

**THE WINDS OF TATUM HOMEOWNERS ASSOCIATION
P.O. BOX 25466
TEMPE, ARIZONA 85285-5466
PHONE (480) 820-3451 FAX (480) 820-7441**

April 2, 2021

Dear Winds of Tatum Homeowner:

The Winds of Tatum is a lovely and desirable place to live. We'd like to keep it that way and we know that you would, too.

Our CC&Rs spell out the rules that all homeowners must follow to maintain the neighborhood and they include a policy to fine those who violate them.

At this time, the board believes it is necessary to update our fines policy to be specific, consistent and to address some recurring violations. Our goal is to ensure that homeowners respect and follow the CC&Rs so our community will continue to be a highly sought after place to live.

Attached is the updated policy for fines and appeal process. It is recommended that you save the accompanying documents in the event a fine is levied against you and you wish to appeal that fine, as it will be necessary to follow the *Violation Appeal Process* in order for the appeal to be considered.

The CC&Rs are available at:

<http://www.windsoftatum.com/documents/WTH%20CC&R's.pdf>

Sincerely,

Board of Directors

THE WINDS OF TATUM HOMEOWNERS ASSOCIATION
Enforcement Rule/Fine Policy and Fine Appeal Process
Effective May 1, 2021

As provided by A.R.S § 33-1803, The Winds of Tatum Homeowners Association shall impose monetary penalties (fines) for violations of the permitted uses and restrictions provisions of The Winds of Tatum Restated Covenants, Conditions and Restrictions and Grant of Easements (First Amended) and any Design Guidelines and Association Rules adopted by the Association. This rule, policy, and process shall supersede and replace any previously adopted rule/policy regarding same, recorded or unrecorded.

FIRST NOTICE: An initial notice of the violation shall be sent to the Member via regular mail requesting compliance. **NO FINE.**

SECOND NOTICE: If the violation still exists as of the next tour date [which in no event will be less than fourteen (14) days from the previous tour date], a second notice will be mailed via regular mail to the Member. This notice shall inform the Member of his/her right to appeal the violation with specific reference to Member's need to follow the violation appeal process as described on the reverse of this page. **\$25.00 FINE**

THIRD [and FINAL] NOTICE: If the violation still exists as of the next tour date [which in no event will be less than fourteen (14) days from the previous tour date], a third notice will be mailed via regular mail to the Member. This notice shall inform the Member of his/her right to appeal the violation with specific reference to Member's need to follow the violation appeal process as described on the reverse of this page. **\$50.00 FINE**

This third notice shall also inform and notice the Member that on or after fourteen (14) days from the violation date which prompted the third notice, the Lot will again be inspected. If at that time the violation has not been resolved and the Lot brought into compliance, an additional **\$50.00 FINE** shall be assessed against the Member, and for each month that passes wherein the violation remains unresolved, with or without further notice, another **\$50.00 FINE** shall be assessed and posted to Member's account.

If the violation still exists after the third notice and after the expiration of the fourteen (14) day period referenced therein, the Association may at any time—in addition to any fines that have been imposed—elect to refer the matter to legal counsel for appropriate action to compel compliance. The costs incurred in referring the matter to legal counsel will be charged to the Member. This final notice shall be sent to the member by First Class U.S. Mail.

RECURRING VIOLATIONS: A fine shall not be imposed without providing a first notice to a Member describing the violation and a reasonable time for the Member to correct the violation before sending a second notice and notice of fine. However, if after an initial resolution of a violation, there is a recurrence of the same violation or category of violation within six (6) months of the original violation, the Association may, but is not obligated to re-send a first notice, and Member may be subject to the imposition of a fine.

GENERAL: The Association's Fine Policy is in addition to any and all other remedies provided for by the laws of the State of Arizona and Declaration of Covenants, Conditions and Restrictions for The Winds of Tatum and any amendments thereto. Further, the Association reserves the right in its sole discretion to employ a *final notice* to a Member and proceed directly to remedy the violation pursuant to Association governing documents including referring the matter to legal counsel for appropriate action to compel compliance.

PAYMENT AND COLLECTION OF FINES: Fines that post to a Member's account that are not paid in a timely fashion are subject to collection. Failure to pay may result in further fees, including late fees, rebilling fees, notice of lien fees, collection costs, attorneys' fees and costs connected with filing a lawsuit and obtaining a judgment against the Member.

VIOLATION APPEAL PROCESS:

When a second or subsequent violation notice is sent to a Member, the notice includes a statement notifying the Member that he/she has the right to appeal the violation and the imposition of the fine. When a Member wants to appeal a violation, he/she must send to the Association, c/o Kinney Management Services, P.O. Box 25466, Tempe, Arizona, 85285-5466, written notice that they are requesting an appeal of the violation. [Email and fax delivery are not permitted.]

- Appeals shall be **received** at the P.O. Box identified in the preceding paragraph within ten (10) days of the date of the violation notification letter sent to the Member. That date can be found directly above the "Mailing Address."
- Appeals shall demonstrate extenuating circumstances which require deviation from the CC&Rs and/or Association Rules and/or Architectural Guidelines.
- Appeals shall include all pertinent backup information to support the existence of the extenuating circumstances.
- All decisions of the Board are final.
- Any appeal that does not meet the above requirements shall not be otherwise considered by the Board. Any such appeal shall be considered heard and denied.
- A Member whose appeal is not thus denied will be given written notice as to the time and place that the appeal is scheduled to be heard.
- The appeal shall be heard in *Closed Session* meeting of the Board of Directors.
- The Board President [or alternative presiding officer] will introduce all parties.
- Lengthy discussions are not a part of an appeal process. The Board, in its sole discretion, shall determine the time devoted to an appeal.
- The Member who is appealing will be asked to state their case and present any applicable documentation.
- Each Board Member will have the opportunity to ask the Member specific questions regarding the appeal.
- Upon completion of the question and answer period, the Board President [or alternative presiding officer] will state that the appeal has been heard and the Board will make its decision in *Closed Session*. Written notice of the Board's decision will be given via regular mail to the Member within seven (7) working days of the meeting/appeal hearing date.

**WINDS OF TATUM
SCHEDULE OF FINES AND PENALTIES
2021**

VIOLATION	INITIAL FINE	DETAILS
**Trash container	\$25	Removed from street by 8 am the following day
Failure to report rental	\$25	
Commercial vehicle	\$25	On street (overnight) or driveway
Bulk Trash	\$25	Not before placement date
Exterior changes w/o approval	\$25	Paint, gate, windows, additions, etc.
Trailers/RVs/Boats	\$25	
**Signs/Holiday decorations	\$25	Holiday décor must be removed 12 days after the holiday.
Vehicle repair	\$25	Unless emergency
Excessive dog barking	\$25	
Sporting equipment	\$25	Basketball hoops, hockey nets, etc.
Commercial business	\$25	Cannot run business from home where customers come. Does not mean someone who works at home
Enter property to remove weeds/debris	\$25	If homeowner has not maintained side & back yard: trees, etc.
Parking overnight on street or on sidewalk (anytime)	\$25	From 10 p.m. – 5 a.m.
Unapproved exterior décor/landscaping	\$25	Benches, plaques, bushes
Dog off leash/not cleaning up	\$25	
Oil stains in driveway	\$25	

Details on violations can be found at:

<http://www.windsoftatum.com/documents/WTH%20CC&R's.pdf>