



# High Lonesome Ranch Estates Property Owners Association

Cadden Management Company; 555 East Wilcox Drive, Suite B, Sierra Vista, AZ 85635;

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## CCR ENFORCEMENT POLICY

Final approved 4 Nov 2012

1. Expectations to Abide: The HLR BOD and fellow property owners (PO) have an expectation that all POs will follow the HLR Association By Laws, Conditions, Covenants, Restrictions and Easements (CCR) with Amendments, and Association Rules since they bought into a neighborhood/area with an Association and signed a contract agreeing to abide by the rules stated therein. To support a harmonious environment, the HLR Board of Directors is not, as a rule, actively inspecting for violations of the By Laws, CCR, and/or Rules. If POs see a violation they are encouraged to file a formal complaint. Formal complaints are to be reported using HLR Complaint form in Tab A. If a formal complaint is reported to the BOD, then the BOD will take action in accordance with this Enforcement Policy.

2. Report of a Potential Violation: When a formal complaint or a violation(s) of the Declaration of Conditions, Covenants, Restrictions and Easements (CCR) with Amendments, or an Association Rule(s) is reported in writing to the Association's Board of Directors or its authorized agent, the BOD will forward the reported violation within 60 days to the CCR or other appropriate committee for evaluation and determination of whether a violation as reported has occurred. The report of the violation should contain sufficient details to fulfill state statute requirements as listed in paragraph 4 below. The CCR Committee or other appropriate committee will make a recommendation to the BOD on whether to execute the CCR Enforcement Policy.

3. First Notice of Violation. A first notice of violation will be sent to the Lot Owner of record by certified return receipt mail with a timetable for corrective action, which will be at least 10 business days from the date of the notice.

4. Contents of First Notice. The first notice of violation from the Board of Directors or its authorized agent shall provide at least the following information:

- A. The rule or restriction that allegedly has been violated.
- B. Action(s) required to correct the violation.
- C. The date of the violation or the date the violation was observed.
- D. The first and last name of the person(s) who observed the violation.
- E. A copy of this Policy to assure the Lot Owner is aware of the process he or she must follow to contest the notice.

5. Not Contesting the Violation: If a PO does not respond or does not contest the reported violation, proceed to paragraph 8 below.

6. Contesting the Violation. If the Lot Owner wishes to contest the notice of violation, he or she shall provide the Board a written response by certified mail within 10 business days after the date of the notice, requesting any additional information he or she requires. This response shall be sent to the Association's office at the address shown on the first notice of violation. The Lot Owner may also request a meeting with the HLR Dispute Resolution Committee (DRC) to work out a solution to the reported violation. The DRC will make a recommendation to the BOD after meeting with the PO.

7. Response by Association. Within 10 business days after receipt of the Lot Owner's response, the Board or its authorized agent shall respond to the Lot Owner with a written explanation regarding the notice of violation, and shall provide any additional information the Lot Owner reasonably requires.

8. Second Notice of Violation. After the procedure in Paragraphs 4-5 is completed, or after the initial 10-day notice period set forth in the first notice of violation has expired (if the Lot Owner has not contested the notice of violation), a follow-up inspection ~~will~~ may be conducted by the Board or its authorized agent. If the Lot Owner has not corrected the violation(s) within the time specified, a second notice of violation will be sent, wherein the Lot Owner will be instructed to correct the violation(s) within 10 days after the date of the second notice.

9. Notice of Hearing. A follow-up inspection ~~will~~ may be conducted on or after the deadline date of the second notice of violation. If the non-compliance has not been corrected, the Board may refer the matter directly to an attorney for further action or may send the Lot Owner a Notice of Hearing via certified mail, return receipt requested and first class mail, wherein the Owner will be invited to attend the next Board Meeting and have an opportunity to be heard. The date, time and location of the hearing shall be stated in the Notice of Hearing.

10. Hearing Panel. A quorum of the Board of Directors shall act as the Hearing Panel at the Board's ~~regularly-scheduled~~ meeting. The Hearing Panel will meet in Executive Session prior to the beginning of the open Board meeting.

11. Designated Representative. A Lot Owner may present to the Board (prior to or at the Hearing) written notification that another person is the Owner's designated representative. A designated representative may speak on behalf of the Owner.

12. Procedure for Hearing. Procedure for the Hearing will be set by the Board of Directors. The Lot Owner and/or his/her designated representative will be informed of the procedure before the Hearing begins. The Lot Owner

and/or his/her designated representative will be given an opportunity to present supporting documentation and testimony to show cause why further enforcement action should not be authorized by the Board, which could include the levy of a monetary penalty and/or referral of the matter to an attorney.

13. Proof of Delivery of Notice. Proof of delivery to the Lot Owner of the Notice of Hearing shall be deemed adequate if a copy of the Notice, together with a statement of the date and manner of delivery (certified return receipt mail) is entered into the minutes of the meeting, by the officer, director, or agent who mailed or delivered the Notice.

14. Procedure if Owner or Representative Does Not Appear. If the Lot Owner or his/her designated representative does not appear at the hearing, the Board may levy a monetary penalty and/or refer the matter to an attorney for further action.

15. Hearing Panel's Decision. Notice shall be sent to the Lot Owner by the Board or its designated agent, within 10 days after the date of the Hearing, stating the Hearing Panel's decision, including the amount of any monetary penalty that may have been imposed by the Board, and its due date. The due date will normally be 30 days after the hearing.

16. Monetary Penalty. The monetary penalty for an uncorrected violation will be one quarter of HLR annual dues or \$40, whichever is greater, per lot per violation per 30 day period (or any part of). If the violation has not been corrected within six (6) months, the monetary penalty will double per lot per violation. The penalty may continue to double (per lot per violation) each six (6) month period until the violation has been corrected.

17. Penalty Hold/Stop. The monetary violation penalty will stop and be placed on hold once the PO notifies the Board in writing with proof that the violation(s) has been corrected. The BOD or its authorized agent will conduct a follow-up inspection to verify that the violation(s) no longer exist. If the violation has not been corrected then the monetary penalty will continue to accrue. The BOD will notify the PO in writing the results of the re-inspection on whether the violation(s) has been corrected or not.

18. Collection of Penalties. The Association may impose a lien for unpaid penalties, associated late charges, along with attorney fees and costs, for violation(s) of a By Laws, CCR and Association Rules. This lien is effective on conveyance of any interest in the subject Lot. The Association may also withhold use of to HLR Common areas and will withhold voting privileges until all penalties/fines have been paid. Furthermore, the Association may, at its discretion, seek through a civil court of appropriate jurisdiction all legal remedies to collect, including but not limited to monetary penalties per paragraph 14, reasonable attorney fees and any associated cost.

Tab A: Complaint Form

**Tab A: Complaint Form: High Lonesome Ranch Estates Property Owners Association**  
**Complete and mail to Cadden Management at 555 E Wilcox Drive, Suite B, Sierra Vista, AZ**  
**85635, or fax to 520-452-3782, or email to board@hlrpoa.com.**

<b>Person Who Observed a Violation and Is Making a Complaint</b>	
<b>Name:</b>	<b>Lot #:</b>
<b>Address:</b>	
<b>Phone:</b>	

<b>Name of the HLR POA or lot/address where there is an alleged Violation</b>

<b>Date(s) the Violation(s) Occurred</b>

<b>Nature of the Violation(s): Must cite HLR POA Governing document(s) and/or State statute(s) (cite the document and paragraph(s) or statute(s) #)</b>

**Per Arizona Law (A.R.S. § 33-1242 and A.R.S. § 33-1803) any complaint lodged with the Association will NOT remain anonymous. The person complaining of the alleged violation must state their first and last name and this information will be sent to the party who is accused of the violation.**

**Signature of Observer:** \_\_\_\_\_ **Date:** \_\_\_\_\_