

20130338915 04/15/2013 09:52  
ELECTRONIC RECORDING

When recorded mail to:

Sundial West IV Homeowners Association

PO Box 5720

Mesa, AZ 85211-5720

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Hoyp

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**CAPTION HEADING:**

Board Resolution

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**DO NOT REMOVE**

**This is part of the official document.**

**UNANIMOUS CONSENT TO ACTION BY THE BOARD OF DIRECTORS OF  
SUNDIAL WEST IV HOMEOWNERS ASSOCIATION  
C/O PREFERRED COMMUNITIES  
P.O. BOX 5720, MESA, ARIZONA 85211  
(480) 649-2017 FAX (480) 649-0902**

The undersigned, constituting all of the members of the Board of Directors of Sundial West IV Homeowners Association, Inc., an Arizona non-profit corporation, here by take the following action in writing at a duly called meeting of the Board.

WHEREAS, Article IV of the Declaration of Covenants, Conditions and Restrictions for Sundial West IV Homeowners Association provides the Board of Directors with the authority to set forth collection policies. The board has adopted the rules below pertaining to the collection of Assessments.

*The purpose* of this rule is to ensure the timely and fair collection of Assessments to ensure the Association has the funds necessary to provide for the management, maintenance, and care of the areas of association responsibility.

*The scope* and intent of this resolution is to apply uniformly to all members of the Association.

The actions of this policy regarding collection of assessments owed the community are as follows:

- a) 15 days after the quarterly assessment due date, a late notice is sent to the homeowner and a late fee of \$15.00 is assessed,
- b) 30 days after the monthly assessment due date, a final notice is sent to the homeowner and a final notice fee is assessed as outlined in the Association's contract with the management company,
- c) 60 days after the monthly assessment due date, an "Intent to Lien" notice is sent to the homeowner and an "Intent to Lien" notice fee is assessed to the homeowner's account as outlined in the Association's contract with the management company,
- d) 75 days after the monthly assessment due date, a lien is recorded with the Maricopa County Recorder, a copy is sent to the homeowner and a Lien recording fee is assessed to the homeowner's account as outlined in the Association's contract with the management company,
- e) 90 days after the monthly assessment due date, "Intent to pursue legal action" notice of the total amount due plus an "Intent to pursue legal action" notice fee is assessed to the homeowner's account as outlined in the Association's contract with the management Company,
- g) Further collection & legal action will be taken as necessary, including, but not limited to: turning account over to 3<sup>rd</sup> Party Collection Agencies & Law Firms, default judgment, summary judgment, garnishment of wages, or foreclosure pursuant to Arizona Revised Statutes and Declaration of Covenants, Conditions and Restrictions for Sundial West IV Homeowners Association.
- e) Payments will be applied to an account as follows (according to Arizona State Law):
  1. Past Due Assessments
  2. Late Charges
  3. Collection Fees
  4. Attorney Fees/Costs
  5. Fines

RESOLVED, that the Sundial West IV Homeowners Association Board of Directors and Preferred Communities shall not consider waiver of late fees, collection fees or attorney collection fees uncured on an account where the assessment was not paid in accordance with the Assessment Collection Policy through no fault of the Association or its Agent.

RESOLVED, that the Sundial West IV Homeowners Association Board of Directors and Preferred Communities shall afford homeowners the opportunity to request a hearing as provided by the Association documents to contest any late fee or fine assessed; and

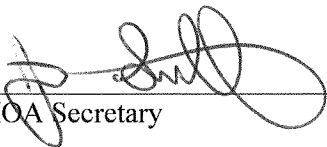
RESOLVED, that the Sundial West IV Homeowners Association Board of Directors and Preferred Communities shall afford homeowners the opportunity to initiate a time-payment plan in order to reduce or eliminate their outstanding debt to the Association, specified in writing and mutually agreed to by the homeowner and Sundial West IV Homeowners Association Board of Directors; and

RESOLVED, that any subsequent default, cessation or refusal to make timely and consistent payments on such time-payment plan shall constitute default on the part of the homeowner and shall result in initiation of legal collection procedures; and

RESOLVED, that the board shall retain the right to amend or repeal this resolution.

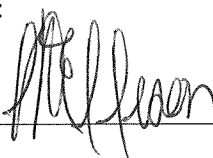
IN WITNESS WHEREOF, the undersigned have executed this consent as of this 11 day of April, 2013.

I hereby certify that the above resolution(s) were duly adopted by unanimous consent by the Sundial West IV Homeowners Association Board of Directors on the above date.

  
\_\_\_\_\_  
HOA Secretary

The undersigned officer hereby certifies that the foregoing instrument has been signed by the Secretary of the HOA.

Attest:

  
\_\_\_\_\_

HOA President

\_\_\_\_\_

or HOA Vice President

**SUNDIAL WEST IV HOMEOWNERS ASSOCIATION  
ACTION BY THE BOARD OF DIRECTORS**

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**FINE POLICY and APPEAL PROCESS**

**Effective April 11, 2013**

**FINE POLICY**

Pursuant to the authority contained in the Arizona Revised Statutes and the governing document of the association, the Board of Directors of the Sundial West IV Homeowners Association Inc. hereby adopts the following resolution by unanimous consent for and as the actions of the Sundial West IV Homeowners, as of the date set forth above:

**RESOLVED**, to adopt the following:

Fine schedule, policy and Appeal process for violations of the CC&R's, By-Laws and Rules and Regulations as may be adopted or modified from time to time by the Board of Directors for the Sundial West IV Homeowners Association.

**DATED** as of the   11   day of April 2013.

*The scope* and intent of this resolution is to apply uniformly to all members of the Association.

**Violations** will be cumulative for the fiscal year.

1. **First notice** Reminder/warning letter shall be mailed to the Homeowners giving fifteen (15) days to comply – **NO FINE**.
2. **Second letter** stating a fine in the amount of **\$25.00** will be assessed and is due immediately, giving notice to the Homeowner that they have a right to a hearing and must contact the manager for date and time. Fifteen (15) days to comply.
4. **Third letter** stating subsequent fine of **\$50.00** will be assessed and is due immediately for continuing violations. Letter to state total fines assessed as of the subsequent violation. Fifteen (15) days to comply.
5. **Fourth and all letters thereafter** stating subsequent fine of **\$75.00 to \$200.00** will be assessed and is due immediately for continuing violations. Letter to state total fines assessed as of the subsequent violation. Fifteen (15) days to comply.
6. **Subsequent non-compliance:** Upon board approval the Association will seek relief of violations through the Association Attorney and the Court system. All cost will be a part of the judgment that is being sought.

**Violations** that threaten the health, safety and welfare of homeowners and residents, such as drug use and sales, discharging firearms, arson, vandalism and any other violation that the Board deems to be of an egregious nature will be fined at **\$200.00 to \$500.00** per occurrence.

**FINES:** No fine shall be imposed without first providing a written warning to the Homeowner describing the violation and stating that failure to correct the violation within fifteen (15) days or another recurrence of the same violation within three (3) months of the original violation shall make the Homeowner subject to imposition of a fine. Failure to pay any fine shall subject the Homeowner to the same potential penalties and enforcement as failure to pay any assessments under Article 6 of the CC&R's.

**The board of Directors reserves the right to take any action permitted by law or the CC&R's, in addition to the above mentioned fine policy**

**Procedures:**

1. Homeowners will be notified by first class mail of all violations.
2. The homeowner has the right to a hearing before the Board or Violations Committee where decisions of the Board are final.
3. Board will direct Management Company, as to waiving or assessing of fines at each hearing or board meeting and for all pending fines and/or legal action with the Association's Attorney.

## **APPEAL PROCESS**


- When a violation notice is sent to a Homeowner, such notice shall include a statement notifying the Homeowner that he/she had the "RIGHT OF APPEAL".
- When a Homeowner desires to appeal a violation, he/she must notify the Management Company in writing within ten (10) days after the date of the violation notice.
- Appeals shall demonstrate **extenuating circumstances** which require deviation from the CC&R's and/or guidelines.
- Appeals shall include all pertinent backup information to support the existence of the **extenuating circumstance**.
- All decisions of the Board are final and may not be further appealed.
- Any appeal that does not meet the above requirements shall not be heard by the Board and shall be considered **DENIED**.
- The Homeowner appealing the violation will be given written notice that a hearing on the appeal is scheduled.
- The appeal shall be heard in Executive Session.
- The Board President will introduce all parties.
- Lengthy discussions are not a part of an appeal process.

- The Homeowner who is appealing will be asked to state their case and present any applicable documentation.
- Each Board Member will have the opportunity to ask the Homeowner specific questions regarding the appeal.
- Upon completion of the question and answer period, the Board President will state that the appeal has been heard and the Board will make their decision in closed session. Written Notice of the Board’s decision will be delivered to the Homeowner within seven (7) working days.
- If the appeal is denied, the Homeowner must bring the violation into compliance within fifteen (15) days. If the violation still exists after fifteen (15) days, the Homeowner will be fined up to \$200.00 every fifteen (15) days until the violation is corrected. In addition, the Board of Directors may seek legal action to remedy the violation. All costs of legal action will be billed to the Homeowner and collected in the same manner as assessments.

RESOLVED, that the board shall retain the right to amend or repeal this resolution.

IN WITNESS WHEREOF, the undersigned have executed this consent as of this 11 day of April, 2013.

I hereby certify that the above resolution(s) were duly adopted by unanimous consent by the Sundial West IV Homeowners Association Board of Directors on the above date.

  
 \_\_\_\_\_  
 HOA Secretary

The undersigned officer hereby certifies that the foregoing instrument has been signed by the Secretary of the HOA.

Attest:

  
 \_\_\_\_\_

HOA President

or HOA Vice President