

**VISTANCIA VILLAGE A COMMUNITY ASSOCIATION
BOARD OF DIRECTORS RESOLUTION
VIOLATION AND ENFORCEMENT POLICY**

WHEREAS, Vistancia Village A Community Association (“Association”) is governed by the Second Amended and Restated Declaration of Covenants, Conditions, Restrictions, Assessments, Charges, Servitudes, Liens, Reservations and Easements for Vistancia Village A (“Declaration”) recorded at Instrument No. 2016-0182710 in the official records of the Maricopa County Recorder, as amended from time to time, as well as the Bylaws of Vistancia Village A Community Association (“Bylaws”);

NOW, THEREFORE, based on the power granted to the Board of Directors, the Board hereby resolves to enact the following Violation and Enforcement Policy. This policy supersedes any previous policies.

ENFORCEMENT OPTIONS

For violations of the Governing Documents, the Board has the following enforcement options:

1. Suspend the Owner’s right to vote;
2. Suspend the Owner’s right to use the recreational facilities and other Common Areas;
3. Hire the Association attorney to file a lawsuit in Maricopa Superior Court in order to seek an injunction to compel compliance with the Governing Documents. In any such action, the Association shall be entitled to recover all costs, including but not limited to, attorneys fees and court costs incurred by the Association;
4. Exercise self-help; or
5. Impose fines against an Owner.

The Board has the option to choose any of the above options or a combination of options. If the Board decides to impose a fine, the Board may choose to follow the Fine Schedule below. Additionally, the Board or manager may turn over any violations to the Association’s attorney at any time.

FINE SCHEDULE

The fines set forth in this Fine Schedule shall constitute damages sustained by the Association, and are intended to compensate the Association for the administrative burden of addressing the violation and the adverse impact of the violation on the community.

The Board of Directors reserves the right to deviate from the fine amounts set forth herein. The Board also reserves the right to pursue any and all other remedies set forth in the Declaration at the same time or in lieu of levying the fines set forth in this Fine Schedule.

I. GENERAL FINE SCHEDULE

Typically, the amount of the fines imposed by the Board will be determined based on the following General Fine Schedule. Notwithstanding anything herein to the contrary, the Board retains the discretion to adopt supplemental fine schedules to address specific violations of the Association’s

Governing Documents and any such supplemental fine schedules may be set forth as exhibits to this Resolution. If a supplemental violation-specific schedule is not adopted, the General Fine Schedule will generally apply.

- A. **COURTESY NOTICE:** The Board may, but is not required to, send a courtesy notice.
- B. **TYPICAL FINE:** Typically, the first fine for a violation will be \$ _____.
- C. **CONTINUING VIOLATIONS:** If the violation continues without resolution, a **fine of \$ _____** may be assessed **every _____ days** until the violation is resolved or every time a violation reoccurs within a six-month period.

II. SUPPLEMENTAL FINE SCHEDULES


Violation-specific fine schedules, if adopted by the Board, shall be set forth as Exhibits to this Resolution.

III. ADDITIONAL REMEDIES

- A. In addition to fines, the Board reserves the right to enforce violations by any other means allowed by the Governing Documents or applicable law.
- B. At any time, the Board or manager may turn over a matter to legal counsel for action, included but not limited to, a suit for injunctive relief.

The Board of Directors adopted the foregoing Resolution on Nov. 7, 2022.

By:



President, for the Board of Directors

EXHIBIT A

SUPPLEMENTAL FINE SCHEDULE – VIOLATIONS RELATING TO SHORT-TERM RENTALS

The Declaration at Section 4.3(b) states that all rentals or leases shall be for a minimum of ninety (90) days. The following Supplemental Fine Schedule shall apply to violations relating to short-term rentals.

1. **FIRST VIOLATION:** If a Member violates the short-term rental provision, the Board will levy a fine of five hundred dollars and zero cents (\$500.00) for the first violation.
2. **SECOND VIOLATION:** If the Member violates the short-term rental provision for a second time, the Board will levy a fine of one thousand dollars and zero cents (\$1,000.00) for the second violation.
3. **THIRD VIOLATION:** If the Member violates the short-term rental provision for the third time, the Board will levy a fine of one thousand five hundred dollars and zero cents (\$1,500.00) for the third violation.
4. For any violation after that, the Board will determine the fine on a case-by-case basis.
5. The Board reserves the right to deviate from the fine amounts set forth herein. The Board also reserves the right to pursue any and all other remedies, including but not limited to the right to take legal action and all other remedies set forth in the Declaration, at the same time or in lieu of levying the fines set forth in this Supplemental Fine Schedule.