

SUN CITY CIVIC ASSOCIATION
ENFORCEMENT & FINE SCHEDULE

The Sun City Civic Association (the “Association” or “SCCA”) has the right to enforce the Association’s Governing Documents pursuant to the CC&Rs. This right includes requesting the violator to cease the offending action, suspending the owner’s membership rights, specially assessing the owner, fining the violator, and taking legal action against the violator. Once the Board of Directors is aware of a violation, the Board will investigate the allegation and may take appropriate action against the owner. However, nothing in this section obligates or requires the Board of Directors or its authorized committee to take any action against an individual resident. Individual owners also have the right to enforce the governing documents on their own.

A. Due Process. Prior to the imposition of any fine or individual reimbursement assessment, the homeowner shall be given notice and an opportunity to appear in person or in writing before the Board of Directors or appropriate committee. Due process will be conducted in a manner consistent with Civil Code § 1363(g) such that at least 10 days’ notice will be given of any hearing and within 15 days after the hearing the owner will be notified in writing of the outcome (Hearing Outcome letter).

B. Enforcement Guidelines. Generally, absent special circumstances, the Association will adhere to the following discipline and fine protocol for violations of the governing documents:

(i) Notice of Violation (Warning Notice): Initial warning letter and request to correct violation within a reasonable amount of time as determined by the Board or its committee.

(ii) Second Notice of Violation: Reminder notice with request to cure violation within a reasonable amount of time as determined by the Board or its committee.

(iii) Notice of Hearing: The Notice of Hearing will be sent setting forth the violation and requesting immediate remedial action. Also, the Notice of Hearing will establish a possible fine amount and set a hearing regarding the fine. In addition to the fine, the Association may also assess attorneys’ fees and costs, if any, associated with the enforcement action. A Hearing Outcome letter will be sent within 15 days of the Hearing.

(iv) Note: For subsequent violations (2nd, 3rd, etc.) of the same type (Same Offense⁽¹⁾) as prior violations, no Notice of Violation (Warning Notice) will be sent to the Owner in violation. Instead, the Association will immediately send a Notice of Hearing establishing a fine amount and setting a hearing regarding the violation and fine amount at least ten (10) days from the date appearing on the Notice of Hearing. For subsequent violations of the same type, the Board may assess fines pursuant to the schedules established for second and third violations.

The following fine schedule shall apply to all same offense⁽¹⁾ violations:

1st Violation: \$100.00 for initial violation;

2nd Violation: \$200.00 for same offense;

3rd Violation: \$300.00 for same offense

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Additional violations: \$300.00 every month thereafter for same offense.

A same offense⁽¹⁾ fine is a fine where the homeowner has been directed to take corrective action and has taken complete corrective action, but has then been notified that the non-compliance issue has been observed on a separate occasion, at a later date.

A *continuing violation* is one wherein the Board has notified the homeowner that specific corrective action(s) need to be taken by a specific date or specified number of days from the date of the letter and the homeowner has not taken full and complete corrective action as directed by the Board. In that case, a continuing violation fine or daily fine may be imposed. That fine will be described in the Hearing Outcome letter sent subsequent to the hearing. Continuing violations up to \$100.00 per day may accrue after time allowed for corrective action, until the violation is corrected.

The following schedule of Fines and Penalties will be used to levy fines for non-compliance issues after a Hearing is held for **Age Verification (55+ Community Requirement)**:

Failure to comply within the first notice period: (first month period following the Hearing)	\$500.00 per occurrence/per person
Failure to comply within the second notice period (second month following the Hearing)	\$1,000.00 per occurrence/per person
Failure to comply after second notice period (third month following the Hearing and ongoing monthly until compliance is met)	\$300.00 per month, per occurrence per person every month.

NOTE: The Association reserves the right to make any of the above fines a continuing fine which will be assessed monthly to your account until the violation is removed. Additional hearings are not required for the levying of ongoing fines in the same amount.

The Board shall also have the authority to suspend privileges of the Member and/or any Family Member or Invitee of that Member to use the common facilities for a period of thirty (30) days for any non-continuing infraction, if it is deemed appropriate considering the circumstances of the violation. In the case of a continuing infraction (including non-payment of any assessment after the same becomes delinquent) suspension may be imposed for so long as the violation continues. Suspension may include suspension of Voting Privileges.

The Association may pursue one or more remedies simultaneously. The selection of one remedy does not preclude the Association's right to pursue others.