

*Exhibit (A)*  
**TONE RANCH ESTATES HOMEOWNERS ASSOCIATION  
MONETARY PENALTY POLICY**

**Revised March 21, 2019**

**Effective May 1, 2019**

**RESOLVED:**

The Board of Directors of Tone Ranch Estates Homeowners Association has approved the following **MONETARY PENALTY SCHEDULE** for any violation of the CC&R's or guidelines of the Tone Ranch Estates Homeowners Association.

**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 monetary penalty schedule is intended to be a guide and is not intended to create any rights. The Board of Directors reserves the right to impose a monetary penalty on the first date of a violation, to accrue the fine until the violation is cured, to impose monetary penalties in amounts in excess of those set forth in the monetary penalty schedule and establish guidelines for imposing interest for all unpaid monetary penalties.**

**ALL VIOLATIONS OTHER THAN PARKING & STORAGE**

**INITIAL LETTER (NOTICE):**

An initial courtesy notice of the violation shall be mailed via regular mail to the homeowner requesting compliance within fourteen (14) calendar days of the noted violation - **NO MONETARY PENALTY IMPOSED.**

**SECOND NOTICE:**

If the violation has not been resolved a second notice requesting compliance within fourteen (14) calendar days shall be mailed via certified mail to the homeowner, return receipt requested. A **\$25.00 MONETARY PENALTY** will be assessed and due immediately with the second notice, plus all fees associated with certified mailings.

**THIRD NOTICE:**

If the violation still has not been resolved a third notice requesting compliance within fourteen (14) calendar days shall be mailed via certified mail to the homeowner, return receipt requested. A **\$50.00 MONETARY PENALTY** will be assessed and due immediately with the third notice, plus all fees associated with certified mailings.

**FOURTH NOTICE:**

If the violation still continues a fourth notice requesting compliance within fourteen (14) calendar days shall be mailed via certified mail to the homeowner, return receipt requested. A **\$50.00 MONETARY PENALTY** will be assessed and due immediately with the fourth notice, plus all fees associated with certified mailings.

**CONTINUING VIOLATIONS:**

If the violation continues without resolution after the fourth notice, a **MONETARY PENALTY of \$100.00** shall be assessed every fourteen (14) calendar days until the violation is resolved. In addition the Board shall have the right to remedy the violation and/or take legal action, the cost of which shall be billed to the homeowner and collected in the same manner as assessments.

Under ARS 33-1803 (C): A homeowner who receives a written notice for any violation of the CC&Rs or guidelines of the Tone Ranch Estates Homeowners Association may provide the association with a written response by sending the response by certified mail within twenty-one (21) calendar days after the date of the notice. The response shall be sent to the address contained in the notice. Within ten (10) business days after receipt of the certified mail containing the response from the homeowner, the Association shall respond to the homeowner with a written explanation regarding the notice that shall provide information as to the provision of the community documents that has allegedly been violated, the date of the violation, the first and last name of the person observing the violation, and the process the homeowner must follow to contest the notice (unless this information was previously provided in the notice of violation).

**MONETARY PENALTY:**

No monetary penalty shall be imposed without first providing a written warning to the Owner describing the violation and stating that failure to stop the violation within no less than fourteen (14) Calendar days or *another recurrence of the same violation within six (6) months* of the original violation shall make the Owner *subject to imposition of a monetary penalty*. Failure to pay any monetary penalty shall subject the Owner to the same potential penalties and enforcement as failure to pay any assessments under Tone Ranch Estates CC&R Article IV. In addition, the homeowner is responsible for all fees associated with certified mailings.

**PARKING AND STORAGE VIOLATIONS**

**ON LOT VIOLATIONS**

**INITIAL LETTER (NOTICE):**

An initial courtesy letter (notice) of the violation including the license plate number in the case of a parking violation shall be mailed via regular mail to the homeowner requesting compliance within fourteen (14) calendar days - **NO MONETARY PENALTY IMPOSED.**

**SECOND AND EACH SUBSEQUENT NOTICE:**

If violation still exists after fourteen (14) calendar days of the initial violation a notice shall be mailed via certified mail to the homeowner, return receipt requested for each subsequent violation occurring. A **\$25.00 MONETARY PENALTY** will be assessed and due immediately with all subsequent notices, plus all fees associated with certified mailings.

**MONETARY PENALTY:**

No monetary penalty shall be imposed without first providing a written warning to the Owner describing the violation and stating that failure to stop the violation within fourteen (14)

calendar days or *another recurrence of the same violation within six (6) months* of the original violation shall make the Owner *subject to imposition of a monetary penalty*. Failure to pay any monetary penalty shall subject the Owner to the same potential penalties and enforcement as failure to pay any assessments under Tone Ranch Estates CC&R Article IV. In addition, the homeowner is responsible for all fees associated with certified mailings.

### **STREET PARKING VIOLATIONS**

In order to provide a safe community for all residents and guests, efforts may be made to control parking activities on all streets within the Tone Ranch Estates Community. According to our CC&Rs, the Homeowners Association has the right and authority to enforce Town of Gilbert Street parking regulations. The Association reserves the right to involve the Gilbert Police in any enforcement action. In the event of a violation, the following shall occur:

#### **INITIAL LETTER (COURTESY NOTICE):**

An initial letter (courtesy notice) of violation may be placed on the vehicle which includes – at a minimum - the vehicle license plate number and the CC&R that is in violation. The owner/homeowner has fourteen (14) calendar days to correct the violation. **NO MONETARY PENALTY IMPOSED.**

#### **MONETARY PENALTY NOTICES:**

If violation still exists after the issuance of the fourteen (14) calendar day notice to correct the violation, a **\$25.00 MONETARY PENALTY** shall be assessed. A notice may be placed on the vehicle and shall be mailed via certified mail to the homeowner (if determined vehicle belongs to a resident of Tone Ranch Estates). In addition, the homeowner is responsible for all fees associated with certified mailings.

#### **RECURRING VIOLATIONS:**

In the event a subsequent separate instance of the same violation occurs within a one month period, monetary penalties will be doubled (i.e. \$25.00, \$50.00, \$100.00, \$200.00 per monetary penalty). TRE HOA reserves the right to increase the monetary penalty amount for subsequent recurring violations as necessary until the violation is corrected.

Under ARS 33-1803 (C): In all cases of violations, the homeowner has the right to appeal the monetary penalty to the Board of Directors. The homeowner may provide the Association a written response by sending the response by certified mail within twenty-one (21) calendar days after the date of the notice. The response shall be sent to the address contained in the notice. Within ten (10) business days after receipt of the certified mail containing the response from the homeowner, the Association shall respond to the homeowner with a written explanation regarding the notice.

## VIOLATIONS OF ARCHITECTURAL GUIDELINES OR POLICIES

In order to provide uniform guidelines for architectural applications for all homeowners specific requirements are in place. These include that prior to any architectural changes being made to properties within Tone Ranch Estates including landscaping changes, repainting of homes, driveway changes, etc.; an architectural request application must be processed and approved by the Architectural Review Committee prior to completing any modifications. In cases of homeowners proceeding with a modification to their property without proper approval from the Architectural Review Committee, the homeowner, will receive a notice of the violation via certified mail to the homeowner requesting the homeowner comply with Architectural Application procedures within fourteen (14) calendar days of the noted violation and be subject to a **MONETARY PENALTY of \$100** for the initial violation.

### **SECOND AND EACH SUBSEQUENT NOTICE:**

If violation still exists after fourteen (14) calendar days of the noted violation, or an Architectural Review Application is not made, a subsequent notice with an additional \$100 monetary penalty shall be mailed via certified mail to the homeowner, return receipt requested for each subsequent violation occurring. A **\$100.00 MONETARY PENALTY** will be assessed and due immediately with all subsequent notices, plus all fees associated with certified mailings.

In the event a homeowner submits an Architectural Review Application and is rejected by the Architectural Review Committee, the homeowner may incur the cost to correct the violation including undoing work previously made.

Under ARS 33-1803 (C): In all cases of violations, the homeowner has the right to appeal the monetary penalty to the Board of Directors. The homeowner may provide the Association a written response by sending the response by certified mail within twenty-one (21) calendar days after the date of the notice. The response shall be sent to the address contained in the notice. Within ten (10) business days after receipt of the certified mail containing the response from the homeowner, the Association shall respond to the homeowner with a written explanation regarding the notice.