

MESA DEL SOL COMMUNITY COMPANY, INC

VIOLATION ENFORCEMENT POLICY

WHEREAS, The Mesa del Sol Community Company, Inc (“Association”) has authority pursuant to the Bylaws of the Mesa del Sol Community Company, Inc. (“Bylaws”), Article III and Declaration of Covenants, Conditions, and Restrictions for Mesa del Sol Community Company, Inc (Declaration), Article XV to enforce the provisions set forth in the Bylaws, Declaration, DRB Rules and Policies for Mesa del Sol Community Company, Inc as may be amended from time to time;

WHEREAS, The Board of Directors of the Association wishes to ensure compliance with the Association’s governing documents and to maintain, preserve, enhance, and protect the property values and assets of the Association.

NOW, THEREFORE, IT IS RESOLVED, that the following procedures and practices are established for the enforcement of violations of the use restrictions and design review provisions and for the elimination of violations of such provisions found to exist in, or on about any property within the Association and the same are to be known as the “Violation Enforcement Policy” of the Association in the discharge of its responsibilities for determination and enforcement of remedies for violations within the community.

The Board is adopting the following Violation Enforcement Policy:

A. Procedure for Handling General Violations.

1. **Courtesy Letter.** An Owner/Resident will be first notified of a violation of the Association’s Governing Documents in writing and will be informed that if the violation is not cured within fourteen (14) calendar days from the date of the letter, the Owner will be subject to enforcement fines. The Courtesy Letter will be mailed by regular first class mail. The Owner may contest the violation. All appeals must be made in writing and sent to the Management Company for review
2. **First Notice of Violation.** If after fourteen (14) calendar days of the date of the Courtesy Letter, the violation is determined to still exist, a First Notice of Violation will be sent by regular first class mail. The First Notice will specify the violation and the amount of the enforcement fine being imposed (see Schedule of Enforcement Fines below), and the process to make an appeal in writing. The Owner will be informed that if the violation is not cured within fourteen (14) calendar days from the date of the letter, the Owner will be subject to additional fines, suspension of the right to vote, suspend Person’s right to Common Element Facilities.
3. **Second Notice of Violation.** If after fourteen (14) calendar days of the date of the First Notice, the violation still exists and the Owner has not requested a hearing, the Association will send a Second Notice of Violation by first class mail. The Second Notice will specify the violation, the amount of the enforcement fine being imposed, and the process to make an appeal in writing. The Owner will be informed that if the violation is not cured within fourteen (14) calendar days from the date of the letter, the Owner will be subject to additional enforcement fines.
4. **Notice of Continuing Violation.** If after an additional fourteen (14) calendar days, the violation still exists and the Owner has not requested a hearing, a Notice of Continuing Violation will be sent by first class mail. The Notice of Continuing Violation will include the details of the violation, the amount of the enforcement fine being imposed, and the process to make an appeal in writing. The enforcement fine will be imposed every fourteen (14) calendar days or an accumulation of \$500 in aggregated fines, as long as the violation continues.

5. **Schedule of Enforcement Fines.** The following is the schedule of enforcement fines that will be imposed for violating the Association's Governing Documents to include violations of the Design Review Board Process:

Courtesy Notice	No Fine – Warning
First Notice of Violation	\$25.00
Second Notice of Violation	\$50.00
Notice of Continuing Violation	\$100.00
2 nd Notice of Continuing Violation	\$250.00

The Board may vary from these standard enforcement fines depending on the nature of the violation and the number of violations (either presently or in the past).

- B. Recurring Violations.** A “recurring violation” is a type of violation that is cured, but occurs again in the future. (Examples include, but are not limited to: weeds, unauthorized parking of vehicles, trash cans not put away within the required time frame, etc.) If a recurrence of the same violation occurs within six (6) months of the original violation the violation enforcement process will start with the Owner being sent a First Notice of Violation. However, the Association may vary from this procedure depending on the circumstances.
- C. Impact of Enforcement Fine.** Imposition of an enforcement fine does not relieve the Owner of responsibility to correct the violation.
- D. Other Remedies.** At any time, the Board may decide to pursue any other remedy available under law or at equity that is allowed under the Governing Documents.
- E. Time Frames.** The Board reserves the right to extend any grace period based on individual circumstances.
- F. Collection of Enforcement Fines.** All enforcement fines shall be collected in the same manner as any other assessment or monetary penalty pursuant to the Assessment Collection Policy.

This Violation Enforcement Policy will go into effect on December 1, 2012.

Approved by Board of Directors,

President:  Date: 11/14/12

Secretary:  Date: 11/14/12