THE FOOTHILLS CLUSTERS HOMEOWNERS ASSOCIATION
GENERAL VIOLATION FINE SCHEDULE

Effective January 1, 2027

The following General Violation Fine Schedule ("Fine Schedule") shall be imposed by the Foothills Clusters Homoowners Association ("Association"} for violations of the Association's governing documents:

FIRST NOTICE: Upon identification of a violation, an initial Notice of the violation shall be mailed to the Owner requesting compliance within fifteen (15) days -- NO FINE. is assessed with this Notice.

SECOND NOTICE: If the violation still exists fifteen (15) days after the date of the initial Notice, and is upheld by a Compliance Hearing, a Second Notice of violation requesting compliance within fifteen (15) days shall be mailed to the Owner. A $100 fine will be assessed with the Second Notice and is due immediately.

THIRD NOTICE If the violation still exists fifteen (15) days after the date of the Second Notice, and an alternative compliance schedule has not been agreed to by the FCHOA, a Third Notice of violation requesting compliance within fifteen (15)) days shall be mailed to the Owner. A $250 fine will be assessed with the Third Notice and is due immediately.

FOURTH NOTICE: If the violation still exists fifteen (15) days after the date of the Third Notice, and an alternative compliance schedule has not been agreed to by the FCHAO, a Fourth Notice requesting compliance within fifteen (15) days shall be mailed to the owner. A $1000 fine will be assessed with the Fourth Notice and is due immediately.

CONTINUING VIOLATIONS: If the violation continues without resolution more than thirty (30) days after the date of the Fourth Notice, the Board of Directors shall have the right take further enforcement action to remedy the violation, including but not limited to imposing additional recurring fines of up to $100 for each additional 30-day period that the violation continues and/or referring the case to legal counsel for enforcement in a court of law. In any action to aenforce the governing documents, the Association will seek to recover its costs and attorneys fees to the fullest extent allowed by Arizona law.

ACTION OF THE BOARD OF DIRECTORS: A majority vote of the Board of Directors at a monthly business meeting is required in order to issue a Fourth Notice, impose recurring fines, or to initiate legal action against a non-compliant homeowner.

FINES: No fines 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 fifteen (15) days will result in the imposition of fines pursuant to this Fine Schedule. ***Another recurrence of the same type of violation within six (6) months of the original violation shall make the Owner subject to immediate imposition of a fine pursuant to this fine schedule.***

SUPPLEMENTAL FINE SCHEDULE: The Board of Directors may adopt supplemental fine schedules to address specific categories of violations in the community (i.e. parking, rentals, architectural violations, etc.) Unless and until a supplemental fine schedule is adopted with respect to a specific category of violation, this general Fine Schedule shall control.

INJUNCTIVE RELIEF If a violation is not cured by the Owner after the Fourth Notice, the Board of Directors may request that the Association's legal 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 prior to that 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 this Fine Schedule, the Board, in its sole discretion, may at any time assess a fine in an amount up to $3000 for any violation the Board deems to be: egregious; dangerous; a threat to the life, health, safety, or welfare of any person, resident, or owner within the community; or detrimental or damaging to any property of an owner or the Association. 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 Association's governing documents, in addition to those actions set forth in this Fine Schedule.

10/7/2024

FCHOA President Date

10/7/20

FCHOA Secretary Date