



PROPERTY OWNER FINE POLICY

CC&R Violations

Amended: November 21, 2016

INTRODUCTION

Pursuant to A.R.S. 33-1803 and Section 3.10 of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Mirabel ("Declaration"), the Association has the power to impose reasonable monetary fines after notice and an opportunity to be heard for any violation of the community's governing documents. As such, the Board hereby adopts the following Property Owner Fine Policy:

The Owner(s) shall be liable for any violations of the governing documents and for any violation of the governing documents committed by a family member, resident, guest, invitee, tenant or other occupant of the Owner's Lot.

NOTICE

Upon the discovery of a violation, the Association may contact the Owner(s) to provide them with a "Violation Notice" informing them of the violation. The Association may require that the violation be remedied.

This "Violation Notice" shall inform the Owner(s) of:

1. The provision of the governing document that was allegedly violated and what must be done to remedy the violation.
2. The date of the violation or the date the violation was observed.
3. The first and last name of the person or persons who observed the violation.
4. The process the owner must follow to appeal the notice. (Please see section Appeal Process below.) When an Owner(s) desires to appeal a violation, they must notify the Mirabel Community Association in writing within 15 calendar days of the "Violation Notice".
5. The owner has the option to petition for an administrative hearing on the matter before the Arizona Department of Real Estate pursuant to Arizona Revised Statutes Section 32-2199.01.

At any time, as determined in the sole and absolute discretion of the Board, the Association may choose to forego any Violation Notice in favor of other enforcement tools available, including, but not limited to, self-help, injunctive relief, and such other remedies as allowed by law. The Board is likely to use its enforcement powers for violations involving the health, safety, or welfare of the community.

All notices referenced herein may be sent by or to the Association by regular mail or may be hand delivered at the last-known address of the Owner(s).

FINES

The Board may levy monetary fines relating to a Violation Notice as determined in its discretion based on the nature of the offense, the number of violations, and any other relevant factors as determined by the Board. The amount of any monetary fine as established by the Board shall range from \$25.00 to a maximum of \$10,000.00 as a one-time fine, or \$1,000.00 per day.

In the event that the Owner(s) fails to pay a fine within fifteen days of the requested due date, the Association may deem the fine delinquent and impose a charge for the late payment of the fine. This charge may not exceed the greater of fifteen dollars or ten percent of the amount of the unpaid fine. In addition, if the Owner(s) refuses to pay the fine, the Board reserves the right to pursue collection of all outstanding amounts by all legal means available to the Association. In the event that there is an adjudication in favor of

the Association and against the Owner(s), the Owner(s) may be responsible for all costs and attorney's fees incurred by the Association.

If the violation is resolved but occurs again within a 12-month period from the date of the first violation, it will be considered a continuing violation of the prior offense. For violations which continue, the Board may impose reasonable daily/weekly/monthly monetary fines for each subsequent day/week/month the violation continues. In addition, fines shall continue to accrue until the Owner(s) and the Board agree in writing that the violation has ceased.

APPEAL PROCESS

When an Owner(s) desires to appeal a violation, they must notify the Mirabel Community Association in writing within 15 calendar days of the "Violation Notice". The Board will schedule a hearing date and inform the Owner(s) of the same. The hearing generally will take place during a closed executive session of the Board, unless the Owner(s) requests that it take place during an open Board meeting. The Board will send a written response of their decision to the Owner(s) within 15 calendar days of the hearing.