

NORTHTOWN HOMEOWNERS' ASSOCIATION, INC.

Fine & Penalty Policy and Procedure

Any infraction of any provision in Northtown's Plat Stipulations, CC & R's, or Rules (including Common, Pool, Architectural Control, and Clubhouse Rules) by any Member, resident, family member, tenant, guest, or agent of said owner/resident may result in the levy of a fine and/or loss of Common Area privileges. Members are responsible for the actions of their tenants and/or guests. This policy does not exclude any other penalties or remedies available to the Association pursuant to the above referenced documents and/or Arizona State Law. These procedures shall be modified to the extent State law governing penalties and notice requires.

FIRST NOTICE: A written notice shall be sent by USPS mail to the Member citing/quoting the specific Northtown deed restriction or rule of the alleged violation with instructions for that Member to either correct the violation or receive a fine within 21 days from the date of 1st written notice. The Member may respond in an email or by certified mail to the address indicated on the notice to request a hearing before the HOA Board of Directors concurrent with the next Regular Board Meeting to occur over 15 business days after the Board receives the request for hearing. No fine or penalty may be levied until this first 21day notice has expired or a requested hearing has been held.

Per ARS 33-1803, if a hearing is requested, the Association must reply in writing within 10 business days of receipt of said request with instructions for the hearing and any action will be delayed until the conclusion of the hearing. Such hearing may be held in a closed Board session unless the Member requests a public session. Failure to appear at a hearing requested by the Member may constitute a waiver of the right of the Member to be heard. At such a Board hearing, any determination by the Board of Directors shall be final and binding.

SECOND NOTICE: Failure to either correct the violation or request a hearing within the time frame allowed (21 days) the Member will be assessed the fine. For a reported reoccurrence of a notified violation within 90 days of a prior notice, the Member shall be given written notice of an initial fine being assessed against their lot in the amount per the appropriate fine schedule. (A copy of this policy shall also be included with the second notice's mailing.)

THIRD NOTICE: Will result in an additional fine.

FOURTH NOTICE: Will result in an additional fine. For a reported reoccurrence of a notified violation within 90 days of a third notice or failure to correct the violation and pay all accrued unpaid fines by the end of the above 30-day period shall result in a fine assessed for each additional 30 days. This written notice shall also state failure to correct the violation and pay the accrued fines may result in the HOA pursuing legal action against the Member. Members shall be responsible for all legal fees incurred by the Association if action is brought against them. A fine for additional 30-day periods shall continue to accrue against the lot for so long as the violation remains, and the total fine is not paid or be further levied upon the lot for any subsequent reoccurrence of the same violation if within 90 days of a previous notice being sent to that lot.

FINE & PENALTY POLICY INFRACTION NOTICE & FINE SCHEDULE:

Notice	Day	Type	Fine Amount
Written 1 st	Day 0	HOA Courtesy	\$ 0
Written 2 nd	Day 15	Fine	\$ 50
N/A – info only	Day 21	FYI: Last day for Board to receive any Hearing Requests	
Written 3 rd	Day 30	Additional Fine	\$ 75
Written 4 th	Day 45	Additional Fine	\$100
Written 5 th	Day 60	Additional Fine	\$100
Written* n th	Monthly	Additional Fine	\$100

AGE RESTRICTION FINE

Written 1 st		HOA Courtesy	\$ 0
Written 2 nd	day 15 and monthly until compliant	Notice of Fine	\$250

* If a violation persists uncorrected, above Fine and/or Penalty assessments continue to be posted. After the 5th notice, a subsequently numbered Notice will be sent and that fine shall be posted.

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Northtown Bylaw Reference: "ARTICLE V - POWERS AND DUTIES OF THE BOARD OF DIRECTORS

SECTION 1: POWERS

The Board of Directors shall have the power to: [...]

- A. Suspend the voting rights and right of use of the recreational facilities of a Member during any period in which such Member shall be in default in the payment of any assessment levied by the Association.
- B. Suspend the voting rights and right to use of the recreational facilities of a Member, after notice and hearing, for a period not to exceed sixty (60) days, for infraction of published rules and regulations. [...] "