

Fox Crossing Homeowners Association

ENFORCEMENT / FINE POLICY

Adopted: 5/26/16

Effective: 01/25/18 Rev 12/31/18

Pursuant to A.R.S. § 33-1803, the Board of Directors of the Fox Crossing Homeowners Association (“Association”) has adopted these Policies and Procedures providing for notice and an opportunity to be heard to an owner (“Owner” as defined in the Declaration of Covenants, Conditions and Restrictions for Fox Crossing recorded as Instrument No. 97-0833411 in the records of Maricopa County, Arizona, as amended from time to time, and any tract declaration or plat governing any portion of Fox Crossing (collectively, “Declaration”), or the Fox Crossing Design Guidelines and Community Rules (“Rules”) adopted by the Board of Directors of the Association.

Notice of Violation	What happens
Swimming pool or other water drainage on to common areas or streets	A Courtesy Letter will NOT be issued for swimming pool or other water drainage on to common areas or streets. Written Fine Notice will be sent indicating that a \$150.00 fine will be levied against the account. A \$150.00 fine will be issued per occurrence and the account may be turned over to the Association’s legal counsel to pursue collection of fines and achieve compliance.
Courtesy Notice	Written Courtesy Notice to Owner indicating that a violation of the governing documents exists on the Lot. For continued non-compliance of the same provision of the governing documents for a period of 15-days, or a second occurrence of the same provision violation within a 6-month period there will be a Warning Notice issued.
Warning Notice	Written Warning Notice to Owner indicating that a violation of the governing documents exists on the Lot. For continued non-compliance of the same provision of the governing documents for a period of 15-days, or a second occurrence of the same provision violation within a 6-month period there will be a 1 st Fine Notice issued.
1st Fine Notice	Written Fine Notice indicating that a \$50.00 fine will be levied against the account for continued non-compliance of the provision for a period of 15-days, or a recurrence of the same provision violation within a 6-month period there will be a 2 nd Fine Notice issued.
2nd and continuing Fine Notices	Written Fine Notice indicating that a \$100.00 fine will be levied against the account for continued non-compliance of the provision for a period of 15-days, or a recurrence of the same provision violation within a 6-month period there will be a 3 rd and Final Fine Notice issued, and the account may be turned over to the Association’s legal counsel to pursue collection of fines and achieve compliance.

Other Enforcement Action:

In addition to or in lieu of the imposition of any monetary penalty for a violation of the Declaration or the Rules, the Board of Directors may proceed at any time after the **1st Offense Courtesy Notice** with any other enforcement action available to the Association under the Declaration or at law or in equity. Enforcement actions available to the Association may be exercised separately or concurrently, and the exercise of one enforcement action shall not constitute an election of remedies or be a waiver of the right of the Association to take any other enforcement action.

Request for Hearing:

All Violation Notice’s with a fine shall indicate that the Owner may request in writing a hearing on the subject of the violation before the Board. In order to be heard, the Association must receive a written request for such a hearing within ten (10) calendar days after the date of the Violation Notice. An Owner’s failure to request a hearing in this manner shall be deemed a waiver and forfeiture of the Owner’s right to a hearing with respect to the Notice of Violation.

The Association will hold each offending Owner responsible for any and all costs associated with attempts to achieve compliance.

If you have questions in regards to the above policy or the Association’s Governing Documents, please contact the Community Manager.