



The Lakes at Castle Rock

Homeowners Association

1870 W. Prince Road, Suite 47, Tucson, AZ 85705

Phone: (520) 745-9121 Fax: (520) 747-3639

May 9th, 2016

Hello LACR Residents,

As you are probably aware, parking and parking enforcement has been a topic of discussion for much of the last year. There has been much feedback and consideration about the topic, and the Board has finally been able to come up with what it feels is a reasonable enforcement policy. Attached is the approved Parking Policy.

This enforcement policy will be effective June 1st, 2016.

As you are aware, the CCRs indicate that there should be no resident parking in any common areas – except for those clearly indicated as parking spaces. With this restriction already outlined in the CCRs, the Board would like to introduce our enforcement policy.

This policy is a multi-tiered plan that will allow for plenty of education and notice for residents that may be in violation. A full copy of the enforcement policy is attached, but it follows a three step system:

• Education and “Knowledge of Violation(s)” – the resident in violation will receive a friendly reminder with information about the parking rules and explaining how they are in violation.

• “Notice of Violation” – Following a friendly reminder, if a resident is found in violation again they will receive a “No Parking” sticker on their vehicle and formal written Notice of Violation.

• If the resident is in violation for a third time, the violator will be subject to monetary penalties.

We appreciate your understanding and patience as we worked through this process. Thank you in advance for your cooperation with this new policy. We are looking forward to a successful implantation of this enforcement plan effective June 1st, 2016.

Sincerely,

The Lakes at Castle Rock

Board of Directors

THE LAKES AT CASTLE ROCK
Homeowners' Association, Inc.

PARKING ENFORCEMENT POLICY

WHEREAS, Article III.H of the Articles of Incorporation of The Lakes at Castle Rock (the Association) authorizes the Association "to exercise all of the powers and privileges and to perform all the duties and obligations" of the Association; and,

WHEREAS, Article III, Section D 10.2 of the Articles of Incorporation gives the Association the power "to adopt and enforce rules and regulations governing the ownership, use and occupancy of all areas of the Property; and;

WHEREAS, The Board of Directors of the Association desires to adopt a policy for the enforcement of its Covenants, Conditions & Restrictions (CC&Rs) and rules and regulations;

WHEREAS, Article VIII Section 8.11 of the CC&R's; "No vehicles of any type shall be parked on any portion of the Common Area, except areas specifically designated for parking.

NOW THEREFORE, BE IT RESOLVED that the Association hereby adopts the following Restrictions and Procedures for the enforcing the provisions of its Parking Policy:

RESTRICTIONS:

- I. Guest parking is allowed for up to 72 hours. Guests that will be parked longer than 72 hours must contact Management for Board approval.
- II. Service Vehicles are permitted to park temporarily on the common area streets while providing service to a Castle Rock Resident.
- III. Resident parking is prohibited on common area streets except for areas designated for parking.

PROCEDURES FOR ENFORCING:

I. KNOWLEDGE OF VIOLATION(S)

Information regarding violation of the Governing Documents shall be obtained by Association site inspections and observations, and/or receipt of complaints from residents. Complaints must be received in writing, and must identify the complainant. In the event of receipt of a written complaint, the complainant will be issued a confirmation of receipt of the complaint and advised that it shall be investigated (to the extent possible) by the Association. A "FRIENDLY REMINDER" flyer with warning will be left on the vehicle and license plate recorded by an individual Board Member or Community Manager.

II. NOTICE OF VIOLATION

In the event compliance is not forthcoming following a reasonable period stated in the "FRIENDLY REMINDER" flyer, a "No Parking" sticker will be placed on the vehicle and written "NOTICE OF VIOLATION" together with an additional request to correct or remedy the alleged violation(s) shall be sent to the Owner of the Lot and shall specify the following relating to the violation:

- a) The provision of the community documents that has/have allegedly been violated.
- b) The date(s) of the alleged violation(s), and the date(s) observed.
- c) The name of the person or persons who witnessed the violation(s)
- d) The process the Owner must follow to contest the notice, as described in Section III.

If the Owner is leasing or renting the home, the Association may furnish a copy of the Notice of Violation (s) to the Owner's tenant.

III. OWNER RESPONSE

In accordance with Arizona Revised Statute 33-1803(C) an Owner who receives a written "Notice of Violation" pertaining to an alleged violation(s) of the Governing Documents, may provide the Association with a written response by sending the response by certified mail within ten (10) business days after the date of the Notice. Within ten (10) business days after receipt of the certified mail containing the response from the Owner, the Association shall respond to the Owner. The Association's response will confirm, retract or modify its position regarding the violation(s), depending upon the information provided by the Owner in the certified letter.

IV. DEFINITION - CONTINUING VIOLATION(S)

For each day a violation continues after a notice to cease and desist has been given by the Board of Directors to the Owner, it will constitute a separate violation, also subject to a monetary penalty.

V. NOTICE OF HEARING

In the event the violation(s) continue(s) past the period allowed in the "Notice of Violation" or is not resolved through the Owner Response period (Section III above), or if the same rule or provision of the Governing Documents is subsequently violated, the Association may send a "Notice of Hearing" letter (via Certified Mail). This letter shall contain the following:

- e) The nature of the alleged violation(s), the date(s) observed.
- f) The provision of the community documents that has/have allegedly been violated.
- g) The name of the person or persons who witnessed the violation(s)
- h) Time and Place of the Hearing, which shall be not less than twenty (20) days from the date of the notice.
- i) An invitation for the Owner to attend the hearing and produce any statement, evidence, and witness(es) on his/her behalf.
- j) The proposed monetary penalty to be imposed, if any, including any attorney fees or other costs incurred by the Association.

- k) The process the Owner must follow to contest the notice.
- l) A statement that, while the Owner is afforded an opportunity to attend the hearing as per state statute, it is not a mandatory requirement; and that any evidence and testimony regarding the alleged violation will be reviewed at that time. The Owner will be further advised that the hearing will be held and conducted with or without the Owner's attendance.
- m) A statement that, in accordance with state statute, the hearing will be held in a closed session with the Board of Directors unless the Owner requests it be held in an open session.

VI. HEARING PROCEDURE

This procedure will apply to all hearings:

- a) The hearing shall be held pursuant to the "Notice of Hearing".
- b) The Owner, if present, shall be afforded a reasonable opportunity to be heard.
- c) The Association shall present to the Owner all accumulated evidence, observations and any witness testimony, as appropriate.
- d) The Owner, if present, shall be provided the opportunity to review all evidence, and question any witness(es).
- e) Board members shall ask questions for clarification and/or to obtain additional facts, but shall not express any opinions on the violation(s) or render any decision(s).
- f) The Owner shall be asked for any final comment before the Board closes the hearing.
- g) The Owner shall be informed that a decision will be forthcoming in writing within ten (10) days.
- h) The Owner shall be dismissed, and the Board shall consider its decision.
- i) The minutes of the hearing shall contain a written statement of the results of the hearing.

VII. IMPOSITION OF MONETARY PENALTIES AND OTHER SANCTIONS

The Board of Directors shall, under Executive Session, deliberate on the alleged violation solely on the basis of the evidence and testimony presented and reviewed at the hearing, together with the amount of the monetary penalty to be imposed, if any, based on:

- The seriousness of the violation.
- Whether this is the first violation or a continuing violation.
- Whether the type of offense poses a danger to property or any person.
- Any other extenuating circumstances and whether the Owner agrees in good faith to correct the violation within the time specified by the Board of Directors.
- Whether a determined monetary penalty is sufficient to obtain compliance, based on the facts.
- The Board of Directors may impose a monetary penalty in an amount as shown in the attached "Penalty Guidelines". After the Board of Directors determines the amount of the monetary penalty, if any, notice shall be sent to the Owner of the amount and its due date.

VIII. REQUEST FOR RECONSIDERATION

If the Owner wishes to appeal the levying of a monetary penalty, the following shall apply:

- a) In order to schedule an appearance before the Board of Directors, the Owner must submit a written request to the Association within seven (7) days of receipt of notice of the Board's decision.
- b) The meeting shall be scheduled and the Owner notified of the date, time and location via Certified Mail.
- c) The meeting will be held in Executive Session, unless requested otherwise by the Owner, and the Owner shall be afforded a reasonable opportunity to be heard.
- d) At the conclusion of the meeting, the Owner shall be excused from the meeting and the Board of Directors shall issue a ruling on whether the decision stands, shall be modified or shall be rescinded.
- e) The Board of Directors shall send a written notice of its decision to the Owner.
- f) The ruling of the Board of Directors will be final.

IX. PENALTY GUIDELINES

Monetary penalties for violations of the governing documents and/or rules and regulations of the Association may be as follows:

First Violation	\$25.00
Second Violation (of the same type or nature)	\$50.00
Third Violation (of the same type or nature)	\$75.00
Each Violation after the 3 rd (of the same type or nature)	\$100.00
Special one-time Violation (For violations where a remedy/reversal is not possible)	\$100.00 to \$200.00 as determined by the Board.

After the aforementioned penalties have been assessed an additional monetary penalty may be assessed for each additional day that the violation continues.

X. PAYMENT OF MONETARY PENALTIES


The Board of Directors shall advise the Owner that any monetary penalty, if imposed, shall be due and payable and will be added to the Owner's account balance.

XI. EFFECTIVE DATE

The effective date of this Resolution shall be April 1, 2016 and shall supersede any prior enforcement procedures and/or policies.

DATED THIS 29 DAY OF March 2016

BY:  PRESIDENT

ATTEST:  SECRETARY