

Creekside Homeowners Association

RULES AND REGULATIONS

CC&R VIOLATION AND ENFORCEMENT POLICY

June 10, 2024

The Creekside Homeowners Association, Inc. has established the following policy for Covenants, Conditions and Restrictions (CC&R's) violations enforcement, and any applicable monetary fines for continuing violations. This policy is formed following the established law of the State of Arizona, Section 1, Title 33, Arizona Revised Statute, Chapter 17, Planned Communities. The goal of this policy is to protect all the Members of the Association from excessive costs in enforcing the CC&R's as outlined in the Article 7.3 of that legal document, and to safeguard the value of the Members' properties.

First Notice:

A letter will be sent to the Owner of the property outlining the violation. In the event that the Owner of the property can be identified as an absentee Owner, a copy of the violation letter will also be sent to the tenant at the property address. The letter will state that the Owner will be given twenty-one (21) calendar days to bring the violation into compliance.

Second Notice:

The second letter will again define the violation and notify the Owner that in the event the property is not brought into compliance within twenty-one (21) calendar days, a fine may be assessed to their association account. **This fine is collectable just as it is for any other assessment amount.** See fine schedule on page 2 of this document. The letter will offer an opportunity for a Hearing with the Board of Directors.

Third Notice:

The third letter notifies the Homeowner that a fine has been assessed against them, and that if the violation continues for an additional twenty-one (21) calendar days, an additional fine will be assessed. This letter will offer an opportunity for a Hearing with the Board of Directors.

Additional Notices:

Each additional letter notifies the Owner that an additional fine has been assessed to their account. Continued violations will result in additional monthly fines, legal action and legal costs assessed against the Owner at the discretion of the Board of Directors. This letter will offer an opportunity for a Hearing with the Board of Directors.

Any Owner who has been issued three notices (letters of violation) for a violation of the same type within a three (3) month period of time will receive an initial fine on the third notice. Additional fines will be assessed monthly if the violation of the same type continues. If an Owner does not have a violation of the same type for a period of three (3) months, the file for that violation will be closed. Health, Safety, and Welfare: Immediate action will be required on any violation that would affect the health, safety, and welfare of the Association or Association Members.

Opportunity to be Heard: Grievances (Statement of Defenses) arising from, or an appeal of, any enforcement Action and /or Assessment must be addressed in writing to the Board of Directors of the Association, dated and signed by an Owner, and forwarded to the Association **within 10 calendar days** of receipt of the formal notice of violation. Upon receipt of request for a hearing, the Board shall set a date and time to hear the Owner’s grievance, and the Board will provide notice to the Owner at least 10 calendar days prior to the date of the hearing. **Decisions of the Board are final in all cases.**

SCHEDULE OF FINES

VIOLATION INITIAL	INITIAL FINE	ADDITIONAL FINE
Trash Can *Article II – Section 2.13	\$50.00	\$75.00
Parking *Article II – Section 2.16/Rules and Regulations	\$75.00	\$100.00
Vehicle Repair *Article II – Section 2.12	\$75.00	\$100.00
Signs *Article II – Section 2.05	\$50.00	\$75.00
Design/Construction *Article III – Section 3.06	\$100.00	\$200.00
Landscaping *Article II – Section 2.08	\$75.00	\$100.00
ARC Violation Letters *Article III – Section 4.04	\$75.00	\$100.00
Renting Home Without Approval *Article II – Section 2.02 (Certified Amendment to Declarations Rentals 6-04-2007)	\$500.00	\$250.00

Other Violations Assessment set by Board of Directors