

**ADERRA CONDOMINIUMS HOMEOWNERS ASSOCIATION
FINE POLICY AND APPEAL PROCESS
Effective June 15, 2015**

FINE POLICY

Pursuant to the Declaration, the Association shall have the right to adopt a schedule of fines for violation of any provision of the Governing Documents. The following Fine Policy and Appeal Process shall be followed for Aderra Condominiums Homeowners Association.

FIRST NOTICE: An initial notice of the violation shall be mailed to the Owner requesting compliance within fourteen (14) days - **NO FINE**.

SECOND NOTICE: If violation still exists fourteen (14) days after the initial notice of violation, a second notice requesting compliance within fourteen (14) days shall be mailed to the Owner. A **\$50.00 FINE** will be assessed with the second notice of violation and is due immediately.

THIRD NOTICE: If violation still exists fourteen (14) days after the second notice of violation, a third notice requesting compliance within fourteen (14) days shall be mailed to the Owner. A **\$100.00 FINE** will be assessed with the third notice of violation and is due immediately.

FOURTH NOTICE: If violation still exists fourteen (14) days after the third notice of violation, a fourth notice requesting compliance within fourteen (14) days shall be mailed to the Owner. A **\$150.00 FINE** will be assessed with the fourth notice of violation and is due immediately.

CONTINUING VIOLATIONS: If the violation continues without resolution after the fourth notice of violation, a **FINE of \$150.00** shall be assessed **every fourteen (14) days** until the violation is resolved. In addition, the Board of Directors shall have the right to remedy the violation and/or take legal action, the cost of which shall be invoiced to the Owner and collected in the same manner as assessments.

FINES: No fine shall be imposed without first providing a written warning to the Owner describing the violation and stating that failure to correct the violation within fourteen (14) days or ***another occurrence of the same violation within twelve (12) months*** of the original violation shall make the Owner ***subject to imposition of a fine***. Failure to pay any fine shall subject the Owner to the same potential penalties and enforcement as failure to pay any assessments under the Declaration.

LEASING VIOLATIONS: Pursuant to the CC&Rs, Article 4, Section 4.19, the Units shall not be rented by the Owners for any period less than three (3) consecutive full calendar months. Upon leasing his Unit, a Unit Owner shall promptly notify the Association of the commencement date and termination date of the lease and the names of each lessee or other person who will be occupying the unit during the term of the lease. .

FIRST LEASE NOTICE: An initial notice of the violation shall be mailed via regular mail, inquiring as to residency status. Owner shall have fourteen (14) days to respond.

SECOND LEASE NOTICE: If the Owner does not respond within the fourteen (14) days a **\$5,000 FINE** will be assessed and due immediately with the second notice.

CONTINUING LEASE VIOLATIONS: There will be an additional **\$1,000 FINE** for each month the violation exists after the second notice.

AUTOMATIC FINES MOVE IN/MOVE OUT

FIRST NOTICE: A notice of violation shall be mailed via regular mail to the homeowners requesting compliance immediately. A \$50 fine will be assessed and due immediately with the first notice for failure to follow move in/move out guidelines in the approved Rule and Regulations dated June 15, 2015.

SELF HELP: Pursuant to Article 5, Section 5.4 of the Declaration, if an Owner fails to maintain in good condition and repair his Unit or any Limited Common Element which such Owner is obligated to maintain under the Declaration and the required maintenance, repair or replacement is not performed within thirty (30) days after written notice has been given to the Owner, the Association shall have the right to perform the required maintenance, repair or replacement, the cost of which shall be assessed against the nonperforming Unit Owner. All remedies available at law or equity shall be available in the event of any breach of any provision of this Article by any Owner, tenant or other person.

Notwithstanding the foregoing, the Board of Directors reserves the right to seek Injunctive Relief at any time regardless of the presence or absence of notices hereunder, for any violation that the Board of Directors determines in its sole and absolute discretion constitutes a material danger to persons or property or requires immediate action for any other substantial reason. The Board of Directors reserves the right to take any action permitted by law or the Declaration, in addition to the above mentioned fine policy.

APPEAL PROCESS

- When a violation notice is sent to an Owner, such notice shall include a statement notifying the Owner that he/she has the "RIGHT OF APPEAL."
- When an Owner desires to appeal a violation, he/she must so notify the Management Company in writing within ten (10) days after the date of the violation notice.
- Appeals shall demonstrate ***extenuating circumstances*** which require deviation from the Governing Documents.
- Appeal shall include all pertinent backup information to support the existence of the ***extenuating circumstance***.
- All decisions of the Board are final and may not be further appealed.
- Any appeal that does not meet the above requirements shall not be heard by the Board and shall be considered ***DENIED***.

- The Owner appealing the violation will be given written notice that the appeal has been received and it will be reviewed by the Board.
- If the appeal is denied, the Owner must bring the violation into compliance within ten (10) days. If the violation still exists after ten (10) days, the Owner will be fined \$100.00 every ten (10) days until the violation is corrected. In addition, the Board of Directors may seek legal action to remedy the violation. All costs of legal action will be billed to the Homeowner and collected in the same manner as assessments.

**UNANIMOUS CONSENT TO ACTION
BY THE BOARD OF DIRECTORS
ADERRA CONDOMINIUMS HOMEOWNERS ASSOCIATION**

c/o AAM, LLC
1600 W Broadway Rd., Ste 200
Tempe, AZ 85282
(602) 957-9191


FINE POLICY AND APPEAL PROCESS

The undersigned, constituting all of the members of the Board of Directors of ADERRA CONDOMINIUMS HOMEOWNERS Association, an Arizona nonprofit corporation, hereby take the following actions in writing and without a meeting pursuant to Section 10-3821, Arizona Revised Statutes, which actions shall have the same force and effect as if taken by the Board at a duly called meeting of the Board.


RESOLVED, that the Board of Directors hereby approves the Fine Policy and Appeal Process for Aderra Condominiums Homeowners Association attached to this resolution.

The Board of Directors hereby instructs the managing agent to notify all Owners of the implementation of the Fine Policy and Appeal Process effective as of June 15, 2015.

IN WITNESS WHEREOF, the undersigned have executed this consent as of this 15th day of June, 2015.



Brian Wilson
President and Director, Board of Directors

DocuSigned by:


7E29E68C5D544E8
Nathan Ottosen
Secretary/Treasurer and Director, Board of Directors



Sherry Catlett
Director, Board of Directors