

THE PLAZA RESIDENCES FINE SCHEDULE Effective May 10, 2021

Category	TYPES OF VIOLATIONS	SCHEDULE OF FINES
1	<ul style="list-style-type: none"> Clothes drying facilities visible Exterior holiday lighting/decorations 	<ul style="list-style-type: none"> First Notice - \$25 fine per day Second Notice - \$50 fine per day Continuing/Recurring Violations - \$50 fine per day/occurrence
2	<ul style="list-style-type: none"> Parking and vehicle violations Improper maintenance of garage Failing to properly maintain unit or limited common elements Animal or animal-related violation- no injuries Signage violation Pool, Fitness center and Clubhouse rule violations Trash receptacles/dumpster violations/recycle bin violations 	<ul style="list-style-type: none"> First Notice - \$100 fine Second Notice - \$200 fine Continuing/Recurring Violations - \$200 fine per day/occurrence
3	<ul style="list-style-type: none"> Unapproved/prohibited items and/or equipment placed/stored Allowing landscaping to grow beyond the airspace of the Unit Window coverings non conformance Nuisances: noises, smells, dust, heat, vibrations, radiation, pollution, diseases, insects, rodents, etc. Violation of law or ordinance 	<ul style="list-style-type: none"> First Notice - \$50 fine Second Notice - \$100 fine Continuing/Recurring Violations - \$100 fine per day/occurrence
4	<ul style="list-style-type: none"> Improper use or maintenance of Units or Limited Common Elements, necessitating action by the Association Damage to Common Elements 	<ul style="list-style-type: none"> First Notice - \$100 fine plus cost of maintenance/repairs/restoration Second Notice - \$200 fine plus cost of maintenance/repairs/restoration
5	<ul style="list-style-type: none"> Commencing visible alteration of a Unit or Limited Common Elements without approval of the Board Heating / AC unit violations Mining / drilling / Utility line violations 	<ul style="list-style-type: none"> First Notice - \$150 fine Second Notice - \$300 fine Continuing/Recurring Violations - \$150 fine per day/occurrence
6	<ul style="list-style-type: none"> Commencing structural, electrical and plumbing alterations to Unit that require Board approval without approval of the Board Modification of party wall without approval of Board and adjoining Owner Improvements installed on the outside of buildings without Board approval Flooring (weight/sound) violation Animal violation causing injuries to person(s) or other animal(s) Interfering with drainage in the condominium Placement or maintenance of spa, hot tub or Jacuzzi 	<ul style="list-style-type: none"> First Notice - \$1000 fine plus cost of maintenance/repairs/restoration Second Notice - \$3000 fine plus cost of maintenance/repairs/restoration Continuing/Recurring Violations - \$5000 fine per occurrence plus cost of maintenance/repairs/restoration
7	<ul style="list-style-type: none"> Minimum lease term (30 Days) violation; Subleasing/Renting Further subdivision; timeshares Single Family use violation Trade or business violation Temporary structure/occupancy violation Garages used or converted for living, recreational or vocational activities 	<ul style="list-style-type: none"> First Notice - \$1000 fine Second Notice - \$2000 fine Continuing/Recurring Violations - \$3000 fine per day/occurrence
8	<ul style="list-style-type: none"> Owner's personal, family or guest usage of the recreational facilities while under suspension as a result of non-payment of fines 	<ul style="list-style-type: none"> \$100 per person per occasion up to a maximum of \$300 per person per calendar day

**RESOLUTION OF THE PLAZA RESIDENCES OWNERS' ASSOCIATION BOARD OF DIRECTORS REGARDING
ENFORCEMENT PROCEDURES AND FINES FOR VIOLATIONS OF THE ASSOCIATION DOCUMENTS**

Effective May 10, 2021

Pursuant to Section 33-1242(A)(11) of the Arizona Revised States, Section 7.13 of the Declaration and Article III, Section 2 of the Bylaws, the Board of Directors of the Plaza Residences Home Owners' Association ("Association") has the power to levy reasonable fines after the Owner is given notice and an opportunity to be heard. The Board hereby adopts the following resolution to set forth procedures for enforcement of the Declaration and The Plaza Residences Owners' Association Rules and Regulations, approved by the Board of Directors, May 4, 2021:

The Board intends to follow the procedures set forth herein, but reserves the right, in its sole and absolute discretion, to vary from the procedures, rules and regulations set forth herein due to the unique circumstances of individual situations so as to help ensure that only reasonable fines and enforcement measures are used.

The Association, through its management agent, shall send all written notices by mail and email, if available, to the Unit Owner at the mailing address as it appears on the records of the Association at the time of notice. It's the Unit Owner's responsibility to update contact information recorded with the Association in writing by sending written notice to the Association's management agent.

Violation Notices

Upon receipt of a complaint by the community manager, Owner or Committee utilizing the Homeowner Complaint Form and subsequent validation, the **First Notice** (a written notice of violation) shall be sent and shall include:

1. A description of the violation.
2. The date of the violation or the date the violation was observed.
3. The provision of the Association document(s) that has been violated.
4. The first and last name of the person who observed the violation.
5. A date or deadline for payment of the assessed fine.
6. The process the Unit Owner must follow should they elect to contest the notice.
7. A statement advising the Unit Owner that he/she will be provided with an opportunity to be heard with respect to the violation and/or the monetary fine, and the timeframe (ten (10) business days after the **First Notice** was sent) to contact the Association, in writing, to exercise the opportunity to request the hearing.
8. A statement advising the Unit Owner that he/she has the right to petition for an administrative hearing on the outstanding violation to the Department of Real Estate.

If the violation still exists after the time-frame for compliance provided in the **First Notice**, **subsequent violation notices** can be sent, and/or additional fines can be imposed in accordance with this Policy and THE PLAZA RESIDENCES FINE SCHEDULE, dated MAY 10, 2021. If the violation is a re-occurrence, the notice shall contain information required to be provided with the **First Notice**.

Hearing and Fines

1. **Hearing and Waiver of Right to be Heard**: If requested within the timeframe prescribed in the notice to the Owner, a hearing will be granted, and a reasonable effort will be made to schedule the hearing at a time convenient to both the Board and the Owner. Any of the following shall constitute a waiver of the Owner's right to the hearing:

- a) The Owner does not contact the Association to request a hearing in the timeframe prescribed in the violation notice to the Owner; The Owner does not respond to the Association's reasonable attempts to schedule a hearing;
- b) After a hearing is scheduled, the Owner does not attend the hearing or provide at least forty-eight (48) hours' notice of their inability to attend the hearing.

At the hearing, the Owner may argue any extenuating circumstances, which require deviation from the CC&R's and/or Rules and, if so, the Owner shall provide all pertinent backup information to support the existence of the extenuating circumstances.

A fine may be imposed after the hearing or after the Owner waives the right to be heard in accordance with this Policy and THE PLAZA RESIDENCES FINE SCHEDULE dated MAY 10, 2021. If an Owner waives the right to be heard, the Board will make a decision regarding a fine based on the information it has. Any fine imposed may be applied retroactively to the initial date of the violation.

All decisions of the Association, and its Board of Directors, are final and may not be further appealed.

2. **Notice and Fines**: The Owner will be given written notice of the amount of any fines imposed and the due date for payment of such fines. The Board intends to impose fines generally in accordance with THE PLAZA RESIDENCES FINE SCHEDULE, dated May 10, 2021, for violations listed on this schedule; however, the Board reserves the right to vary from this schedule based on the nature and severity of the offense and the number and history of violations by the Owner.

3. **Fines for Continuing and Recurring Violations**: Once it has been determined by the Board that the violation is a continuing violation, the Board may impose reasonable continuing fines (such as daily, weekly or monthly fines) while the violation continues, and such continuing fines shall accrue until the Owner notifies the Association that the violation has ceased and the Board confirms that it has ceased.

4. **Legal Fees**: If a lawsuit is filed in relation to a violation of the Condominium Documents, the Association will seek recovery of its attorney's fees.

5. **Fines**: Fines assessed and not resolved by the Violation Notice DUE DATE will result in the suspension of Owner's rights to use recreational facilities (Pool, Fitness Center and Clubhouse) and the Unit's access FOBs to the recreational facilities will be deactivated until the outstanding balance(s), including fines, are paid.

Referral to Legal Counsel and Other Remedies

Where it is determined to be in the best interest of the Association, the Board may, at any time during the enforcement process, refer the violation to legal counsel for action seeking injunctive relief against the Owner to correct or otherwise abate the violation, or to pursue any other legal or equitable remedy that may be available to the Association.

Resident Complaint Procedure

Any resident may make a formal complaint regarding violations of the Declaration, Rules, or other governing documents.

The complaint must be in writing and must include the date and time along with a detailed description of the violation including the people involved.

Owners are encouraged to use the **Homeowner Complaint Form** for The Plaza Residences whenever possible.

The complaint should be emailed or mailed to:

The Plaza Residences Owners' Association

c/o, FirstService Residential

9000 East Pima Center Parkway, Suite 300

Scottsdale, AZ 85258

Site Manager Email ThePlaza.AZ@fsresidential.com

Please note that the information provided is not confidential and, if requested by the violating Owner, will be provided to them as required by law.

The Board of Directors adopted this Resolution at a Board Meeting on the 4th day of May, 2021, to become effective on the 10th day of May, 2021.

Signed: Ben Marshall

May 6, 2021

Ben Marshall, President – Board of Directors, The Plaza Residences Association

.