

RIVERHAVEN
Community Association, Inc.
ENFORCEMENT POLICY

WHEREAS, Article 6, Section 6.2 of the Declaration of Covenants, Conditions & Restrictions ("CC&Rs") of Riverhaven Community Association stipulates that *"The affairs of the Association shall be conducted by the Board and such officers as the Board may elect or appoint....."*; and,

WHEREAS, Article 6, Section 6.3 of the Association's Bylaws stipulates that *"the Association may, from time to time and subject to the provisions of [the] Declaration, adopt, amend and repeal the Association Rules"*; and,

WHEREAS, The Board of Directors of the Association desires to adopt a policy for the **enforcement** of its Covenants, Conditions & Restrictions (CC&Rs) and rules and regulations; and,

WHEREAS, this Enforcement Policy shall comply with Section 33-1803 of the Arizona Revised Statutes;

NOW THEREFORE, BE IT RESOLVED that the Association hereby adopts the following procedures for the purposes of consistently enforcing the provisions of its governing documents:

I. KNOWLEDGE OF VIOLATION(S)

Information regarding the violation of the Governing Documents shall be obtained by Association site inspections and observations, and/or receipt of complaints from residents. Complaints **must** be received in writing, and **must** identify the complainant. Anonymous complaints will not be accepted.

II. FRIENDLY REMINDER

It is the policy of the Association to provide, wherever possible, an opportunity for an Owner to remedy or correct a condition or activity which is in violation of any of its governing documents. In most cases, and preferably, the first notification to an Owner of a violation of the CC& R's or Rules and Regulations will be by means of a "REMINDER" letter. The Owner will be asked to remedy or correct the condition or activity, as appropriate. However, at the Board's discretion, it may by-pass this "Reminder" letter stage and begin the process with either the "NOTICE OF VIOLATION" letter (III) or the "NOTICE OF HEARING" letter (VI).

III. NOTICE OF VIOLATION

In the event compliance is not forthcoming following the "REMINDER" letter, a written "NOTICE OF VIOLATION" together with further request to correct or remedy the alleged violation(s) shall be sent to the Owner of the Lot and shall specify the following relating to the violation:

- a) The provision of the community documents that has/have allegedly been violated.
- b) The date(s) of the alleged violation(s), and the date(s) observed.
- c) The name of the person or persons who witnessed the violation(s)
- d) The process the Owner must follow to contest the notice.

If the Owner is leasing or renting the home, the Association may furnish a copy of the Notice of Violation (s) to the Owner's tenant. However, at the Board's discretion, it may by-pass this "NOTICE OF VIOLATION" letter stage and begin the process with the "NOTICE OF HEARING" letter (VI).

IV. OWNER RESPONSE

In accordance with Arizona Revised Statute 33-1803(C) an Owner who receives a written "Notice of Violation" pertaining to an alleged violation(s) of the Governing Documents, 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. Within ten (10) business days after receipt of this certified mail containing the response from the Owner, the Association shall respond to the Owner. The Association's response may confirm, retract or modify its position regarding the alleged violation(s), depending upon the information provided by the Owner in the certified letter.

V. CONTINUING VIOLATIONS

For the purpose of clarification, and for each day a violation continues after Notice of Violation to remedy or cease has been sent to the homeowner, it shall be deemed a separate violation.

VI. NOTICE OF HEARING

In the event the violation(s) continue(s) past the period allowed in the "Notice of Violation" or remains unresolved, or has been subject to the by-pass option of prior letters, or if the same rule or provision continues to be violated, the Association may send a "Notice of Hearing" letter (via Certified Mail). This letter shall contain the following:

- a) The nature of the alleged violation(s), the date(s) observed.
- b) The provision of the community documents that has/have allegedly been violated.
- c) The name of the person or persons who witnessed the violation(s)
- d) Date, time and place of the Hearing.
- e) An invitation for the Owner to attend the hearing and produce any statement, evidence, and witness(es) on his/her behalf.
- f) The proposed monetary penalty to be imposed, if any, including any attorney fees or other costs incurred by the Association.
- g) The process the Owner must follow to contest the notice.

