the Third Notice, then a seventy-five dollar (\$75.00) fine will be charged to the Owner's account, and the Association will mail a final notice informing the Owner that the Association will charge a seventy-five dollar (\$75.00) fine to the Owner's account every fourteen (14) days until the violation is corrected.

6. Violation Life: Violations are considered open for a six (6) month period from the date of the Friendly Reminder, and repeated violations within that timeframe will be treated as the same violation and subject to the appropriate escalation of fines set forth above or in the applicable fine schedule.

7. **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, or has adopted, supplemental fine schedules for specific violations. If the Board adopts any schedule of fines different than above, then the amounts of the fines in that schedule supersede and replace the amounts set forth above in the circumstances in which they apply. The Board also reserves the right to suspend any schedule and the policy set forth above and impose greater fines with a shorter or no correction period, provided an owner will always receive the opportunity to be heard detailed below after an initial notice of the violation, if the circumstances merit doing so in the Board's sole discretion.
8. **Payment of Monetary Penalties:** This policy serves as notice to all Owners that all fines levied are immediately due and payable and shall 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.
9. **Recording Notice of Violation:** In the event of any violation on a Lot, the Association may, but is not obligated to, record a Notice of Violation containing the following information:
 - a. The name of the Owner violating, or responsible for the violation of, the governing documents.
 - b. The legal description of the Lot against which the notice is being recorded.
 - c. A brief description of the nature of the violation.
 - d. A statement of the specific steps the Owner must take to cure the violation.

Failure to record a Notice of Violation does not constitute a waiver of the violation, evidence the violation does not exist, or a waiver of any right of the Association to enforce the governing documents.

10. **Injunctive Relief:** If a violation is not cured after the Fourth 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. 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, and whether prior to beginning or at any point in the foregoing process, for any violation the

Board of Directors determines requires such action in its sole and absolute discretion.

11. Board Discretion: The Board of Directors reserves the right to deviate from the fine amounts set forth herein if the Board finds good cause to modify the amount of the fine levied in a particular case, in its sole discretion. 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 at any time.

12. Appeals: All violations and fines may be contested 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 the Officer identified in the notice and to the address provided therein.

Approved by the Board of Directors on ___ day of _____, 20__ and effective as of the date adopted above.

By: _____
Board President

Date

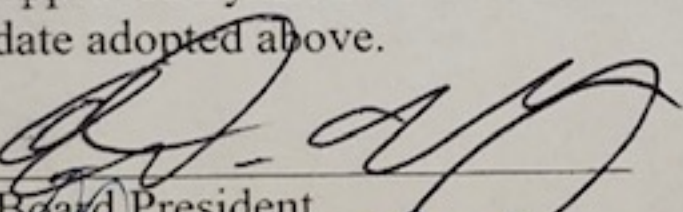
Board Secretary

Date

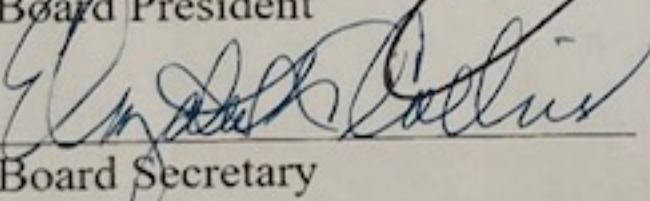
11. **Board Discretion:** The Board of Directors reserves the right to deviate from the fine amounts set forth herein if the Board finds good cause to modify the amount of the fine levied in a particular case, in its sole discretion. The Board also reserves the right to pursue any and all other remedies 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 at any time.

12. **Appeals:** All violations and fines may be contested by submitting a written request to the Board of Directors to resolve the matter within ten (10) days of the date of the letter. The written request should be mailed to the attention of the Association in care of the Officer identified in the notice and to the address provided therein.

Approved by the Board of Directors on 8 day of Oct, 2024 and effective as of the date adopted above.


Board President

10/8/24
Date


Board Secretary

10/8/24
Date

EXHIBIT A
SCHEDULE OF FINES

Violation	Fine
Any Violation Not Otherwise Specified	• \$25After 2nd Notice • \$50After 3rd Notice • \$75After 4th Notice (and continuing)
Architectural Violation (e.g. unapproved construction, work that violates the Declaration, work that does not conform to approved plans, etc.)	• \$200After 2nd Notice • \$400After 3rd Notice • \$600After 4th Notice (and continuing)
Nuisance Violation	• \$100After 2nd Notice • \$150After 3rd Notice • \$200After 4th Notice (and continuing)