

Construction Violations Notice Form F

Note: This form can be filled out in Microsoft Word by tabbing over to each field. Please save your document by your Name and Lot Number and Form if using this method to fill it out. To check the boxes below, just click your choice with your mouse.

Notice Number: _____

Lot Number: _____

Date: _____

Street Address: _____

Owner: _____

Contractor/Builder: _____

Directly following are the procedures for notifications and penalties for the violations listed below under "Categories of Violations Subject to the Notification and Penalty Procedure Above."

Following such section is an additional section of violations, Other Categories of Violations and Associated Penalties. Please review this notice to understand what violations you are being notified of, what penalties you may already be or may become responsible for paying, and what you must do within what timeframe.

In all the required timeframes specified herein, the ARC may allow extra time if the nature of the violation is such that it is not practical to correct it within the required time and the Owner is acting in good faith to correct the violation as quickly as possible.

First Violation Notice:

The violations noted below must be corrected within seven (7) days of receipt of this *Notice*. Failure to correct the violations within this timeframe will result in a *Penalty Notice for First Violation* that will require the payment of \$500.00 to the Association plus a continuing \$50.00 per day penalty until the violations are corrected and Owner's full payment of the penalty, and daily penalties, is received by the Association. Note: If Owner has a second violation in the same category below within a 365-day period, the penalties will double as detailed below.

Description of the Violation:

In Violation of (Cite the specific section of the Declaration and/or Guidelines):

Time and Place of Violation:

The Violation Was Observed By:

Penalty Notice for First Violation:

Penalty Notice for First Violation – As a result of the fact that Owner has not, within the required seven (7) days, corrected the violations brought to Owner’s attention with *First Violation Notice # _____*, dated _____, Owner is now required to pay a \$500.00 penalty plus a continuing \$50.00 per day penalty, calculated from the date of receipt of this Penalty Notice (by certified mail, return receipt) until the violations are corrected and Owner’s full payment of the penalty, and daily penalties, is received by the Association. In the event the violations are not corrected and all penalties paid within seven (7) days of receipt of this *Penalty Notice*, the Association reserves the right to double the daily penalty under this *Penalty Notice for First Violation* until these conditions are satisfied.

Second Violation Notice:

The repeat violations (for which you have previously received *First Violation Notice # _____*, dated _____, involving the same violation category or categories within a 365-day period) must be corrected within seven (7) days of receipt of this *Notice*. Failure to correct the violations within this timeframe will result in a *Penalty Notice for Second Violations* that will require the payment of \$1000.00 to the Association plus a continuing \$100.00 per day penalty until the violations are corrected and Owner’s full payment of the penalty, including daily penalties, is received by the Association. Note: if Owner has three or more violations in the same category below within a 365-day period, Owner will not have a seven (7) day grace period to correct the violation and will immediately receive a *Penalty Notice for Third or More Violations* that will require the payment of \$1000.00 to the Association plus a continuing \$100.00 per day penalty until the violations are corrected and Owner’s full payment of the penalty, including daily penalties, is received by the Association.

Penalty Notice for Second Violations:

As a result of the fact that Owner has not, within the required seven (7) days, corrected the violations brought to Owner’s attention with *Second Violation Notice # _____*, dated _____, Owner is now required to pay a \$1000.00 penalty plus a continuing \$100.00 per day penalty, calculated from the date of receipt of this *Penalty Notice* (by certified mail, return receipt) until the violations are corrected and Owner’s full payment of the penalty, including daily penalties, is received by the Association. In the event the violations are not corrected and all penalties paid within seven (7) days of receipt of the *Penalty Notice for Second Violations*, the Association reserves the right to double the daily penalty under the *Penalty Notice for Second Violations* until these conditions are satisfied.

Penalty Notice for Third or More Violations:

As a result of the fact that Owner has had at least two prior *Violation Notices* on the repeat violations noted below within a 365-day period (*First Violation Notice # _____*, dated _____ and *Second Violation Notice # _____*, dated _____), there will be no grace period to correct such violations and Owner will now be required to pay a \$1000.00 penalty plus a continuing \$100.00 per day penalty from the date of receipt of this Penalty Notice (by certified mail, return receipt) until the violations are corrected and Owner’s full payment of the penalty, including daily penalties, is received by the Association. In the event the violations are not corrected and all penalties paid within seven (7) days of receipt of the *Penalty Notice for*

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Third or More Violations, the Association reserves the right to double the daily penalty under such *Notice* until these conditions are satisfied.

Note that the Owner must correct any violations and pay penalties under any *Penalty Notices* to the Association within seven (7) days of the Owner's receipt of such *Notice*. In addition to the Association's right to double the appropriate daily penalties in the event these conditions are not met, the Association may deduct such penalties from the Performance Deposit and continue to deduct them until the violations are corrected and all penalties paid, at which time the Performance Deposit will be restored by Owner by an amount equal to the amount of the penalty payment by Owner.

Furthermore, for any violation that is not corrected within seven (7) days of the initial *Notice* for that violation, the Association has the right to contract the required work to be performed and both the cost of the work and the penalty will be charged to Owner and deducted from the Performance Deposit until Owner pays the full amount due to the Association. The Association may also issue a stop work order until the violation is cured.

CATEGORIES OF VIOLATIONS SUBJECT TO THE NOTIFICATION AND PENALTY PROCEDURE SET FORTH ABOVE (Categories check-marked are in violation.)

1. Construction fencing not properly erected and/or not properly maintained.
2. More than the one (1) allotted 16 foot driveway access to building site.
3. Temporary driveway not properly constructed/maintained including ____ culvert, ____ ABC, ____ Other.
4. Overnight long-term parking.
5. Dumpster not on job site ____ or not installed in approved location ____ or not emptied when full ____.
6. Portable toilet not installed in approved location.
7. Building materials or ____ equipment outside of building envelope/property boundaries.
8. Mud, dirt, dust, oil or concrete on road, adjacent property or common area.
9. Damaged utility or ____ pavement/sidewalk or ____ adjacent property or ____ common area.
10. Trash or debris not removed from lot daily.
11. Electrical or ____ water hookups to construction site not completed when required.
12. Fires on construction site (no fires of any kind are allowed).
13. Working hours or days violation.
14. Parking that blocks flow of traffic or parking on both sides of street.
15. Trespassing on adjoining lots or common area.

- 16. Alcoholic beverages, firearms, drugs.
- 17. The use of boom boxes/audio equipment (use inside approved as long as it cannot be heard outside).
- 18. Uncompleted construction, month 16, if no extension is granted.

- 19. Uncompleted construction, after month 18, if extension of months 15-18 is granted.
- 20. Landscaping not completed within 3 months after Certificate of Occupancy is issued.
- 21. Other. _____

OTHER CATEGORIES OF VIOLATIONS AND ASSOCIATED PENALTIES:

Damage Or Change To Association Drainage System:

A penalty of up to \$2,500.00 plus the cost of restoration under direction of licensed civil engineer for damage or change to Association drainage system. If not completed in 30 days after notice to Owner of the violation, there will also be a daily penalty for each day after such 30 days until the violation is corrected and Owner's full payment of the penalty, including daily penalties, is received by the Association.

Damage Or Change To Natural Arroyo(s) Or Platted Drainage Easement(s):

A penalty of up to \$2,500.00 plus the cost of restoration under direction of licensed civil engineer for damage or change to natural arroyos or platted drainage easements. If not completed in 30 days after notice to Owner of the violation, there will also be a daily penalty for each day after such 30 days until the violation is corrected and Owner's full payment of the penalty, including daily penalties, is received by the Association.

Failure To Obtain Any Required Approval From The ARC Prior To Commencing Work:

A penalty of up to \$5,000.00 for failure to obtain any required approval from ARC prior to commencing any work. The amount of penalty is to be determined by the Board. In addition, the Association may remove any non-approved improvements and recover the cost of such removal in addition to the penalty.

Construction Of Non-Conforming Improvements:

A penalty of up to \$5,000.00 for construction of non-conforming improvements. The amount of penalty is to be determined by the Board. In addition, the Association may remove any non-conforming improvements and recover the cost of such removal in addition to the penalty.

Failure To Complete Work Within Required Timeframe:

A penalty of \$1,500.00 beginning on the first day following the 15-month completion time limit. If the ARC approves a 3-month extension as per **PROJECT TIME LIMITS**, then the \$1,500.00 penalty shall begin on the first day following the 3-month extension. Thereafter, the penalty shall increase in \$1,000.00 increments on the same date of each succeeding month until the project is completed. For example if a project was required to be done under the 15-month requirement on August 5th and no extension was granted, a \$1,500.00 penalty would be due on August 6th. If the project was still not complete on September 6th, an additional \$2,500.00 penalty would be due, followed by a \$3,500.00 penalty on October

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6th, and so on, with the monthly penalty continuing to increase by \$1,000 per month until the project is complete.

Comments:

Signature:

Signature:

Printed Name:
ARC

Printed Name:
TMRPOA Board Representative

All violations that encompass a monetary penalty must be paid within seven (7) days of receipt of the violations. Additional provisions are noted above. All penalties must be payable to TMRPOA, and must reference the lot number on the check. You have the right to appeal the violations. Any appeal must be made in writing to TMRPOA Board of Directors and mailed to Thunder Mountain Ranch Property Owners Association, P.O. Box 10535, Sedona, AZ 86339 with a copy to the ARC. In the event the Owner fails to notify the Board of Directors, in writing, within seven (7) days of the date of the related Penalty Notice of the Owner's exercise of such appeal right, the Owner shall be deemed to have waived such appeal right.