

*Cactus Park Estates
Homeowners Association
Board Resolutions*



*Cactus Park Estates
Homeowners Association
P.O. Box 5720
Mesa, AZ 85211*

PREFERRED COMMUNITIES
"LOVING WHERE YOU LIVE."



**MAJORITY CONSENT TO ACTION
BY THE BOARD OF DIRECTORS
CACTUS PARK ESTATES HOMEOWNERS' ASSOCIATION**

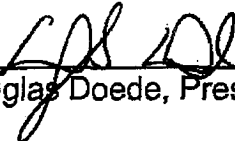
**FINE POLICY AND
VIOLATION APPEAL PROCESS**

The undersigned, constituting a majority of the members of the Board of Directors of the Cactus Park Estates Homeowners' Association, an Arizona nonprofit corporation, hereby take the following action at a duly called meeting of the Board of Directors on August 17, 2006:

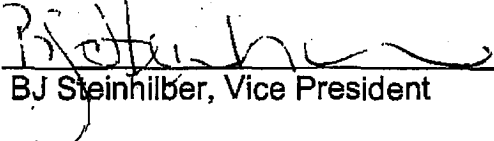
RESOLVED, that the Board of Directors hereby approves the attached Fine Policy and Violation Appeal Process for the Cactus Park Estates Homeowners' Association, attached to this resolution.

The Board of Directors hereby instructs the managing agent to notify all homeowners of the implementation of the fine system effective as of November 1, 2006.

IN WITNESS WHEREOF, the undersigned have executed this consent as of this 17th day of August, 2006.

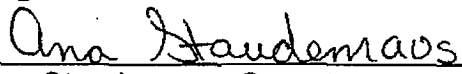


Douglas Doede, President



BJ Steinhilber, Vice President

Kenneth Lessard, Treasurer

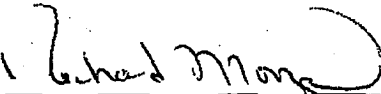


Ana Staudenraus, Secretary

Bret Bloemers, Director



Beverly Hicks, Director



Richard Monzon, Director

Robert Jones, Director



Lee Pettikas, Director

CACTUS PARK ESTATES HOMEOWNERS' ASSOCIATION

FINE POLICY FINE APPEAL PROCESS

Effective November 1, 2006

FINE POLICY

The following Fine and Appeals Policy shall be followed for the **Cactus Park Estates Homeowners' Association**:

FIRST NOTICE: An initial notice of the violation shall be mailed via regular mail to the homeowner requesting compliance within fourteen (14) days - **NO FINE**.

SECOND NOTICE: If violation still exists, a second notice requesting compliance within ten (10) days shall be mailed via regular mail to the homeowner. A \$25.00 FINE will be assessed and due immediately with the second notice.

THIRD NOTICE: If violation still exists, a third notice requesting compliance within ten (10) days shall be mailed via regular mail to the homeowner. A \$25.00 FINE will be assessed and due immediately with the third notice.

FOURTH NOTICE: If violation still exists, a fourth notice requesting compliance within ten (10) days shall be mailed via regular mail to the homeowner. A \$50.00 FINE will be assessed and due immediately with the fourth notice.

CONTINUING VIOLATIONS: If the violation continues without resolution after the fourth notice, a FINE of \$100.00 shall be assessed every ten (10) days until the violation is resolved. In addition, the Board shall have the right to remedy the violation and/or take legal action, the cost of which shall be billed to the homeowner and collected as allowed by Arizona Revised Statutes.

FINES: No fine shall be imposed without first providing a written warning to the Owner describing the violation and stating that failure to stop the violation within no less than fourteen (14) days with the first notice, or another recurrence of the the same violation within three (3) months of the original violation shall make the Owner subject to imposition of a fine.

CACTUS PARK ESTATES HOMEOWNERS' ASSOCIATION

VIOLATION APPEAL PROCESS

When a violation notice is sent to a homeowner, the notice includes a statement notifying the homeowner that they have the "RIGHT OF APPEAL". When a homeowner wants to appeal a violation, they must send the Management Company written notice that they are requesting an appeal of the violation.

- Appeals shall be received within ten (10) days of the date of the fine notification (violation letter).
- Appeals shall demonstrate extenuating circumstances which require deviation from the CC&Rs 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 be heard by the Board and shall be considered DENIED.
- The homeowner appealing the violation will be given written notice that 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 documentation that is applicable.
- 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. Then "Written Notice" will be given to the homeowner of the Board's decision within ten (10) working days.

If the appeal is denied, the homeowner must bring the violation into compliance within fourteen (14) days. If the violation still exists after fourteen (14) days, the homeowner will be fined \$100.00 every fourteen (14) days until the violation is corrected. In addition, the Board of Directors may seek legal action to remedy the violation.

**UNANIMOUS CONSENT TO ACTION BY THE BOARD OF DIRECTORS OF
CACTUS PARK ESTATES 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 Cactus Park Estates 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 6 of the Declaration of Covenants, Conditions and Restrictions for Cactus Park Estates 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 monthly 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,
- f) 105 days after the monthly assessment due date, Summons and Complaint are filed with the Justice Court and the homeowner is "served notice" of the lawsuit by a document server. The homeowner's account will be charged with the legal document preparer fee, court fee, and process server fee. The amount of the Legal Document Preparer fee is outlined in the Association's contract with the management company,
- g) Further actions will be taken as necessary, including, but not limited to, default judgment, summary judgment, garnishment of wages, or foreclosure pursuant to Arizona Revised Statutes and Declaration of Covenants, Conditions and Restrictions for Cordova 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 Cactus Park Estates 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 Cactus Park Estates 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

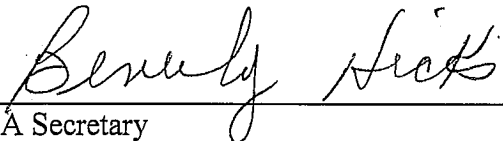
RESOLVED, that the Cactus Parke Estates Homeowners Association Board of Directors and Preferred Communities shall afford homeowners the opportunity to initiate a time-payment plan in order to reduce or eliminate their outstanding debt to the Association, specified in writing and mutually agreed to by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

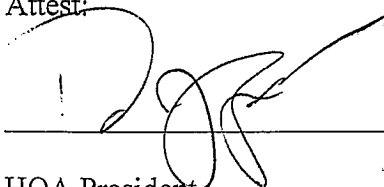
IN WITNESS WHEREOF, the undersigned have executed this consent as of this 20 day of DEC, 2008.

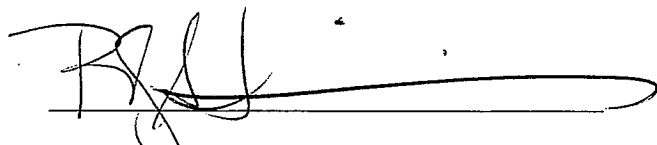
I hereby certify that the above resolution(s) were duly adopted by unanimous consent by the Cactus Park Estates Homeowners Association Board of Directors on the above date.


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