

Sundial West IV
Homeowners Association
Board Resolutions



Sundial West IV
Homeowners Association
P.O. Box 5720
Mesa, AZ 85211

PREFERRED COMMUNITIES
"LOVING WHERE YOU LIVE."



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ELECTRONIC RECORDING

When recorded mail to:

Sundial West IV Homeowners Association

PO Box 5720

Mesa, AZ 85211-5720

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CAPTION HEADING:

Board Resolution

DO NOT REMOVE

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**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 3rd 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

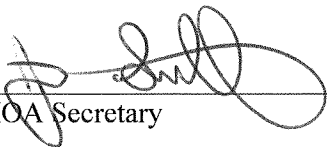
RESOLVED, that the Sundial West IV Homeowners Association Board of Directors and Preferred Communities shall afford homeowners the opportunity to initiate a time-payment plan in order to reduce or eliminate their outstanding debt to the Association, specified in writing and mutually agreed to by the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

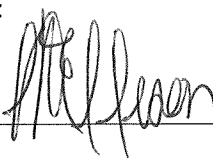
I hereby certify that the above resolution(s) were duly adopted by unanimous consent by the Sundial West IV Homeowners Association Board of Directors on the above date.



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**

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.

When recorded mail to:

Sundial West IV Homeowners Association

PO Box 5720

Mesa, AZ 85211-5720

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CAPTION HEADING:

PARKING VIOLATION AND ENFORCEMENT
MARCH 1, 2014

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

STREET PARKING VIOLATION AND ENFORCEMENT POLICY

Effective March 1, 2014

Pursuant to the authority contained in the Arizona Revised Statutes and Article 5, Section 5.3 of the Declaration, 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:

On the 23rd day of January 2014, at a meeting of the Board of Directors of SUNDIAL WEST IV Homeowners Association, whereby a quorum of the members of the Board were present in person, a majority of the members of the Board

RESOLVED, to adopt the following:

Street Parking Violation and Enforcement policy which includes the inspection schedule, enforcement rules, fine schedule and Appeal process for parking violations of the CC&R's 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.

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

WHEREAS pursuant to Article 8 Section 8.24 of the Declaration,

Garages and Parking of Family Vehicle

Each Lot will have at least one garage that will be used the Owner of the Lot only for the parking of Family Vehicles or Commercial or recreational Vehicles, storage purposes, household purposes, and certain types of vehicle repairs and maintenance described in Section 8.25 below. Garages may not be used as sleeping quarters or guest accommodations, but garages may be used for hobbies such as art, woodworking, golf club repair, and similar hobbies that do not involve the permanent conversion of the garage for these activities or the conduct of these hobbies in early morning or late night hours so as to unreasonably disturb any neighboring Lot Owners. The garage door will be maintained by the Owner in good and functioning order and will remain closed except while the garage is in use for cleaning, entry, exit, ventilation during hobby work, and vehicle repairs. No garage may be used for storage or any other use that restricts or prevents the garage from being used for parking or repairing Family Vehicles or approved Commercial of Recreational Vehicles. Additional Family Vehicles that cannot be parked in the garage located on the Lot may be parked in the driveway or in any (approved) Side Yard Parking Area so long as the Family Vehicles are operable and are, in fact, operated from time to time. **Notwithstanding any less restrictive local or municipal codes, ordinances or stipulations, Family Vehicles may be parked in any public or private street within the Project only on a Nonrecurring And temporary Basis, and no other on street parking is permitted within the Project."**

WHEREAS the Board of Directors recognizes the need for Rules and Regulations to ensure safety and enforcement relating to the operation and parking of motor vehicles on the streets within SUNDIAL WEST IV,

WHEREAS the Board of Directors desires to have a more detailed rule and set of regulations and enforcement of parking violations;

THEREFORE, BE IT RESOLVED that the Board of Directors of the SUNDIAL WEST IV Homeowners Association, hereby approves and adopts the following STREET PARKING VIOLATION AND ENFORCEMENT POLICY for any parking violations of the CC&R's, Association Rules and the following parking policy;

PARKING VIOLATION AND ENFORCEMENT POLICY

A. Street Parking

- a. Any mobile home, travel trailer, tent trailer, trailer, camper shell, detached camper, recreational vehicle, boat, boat trailer or similar equipment OR vehicle or any automobile, motorcycle, motorbike, or other motor vehicle not considered a Family Vehicle parked on any street, right-of-way, common area and/or other streets within the Association will be subject to the Street Parking violation Enforcement and Fine Schedule.
- b. Any Family Vehicle, as defined by the CC&R's, parked on any street right-of-way, common area and/or other streets within the Association for more than twenty-four consecutive hours **and/or on a recurring basis**, will be subject to the Street Parking Violation Enforcement and Fine Schedule.
 - i. **"Recurring Basis"** shall be defined as: any vehicles associated with a single Lot parked on any street right-of-way, common area and/or other streets within the Association, in excess of two (2) occurrences in a five (5) day rolling period, or four (4) occurrences in a thirty (30) day rolling period.

B. Notice of Violation AND Fine/Enforcement Schedule.

If the Association shall view a Family Vehicle, or any truck, mobile home, travel trailer, tent trailer, trailer, camper shell, detached camper, recreation vehicle, boat, boat trailer or similar equipment or vehicle or any automobile, motorcycle, motorbike, or other motor vehicle or any Owner of any Owner or invitee, licensee, or lessee of such Owner in violation of the Declaration, and/or Association Rules and this Policy:

1. **Initial notice:** a flyer regarding street parking will be placed on the windshield of any vehicle in violation, and a letter shall be mailed to the Owner which will contain the following information: date and description of the parking violation, notice that monetary fines may be imposed for continued non-compliance, and the steps to follow if the Owner wants to contest the notice (per A.R.S. 33-1803) and that the

owner may request a hearing pursuant to A.R.S. 41-2198.01, subsection B.

- a. The Owner may provide the association with a written response by certified mail within ten business days after the date of the notice.
- b. If the Association receives a written response by certified mail within ten business days after the date of the initial notice of the violation, the Association shall respond to the Owner within ten business day of receipt of the certified mail, with a written explanation regarding the notice which shall provide at least the following information:
 - i. The provision of the Association's documents in violation
 - ii. The date the violation was observed
 - iii. The first and last name of the person or persons who observed the violation.

Note: If the Association does not receive a written response by certified mail from the Owner within ten business days after the date of the initial notice of the violation and/or the violation is not cured within the given ten day period or 10 days after the association responds to the Owner's certified letter (as described in subsection C.1.b. above), the Association may proceed with the following Fines and Enforcement.

2. **Second Notice:** a letter shall be mailed to the owner stating a fine in the amount of **\$50.00** has been imposed for continued noncompliance and further noncompliance may result in additional monetary fines and possible legal action. The owner will also be advised of the steps to follow to request a hearing pursuant to A.R.S. 41-2198.01, subsection B.

Note: If the violation is not cured within **5** days, and the owner has not requested a hearing, the Association may proceed with Fines & Enforcement.

3. **Third notice:** a letter shall be mailed to the owner stating a fine in the amount of **\$75.00** has been imposed for continued noncompliance and further noncompliance may result in additional monetary fines and possible legal action. The owner will also be advised of the steps to follow to request a hearing pursuant to A.R.S. 41-2198.01, subsection B.

Note: If the violation is not cured within **5** days, and the owner has not requested a hearing, the Association may proceed with Fines & Enforcement.

4. **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 against the Owner.
5. **Collection of Violation Fines & Charges:** If the owner fails to pay any monetary fines imposed, administrative fees, and/or legal fees and costs shall be become due and personal liability of the owner. The Board of Directors on behalf of the

Association may bring an action at law against the owner personally obligated to pay the delinquent amount owed pursuant to the remedies available.

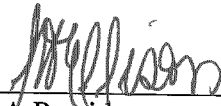
The board of Directors reserves the right to take any action permitted by law or the CC&R's, in addition to the above mentioned fine policy

Procedures:

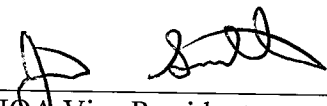
1. Homeowners will be notified by first class mail of all violations.
2. The homeowner has the right to a hearing before the Board where decisions of the Board are final.
3. The Board will direct the Management Company, as to waiving or assessing of fines at each hearing or board meeting and for all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

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 23rd day January 2014.



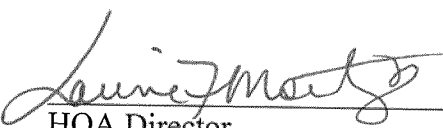
 HOA President



 HOA Vice President



 HOA Treasurer



 HOA Director

At Large Member,