

CATALINA FOOTHILL ESTATES NO. 9 ASSOCIATION

Effective as of July 15, 2024

SCHEDULE OF FINES

This Schedule of Fines is authorized by the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Catalina Foothills Estates No. 9, Sequence 20062500879 recorded December 29, 2006, Pima County Recorder’s Office. Ratified by Board vote on July 15, 2024. TO BE POSTED ON THE CAT9.ORG WEBSITE.

Fines below are cumulative and will be assessed for each violation separately. Failure to pay the fine within thirty (30) days shall result in a \$50 late fee per month for each violation. Fines commence as of the second notice date and continue to accrue until corrected. Fines may be double for second violations. Owners shall immediately cease and desist the violation(s) for which they have been cited.

Description	Violation	Authority
Annual Assessment Period is February 1 – January 31		7.d.
A. Failure to Pay Assessments		
1. Failure to pay annual assessment (HOA Dues) by March 5	\$15 late fee per month until May 31 st .	7.g.(1)
2. Failure to pay annual assessment (HOA Dues) by June 1	Suspension of voting rights	6.i.
3. Failure to pay annual assessment (HOA Dues) by June 1	HOA lien until paid + \$50 fee to remove lien + attorney fees	7.g.(2)
4. Violation of other CCR provisions	Suspension of voting rights + other Board approved fines	6.i.
5. Failure to pay fine within thirty (30) days of invoice	\$50 late fee per month	7.g (1)
6. Returned Check Fee – Board may impose fee if payment declined by financial institution.	\$150 fee per event	6.b.
B. Failure to submit request for Architectural Review Request		
1. Possible or actual commencement of work without Board approval	Review Request Notice from Board	4.a.(2)
2. No application received after Review Request Notice from Board	\$250 per incident + 2 nd Review Request Notice	4.a.(2)

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3. Continued lack of response and/or no application received after 2 nd Review Request Notice from board	Additional \$100 + \$100 for each additional 30- day period until application received	4.a.(2)
4. Unauthorized or illegal use or alteration of a building structure, improvement, or property	\$100 per incident + cessation, removal of alteration	4.a.(5)
C. Deviations from approved Architectural Review Request		
1. Possible or actual deviation from Board approved Review Request	Review Request Notice from Board	4.a.(4)
2. No application received after Review Request Notice from Board	\$250 per incident + 2 nd Review Request Notice	4.a.(2)
3. Continued lack of response and/or no application received after 2 nd Review Request Notice from Board	Additional \$100 + \$100 for each additional 30-day period until application received	4.a.(4)
D. Activities below are prohibited by the CCRs subject to a first warning, with the second warning imposing the fine if not corrected. All violations are subject to Enhanced Enforcement and the Association Lien.		
1. Fire, safety or health hazard or other dangerous condition (for personal property, streets, or common areas;)	\$100 per week until corrected	4.a.(5)
2. Failure to maintain exterior of property	\$100 per month until corrected	4.a.(5)
3. Illegal or unauthorized use, damage, or alteration of Association common property	\$100 per incident per month until corrected + cost of repair	5.a. – 5.c.
4. Violation of Flagpole Rules	\$25 per week until corrected	4.m.
5. Violation of CCR Sign rules and Political Sign Rules	\$ 25 per week until corrected	4.m.
6. Leaving trash cans where visible	\$ 25 per week until corrected	4.g.

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7. Permitting nuisance, clutter or unaesthetic appearance which interferes with the rights of others	\$ 25 per week until corrected	4.c.
8. Unauthorized parking of boats, RVs, trailers, or similar vehicles or equipment	\$ 25 per week until corrected	4.o. & 4.p.
9. Failure to comply with trash collection provisions* *Note – The Board maintains the master agreement for trash collection in the neighborhood but service set-up and close-out, payments, and all fees for trash collection shall be made directly to trash provider	Termination of trash service and/or late fees paid to trash provider as set forth in HOA trash collection agreement	4.g.

ENFORCEMENT PROCEDURES

Pursuant to A.R.S. 33-1803, the Association has the power to impose reasonable monetary fines after notice and an opportunity to be heard for any violation of the CCRs, By-Laws, and Rules of the Association. **The imposition and collection of fines does not preclude the Board from taking enforcement action.** Any failure or delay of the Association to take enforcement action with respect to a violation shall in no way constitute a waiver of the Association’s right to impose a fine or enforce compliance presently or in the future (CCR’s Section 7.a). Owners shall be liable for any violations of the CCRs or Rules committed by a family member, resident, guest, invitee, tenant or another occupant of the owner's Lot.

The Board is not required to follow the above procedures in every situation and has the absolute discretion to vary from the above procedures at its discretion based on the nature and number of violations. As such, the Board hereby adopts the following enforcement procedures.

I. First Notice - Notice of Violation

All observed or reported violations of the CCRs and Association governing documents will be investigated and verified by a member of the Board of Directors. Upon verification of a violation, a Board member will contact the property owner (personally, by phone, through email, or through U.S. Mail) notifying them of the violation.

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II. Second Notice – Notice of Fines Imposed

Should the issue remain unresolved after 30 calendar days, a second notice will be provided to the offending owner in writing and sent via U.S. Mail (with copy via email if available). This letter will notify the owners that they are being assessed a fine for the violation. Owners must comply with the procedures set forth in A.R.S. 33-1803 and reply in writing (certified mail) within 21 days from the date of the second notice in order to request the opportunity to be heard. Fines will be applied retroactively to the date of the violation letter. 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.

III. Association Lien

The Association shall have a lien on each lot for all fines levied against the Owner of the Lot, and any attorney's fees, court costs, title report fees, costs and fees charged by any collection agency in attempting to collect fines due. (CCRs Section 7.g(2))

If the Board determines that violation constitutes a nuisance or intentional violations of the CCRs, State Law or the Rules, the offending Owners shall be responsible for all costs of enforcement, including attorney's fees, collection fees, and all fines approved by the Board for the violations, and such amounts shall be secured by the Association Lien. (CCRs Section 8.d)

IV. Enforcement

The Association has the right to enforce the CCRs, By-Laws and Rules in any manner provided for by law or in equity. **The owner must notify the Board in writing that the violation has been cured, or fines will continue.** If the fine remains unpaid, it will be collectible pursuant to A.R.S. 33-1807 and shall be subject to a late fee. Further, fines will continue to accrue late charges until paid and until the Board confirms that corrective action has been completed.

The Board may amend and add additional categories of violations from time to time as deemed necessary.

Version	Date
Version 2.0	July, 2024
Initial 1.0	February, 2021