



**Eastmark Residential Association, Inc.**  
**Noncompliance Enforcement Guidelines**  
Revised: October 26, 2016 | Effective: January 1, 2017

## 1. Courtesy Notice

A Courtesy Notice may be verbal or in writing informing the owner of the noncompliance issue, including any violation(s) of the CC&Rs and the Eastmark Resident Access Card Agreement ("The Amenities") rules and requests corrective action be taken. In the event that recurrence of the same violation occurs within ninety (90) days of the preceding notice, regardless of compliance following the notice, the Board may continue with enforcement in accordance with the Noncompliance Enforcement Guidelines as though the violation had not been corrected. Additionally, notice provides the owner with the process the owner must follow to contest the notice and their opportunity to be heard in accordance with Arizona state law as well as written notice of the owner's option to petition for an administrative hearing on the matter in the Department of Real Estate pursuant to Section 32-2199.01.

## 2. Second Written Notice

Advises owner they have ten (10) business days to remedy the noncompliance issue or further enforcement action will be taken. Additionally, notice provides the owner with the process the owner must follow to contest the notice and their opportunity to be heard in accordance with Arizona state law as well as written notice of the owner's option to petition for an administrative hearing on the matter in the Department of Real Estate pursuant to Section 32-2199.01.

## 3. Hearing Notice

Advises owner if the violation is not corrected within ten (10) business days, a monetary penalty may be imposed, and access to the amenities may be terminated for a period up to thirty (30) days. Additionally, notice provides resident with the process to contest the notice and their opportunity to be heard in accordance with Arizona state law and also provides written notice of the owner's option to petition for an administrative hearing on the matter with the Department of Real Estate, pursuant to section 32-2199.01.

## 4. Monetary Penalty Notice

This letter states the nature of the violation, stipulates the monetary penalty (fine) imposed and access to the amenities has been terminated for a period up to thirty (30) days. The owner is also advised that if the violation is not corrected within ten (10) business days, additional monetary penalties may be imposed every ten (10) business days and amenity access may be suspended until the violation is corrected. Additionally, notice provides the owner with the process the owner must follow to contest the notice and their opportunity to be heard in accordance with Arizona state law as well as written notice of the owner's option to petition for an administrative hearing on the matter in the Department of Real Estate pursuant to Section 32-2199.01

**Note:** When a violation of the Residential Association, Inc. Declaration is noted (see Exhibit D, 'Initial Residential Standards' of the Eastmark Residential Association, Inc.'s CC&R's), the Board may take whatever enforcement action is necessary to remedy the violation without adherence to the above procedures (e.g., impose monetary penalty, exercise self-help, suspend privileges, or proceed with legal action, etc., at the owner's expense).



Eastmark Residential Association, Inc.  
Schedule of Monetary Penalties

In accordance with Section 4.2.2 of the Residential Declaration relating to Enforcement of the "Duties and Powers of the Residential Association," the following schedule of monetary penalties was approved by the Residential Association's Board of Directors and may be imposed for violations of the governing documents:

Violation	Monetary Penalty
Amenity Violation	\$100
Animals & Pets	\$50
Commercial Vehicle*/Recreational Vehicle/Inoperable Vehicle	\$150
Exterior Architectural Maintenance; Missing/Damaged Elements	\$150
Landscape Maintenance Violation(s)	\$150
Short Term Property Rental	\$500
Specific Assessment – Self Help	\$150 & up
Trash/Recycling Container Stored in Unapproved Location / Unapproved Signage	\$25
Vehicular Gate Access Violation – Innovation Park	\$200
Unapproved Architectural Modification(s)	\$100

\*See attached Exhibit A, Defining Commercial Vehicles

Complaints must be in writing using the Eastmark Community Concern Form, available on [Eastmark.com](http://Eastmark.com). Management does not act on anonymous information in accordance with A.R.S. § 33-1803.

Monetary Penalties are subject to change. Please see the current years' Assessment & Fee Schedule. If you require further information, please contact the Eastmark Residential Association, Inc. at 480-625-4900 or [ERA@dmbcommunitylife.com](mailto:ERA@dmbcommunitylife.com).



## Exhibit A

### Defining Commercial Vehicles

The term "Commercial Vehicle" is defined as any motorized vehicle or towed vehicle designed or used for a commercial or industrial function. This includes:

- Any vehicle registered or insured as a commercial vehicle.
- Panel trucks with commercial signage.
- Any vehicle, regardless of rating, that has visible racks for equipment, supplies or tools installed, or other appurtenances commonly used for commercial or industrial function.
- Vehicles with commercial lettering/signage or wraps that serve to promote or advertise a business or service. (NOTE: Magnetic overlays that closely match the vehicle color may be used to completely cover commercial lettering/signage.)
- This definition shall not apply to vehicles that are permitted under A.R.S. § 33-1809.