

ARRIVAL HOMEOWNERS' ASSOCIATION
A UTAH NON-PROFIT CORPORATION

POLICY RESOLUTION NUMBER 9
3RD AMENDED ENFORCEMENT RESOLUTION

Resolution of the Board of Directors

This Resolution of the Board of Directors (“**Board**”) for the *Arrival Homeowners' Association*, has been properly voted upon, approved, and executed on the date set forth below.

RECITALS

WHEREAS, *Arrival Homeowners' Association* (“**Association**”) was organized pursuant to the Community Declaration for *Arrival Homeowners' Association*, recorded as Entry No. 106225:2021 in the Utah County Recorder’s Office, State of Utah (the “**Declaration**”);

WHEREAS, the Association is also governed by Bylaws of the Association (“**Bylaws**”);

WHEREAS, all land and owners within the Community Association Area are subject to the provisions of the Declaration and Bylaws, as amended;

WHEREAS, pursuant to *Article IV Section 4.3*, *Article VIII Section 8.5*, *Article IX Section 9.3*, *Article XI Section 11.2* of the Declaration and *Article III Section 3.12* of the Bylaws, the Association through its Board is vested with the authority to promulgate and adopt rules and regulations as the Board deems necessary or desirable to aid it in administering the affairs of the Association and to protect the common interests of all members;

WHEREAS, some members of the Association are in violation with provisions of the Association's governing documents and are paying their Assessments but ignoring their violations and accruing weekly fines;

WHEREAS, the Board now desires and deems it necessary and in the best interest of the Association to adopt a policy to enforce the rules and regulations, and prevent the intentional disregard of such rules, regulations and Declarations, Bylaws and General Rules;

RESOLUTION

NOW THEREFORE, BE IT RESOLVED that the Board hereby approves and adopts the following enforcement procedures and a policy to prevent intentional disregard to the rules, regulations and Declaration provisions:

COURTESY NOTICE - When a violation has been identified, a Courtesy Notice letter will be sent to the homeowner and the renter, if applicable, with details of the situation and request that they resolve the violation or contact management with a plan of action within 10 calendar days (from day of notice). This Notice will be sent to an email or address registered with the Association. At this stage, this Notice is not considered a violation.

FIRST NOTICE - If the violation has not been resolved or addressed, a First Notice Letter will be sent re-explaining the details describing the violation, stating the rule or provisions according to the governing documents and request a plan of action to correct the violation. The letter will notify them that they have 10 calendar days (from the day of the notice) to correct the violation or

Enforcement Policy – Arrival Homeowner’s Association

notify management with a plan of action. The notice will also inform the owner of the initial non-negotiable fine if the above action is not taken.

SECOND NOTICE - If the violation has not been resolved or addressed, an initial non-negotiable fine will be added to their account and a Second Notice will be sent. This notice will notify them of this action and request that the violation be resolved or notify management with a plan of action within the next 10 calendar days (from day of notice).

THIRD/FINAL NOTICE - If no contact has been made to the management company or the violation was not corrected within 10 calendar days (from day of 2nd notice), then a monthly fine will be imposed. The Third and Final Notice will be sent out notifying them of the reoccurring monthly fine until the violation has been resolved. If this violation is not resolved in a timely manner, the violation will be processed and turned over to the attorney for legal action.

FINES - General guidelines for fines imposed on any violation:

Courtesy Notice - \$0.00

1st Notice - \$0.00

2nd Notice - \$25.00 one-time non-negotiable fine.

3rd Notice - \$100.00 fine imposed, this fine will be a monthly recurring fine and will double each month until resolved.

\$300 fine assessed for starting construction of home without approval from the ARC

LEGAL ACTION – The Board may decide to seek a legal remedy to obtain compliance if it's determined that an "intentional disregard" of the Governing Documents exists because the following has occurred:

- a) The Association has provided notice to the Member regarding the infraction in accordance with the General Rules or CC&R's; and
- b) 30 days have elapsed from the day that the fine was assessed during which the member could have requested an informal hearing to protest or dispute the fine, as per Utah Code Section 57-8a-208; and,
- c) The Member has not timely appealed the fine(s) by initiating a civil action.

Once the account is turned over to the attorney for legal action, the Member is still required to stay current on all assessments. Legal action shall include filing a civil action in court to seek available remedies, including a judgment for the fines and/or a court order requiring the Member to correct the violation(s), and requesting the court to award attorney fees.

All fines or legal fees levied pursuant to the terms of this Resolution shall be collectible as any other fine authorized by the Declaration, Bylaws, or applicable laws.

Duly adopted at a meeting of the Board of Trustees held: March 8, 2023.

Scot Hazard

Board Member

03 / 17 / 2023

Date

Resolution effective: April 1, 2023.