


**BELL WEST RANCH HOMEOWNERS ASSOCIATION
VIOLATION AND ENFORCEMENT POLICY**

APPEAL PROCESS:

- If an Owner wishes to appeal a violation, he/she must do so within thirty (30) calendar days of the date of the violation notice, by sending written notice of the appeal via U.S mail or email to the Association's address contained in the violation notice. Once an Owner has appealed a violation, such Owner shall not be permitted to appeal any subsequent notice of the same violation.
- Appeals shall describe the reason for the appeal and any extenuating circumstances that the Board should consider.
- All decisions regarding an Owner's appeal shall be at the sole and absolute discretion of the Board of Directors and are final and may not be further appealed.
- The appeal shall be heard by the Board of Directors in Executive Session unless requested otherwise by the owner.
- 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 seven (7) 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 Owner and collected in the same manner as assessments to the extent permitted by law.

A majority of the Board of Directors approved the above Resolution implementing the Fine and Enforcement Policy for Bell West on this 1st day of September, 2021.

THE BELL WEST RANCH HOMEOWNERS ASSOCIATION, Inc., an Arizona non-profit corporation.

By: 
Name: M.W. FALERGOS
Its: President

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The Board of Directors at a duly called and noticed meeting held on 9/1/2021, 2021 for Bell West Ranch Homeowners Association, an Arizona non-profit corporation (the "Association") at which a quorum was achieved pursuant to A.R.S. § 10-3824, hereby adopt the following resolution:

WHEREAS, Article 3, Section 3.03 of the Declaration provides the Association may adopt, amend and repeal the Association Rules by majority vote of the Board.

WHEREAS, Article 3, Section 3.04 of the Declaration provides the Association may impose reasonable monetary penalties on Members for violations of the Declaration.

WHEREAS, the Board of Directors of the Association has recognized a need to implement an amended policy of imposing monetary penalties against members who violate the governing documents.

NOW THEREFORE, IT IS RESOLVED that the following Fine and Enforcement Policy for Bell West is hereby implemented:

The Board of Directors intends to impose monetary penalties as authorized by A.R.S. Section 33-1803. The Board of Directors, when imposing monetary penalties reserves the right to enforce the community's restrictions in any other legal manner. The following fine schedule is intended to be a guide only and is not intended to create any rights. The Board of Directors reserves the right to accrue the fine daily until the violation is cured and to impose fines in amounts in excess of those set forth in the fine schedule.

COURTESY NOTICE:

An initial courtesy notice of the violation shall be mailed via regular mail to the homeowner requesting compliance within twenty-one (21) calendar days – **NO NOTICE OF FINE**. Courtesy notice advises homeowner of the right to appeal the notice of violation, and the process to follow to contest the notice of violation.

SECOND NOTICE:

If the violation still exists twenty-one (21) calendar days beyond the date of the "courtesy notice", a second notice requesting compliance within seven (7) days shall be mailed to the homeowner. A **\$100.00 FINE** will be assessed and due immediately with the second notice. If an appeal from the homeowner is received within ten (10) days of the second notice, further notices will be suspended until such time as the board has acted and notified the homeowner of the decision of the appeal.

THIRD NOTICE:

If the violation still exists seven (7) days beyond the date of the "second notice", a third notice requesting compliance within seven (7) days shall be mailed to the homeowner. A **\$200.00 FINE** will be assessed and due immediately with the third notice. If an appeal from the homeowner is

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received within ten (10) days of the third notice, further notices will be suspended until such time as the board has acted and notified the homeowner of the decision of the appeal.

CONTINUING VIOLATIONS:

If a violation still exists ten (10) days beyond the date of the third or subsequent notice, the homeowner account may be sent to the Association's law firm for further action.

FINES:

No fine shall be imposed without first providing a written warning to the Owner describing the violation and stating that the failure to stop the violation within no less than seven (7) days or *another recurrence of the same violation within six (6) months* of the last instance of the same 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 Section 5.10 of the Declaration of Covenants, Conditions and Restrictions of Bell West Ranch (CC&R's) to the extent permitted by law.

SUSPENSION OF VOTING RIGHTS:

If any Member has caused or permitted a non-monetary violation of the Governing Documents, the Member's right to vote as a Member of the Association will be suspended automatically within fifteen (15) days after the Member's receipt of written notice from the Board.

SELF HELP:

Pursuant to Section 8.12 of the CC&R's:

In the event an Owner does not maintain his Lot in a neat and proper manner as provided herein, the Association may cause the same to be cleaned and restored to proper condition, and may impose a Maintenance Charge for such service. Upon the Owner's refusal to pay the Maintenance Charge, within thirty (30) days after presentation of a bill therefor, the Association may record an affidavit in the Office of the County Recorder of Maricopa County, State of Arizona, stating that said Owner refused to maintain said Lot in a neat and proper manner, the amount of charge, to whom it was paid, and the date, and such amount shall thereupon constitute a lien against said Lot subject to and enforceable in accordance with the provisions hereof as to liens.

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 reason.

The Board of Directors reserves the right to take any action permitted by law or the CC&Rs (including sending the account to the Association's law firm), in addition to the above-mentioned fine policy.