

PUEBLO BONITO HOMEOWNERS ASSOCIATION  
C/O MORRISON GROUP, INC.  
POST OFFICE BOX 39242  
PHOENIX, ARIZONA 85069-9242  
[trisha@mgiproperties.com](mailto:trisha@mgiproperties.com)

602-263-7772 TELEPHONE

602-246-6674 FACSIMILE

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March 27, 2008

Dear Pueblo Bonito Homeowner:

The Board of Directors has adopted the enclosed Enforcement Policy & Procedures. Please review it and keep a copy of with your Community governing documents for future reference.

Thank you.

# **PUEBLO BONITO COMMUNITY ASSOCIATION**

## **ENFORCEMENT POLICY AND PROCEDURES**

### **A. AUTHORITY**

In accordance with Article 6.5 of the Declaration of Covenants, Conditions, Restrictions, Assessments, Charges, Servitudes, Liens, Reservations and Easements, as filed in Maricopa County Records 91-021315 on June 15, 1992, (CC&R's) for Pueblo Bonito Community Association (Association) is authorized to impose sanctions for violations of the Declaration, Bylaws and other project documents.

### **B. STATEMENT OF POLICY**

It shall be the policy of the Association to fairly and impartially enforce the CC&R's, Bylaws, Rules and Design Guidelines and to impose sanctions for violations of these requirements.

### **C. ASSESSMENT COLLECTION POLICY**

1. In accordance with Article 8.7 of the CC&R's any Assessment not paid within fifteen (15) days after the date of the Assessment shall be deemed delinquent.
2. Late Fee. Delinquent Assessments or installments of Assessments shall be subject to a one time late fee of \$15.00 or 10% of the amount of the unpaid assessment, whichever is greater. The late fee will be charged on the 15<sup>th</sup> day after the Assessment is due.
3. When a check is returned NSF the homeowner's account will be billed \$50.00 for each returned item.

### **D. ASSESSMENT COLLECTION SCHEDULE**

1. A written reminder will be sent to the property owner via regular mail after the delinquent date of that assessment period, which reminder will contain the Assessment levied against the unit and monetary penalties imposed.
2. A written demand letter will be sent to the property owner via certified mail, return receipt requested, and regular mail the 45<sup>th</sup> day after Assessment is due. A fee will be assessed.

Failure to pay the fine shall subject the owner to the same penalties as failure to pay any Assessment, which may become a lien on the property.

5. Modifications made without written Board approval are subject to an immediate fine of \$1,000.00.
6. Violations run with the ownership of the lot, i.e., on street parking of one vehicle and then a different vehicle for the same lot constitutes a second violation regardless of it being a different vehicle. Landscaping violation in the front yard, one violation and then another for the same lot constitutes a second violation.

#### **F. APPEAL PROCESS**

1. Any appeal shall be in writing and be received by the Board of Directors in care of the managing Agent.
2. The appeal shall be received no later than seven (7) days of the date of mailing of the second notification.
3. In the event a timely request for a hearing is received, the fine will be held in abeyance pending the hearing, although lack of success at the hearing will result in all fines becoming due and payable.
4. Any appeal shall include all pertinent information and evidence to support the claim asserted by the appellant.
5. Any appeal, which does not meet the above requirements, shall not be heard by the Board and shall be considered DENIED.
6. All decisions of the Board of Directors of the Association are final and may not be further appealed.
7. Fines shall be collected in the same fashion as any other Assessment pursuant to the CC&R's and Arizona statutes.

Adopted March 1, 2008

UNANIMOUS CONSENT TO ACTION  
BY THE BOARD OF DIRECTORS  
PUEBLO BONITO COMMUNITY ASSOCIATION  
C/O MORRISON GROUP, INC.  
POST OFFICE BOX 39242  
PHOENIX, ARIZONA 85069-9242

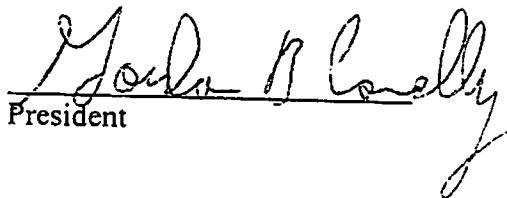
602-263-7772 TELEPHONE

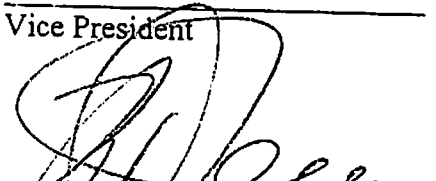
602-246-6674 FACSIMILE


The undersigned, constituting all of the members of the Board of Directors of the Pueblo Bonito Community Association, Inc. an Arizona nonprofit corporation, hereby take the following action in writing and without a meeting pursuant to Section 10-382, Arizona Revised Statutes, which action shall have the same force and effect as if taken by the Board at a duly called meeting of the Board.

RESOLVED that the Enforcement Policy & Procedures dated March 1, 2008 has been adopted.

IN WITNESS WHEREOF, the undersigned have executed this consent as March 20, 2008.

  
\_\_\_\_\_  
President

Vice President  
  
\_\_\_\_\_  
Secretary/Treasurer

  
\_\_\_\_\_  
Director

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2. A written demand letter will be sent to the property owner via certified mail, return receipt requested, and regular mail the 45<sup>th</sup> day after Assessment is due. A fee will be assessed.

3. A lien will be recorded for the entire assessment on each account 60 days after the date the first Assessment becomes delinquent. The delinquent account shall also be assessed a lien fee in addition to all other applicable late fees and interest. The lien shall not be released until such time as the account is paid in full.
4. After the lien is recorded, should the account remain outstanding, the balance may be referred to an attorney or collection agency for collection, at the Association's discretion. The Owner shall be liable for all incidental costs, including attorney fees, associated with collection.
5. Payments will be applied to an account in the following sequence:
  1. Past due assessment
  2. Late Charge and interest accrued
  3. Lien Fee and legal costs
  4. Fines
6. The Board of Directors shall not consider waiver of the late fees, lien fees, or attorney fees incurred on an account where the Assessment was not paid in accordance with the Assessment Collection Policy through no fault of the Association or its Agents.

**E. FINES**

1. An initial notice of violation of the CC&R's, Architectural Design Guidelines or other Association Rules shall be mailed via regular mail to the property owner requesting compliance within 10 days – no fine.
2. Second notice shall be mailed via regular mail to the property owner if the violation is not corrected per the initial notice, requesting compliance within 10 days – \$100.00 fine for each day of non-compliance.
3. Third notice shall be mailed to the property owner via certified mail, return receipt requested, to the property owner if the violation is not corrected per the second notice, requesting compliance within 10 days. If violation is not corrected per the third notice, a \$500.00 fine for each day of non-compliance shall be automatically assessed and due within 30 days following imposition.
4. If the violation continues without resolution after the third notice, a fourth notice shall be mailed to the property owner via certified mail, return receipt requested, confirming the imposition of the \$500.00 fine. The fourth notice shall also advise the property owner that the Association shall have the right to remedy the violation, **assess a \$1,000.00 fine and/or take legal action.** The cost of remedying the violation, additional fines and/or legal action shall be billed to the property owner account and collected in the same manner as Assessments.

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