



PROPERTY OWNER FINE POLICY AND APPEAL PROCESS

CC&R Violations
Effective: May 18, 2009

The following Property Owner Fine Policy and Appeal Process shall be followed for the Mirabel Community Association, Inc.:

NOTICE PROCEDURE.

Courtesy Call. Call to Property Owner. If a phone number is not available, a note on Mirabel stationery will be sent to the Property Owner requesting compliance within fifteen (15) days –FINE: None.

First Notice. If the violation still exists, a notice requesting compliance within fifteen (15) days shall be mailed to the Property Owner –FINE: None.

Second Notice. If the violation still exists, a second notice requesting compliance within fifteen (15) days shall be mailed to the Property Owner – FINE: \$25.00 assessed and due immediately.

Third Notice. If the violation still exists, a third notice requesting compliance within fifteen (15) days shall be mailed to the Property Owner – FINE: \$50.00 assessed and due immediately.

Fourth Notice. If the violation still exists, a fourth notice requesting compliance within fifteen (15) days shall be mailed to the Property Owner – FINE: \$100.00 assessed and due immediately.

Continuing Notices. If the violation continues without resolution after the fourth notice, an additional fine shall be assessed every fifteen (15) days until the violation is resolved – FINE: \$100.00 every 15 days.

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 Property Owner and collected in the same manner as assessments.

FINES.

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

Exception to Notice Procedure: Violations posing any possible threat to the health, safety and/or welfare of the community's property or any resident of the community may require immediate action and thus create exceptions to the foregoing notice provisions.

TRASH POLICY.

Trash and recycling bins can be put out no earlier than 6:00pm on the day preceding collection day, and are to be promptly put away by 8:00pm on the day of collection. Three (3) warnings will be given per calendar year per Property Owner. After three (3) warnings have been given to any Property Owner, the Property Owner will be fined \$25.00 for the fourth violation and \$50.00 for each additional violation in each calendar year.

APPEALS PROCESS:

Note 1: When a violation notice is sent to a Property Owner, such notice shall include a statement notifying the Property Owner that he/she has the "right to appeal". When a Property Owner desires to appeal a violation, he/she must notify the Mirabel Community Association in writing within ten (10) business days after the date of the violation notice. The address for notification is:

Mirabel Community Association, Inc.
37401 N. Mirabel Club Drive
Scottsdale, AZ 85262

Note 2: As a reminder to all Property Owners who rent/lease their property within the Association, the Property Owner(s) is/are solely responsible for insuring their tenants and personal property manager(s) understand and abide by all CC&R's, Bylaws, Design Guidelines and the Rules and Regulations of the Association. Monetary penalties (fines) and legal action, if necessary, will be imposed against the Property Owner(s) in the event their tenants violate the Association's governing documents.