

# **Tierra de Zia Homeowner's Association**

## **Notices Procedures and Fines & Fees Schedule**

### **Notices Process**

The following schedule shall apply to fines levied for violations of provisions of the Community Documents, including the Declaration, Bylaws and the Policies & Procedures Manual. This shall in no way prohibit the Association from exercising any other remedy available to it under law, including its right to bill the cost of repairs and remediation against the responsible Unit. In the case of each alleged violation, the Resident may request a hearing before the Board.

**Warning: A Courtesy Warning Notice** will be sent to the alleged violator, and/or unit owner, along with a warning that a subsequent or continued violation of any rule or regulation may result in a fine and/or other equitable remedies. In the case of Pet issues, a Courtesy Warning Notice will not be given.

**First Notice:** In the event of an alleged second or continued violation, the alleged violator and/or unit owner shall be issued a **First Notice of Violation Letter (plus an email)**, along with notification that the situation may result in the loss of Member in Good Standing Status, in which case the unit owner and/or tenant will be restricted from accessing certain amenities as described in the Policies & Procedures Manual. In addition, fines may be levied, not to exceed two hundred fifty dollars (\$250).

**Second Notice:** Following a third, or continued violation, the alleged violator and/or unit owner shall be issued a formal **Final Notice of Violation Letter**. The Association may issue a monetary fine and/or further penalties deemed appropriate by the Association.

If a fine and/or penalty is imposed by the Board, the unit owner must submit payment and/or comply with the penalty within seven (7) days of the Board's decision. Failure to do so may result in an additional twenty-five (\$25) daily late fee, commencing upon the expiration of the seven (7) day deadline.

## **Section 7**

### **Fees & Fines of the Policies & Procedures Manual**

"Pursuant to the Declaration, Article 4.2(l) The Association may levy reasonable fines. Further, the Association will have a lien against the Unit(s) of the violating Owner in accordance with the provisions of 47-7C-16, N.M.S.A. 1978"

Please refer to the Community Documents "Declaration" for the full text.

## **RIGHTS WHEN FINED**

On March 4<sup>th</sup>, 2019, the Tierra de Zia Board of Directors formally adopted the revisions made to the New Mexico Condominium Act.

“Prior to imposition of a fine or suspension, the board shall provide an opportunity to submit a written statement or for a hearing before the board or a committee appointed by the board by providing written notice to the person sought to be fined or suspended fourteen days prior to the hearing. Following the hearing or review of the written statement, if the board or committee, by a majority vote, does not approve a proposed fine or suspension, neither the fine nor the suspension may be imposed.”

Pursuant to the Community Documents, in any event that the Association must take action to collect unpaid fees and fines, foreclose a lien or recoup money for any Owner caused damage, the Owner shall be required to pay the costs and expenses of such proceeding, all reasonable costs of collection incurred by the Association before litigation, and all reasonable attorney’s fees. Finance charges will be assessed on past due fees and fines of all types, including legal fees.

Fees & Fines Schedule available in office or online at [www.tierradezia.com](http://www.tierradezia.com) in the Owner’s login section.