

**RESOLUTION OF THE BOARD OF DIRECTORS
SUNRISE MOUNTAIN RIDGE HOMEOWNERS ASSOCIATION
VIOLATION ENFORCEMENT POLICY**

This resolution is adopted by the Board of Directors of the Sunrise Mountain Ridge Homeowners Association, Inc., pursuant to Arizona Revised Statutes §33-1803, which provide that the Association's Board of Directors is entitled to impose fines for violation(s) of the Declaration of Covenants, Conditions and Restrictions (CC&RS), Design Guidelines, or any rules adopted by the Board of Directors. The procedure for imposing fines for such violation(s) is set forth below and supersedes any other such procedure previously adopted by the Board:

1. "Friendly Reminder" – When the violation is initially observed, the owner will be contacted by phone or email and informed of a potential violation on the property. The owner will be asked to rectify the situation within thirty (30) calendar days. The "Friendly Reminder" will be issued by the Committee, as designated by the CC&R's. The Board of Directors will be sent a memo stating a "Friendly Reminder" has been issued with all the pertinent information.
2. "Notice of Violation" – When a violation is observed again after thirty (30) calendar days, or if the same rule or provision of the Governing Documents is subsequently violated within 90 days of its resolution, a written "Notice of Violation(s) together with a request to cease and desist from an alleged violation shall be sent to the Owner of the Lot via regular mail and shall specify:
 - (a). The alleged violation(s)
 - (b). The provision(s) of the community documents that has been violated
 - (c). The date of the violation or the date the violation was observed
 - (d). The first and last name of the person or persons who observed the violation
 - (e). A statement that unless the violation(s) is corrected, sanctions may be imposed after notice and hearing
 - (f). The process the members must follow to contest the notice
 - (g). A time period for compliance of not less than thirty (30) calendar days
 - (h). In the event that the Owner is leasing his/her home, the Association will provide a copy of the Notice of Violation(s) to the Owner's tenant.
3. "Final Non-Compliance Notice" – If the violation(s) continues past the period allowed in the "Notice of Violation" or if the same rule or provision of the Governing Documents (CC&Rs) is subsequently violated within 6 months of its' resolution, a written "Final Non-Compliance Notice" shall be sent to the Owner of the Lot via regular mail and shall specify:
 - (a). The nature of the alleged violation(s)
 - (b). An invitation to the homeowner to submit a written Request for Hearing with the Board of Directors to discuss the alleged violation(s)
 - (c). A time period of not less than fourteen (14) calendar days for submittal of such request
 - (d). A statement that unless the violation(s) is corrected, sanctions may be imposed
 - (e). The proposed sanction(s) to be imposed, which may include the imposition of a fine and the payment of any attorney fees incurred by the Association, in the event that the Association prevails in the suit, as allowed by the governing documents and law.
4. Hearing
 - (a). The Owner may request reconsideration of sanctions imposed by the Board.
 - (b). In order to schedule an appearance before the Board, the Owner must submit a written request to the Board of Directors after receipt of notice of the sanctions.
 - (c). The meeting shall be scheduled and the Owner notified of the date, time, and location via regular mail.
 - (d). The meeting will be held pursuant to the Notice of Hearing and Owner shall be afforded a reasonable

- opportunity to be heard.
- (e). After the meeting, the Board shall issue a ruling on whether the sanction stands, is modified or is rescinded.
 - (f). The Board shall send a written notice to the Owner of its ruling. The ruling of the Board will be final.
5. Imposition of Fine and any other Sanctions – At the conclusion of the hearing, the Board of Directors shall determine the amount of the fine to be imposed, if any, based on:
- (a). The seriousness of the violation(s)
 - (b). Whether this is a first violation or a continuing violation(s).
 - (c). Whether the type of offense poses a danger to property or any person
 - (d). Any other extenuating circumstances and whether the Owner agrees in good faith to correct the violation(s)
 - (e). Whether the amount is sufficient to obtain compliance, based on the facts
 - (f). The established schedule of fines for that specific violation
6. Examples of specific fine amounts for specific violations are: SEE ATTACHED TABLE “A” This Table will be reviewed by the Board of Directors annually to improve clarity, and to add or omit violations.
7. “Continuing Violation(s) – Each day a violation(s) continues after notice to cease has been given by the Board to the Owner constitutes a separate violation(s) and can be subject to a fine. In addition, each reoccurrence of a violation of the same nature constitutes a continuing violation(s) and can be escalated to the next level of the enforcement process. After the Board of Directors determines the amount of the fine, if any, the Board of Directors shall send notice to the Owner of the amount of the fine and its due date. The Board of Directors is empowered to impose a fine for each day that the violation(s) continues.
8. Request for Reconsideration:
- (a). The Owner may request reconsideration of sanctions imposed by the Board of Directors.
 - (b). In order to schedule an appearance before the Board, the Owner must submit a written request to the Board of Directors after receipt of notice of the sanctions.
 - (c). The meeting shall be scheduled and the Owner notified of the date, time and location via regular mail.
 - (d). The meeting will be held pursuant to the Notice of Hearing and the Owner shall be afforded a reasonable opportunity to be heard.
 - (e). After the meeting, the Board shall issue a ruling on whether the sanction stands, is modified or is rescinded.
 - (f). The Board shall send a written notice to the Owner.
 - (g). The ruling of the Board will be final.
9. Payment of the Fine and/or Penalties - The Board shall advise the Owner that any fine that is not paid within fifteen (15) days of its due date is delinquent and subject to late fees and/or interest consistent with the governing documents and applicable Arizona law.
10. Collection – Collection of any fines and penalties may be enforced against any Owner in the manner consistent with the governing documents and applicable Arizona law.

Resolution approved by Sunrise Mountain Ridge Homeowners Association, Inc., Board of Directors on September 21, 2018.

Signed by Larry Glasser – President and Susan Arbuckle – Secretary on September 21.

TABLE A- SCHEDULE OF FINES

This Table will be reviewed annually by the SMR Board of Directors to improve clarity and to add or delete a violation(s).

Major Violation Categories	30 days after “Formal Notice of Violation”	60 days after “Formal Notice of Violation”	90 days after “Formal Notice of Violation”

Owner/Renter Caused Violations	\$200	\$400	\$600 Plus Cost to File Property Lien
Health/Safety Violations	\$200	\$400	\$600 Plus Cost to File Property Lien
Property Appearance Violations	\$100	\$300	\$500 Plus Cost to File Property Lien

OWNER/RENTER CAUSED VIOLATIONS

- Owner/Renter removes or damages any trees or plants from HOA Common Area without permission.
- Owner/Renter modifies irrigation system on HOA Common Area without permission.
- Owner/Renter dumps trash or other debris in HOA Common Area.
- Owner/Renter destroys or defaces any HOA Property.
- Owner/Renter plants trees or shrubs in the HOA Common Area without permission.
- Parking vehicles on-street (except for social events or commercial service) or on unpaved areas.
- Parking vehicles on off-street common areas.
- Parking/storage of recreational vehicle on lots/ in driveways (except within enclosed garage) without permit issued by the Board.
- Parking/storage of junked or inoperable vehicles on lots/in driveways (except within enclosed garage).
- Sponsoring a garage, yard, estate or moving sale, or any ongoing commercial enterprise that requires traffic to/from a residence.

HEALTH/SAFETY VIOLATIONS

Sidewalks and or driveways will be classified as “Hazardous” and requiring repair when on one or more of the below standards is identified during an inspection:

1. Vertical or horizontal separations equal to or greater than 3/4".
 2. Holes or depressions equal to or greater than 3/4".
 3. Spalling over fifty (50%) percent of a single square with a depression equal to or greater than 3/4".
 4. A single square cracked into more than three (3) pieces OR sections distorted equal to or greater than 3/4".
 5. Sidewalk is raised (or depressed) more than 2" in an 8' - 10' length from the normal grade of the sidewalk.
- Private Property trees roots posing structural problems for walls, sidewalks, driveways, water, sewer or irrigation system.
 - Failure to keep dogs on leash.
 - Failure to keep dogs inside yard walls.
 - Failure to remove and hygienically dispose of pet waste left on other owners' lots or in common areas.
 - Bringing Pets into Spa or Pool Areas.
 - Violation of any Pool, Spa, Clubhouse, or Tennis/Pickleball Court Rules.
 - Failure to keep outside front post light lit from dusk to dawn, 365 days per year.
 - Parking on the street in a manner that obstructs emergency vehicles and waste collection vehicles from getting through.
 - Parked vehicles that block the sidewalks.
 - Parked vehicles overnight on the street

PROPERTY APPEARANCE VIOLATIONS

- Not Making Resale Inspection Corrections
- Non-adherence to SMR's published Yard Appearance Rules and Regulations.
- Non-adherence to SMR's published Architectural Design Reference (ADR's).