

## Violation Protocol Policy with Fines Schedule

The Board of Directors of the RIVERWALK TUCSON HOMEOWNERS ASSOCIATION, pursuant to Arizona Revised Statutes §33-1803, which provides that the Association's Board of Directors is entitled to impose fines for violation(s) of the Declaration of Covenants, Conditions and Restrictions (CC&R's), Rules or Project Documents, and or Policies adopts this Violation Protocol Policy with Fines Schedule. The procedure for imposing fines for such violation(s) is set forth below:

- I. "Notice of Violations" – A written "Notice of Violation(s)" together with a request to cease and desist from an alleged violation(s) shall be sent to the Owner of the Lot via regular mail and shall specify:
  - a) The alleged violation(s);
  - b) The action required to correct the violation(s)
  - c) A time period for compliance of not less than fourteen (14) days, if the violation(s) is a continuing one, or;
  - d) If the violation(s) is not a continuing one, a statement that any subsequent violation(s) of the same rule or provision of the CC&R'S may result in the imposition of sanctions after notice and hearing.
- II. "Notice of Hearing" – 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 is subsequently violated, the Board of Directors via regular mail shall serve the owner with written "Notice of Hearing". Hearing is to be held by the Board of Directors.

The Notice shall contain:

- a) The nature of alleged violation(s)
  - b) The time and place of the hearing, which shall be not less than ten (10) days from the date of the notice;
  - c) An invitation to attend the hearing and produce any statement, evidence, and witnesses on his or her behalf;
  - d) 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 a lawsuit, as allowed by the governing documents and law. In addition, your rights and privileges to the recreational facilities, activities and classes may be suspended.
- III. Hearing.
    - a) The hearing shall be held pursuant to the Notice of Hearing and the Owner shall be afforded a reasonable opportunity to be heard.
    - b) Prior to any sanction becoming effective, the Association shall submit proof of the notice and the invitation to be heard which shall be attached to the minutes of the Board of Directors meeting.

- c) Such proof shall be deemed adequate if a copy of the notice together with a statement of the date and manner of delivery is entered into the minutes by the officer, management company or director who delivered such notice.
- d) The minutes of the meeting shall contain a written statement of the results of the hearing and the sanctions, if any.

IV. Imposition of Fine and any other Sanctions.

After the hearing, the Board of Directors shall decide the amount of the fine to be imposed, and proposed sanctions, if any. No fine shall be assessed until the owner who has committed a violation has been given due written notice, and the opportunity for a hearing.

Monetary fines for violation(s) of the governing documents and/or rules and regulations of the Association are as follows:

- First violation \$50.00
- Second violation \$75.00
- Third violation \$100.00
- Each violation after the third \$125.00

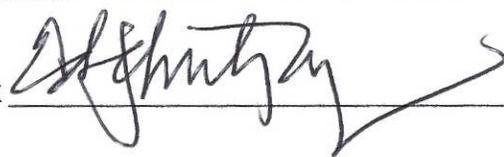
The Board shall have the authority to deviate from the above schedule based on **application of the factors contained in section IV of "Violation Protocol Policy with Fine Schedule"**. For example, if a violation is continuing, the Board may impose a fine that is progressive so that the fine amount increases periodically as the violation continues unabated.

If a corrected violation reoccurs within six months, the fine will immediately resume at next level.

It is the obligation of the Member to advise the Association in writing that the violation has ceased.

In addition to the rights and remedies of the Association set forth herein, the Association shall have all other rights and remedies as set forth in the CC&R's and otherwise as allowed at law or in equity.

Effective Date. The effective date of this resolution is November 3, 2019.

Signed X  \_\_\_\_\_, President