

**Linden Place Homeowners Association, Inc. Fine Policy**  
**(Effective/Adopted: June 16, 2025)**

**A. Authority and Overview:**

Pursuant to the Arizona Nonprofit Corporation Act, A.R.S. 33-1803 *et seq.* and the Condominium Act, A.R.S. 33-1242 *et seq.*, and as supplemented by resolutions adopted from time to time by the Board of Directors, the following resolution is hereby adopted by the undersigned, being officers of Linden Place Homeowners Association, Inc. ("Association").

Further, the HOA's CCRs, Article IX, Section 1 permits the HOA to enforce all CCRs and Rules by any proceeding at law or in equity.

NOW THEREFORE, IT IS RESOLVED that the following procedures and practices are established for the imposition and collection of Fines owing and to become owing by the Owners of Lots in the Association and the same are to be known as the "Fine Policy" for the Association in the discharge of its responsibilities regarding collection of Fines levied against Lots.

**\*\*OWNERS ARE RESPONSIBLE FOR THEIR RESIDENTS' VIOLATIONS. COURTESY NOTICES MAY BE SENT TO RESIDENTS BUT ARE NOT REQUIRED. ALL FINES MUST BE PAID BY OWNERS, EVEN IF AN OWNER'S LEASE WITH A TENANT REQUIRES THE TENANT TO REIMBURSE THE OWNER.**

**B. Process:**

**1. First Notice (Courtesy Notice):**

Except for Trash Dumpster use violations, upon observing or receiving a complaint regarding a violation, the Association will send the Owner a written courtesy notice describing:

The nature of the alleged violation,  
The date it was observed or reported,  
A request for corrective action within a specified deadline (typically 10 calendar days),  
Information about the right to contest the violation.

a. For Trash Dumpster violations, upon observing or receiving a complaint regarding a violation, the Association will send the Owner a written notice describing the nature, date, and will include a fine as stated below.

**2. Second Notice (Formal Notice of Violation):**

If the violation continues beyond the deadline in the first notice, a formal violation letter will be sent including the potential fine.

The Owner will be provided an opportunity to request a hearing in writing within 10 business days of the notice.

*Exception:* Trash Dumpster violation fines begin immediately and will continue for subsequent violations as stated above and below.

### 3. Due Process and Hearing Rights:

If requested, a hearing will be held before the Board in executive session. The Owner may present evidence or rebut the alleged violation.

A homeowner has the right to contest a violation notice by requesting a hearing in writing within 10 business days of the notice date.

The Board will schedule the hearing and notify the homeowner of the date, time, and location.

After the hearing, the Board will issue a written decision. If no hearing is requested, the fine may be imposed automatically after the 10-day period.

### 4. Amounts of Fines by Violation:

<u>Type of Violation</u>	<u>Initial Fine</u>	<u>Continuing Violation Fine</u>
Loose dog or not picking up dog poop	\$25	\$25 per day
Violation of Rules not otherwise		
Specified in this policy	\$25	\$25 per day
Landscaping maintenance	\$50	\$10 per day
Visibility of items other than recycle can	\$50	\$10 per day
Non-compliance with Trash Dumpster		
Rules (posted on dumpster door)	\$100	\$150 per violation
Parking violation	\$75	\$15 per day
**EXCEPT: Unattended vehicle in fire lane may be immediately towed. Owner is responsible for paying towing fee to retrieve vehicle.		
Unauthorized architectural change	\$150	\$25 per week
Nuisance (noise, pet issues, etc.)	\$100	\$20 per day

The Board reserves the right to adjust the fine amount based on the severity and recurrence of the violation.



#### 5. Collection and Enforcement:

Fines are due within 15 calendar days of the fine notice.

Late Payment Charges: The HOA can impose a late payment charge for a penalty that exceeds the greater of \$15 or 10% of the amount of the unpaid penalty.

If not paid, fines may be referred to for collection, but may not become a lien on the property (per A.R.S. § 33-1803(C)).

The Association may pursue collection via legal means, including small claims court. The HOA may file a lawsuit against the homeowner, obtain a judgment, and then pursue collection through legal means such as wage garnishment or recording the judgment against the owner's real property.

a. According to the CC&Rs, Article IV, Section 1, the Association may suspend voting rights to an owner who has an unpaid assessment. According to the Association's Resolution dated March 28, 2011, the Association may discontinue water to a unit if the owner has unpaid assessments for over 90 days.

#### 6. Exceptions and Discretion:

The Board retains discretion to waive or reduce fines in cases of hardship, unintentional violations, or other extenuating circumstances.

#### 7. Policy Availability:

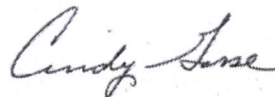
This Fine Policy will be mailed, and emailed and posted, to all members and may be amended by the Board with proper notice.

IT IS FURTHER RESOLVED THAT this Fine Policy replaces and supersedes in all respects all prior resolutions with respect to the imposition and collection of Fines by the Association and is effective upon adoption hereof, to remain in force and effect until revoked, modified, or amended.

Adopted by the Board of Directors on June 16, 2025.



Lisa Gervase, HOA BOD President



Cindy Gosse, HOA BOD Secretary