

**THE FOOTHILLS CLUSTERS HOMEOWNERS ASSOCIATION
RESOLUTION
OF THE BOARD OF DIRECTORS**

WHEREAS, The Foothills Clusters Homeowners Association (“Association”) is governed by the Amendment to Declaration of Covenants, Conditions and Restrictions Clusters Association, dated January 14, 1975 and recorded at Docket 5057, page 141, Official Records of Pima County, Arizona, and all amendments thereto (“Declaration”) and Bylaws and all amendments thereto (“Bylaws”).

WHEREAS, Article VII, Section 1(b) of the Bylaws provides that the Board has the power to:

Adopt policies and procedures which govern the conduct and actions of Members, tenants, visitors, and guests on the Lots and the Limited Common Areas which are not otherwise covered in the Governing Documents.

WHEREAS, Article VII, Section 1(c) of the Bylaws provides that the Board has the authority to “[a]fter notice and an opportunity for a hearing, impose fines and/or penalties on Members for violations of the Governing Documents.”

WHEREAS, A.R.S. §33-1803(B), in part, provides:

After notice and an opportunity to be heard, the board of directors may impose reasonable penalties on members for violations of the declaration, bylaws, and rules of the association.

BE IT THEREFORE RESOLVED, effective the date of this Resolution, the Board hereby adopts the following General Violation Fine Schedule.

DATED this 5th day of February, 2018.

The Foothills Clusters Homeowners Association

By: 

Its: President

**THE FOOTHILLS CLUSTERS HOMEOWNERS ASSOCIATION
GENERAL VIOLATION FINE SCHEDULE**

Effective February 2018

The following Fine Schedule shall be imposed on members for violation of the Association's governing documents:

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 the violation still exists ten (10) days after the date of the first notice, a second notice requesting compliance within ten (10) days shall be mailed to the Owner. A **\$50.00** fine will be assessed with the second notice and is due immediately.

THIRD NOTICE: If the violation still exists ten (10) days after the date of the second notice, a third notice requesting compliance within ten (10) days shall be mailed to the Owner. A **\$100.00** fine will be assessed with the third notice and is due immediately.

CONTINUING VIOLATIONS: If the violation continues without resolution ten (10) days after the date of the third notice, the Board of Directors shall have the right to remedy the violation pursuant to of the Declaration, including but not limited to taking legal action, and/or sending the account to an attorney for enforcement.

FINES: No fine shall be imposed without first providing a notice of the violation from the Association to the Owner describing the violation and stating that failure to correct the violation within ten (10) days will result in the imposition of fines pursuant to this fine schedule. *Another recurrence of the same violation within three (3) months* of the original violation shall make the Owner *subject to imposition of a fine pursuant to this fine schedule*.

SUPPLEMENTAL FINE SCHEDULES: The Board of Directors may adopt supplemental fine schedules to address specific violations in the community (i.e. parking, rentals, architectural violations, etc.). If a supplemental fine schedule is not adopted, this general fine schedule shall control.

INJUNCTIVE RELIEF: If a violation is not cured after the Third Notice, the Board of Directors may request that Association's General Counsel file an action seeking Injunctive Relief against the Owner to cure the violation. However, nothing in this Fine Schedule limits the right of the Board of Directors to seek immediate Injunctive Relief at any time regardless of the presence or absence of notices or fines hereunder, for any violation that the Board of Directors determines in its sole and absolute discretion requires immediate action.

BOARD DISCRETION: Notwithstanding the above provisions of the violation schedule, the Board at its sole discretion, may at any time, assess a fine in an amount up to \$2,000 for any incident the Board deems to be egregious, dangerous, that may threaten the life, health, safety, or welfare of any person, resident or owner, or that causes detriment or damage to any Association or another Owner's property. The Board may levy this fine despite any past violation history or lack thereof.

The Board of Directors reserves the right to take any action permitted by law or the Declaration, in addition to the above mentioned fine schedule.