



**The Ranch at Prescott HOA
COMPLIANCE POLICY FOR REMOVAL OF DEAD
TREES AND DEAD BRUSH**

Adopted by the Governing Council – Revision 5/23/2019

The Ranch at Prescott HOA requires full compliance with Arizona Revised Statute 33-1803

This policy specifically applies to dead vegetation violations, not the Association's general violation policy.

To ensure compliance with the Association's Governing Documents (including the Articles of Incorporation, ByLaws, CC&R's and the Rules and Regulations) and the laws of the State of Arizona, and to maintain, preserve, enhance, and protect the property values and assets of the community the Council for The Ranch of Prescott HOA adopts the following policy of compliance.

Procedures should comply with the **Enforcement of Alleged Violations of HOA Rules, Regulations & CC&R's (Rules)** including that all alleged violations of HOA Rules that come to the attention any Council member (or HOA member) should be immediately reported to our HOAMCO Community Association Manager (HOAMCO Manager). Our HOAMCO Manager will initiate an investigation of the alleged violation and take appropriate action in conjunction with the HOA Chairman and/or Vice Chairman.

1. If applicable, visit with the initiator of the complaint and the association manager and/or the unit representative; and conduct an onsite physical visit to include a photograph.
2. If applicable, attempt to visit the property with the Owner to discuss the issue prior to mailing the certified letter (as designated in Step 5 below).
3. If the complaint details something illegal, harmful, or dangerous, contact the police having the jurisdiction of the matter. If fire related as a possible fire hazard, fuel accelerator, contact the fire department.
4. The owner shall be **notified** in writing with a courtesy letter by regular mail of the alleged violation of a specific rule or regulation or CC&R.

5. After **twenty one (21)** days, on the next Inspection Drive if the alleged violation has not been corrected then, as required by Arizona State Statute 33-1803, the owner shall be notified in writing by certified mail of the alleged violation and include all of the following:

- a. The provision of the community documents that has allegedly been violated.
- b. The date of the violation or the date the violation was observed.
- c. The first and last name of the person or persons who observed the violation.
- d. The process the member must follow to contest the notice, including the Member's right to request an administrative hearing with the Department of Real Estate and shall notify the Member of his or her right to be heard. A copy of the Compliance Policy shall be enclosed.

The owner shall be advised of their right to request reconsideration or a Council hearing, either of which must be in writing to the HOAMCO Community Association Manager within **twenty one (21)** days, as required by A.R.S 33-1803, and must explain the reason for such request. Unless such request is received by the Association within **twenty one (21)** days of the Council's written notice, the alleged violation will be considered validated and a first level, **one hundred twenty five dollars (\$125.00)** fine will be imposed. Within ten business days after receipt of the certified mail containing the response from the member or request for a hearing, the association shall respond to the member with a written explanation and/or coordinate a time of a Council hearing.

6. If the violation has not been corrected within **thirty (30)** days of its validation (as defined above) a Second Notice of Violation will be sent by certified mail and an additional second level, **two hundred fifty dollar (\$250.00)** fine will be imposed **to the initial sustained finding.**

7. If the violation has not been corrected within **thirty (30)** days of the Second Notice of Violation a Third Notice of Violation will be sent by certified mail and an additional third level five hundred dollar (**\$500.00**) fine will be imposed to the previously sustained finding.

8. If the violation has not been corrected within **thirty (30)** days of the Third Notice of Violation (a Final Notice of Violation will be sent by certified mail and an additional fourth level **five hundred dollar (\$500.00)** fine will be imposed to the previously sustained finding. A fine of **five hundred dollars (\$500.00)** will be imposed every thirty (**30**) days until the violation is corrected or until the Council authorizes corrective action pursuant to Section 7.4 of the CC&R's.

9. The sum of all fines imposed **exclusive of penalties and interest** shall not exceed two-thousand five hundred dollars (**\$2875.00**).

10. At any time, the Association may turn a matter over to legal counsel for legal action.

Initiate Self-Help Procedures

1. Ascertain independent reasonable bids for clearing the potential hazard from the property. Send the bids by certified mail, return receipt requested to the Owner of the property. Include from the HOA attorney a position of legal liability of the owner of the potential liability that may arise from the hazard declared on their property.
2. If the Owner has not complied, clear the lot of the hazard.
3. Authorize the HOA attorney to send the final bill and demand for payment to the Owner.
4. File small claims in Justice Court and obtain a judgment for costs of self-help, attorneys' fees, court costs, and compound interest until judgment has been satisfied.
5. By A.R.S 33-1803, at any time before or after completion of the exchange of information pursuant to this section, the member may petition for a hearing pursuant to section 32-2199.01 if the dispute is within the jurisdiction of the state real estate department as prescribed in section 32-2199.01, subsection E.