

Canoa Seca Estates
Resolution Re: Enforcement Policy & Procedures
29 April 2025

The following resolution has been adopted by the Board of Directors of CANOA SECA ESTATES, INC. ("Association"), at a duly held meeting on ____29 April____, 2025.

RECITALS:

- A. The Association was formed in 1988 for the stated purpose of developing and managing a planned community. To carry out this purpose, the Association adopted Bylaws ("Bylaws"), a Declaration of Conditions, Covenants and Restrictions ("CC&Rs") and several policies, rules and restrictions enacted thereunder (collectively, "Governing Documents").
- B. The Association is bound by the Governing Document, and is therein charged with the enforcement, in its sole discretion, of the same. See Bylaws, Articles IV and VIII(1)(b) and CC&Rs, Articles VIII and XV, Section 1. Every owner of a lot in the Association is a mandatory member of the Association, and bound by the Governing Documents.
- C. The Governing Documents have a significant gap. They lack a uniform and systematic procedure for enforcement. Recent Arizona case law affirms the Association's right to take reasonable and foreseeable action to fill a gap in its Governing Documents or to refine a right or obligation under those Governing Documents. *Kalway v. Calabria Ranch HOA*, 506 P3d 18.
- D. The Board desires to fill this gap by adopting a uniform and systematic procedure for enforcing the Governing Documents. Further, the Board desires to refine its right and obligation for enforcing the Governing Documents.
- E. The Board finds the Enforcement Policy adopted herein meets the Board's stated desires. The Board finds this Policy is reasonable and foreseeable under the Governing Documents as it will:
 - 1. Encourage Compliance: The Enforcement Policy would serve as a deterrent, encouraging homeowners within the Association to adhere to established rules and guidelines and to maintain the community's aesthetic and functional standards.
 - 2. Protect Property Values: The Policy outlines a uniform procedure for addressing noncompliance issues and identifying potential penalties and would promote

consistent enforcement. Consistent enforcement of restrictive covenants helps preserve property value by ensuring the Association and the neighborhoods within it remain attractive and orderly. Non-compliance can lead to neglected properties, impacting the overall appeal and value of property within the Association.

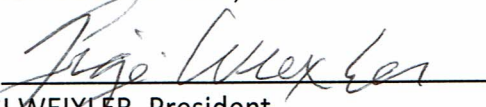
3. Ensure Fairness and Accountability: Implementing a uniform and systematic enforcement procedure such as contained in this Policy ensures that all members are held to the same standards, thereby promoting fairness and accountability. This type of procedure also reassures compliant homeowners that their efforts are recognized and valued.
4. Assist Operational Efficiency: The uniform and systematic enforcement procedure contained in the Policy streamlines the enforcement process, thereby reducing administrative burden on the Board. This standardized approach makes it easier for members to understand the consequences of noncompliance and for the Association to manage and resolve compliance issues.
5. Be Consistent with Existing Covenants: The uniform and systematic enforcement procedure contained in the Policy does not alter the nature of covenants currently contained within the Governing Documents.

RESOLUTION:

NOW THEREFORE, LET IT BE RESOLVED that the Board hereby adopts the attached Enforcement Policy together with its Exhibit A, Monetary Penalty Guidelines. The Secretary shall forthwith enter this resolution into the records of the Association and post the Policy for member viewing on the Association's website.

IN WITNESS WHEREOF, the undersigned certify that this Resolution was approved and adopted by the Board of Directors of Canoa Seca Estates, Inc. as of the date stated above.

CANOA SECA ESTATES, INC.

By: 
GIGI WEIXLER, President

ATTEST:

By: 
KAREN WARD, Secretary