

Approved 8/20/2002

Trails III/IV Board of Directors

Amended 12/21/2004

Trails at Scottsdale III/IV Homeowners Association  
**Procedure for CC&Rs Rules Violations**

Homeowners violating any of the Trails at Scottsdale III/IV Homeowner Association's CC&Rs Rules (Article VIII, Repair and Maintenance, and Article X, Use Restrictions) shall be brought into compliance by the Board of Directors through the consistent implementation of the following procedure.

- **Monthly Community Inspection** – The Association's Rules Committee performs a monthly inspection of the Trails III/IV neighborhood to identify all CC&R rules violations and lists the offending properties.
- **Violation Complaints** – CC&R rules violations may also be communicated to the Association's Board of Directors by any Trails III/IV homeowner either verbally or in writing. All complaints are then forwarded to the Association's Rules Committee for action.
- **Notification Letters** – The Rules Committee generates, as required, up to three notification letters to the offending homeowner's current mailing address as listed in the Association's records. The letters inform the homeowner that he/she has the opportunity to appeal the violation to the Board of Directors.
  - **1st Violation Letter** – A non-threatening letter informs the homeowner that a violation exists and requests compliance within twenty-one (21) days of the letter's date. The letter states the violation is probably the homeowner's oversight of the CC&Rs rules but also warns the homeowner of the Association's ability to impose fines if the violation isn't resolved.
  - **2nd Violation Letter** – If the violation hasn't been corrected within the stated twenty-one (21) days, a second letter is mailed requesting compliance within the next twenty-one (21) days. The homeowner is advised that a \$25.00 penalty fine will occur upon receipt of a third notice for failure to correct the violation by the stated deadline or for a repeat violation of the same rule within the next six months.
  - **3rd Violation Letter** – If the violation isn't corrected within the second letter's deadline or if the same violation reoccurs within six months after the previously written notice, a third letter is sent to the homeowner stating the \$25.00 penalty fine has been imposed. The homeowner is also advised that an additional \$25.00 charge will occur for every thirty (30) days the violation is not corrected.
- **Reporting Code Violations to the City of Scottsdale** – If a CC&R rules violation violates any of Scottsdale's City Codes, it may be reported to the City of Scottsdale Code Enforcement Department. This will only occur after fines have been issued and the property continues to deteriorate.
- **Homeowner Compliance** – Compliance shall occur when the violation has been taken care of.
- **Homeowner File** – Copies of all correspondence and final resolution shall be filed in the Association's file for the homeowner.

# The Trails at Scottsdale III/IV Homeowners Association

P.O. Box 3691  
Scottsdale, AZ 85271

November 20, 2002

Homeowner  
1234 North 87th Place  
Scottsdale, AZ 85257

Re: Lot #123 - Homeowner Association CC&R's Rule Violations

Dear Mr. Homeowner:

The Trails at Scottsdale III/IV Homeowner Association received several complaints and delivered several notices to your home regarding your property being non-compliant to Article X, Use Restrictions of the Association's CC&Rs. Specifically, the following was observed:

**The black and mauve garbage cans (stored on the side of the garage) are visible from the street between garbage pickups. Between pickups, they should be concealed from view of the neighboring residences and streets.**

The Association believes the above was an oversight on your part and anticipates you will quickly remedy this situation, certainly within thirty (30) days of the date appearing on this letter. Your cooperation in supporting the efforts to maintain high property values by your adherence to the Trails CC&R Use Restrictions is appreciated.

The Association does have the power to impose a fine for the violation if compliance is not achieved within the time period stated above.

If you have any questions or comments regarding this issue, please reply to this memo at the above address or leave a message on the Association's voice message service (480-429-0003).

Sincerely,

The Trails at Scottsdale III/IV  
Homeowners Association

Attachment: CC&Rs Article X, Use Restrictions

## The Trails at Scottsdale III/IV

### Board of Directors

Kay Henry  
President  
Bernard O'Halloran  
Vice President  
Dick Lingle  
Treasurer  
Bill Winkler  
Secretary  
John Arnold  
Pete Eldredge  
Robin Osthuus  
Barb Wifler

### Committee Chairs

Architectural –  
Jimmy Wahbeh  
Circulation –  
Robin Osthuus  
Landscape –  
Bernard O'Halloran  
Social –  
Tim & Sonya Dulany

### Bookkeeper

Tisha Crisler

# **The Trails at Scottsdale III/IV Homeowners Association**

**P.O. Box 3691  
Scottsdale, AZ 85271**

## **EXAMPLE - RULES NOTIFICATION LETTER #2**

December 20, 2001

**The Trails at  
Scottsdale III/IV  
Board of Directors**

Kay Henry  
President  
Bernard O'Halloran  
Vice President  
Dick Lingle  
Treasurer  
Bill Winkler  
Secretary  
John Arnold  
Pete Eldredge  
Robin Osthues  
Barb Wifler

**Committee Chairs**

Architectural –  
Jimmy Wahbeh  
Circulation –  
Robin Osthues  
Landscape –  
Bernard O'Halloran  
Social –  
Tim & Sonya Dulany

**Bookkeeper**  
Tisha Crisler

Homeowner  
1234 North 87th Place  
Scottsdale, AZ 85257

Re: Lot #123 - Homeowner Association CC&R's Rule Violations

Dear Mr. Homeowner:

On November 20, 2001, the Trails at Scottsdale III/IV Homeowner Association sent you a letter stating your property was non-compliant to Article X, Use Restrictions of the Association's CC&Rs in regards to the following.

**The black and mauve garbage cans (stored on the side of the garage) are visible from the street between garbage pickups. Between pickups, they should be concealed from view of the neighboring residences and street.**

You were given thirty (30) days to remedy this violation, however, you ignored the request.

This second notification letter is requesting compliance within ten (10) days of the date appearing on this letter or a \$25 initial fee will be imposed on your property plus \$5/day until the violation is taken care of.

If you have any questions or comments regarding this issue, please reply to this memo at the above address or leave a message on the Association's voice message service (480-429-0003).

Sincerely,

The Trails at Scottsdale III/IV  
Homeowners Association

**The Trails at Scottsdale III/IV Homeowners Association**  
**P.O. Box 3691**  
**Scottsdale, AZ 85271**

**EXAMPLE - RULES CERTIFIED LETTER #3**

December 30, 2001

The Trails at  
Scottsdale III/IV  
Board of Directors

Kay Henry  
President  
Bernard O'Halloran  
Vice President  
Dick Lingle  
Treasurer  
Bill Winkler  
Secretary  
John Arnold  
Pete Eldredge  
Robin Osthus  
Barb Wisler

Committee Chairs

Architectural –  
Jimmy Wahbeh  
Circulation –  
Robin Osthus  
Landscape –  
Bernard O'Halloran  
Social –  
Tim & Sonya Dulany

Bookkeeper  
Tisha Crisler

Homeowner  
1234 North 87th Place  
Scottsdale, AZ 85257

Re: Lot #123 - Homeowner Association CC&R's Rule Violations

Dear Mr. Homeowner:

You have received two notification letters regarding the following non-compliant issue and have not corrected the situation.

**The black and mauve garbage cans (stored on the side of the garage) are visible from the street between garbage pickups. Between pickups, they should be concealed from view of the neighboring residences and street.**

Effective as of the date appearing on this letter, your property is being fined an initial fee of \$25 and \$5 per day until the violation is remedied. Compliance will occur when the violation has been corrected and the imposed fines have been paid.

If you have any questions or comments regarding this issue, please reply to this memo at the above address or leave a message on the Association's voice message service (480-429-0003).

Sincerely,

The Trails at Scottsdale III/IV  
Homeowners Association