

**LIMBERLOST TERRACE IMPROVEMENT ASSOCIATION  
FINE POLICY AND APPEAL PROCESS  
Effective July 1, 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 Limberlost Terrace Improvement 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 **\$25.00 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 **\$50.00 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 **\$50.00 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 \$100.00** 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 three (3) 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.

**SELF HELP:** Pursuant to Article 10.2 of the Declaration, Each Owner shall be responsible for and pay for all damage caused by the Owner, his guests, family, lessees, pets or employees to his or any other Owner's property or to the Common Areas. Upon the failure of any Owner to maintain the premises and the improvements thereon in a manner satisfactory to the Association, the Association, through its agents and employees, after giving notice to the Owner, is granted the right to enter upon such Lot and to make necessary repairs, maintenance, rehabilitation or restoration of the

premises and the exterior of any Dwelling Unit as may be necessary, and the cost shall be charged against the owner by invoice and made a lien on his Lot. Nothing contained herein shall require the Association to charge for, or to collect assessments for damage caused by an Owner, his guests, family, lessees, pets or employees to any other Owner's property. The Association shall not be compelled by the damaged party to make such repairs or to charge the offending party or collect such necessary amounts from him.

**Notwithstanding the foregoing, the Board of Directors reserves the right to seek Injunctive Relief at anytime 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 fourteen (14) days. If the violation still exists after fourteen (14) days, the Owner will be fined 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  
LIMBERLOST TERRACE IMPROVEMENT 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 Limberlost Terrace Improvement 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 Limberlost Terrace Improvement 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 July 1, 2015.

IN WITNESS WHEREOF, the undersigned have executed this consent as of this 25<sup>th</sup> day of May, 2015.



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Carmen Wilcox  
President and Director, Board of Directors



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Mona White  
Vice President and Director, Board of Directors



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Rick Ortega  
Treasurer and Director, Board of Directors