

**CIVANO 1: NEIGHBORHOOD 1  
RESOLUTION 09-03  
PROPERTY CONDITIONS  
COLLECTIONS POLICY**

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 Enforcement Policy at its duly-held meeting on the 2<sup>nd</sup> day of June, 2009.

1. Delinquency of Penalty. Any monetary penalty imposed, which has not been paid within 30 days after its stated due date shall be delinquent, and a late charge of \$5.00 shall be added to the penalty.

2. Collection of Penalties. The Association has a lien for penalties and associated charges, imposed for violation of a rule or restriction, after the entry of a

judgment in a civil suit, and the recording of that judgment in the office of the Pima County Recorder. This lien is effective on conveyance of any interest in the subject lot or parcel. The Association may collect the amounts due under the judgment prior to conveyance of the lot or parcel, by any lawful means.

3. Cumulative Rights and Remedies All rights and remedies of the Association at law or in equity are cumulative, and the exercise of one right or remedy shall not waive the Association's right to exercise another right or remedy. This means that the Association's Board can decide to bring a lawsuit against a property owner to enforce an applicable rule, restriction or statute in addition to or instead of imposing a monetary penalty.

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