



PALM COURT CONDOMINIUM ASSOCIATION

RULES AND RESTRICTIONS

March 2020

**These documents are to remain with the condominium.
It is the responsibility of the unit owner to turn them over to the
buyer at time of the sale.**

RULES AND REGULATIONS OF PALM COURT CONDOMINIUM ASSOCIATION

Rule 1: The restrictions set forth in the "DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS" (referred to as "CC&R's"), and BYLAWS for Palm Court Condominium Association, are hereby referenced and incorporated as Rule 1.

Rule 2: Outside Maintenance of lawns, trees, shrubs, walls, hedges, etc., are the responsibility of the Board of Directors. Individual unit owners are not authorized to discuss such maintenance with the gardener or his assistants. No outside plantings shall be made by individual unit owners without written Board approval.

- A. Patio Maintenance. Citrus, trees, and other bushes/shrubs on unit owners' patios must be maintained by the owner. Plants/trees/shrubs may not hang over driveway walls. Any fallen fruit must be cleaned up to prevent rodent infestation.
- B. If the unit owner continues in non-compliance after the stated date, the unit owner shall be fined \$10.00 per day. The Board of Directors will have the offending tree, shrub, etc. trimmed or removed at the owner's expense.

Rule 3: Sales of dwelling units shall be made in strict accordance with Section 19, "Declaration of Covenants, Conditions, and Restrictions".

Rule 4: No Nuisances (noxious or offensive activity) shall be allowed upon the property nor shall any use or practice be allowed which is a source of annoyance to residents or which interferes with the peaceful possession of proper use of the property by its residents.

Rule 5: Vehicles. No horse trailers, boats/trailers, motor homes, automobiles or any other type of trailer or vehicle shall be parked adjacent to a unit or in a service driveway.

EXCEPTIONS: Emergency and service vehicles may park in a service driveway. Unit owners or their guests may park one automobile or golf cart in a service driveway for a maximum of four hours per day, and their vehicles must be parked as close as possible to the unit owner's wall without blocking access to other residents' units/garages. No overnight parking.

A fine of ten dollars (\$10.00) per twenty-four (24) hour violation of this rule will be levied against the owner of any unit who is in violation of this rule, whether the property in violation of this rule is that owner's personal property or is the property of a guest of that owner or other occupant of that owner's condominium unit. This fine shall be a lien on the said condominium unit owner's residence unit until such fine is paid. The Board reserves the right to administer more severe penalties for noncompliance, including towing at the unit owner's expense.

Rule 6: Compliance. Failure to comply with any of the provisions in the "Declaration of Covenants, Conditions, and Restrictions", as recorded and restated on July 11, 2019 in Docket 8008, Page 764, Maricopa County Records, and failure to comply with any of the rules adopted in the Bylaws of Palm Court Condominium Association shall be grounds for action to recover sums due for damages or injunctive relief or both, maintainable by the Board of Directors on behalf of the Palm Court Condominium Association or, in a proper case.

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Rule 7: Violation. The violation of any provision in the "Declaration of Covenants, Conditions, and Restrictions" and the Bylaws of the Palm Court Condominium Association, shall give the Board of Directors the right, in addition to all rights previously set forth in the document and in the Declaration of Restrictions:

- (a) the right to enter upon the property in which, or as to which, such violations exist and to abate and remove, at the expense of the unit owner, any structure, thing, or condition that may exist thereon, contrary to the intent and meaning of these provisions, and the Palm Court Condominium Association or its successors or assigns, or the Board of Directors, or its agents, shall not thereby be deemed guilty in any manner of trespass; or
- (b) to enjoin, abate or remedy by appropriate legal proceedings, either at law or in equity, the continuance of any breach of these provisions.

Rule 8: Supplement. These Rules and Regulations of Palm Court Condominium Association are intended to work in conjunction with and supplement all related provisions located in the documents entitled "Declaration of Covenants, Conditions, and Restrictions", and Bylaws of Palm Court Condominium Association, which have herein been referred to.

Rule 9: Delinquent Assessments, Foreclosures, Fines, Collection Agency, Liens. The Association may file a lien on a unit when an assessment is 90 days past due. The following procedure will be followed:

- A. One month overdue, the delinquent owner will be notified by mail to make the payment within 30 days.
- B. Two months overdue, the delinquent owner will be notified by certified mail to make the payments, plus an additional \$50.00 late fee for each month's delinquency.
- C. Three months overdue, the Board of Directors shall decide which action should be taken: Hire a collection agency; file a lien; or pursue foreclosure to collect the assessments.
- D. Should it become necessary to hire a collection agency or an attorney, or place a lien against a unit owner's property, all costs incurred in obtaining the action shall be the responsibility of the unit owner against whose property the lien has been placed. Said owner shall be liable for all such costs, including the monthly assessment, late fees, and interest in the amount of 10% in addition to the amount of the lien itself.

Rule 10: Owners are restricted to two pets per unit. Dogs, cats, and any other pets shall be kept under control by the unit owners. Unit owners' and their guests' pets are permitted in the courtyard but must be on a leash at all times. Owners/guests must supervise and clean up after their pets at all times. Guests of unit owners must be accompanied to the courtyard by the unit owner.

Though no liability insurance is required to be maintained by owners for any acts committed by owner's pets, owner is fully liable and responsible for any damage, both monetary and other, that may come from acts committed by owner's pets.

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Rule 11: The Board of Directors shall take any legal action to enforce and collect fines and cost incurred for infractions of CC&R's, Bylaws, and Rules & Regulations as outlined in the Arizona Condominium Act.

Rule 12: Occupant Form. In the event that someone other than the unit owner shall occupy a unit, the unit owner shall complete an Occupant Form and remit to the Board of Directors.

Rule 13: Guidelines for Installation of Solar Systems. Arizona Statute §33-1816 allows Board of Directors to adopt guidelines for the installation of solar energy systems. Before installation of a solar energy system, the following shall be submitted to the Board of Directors:

1. Structural engineering drawings on the location and method of installation.
2. Work must be done by a licensed and bonded electrical contractor.
3. A specific warranty on the roof and solar panels with an insurance policy guaranteed by the solar company, leasing company, or the owner.
4. Unit owner shall be responsible for maintenance and replacement if the roof is damaged in any way.
5. Copies of building permits required by Maricopa County.
6. Copies of installation company's Workman's Comp and Liability Insurance.
7. When our roofs are resealed, the unit owner will be responsible for any increase in cost due to the solar system.

**ACTION BY THE BOARD OF DIRECTORS
OF
Palm Court Condominium Association**

**FINE POLICY AND
VIOLATION APPEAL PROCESS**

The undersigned, constituting the members of the Board of Directors of **Palm Court Condominium Association, an Arizona nonprofit corporation**, hereby take the following action:

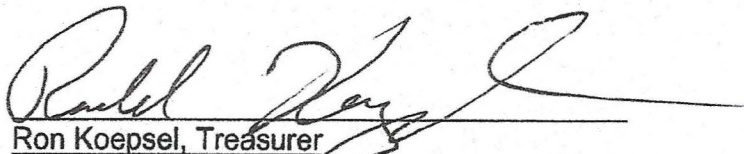
RESOLVED, that the Board of Directors hereby approves the attached Fine Policy and Violation Appeal Process for **Palm Court Condominium Association** attached to this resolution.

The Board of Directors hereby instructs the managing agent to notify all homeowners of the implementation of the fine system effective as of April 26, 2021.


IN WITNESS WHEREOF, the undersigned have executed this consent as of this date: April 26, 2021.



Linda LePore, President



Ron Koepsel, Treasurer



Lee Elvidge, Member at Large

Palm Court Condominium Association
FINE POLICY & FINE APPEAL PROCESS

Effective: April 26, 2021

FINE POLICY

The following Fine and Appeals Policy shall be followed for the **Palm Court Condominium Association**:

FIRST NOTICE: An initial notice of the violation shall be mailed via regular mail to the homeowner requesting compliance within fourteen (14) days - **NO FINE**.

SECOND NOTICE: If violation still exists, a **SECOND** notice requesting compliance within fourteen (14) days shall be mailed via regular mail to the homeowner. A **\$50.00** FINE will be assessed and due immediately.

THIRD NOTICE: If violation still exists, a **THIRD** notice requesting compliance within fourteen (14) days shall be mailed via regular mail to the homeowner. A **\$100.00** FINE will be assessed and due immediately.

CONTINUING VIOLATIONS: If the violation continues without resolution after the fourth notice, a **\$100.00** FINE shall be assessed every fourteen (14) days until the violation is resolved. In addition, the Board of Directors may have the right to remedy the violation and/or take legal action, the cost of which shall be billed to the homeowner and collected as allowed by Arizona Revised Statutes.

The Board reserves the right to circumvent any or all steps outlined in this Fine Policy in instances that the Board of Directors might deem it necessary to initiate immediate action to avoid injury to property or owners/guests.

VIOLATION APPEAL PROCESS

When a violation notice is sent to a homeowner, the notice includes a statement notifying the homeowner that they have the "RIGHT OF APPEAL". When a homeowner wants to appeal a violation, they must send the Management Company written notice that they are requesting an appeal of the violation.

- Appeals shall be received within twenty-one (21) days of the date of the fine notification (violation letter).
- Appeals shall demonstrate extenuating circumstances which require deviation from the CC&R's and/or guidelines.
- Appeals shall include all pertinent backup information to support the existence of the extenuating circumstance.
- All decisions of the Board are final and may not be further appealed.
- Any appeal that does not meet the above requirements shall not be heard by the Board and shall be considered **DENIED**.
- The homeowners appealing the violation will be given written notice of the date, time and location of which the hearing is scheduled.
- The appeal shall be heard in Executive Session.
- The Board President will introduce all parties.
- Lengthy discussions are not a part of an appeal process. Allotted time will be a maximum of 15 minutes.
- The homeowner who is appealing will be asked to state their case and present any documentation that is applicable.
- Each Board Member will have the opportunity to ask the homeowner specific questions regarding the appeal.
- Upon completion of the question and answer period, the Board President will state that the appeal has been heard and the Board will make their decision in closed session. The homeowner will be sent "Written Notice" of the Board's decision within seven (7) business days.
- The unit owner has the option to petition for an administrative hearing on the matter in the State Real Estate Department pursuant to section 32-2199.01

If the appeal is denied, the homeowner must bring the violation into compliance within fourteen (14) days. If the violation still exists after fourteen (14) days, a **CONTINUING FINE** shall be assessed every fourteen (14) days until the violation is resolved.