

**CIVANO 1: NEIGHBORHOOD 1
AMENDED RESOLUTION 09-02A
GOVERNING DOCUMENT VIOLATION
PROCEDURE**

(Replaces Resolution 05-03A, dated November 22, 2005)

WHEREAS, Article 11, Section 11.1 of the *Amended and Restated Declaration of Covenants, Conditions and Restrictions for Civano 1: Neighborhood 1* (the "CC&Rs") grants the Association the right and power necessary for the reasonable administration of the affairs of the Association in order to effectuate all of the objectives and purposes of the Association and which are contained in the Specific Plan; and

WHEREAS, Article 11, Section 11.2 of the CC&Rs empowers the Association's Board of Directors to adopt, amend and repeal rules and regulations pertaining to all aspects of the Association's rights, activities and duties; and

WHEREAS, Article 11, Section 11.2 of the CC&Rs further states that the Association rules are enforceable in the same manner as the CC&Rs; and

WHEREAS, Article 11, Section 11.3 of the CC&Rs empowers the Association to enforce the provisions of the CC&Rs.

Chapter 16, Planned Communities, Article 1, ARS 33-1803, Penalties; notice to member of violation Section B states: "After notice and an opportunity to be heard, the board of directors may impose reasonable monetary penalties on members for violations of the declaration, bylaws and rules of the association."

NOW, THEREFORE, the Association's Board of Directors adopted the following Governing Document Violation Procedure at its duly-held meeting on the 2nd day of June, 2009.

1. **COMMUNITY INSPECTIONS.** The Managing Agent (the "Manager") will conduct inspections of the Community at least twice (2x) each month, varying the day and time of the inspection, to ensure that all homeowners are in compliance with the Civano 1 Neighborhood 1 governing documents.

a. The Manager will ensure that each violation noted is referenced to the governing documents.

b. If a neighbor or the Chair of the Design Review Committee (DRC) notifies the Manager of a violation on a Civano 1 Neighborhood 1 property, the Manager will review the violation on the next Community inspection and will ensure that the violation noted is referenced to the governing documents.

A. If it is determined that the issue noted by the neighbor or the Chair of the Design Review Committee is not a violation the Association Manager will respond promptly in writing to the neighbor or the DRC Chair with that information.

2. **FRIENDLY REMINDER.** (Violation Letter #1) If the Manager sees a violation on a Lot or Parcel, a Friendly Reminder (Violation Letter #1) will be sent to the homeowner, advising of the violation and requesting action to correct the violation within ten (10) business days of the date on the Friendly Reminder. The Friendly Reminder (Violation Letter #1) shall contain the following information:

- A. Description and location of the violation with a photo.
- B. The date of the violation or the date the violation was observed.
- C. Action required.
- D. Encourage homeowner to call Manager for clarification.

3. **FIRST NOTICE OF VIOLATION.** (Violation Letter #2). If the violation is not corrected within the stated deadline (10 business days of date on notice) in the Friendly Reminder (Violation Letter #1), a first notice of violation (Violation Letter #2) will be sent to the homeowner of record with a deadline of ten (10) business days for correction of violation.

a. The First Notice of Violation shall provide at least the following information in accordance with ARS 33-1803:

- A. The rule or restriction that allegedly has been violated.
- B. The date of the violation or the date the violation was observed.
- C. The first and last name of the person(s) who observed the violation.
- D. The process the member must follow to contest the notice.

b. Additionally the following shall be provided:

- A. Description and location of the violation
- B. A "Request to be Heard" Form (to be attached)

c. This letter shall also notify homeowner that a fine will be levied if they do not correct violation or respond in writing to Board their desire to contest violation within the specified timeframe.

4. **CONTESTING THE VIOLATION.** If the homeowner wishes to contest the notice of violation, he or she shall provide the Manager a written response by certified mail within ten (10) business days after the date of the Manager's First Notice of Violation (Violation Letter #2). This written response should contain at least the following:

a. **REQUEST TO BE HEARD.** In accordance with ARS 33-1803, the homeowner has the opportunity to be heard. The homeowner may designate in this response whether they would prefer to be heard by the Board in Executive Session or by the CC&R Committee during their next regularly scheduled meeting.

b. **PRESENTATION TO SHOW JUST CAUSE.** At this meeting, the homeowner and/or his designated representative will be given an opportunity to present supporting documentation and testimony to show just cause why further enforcement action should not be authorized by the Association, which action could include a resolution/solution; levy of a monetary penalty; and/or, referral of the matter to the Association's attorney.

c. **DESIGNATED REPRESENTATIVE.** Homeowner should include in this letter that a notification that another person will be the owner's designated representative. A designated representative may speak on behalf of the homeowner at the meeting. If representative is not known at the time of this response, Homeowner shall inform Manager of name of representative, in writing, not less than two (2) days before meeting date.

d. This response shall be sent to the Association's office at the address shown on the notice of violation.

5. **NOTICE OF MEETING.** A "Notice of Meeting" will be sent to homeowner within ten (10) days of Association's receipt of notification that homeowner wishes to contest violation and is requesting to be heard, via certified mail, return receipt requested and first class mail, wherein the owner and/or the owner's designated representative will be invited to attend the next CC&R Committee Meeting and/or the next Board Executive Session and have an opportunity to be heard. The date, time and location of the meeting shall be stated in the Notice of Meeting. The procedure for the meeting will be included in this Notice of Meeting.

6. **OWNER'S REQUEST FOR REINSPECTION.** A homeowner may contact the Manager prior to the meeting for a reinspection of the violation, if the violation has been corrected.

7. **CC&R COMMITTEE PANEL.** At least three members of the CC&R Committee shall conduct meetings with homeowners contesting violations. A meeting may be open or closed as directed by the homeowner.

8. **PROCEDURE FOR MEETING.** Procedure for the meeting will be set by the Committee and included in the Notice of Meeting sent to the homeowner. The Manager shall be present at all meetings to assist in interpretation of the CC&Rs and to clearly communicate the recommendation of the Committee to the Board of Directors.

9. **CC&R COMMITTEE'S DECISION.** The CC&R Committee shall recommend the method of resolution of the subject violation to the Board. The Committee will endeavor at all times to be solution based in meetings with homeowners.

10. **NOTIFICATION TO BOARD.** A written recommendation shall be submitted to the Board, by the Manager, within two (2) business days of Committee Meeting.

11. **DETERMINATION BY THE BOARD.** The Board of Directors, in Executive Session, shall make the final determination on the disposition of the violation. The Managing Agent shall inform the homeowner, in writing, of the Board's decision, within five (5) days after the Board's decision, stating the Board's decision, including the amount of any monetary penalty that may have been imposed by the Board, and its due date. The Civano Board President or designee shall sign this determination letter.

12. **SECOND NOTICE OF VIOLATION AND NOTICE OF FINE ASSESSMENT. (Violation Letter #3)** If homeowner does not request an opportunity to be heard and has not corrected the violation within the time specified in the Friendly Reminder and the First Notice of Violation (Violation Letter #2), Board will automatically assess a fine of \$50 per month to include \$5.00 late fee after 30 days. Second Notice of Violation and Notice of Fine Assessment (Violation Letter #3) shall be sent to the homeowner within thirteen (13) days of the First Notice of Violation (Violation Letter #2). This fine will remain until the Manager has been notified in writing that the violation has been corrected.

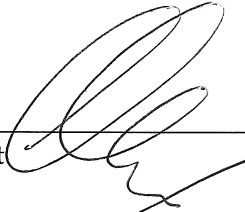
13. **FOLLOW-UP INSPECTION**. If the homeowner notifies the Manager that the violation has been corrected, the Manager shall conduct a follow-up inspection of the property for verification, in a period not to exceed 72 hours. If homeowner is in compliance and fine has been levied by Association, fine will cease.

14. **COLLECTION PROCEDURES**: Refer to Resolution 09-03, dated June 02, 2009, for Property Conditions Collection Policy.

DATED this 2nd day of June, 2009.

CIVANO 1: NEIGHBORHOOD 1 ASSOCIATION,
an Arizona non-profit corporation

By: _____
Its: President



ATTEST:

Judith A. Willis
Secretary