

Legacy Mesa Homeowners Association

*Pride Community Management
2450 S Gilbert Rd Ste 205
Chandler, AZ 85824*

August 2021

DO NOT SET ASIDE! PLEASE READ CAREFULLY!

Dear Legacy Mesa Homeowner:

Most of us strive to take care of our property and abide by the governing documents, which we accepted when we purchased our property. The few who do not abide by the governing documents bring our property values down. At the Board of Directors meeting, the Board took the time to build a Fine policy.

Please take the time to read the enclosed fining policy for construction compliance established by the Legacy Mesa Board of Directors in accordance with the authority granted by the Arizona Revised Statutes and article 5.1 of the Bylaws applicable to the Association.

This policy will become effective September 6, 2021.

Sincerely,

**BOARD OF DIRECTORS
LEGACY MESA COMMUNITY ASSOCIATION**

If you have made architectural or landscaping additions or changes without submitting them to the Association for approval consideration, please take this opportunity to bring your lot into compliance with the CC&R's by doing so. Forms are available by emailing Pride Management.

In accordance with state law, the Association must disclose any violations to potential buyers at escrow, so it is in everyone's best interest to handle these matters as they come up.

**LEGACY MESA HOMEOWNERS ASSOCIATION
CONSTRUCTION VIOLATIONS FINE POLICY
Effective September 5, 2021**

Pursuant to A.R.S. 33-1803 and Article 9, Section 8.5 of the Declaration of Covenants, Conditions & Restrictions for LEGACY MESA ("Declaration"), the Association has the power to impose reasonable monetary fines after notice and an opportunity to be heard for any violation of the Design Guidelines or Community Documents.

As such, the Board hereby adopts the following fine policy:

The owner(s) shall be liable for any construction violations of the Community Documents, and for any violation committed by a family member, resident, guest, invitee, tenant or other occupant of the owner's lot. The amount of the monetary penalties shall be determined based on the nature of the offense and the number of violations, and the amount so established by the Board of Directors may range from \$25.00 to a maximum of \$500.00 per day. The owner(s) in question shall be given an opportunity to be heard by the Board prior to assessing of any monetary penalties, and written notice of said hearing shall be given at least ten (10) days in advance of the hearing by regular mail or by hand delivery at the last-known address of the owner(s). The following are the steps that the Board intends to take in most situations:

- Step 1:** Warning letter containing notification of violation and an adequate amount of time to cure the violation.
- Step 2:** If violation is not cured within given time frame or if the violation recurs anytime during a 6 month period, an "intent to fine" letter will be sent, notifying the owner that they could be subject to a fine (1st fine \$250.00, 2nd fine \$500.00 3rd fine \$1000.00 and continuing fine each for \$1000.00 every 30 days) for the construction violation and giving the owner the opportunity to be heard. After the owner has been given the opportunity to be heard, the Board may choose to impose a fine in an amount to be determined by the Board, and a letter will be sent to the owner, informing the owner of the fine that was imposed. The fine may apply retroactively to the date of the violation. If the violation is of a continuing nature, the Board may impose a continuing fine (such as a daily or weekly fine) until the violation is cured and the owner notifies the Board that the violation has been cured. This policy will allow the Board of Directors the ability to perform self-help and charge the cost incurred by the Association to be charged to the owners account. If the fine remains unpaid, it will be collectible pursuant to A. R. S. 33-1807. If the violation continues or recurs again, the Board may send additional "intent to fine" letters and impose additional fines. The Board may also take legal action to require the owner to comply with the provisions of the Association's governing documents.

The Board is not required to follow the above policy in every situation, but may vary from the above policy at its discretion based on the nature and number of violations.

This Construction Fine Policy was adopted by the Board of Directors on August 15, 2021
For examples of construction violations see below.

- Failing to fence in construction site.
- Making alterations to already approved plans without approval from the Board of Directors
- Failure to install Landscape past the 90 day requirement.