



ARIZONA BILTMORE ESTATES VILLAGE ASSOCIATION

The following guidelines for violation notification and assessment of fines have been developed by the Arizona Biltmore Estate Village Association (ABEVA) Board of Directors in order to carry out its responsibility of upholding ABEVA's Codes, Covenants & Restrictions (CC&Rs) in a fair and respectful manner. The policy is effective February 21, 2023.

Each Owner is encouraged to become familiar with this Policy and to ensure that all residents, family members, tenants, guests, invitees, licensees, and agents are familiar with and adhere to the same.

The Board reserves the right to modify this Policy, including the time periods for correction of violations and fine amounts, on a case-by-case basis when issues are involving health and safety concerns or when more immediate action becomes necessary for any reason in the sole discretion of the Board.

A violation of the Governing Documents by an Owner, or any family member, tenant, guest, invitee, licensee or agent of such Owner may, at the discretion of the Board and in addition to any other penalties or remedies available to the Association, result in a notice being sent to and fine imposed against such Owner as follows:

- (1) **First Offense:** Written warning and notice that a **\$300.00** fine will be imposed if the violation is not corrected within **10 calendar days** of the effective date of notice sent to the Owner or Owner's designated agent.
- (2) **Second Offense (continuing or reoccurrence within a 2-month period):** Notice shall be sent and an additional **\$500.00** fine will be imposed if the violation is not corrected within 7 calendar days of the effective date of notice sent to the Owner or Owner's designated agent.
- (3) **Third and Continuing Offenses (continuing or reoccurrence within a 6-month period):** Notice shall be sent and an additional **\$1000.00** fine will be imposed if the violation is not corrected within 7 calendar days of the effective date of notice sent to the Owner or Owner's designated agent together with an additional fine of \$100.00 every day thereafter until the violation is corrected.
- (4) **Recurring Offenses:** The same violation that recurs within six (6) months of the last offense shall result in the increasing fines continuing in the series set forth in (2) and (3) above.

2525 East Arizona Biltmore Circle Building D, Suite 145

Phoenix, Arizona 85016

(602) 955-1003 - (602) 955-1144



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To the extent permitted by law, any fine not paid by the due date provided in this Policy will be enforced in the same manner as any other assessment.

A violation letter notifying an Owner of the fine(s) to be imposed upon such Owner shall provide an opportunity for the Owner to appeal the alleged violation and be heard by the Board of Directors prior to the imposition of the fine(s). To initiate this appeal process, the Owner must send the Association written notice to the address listed in the violation letter within 21 days of the date of the violation notice that the Owner requests a hearing of the violation before the Board of Directors. Promptly after receipt of such notice, the Association will provide the Owner with the date of the board meeting at which the hearing will be held. Failure of the Owner to timely request a hearing will constitute a waiver of the Owner's right to a hearing. In the event of a hearing, the Board's determination shall be final and conclusive and there shall be no further right of appeal or right of reconsideration of the Board's decision.

Properties within ABEVA that are abutting the Biltmore perimeter will be deemed to be under the control of the HOA that said property is within. Violation notices will be addressed to that Association and shall be the HOA's responsibility to cure the violation and pay any fees.

EXAMPLES:

Maintaining the appearance of the exterior (public) side of the masonry walls.

Maintaining landscaping along 24th Street, Lincoln, and 32nd Street, unless the property is ABEVA's responsibility to maintain.

Maintaining a clean and debris-free perimeter of an association's property

- Any work involving damage to the common area roadways must be returned to the original condition as part of the project.
- For Sale signs placed in the common area is a violation. The owner is responsible for the Realtor's placement of signage.

I hereby certify that the foregoing is a complete copy of the Fine and Penalty Policy adopted by the Board of Directors of Arizona Biltmore Estates Village Association, Inc. at its regularly scheduled meeting on February 20, 2023.

A handwritten signature in cursive script that reads "John Lynch".

Printed Name: John Lynch

Secretary of Arizona Biltmore Village Estates Association

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