

**Construction Violations Notice
Form F**

Note: This form can be filled out in Word. Save with your Name, Lot Number and Form.

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 email or certified mail) 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 email or certified mail) 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 email or certified mail) until the violations are corrected and Owner’s full payment of the penalty, including

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- _____ 13. Fires on construction site (no fires of any kind are allowed).
- _____ 14. Working hours or days violation.
- _____ 15. Parking that blocks flow of traffic or parking on both sides of street.
- _____ 16. Trespassing on adjoining lots or common area.
- _____ 17. Alcoholic beverages, firearms, drugs, pets.
- _____ 18. The use of boom boxes/audio equipment (use inside approved as long as it cannot be heard outside).
- _____ 19. Uncompleted construction, month 16, if no extension is granted.
- _____ 20. Uncompleted construction, after month 18, if extension of months 15-18 are granted.
- _____ 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:

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

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 2606, 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.

Comments:

Signature/Date:

Signature/Date

Printed Name
ARC

Printed Name
TMRPOA Board Representative