

PASEO DEL RIO COMMUNITY ASSOCIATION
ENFORCEMENT PROCEDURE AND PENALTY RESOLUTION

THIS RESOLUTION is adopted by the Board of Directors of Paseo Del Rio Community Association pursuant to A.R.S. § 33-1803 (the Planned Community Act).

Right to Impose Fines/Penalties. If any Lot Owner or his or her tenants or guests, violates the Association's Declaration of Conditions, Covenants and Restrictions, Bylaws, Design Guidelines or any Rule put into effect by the Board of Directors, the Board may levy a fine/penalty upon the Owner of the subject dwelling unit for each violation and/or may suspend the right of such person (including all tenants and occupants) to use the Common Areas, under such conditions as the Board may specify.

Enforcement Procedures. The Board has established the following procedure, which may be subject to modification or amendment, after notice to the Owner. Before a fine/penalty is levied, the following enforcement procedure will be followed:

A. **First Notice (abatement period without penalty).** Written notice to cease and desist from an alleged violation shall be served upon the owner specifying: (1) the alleged violation; (2) the action required to abate the violation; and (3) if the violation is a continuing one, a time period of not less than ten (10) days, or if the violation is not a continuing one, a statement that any further violation of the same rule may result in the imposition of sanctions after notice and hearing. Service of this notice shall be by certified mail, return receipt requested. All notices shall be sent to the owner. If a tenant or other non-owner occupant occupies the dwelling unit, notice may also be provided to him or her.

B. **Second Notice (notice of hearing and potential fine/penalty).** If the violation has not been cured within the time period set forth in the first notice, or if the same Rule is subsequently violated within twelve (12) months of the first violation, the Board shall serve the Owner written notice of a hearing to be held by the Board in executive session. Service may be made by hand delivery or by first class mail to the owner's address of record. The notice shall contain: (1) the nature of the alleged violation; (2) the time and place of the hearing, which time will not be less than ten (10) days from the giving of notice; (3) an invitation to attend the hearing and produce any statement, evidence and witnesses on his or her behalf; and (4) the proposed sanctions to be imposed, which may include the imposition of a fine/penalty.

Hearing. The hearing shall be held in executive session of the Board of Directors, pursuant to the aforesaid Notice, thereby offering the Owner a reasonable opportunity to be heard. Upon reasonable request to the Board, the Owner may be permitted to submit a written statement in lieu of personal appearance. Under such circumstances, the written statement will be afforded due consideration by the Board. The Board of Directors will set protocol for the hearing. Prior to the effectiveness of any fine/penalty hereunder, proof of notice shall be recorded in the minutes of the meeting, and the notice of hearing shall be affixed to said minutes. The minutes shall set forth the date and

manner of delivery and, if personal delivery of the notice was made, the name of the officer, director or agent who delivered such

Fines/Penalties. The Board has the power to impose a fine/penalty at it's discretion in accordance with Articles 3 and 4 of the Associations Declaration of Conditions, Covenants and Restrictions.

- (a) Fines: - \$25.00 per day. The Owner must notify Management of compliance.
- (b) Penalties - Self-Help, Article 6, section 6.4
- (c) Towing - Article 3, section 3.6

AS APPROVED AND ADOPTED THIS 16TH DAY OF APRIL, 2007
BY THE BOARD OF DIRECTORS.

PASEO DEL RIO COMMUNITY ASSOCIATION

By: Michael J. Del Castillo 4/16/07
Michael J. Del Castillo, its President

**POLICY RESOLUTION
PASEO DEL RIO COMMUNITY ASSOCIATION**

COLLECTIONS

By the authorization granted it per Article 8, of the Declaration of Covenants, Conditions and Restrictions, the Board of Directors of Paseo Del Rio Community Association hereby establishes a procedure to be implemented should the Association's notification process fail to secure the assessments, late fees, interest, special assessments, maintenance charges or related fees owed it by the delinquent Homeowner.

When an assessment account is 90 days past due, a final notice/demand for payment will be sent to the Homeowner at his/her address of record by U.S. mail, certified/return receipt. Such mail is deemed delivered in three days. If the homeowner fails to remit the amount due within 10 days, the Association's agent is authorized to surrender the account to the CCM Collection Department.

If the Homeowner fails to remit payment in full after 90 days the account will be transferred to an Attorney for collection. All reasonable attorney's fees and collections costs incurred in the collection of assessments or other charges due the Association from the owner shall be due and payable immediately by the Homeowner

Adopted this 16th day of April, 2007 by the Board of Directors.

PASEO DEL RIO COMMUNITY ASSOCIATION

By: Michael J. DelCastillo 4/16/07
Michael J. Del Castillo, President
for and on behalf of the Board of Directors