

**UNANIMOUS CONSENT TO ACTION  
BY THE BOARD OF DIRECTORS  
VISTANCIA PARCELS A28 & A29 COMMUNITY ASSOCIATION**

c/o AAM, LLC  
7740 North 16<sup>th</sup> Street, Suite 300  
Phoenix, AZ 85020  
(602) 957-9191

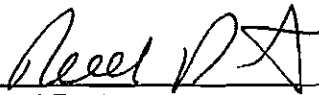
**FINE POLICY AND APPEAL PROCESS**


The undersigned, constituting all of the members of the Board of Directors of the Vistancia Parcels A28 & A29 Community Association, an Arizona nonprofit corporation, hereby take the following actions in writing and without a meeting pursuant to Section 10-3821, Arizona Revised Statutes, which actions shall have the same force and effect as if taken by the Board of Directors at a duly called meeting of the Board.

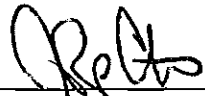
RESOLVED, that the Board of Directors hereby approves the attached Fine Policy and Appeal Process for Vistancia Parcels A28 & A29 Community Association attached to this resolution.

The Board of Directors hereby instructs the managing agent to notify all Owners of the implementation of the Fine Policy and Appeal Process effective as of February 11, 2008.

IN WITNESS WHEREOF, the undersigned have executed this consent as of this 19<sup>th</sup> day of February, 2008.

  
\_\_\_\_\_  
Reed Porter  
President and Director, Board of Directors

  
\_\_\_\_\_  
Robert Zambie  
Vice President and Director, Board of Directors

  
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Phillip Christensen  
Secretary/Treasurer and Director, Board of Directors

## VISTANCIA PARCELS A28 & A29 COMMUNITY ASSOCIATION FINE POLICY AND APPEAL PROCESS

Effective February 11, 2008

### FINE POLICY

The following Fine Policy and Appeal Process shall be followed for Vistancia Parcels A28 & A29 Community Association:

**FIRST NOTICE:** An initial notice of the violation shall be mailed to the Owner requesting compliance within ten (10) days - **NO FINE**.

**SECOND NOTICE:** If violation still exists, a second notice requesting compliance within ten (10) days shall be mailed to the Owner. A **\$25.00 FINE** will be assessed with the second notice and is due immediately.

**THIRD NOTICE:** If violation still exists, a third notice requesting compliance within ten (10) days shall be mailed to the Owner. A **\$50.00 FINE** will be assessed with the third notice and is due immediately.

**FOURTH NOTICE:** If violation still exists, a fourth notice requesting compliance within ten (10) days shall be mailed to the Owner. A **\$50.00 FINE** will be assessed with the fourth notice and is due immediately.

**CONTINUING VIOLATIONS:** If the violation continues without resolution after the fourth notice, a **FINE of \$100.00** shall be assessed **every ten (10) days** until the violation is resolved. In addition, the Board of Directors shall have the right to remedy the violation and/or take legal action, the cost of which shall be billed to the Owner and collected in the same manner as assessments.

**FINES:** No fine shall be imposed without first providing a written warning to the Owner describing the violation and stating that failure to correct the violation within ten (10) days or ***another recurrence of the same violation within six (6) months*** of the original violation shall make the Owner ***subject to imposition of a fine***. Failure to pay any fine shall subject the Owner to the same potential penalties and enforcement as failure to pay any assessments under Article IX of the CC&Rs.

**SELF HELP:** Per Article X "Enforcement" of the CC&Rs, in the event the Board determines that an Owner is in breach of the Owner's obligations under the CC&Rs, the Board may give the Owner written notice of its determination, including a reasonably detailed list or description of the repairs, maintenance, work or corrective measure required to cure the Owner's breach. If the Owner does not cure the breach within thirty (30) days after the date of the written notice, the Board may cause the repairs, maintenance, work or corrective measures ("Self Help") be performed so as to cure the Owner's breach. The Association's costs incurred in performing such work, together with a fee in an amount equal to ten percent (10%) of such amount and any collection costs,

attorneys' fees, court costs and other litigation related expenses which may be incurred, shall constitute a lien on the Owner's Lot or Unit, which lien amount shall thereafter bear interest at the rate of ten percent (10%) per annum until paid.

Notwithstanding the foregoing, the Board of Directors reserves the right to seek Injunctive Relief at anytime regardless of the presence or absence of notices hereunder, for any violation that the Board of Directors determines in its sole and absolute discretion constitutes a material danger to persons or property or requires immediate action for any other substantial reason.

The Board of Directors reserves the right to take any action permitted by law or the CC&Rs, in addition to the above mentioned fine policy.

### APPEAL PROCESS

- When a violation notice is sent to an Owner, such notice shall include a statement notifying the Owner that he/she has the "RIGHT OF APPEAL".
- When an Owner desires to appeal a violation, he/she must so notify the Management Company in writing within ten (10) days after the date of the violation notice.
- Appeals shall demonstrate *extenuating circumstances* which require deviation from the CC&Rs and/or guidelines.
- Appeal shall include all pertinent backup information to support the existence of the *extenuating circumstance*.
- All decisions of the Board of Directors are final and may not be further appealed.
- Any appeal that does not meet the above requirements shall not be heard by the Board of Directors and shall be considered **DENIED**.
- The Owner appealing the violation will be given written notice that a hearing on the appeal is scheduled.
- The appeal shall be heard in Executive Session.
- The Board President will introduce all parties.
- Lengthy discussions are not a part of an appeal process.
- The Owner who is appealing will be asked to state their case and present any applicable documentation.
- Each Board Member will have the opportunity to ask the Owner specific questions regarding the appeal.
- Upon completion of the question and answer period, the Board President will state that the appeal has been heard and the Board of Directors will make their decision in closed session. Written Notice of the Board's decision will be delivered to the Owner within seven (7) working days.
- If the appeal is denied, the Owner must bring the violation into compliance within ten (10) days. If the violation still exists after ten (10) days, the Owner will be fined \$100.00 every ten (10) days until the violation is corrected. In addition, the Board of Directors may seek legal action to remedy the violation. All costs of legal action will be billed to the Owner and collected in the same manner as assessments.