

# Saguaro Trails Homeowners Association

Procedure: Processing member complaints about CC&R violations  
Approved: November 12, 2006  
Revised: October 13, 2006

## 1. General Principles

- 1.1. Any Association member may bring a possible violation of CC&Rs to the Board's attention. The Board is then responsible for evaluating and resolving the complaint in an expeditious and neighborly manner.
- 1.2. The content and author of a complaint are not considered to be confidential. However, the Board shall endeavor to use discretion in disclosing this information to persons other than the affected parties.
- 1.3. A record of all open complaints and investigations is maintained to ensure that all complaints are addressed, and to allow accurate response to inquiries that may occur during property transfers.
- 1.4. An archive of closed complaints is maintained to provide a source for precedents in case of challenge.

## 2. Definitions

- 2.1. Originator is the person originating the complaint
- 2.2. Owner is the person owning the lot where the CC&R violation is alleged.
- 2.3. RBM is the Board member responsible for investigating and resolving the complaint.
- 2.4. President, Secretary, Board refer to the Association Board of Directors

## 3. Receiving Complaints

- 3.1. All complaints must be in writing or via email, and signed by an association member. Complaints must identify the Lot number and particular CC&R thought to be violated and describe the nature of the alleged violation. Requests for confidentiality cannot be honored.
- 3.2. Complaints shall be directed to the President, who shall immediately forward a copy to the Secretary, who maintains a list of open complaints.
- 3.3. The President may handle the complaint directly, or may assign another board member to be responsible for handling the complaint.

## 4. Investigation and Resolution

- 4.1. Complaints that do not meet the requirements of 3.1 shall be rejected. The Originator shall be notified via the Status letter (Attachment A), with copy to the Secretary.
- 4.2. The responsible board member (RBM) shall investigate to determine if the activity or condition described in the complaint would, if true, violate the terms of the CC&R. Upon confirmation by the Board, the RBM transmits the Status letter (Attachment A) to the Originator, with copy to the Secretary.
- 4.3. The RBM shall call or visit the Owner and attempt to resolve the situation informally.

- 4.4. If the complaint cannot be resolved immediately, the RBM shall prepare a draft Notice of Complaint (Attached) and send to the President, who shall consult with other Board members before sending to the Owner. Secretary shall maintain a copy of the Notice.
- 4.5. The Notice of Complaint asks for a response within 30 days. If none is received within that time, or if the situation appears unresolvable, the President shall call a special Board meeting to authorize turning the matter over to the Association attorney.

**5. Closeout**

- 5.1. Except for those rejected per 4.1, complaints shall be considered Open until closure is approved by a majority of the Board.
- 5.2. Once the matter is resolved, the Board shall send a Resolution of Complaint (Attachment C) to the Originator with copy to the Owner.

**Attachments (Form Letters)**

- A. Status of Complaint
- B. Notice of Violation
- C. Resolution of Complaint

**To:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Subject:** Status of complaint regarding violation of CC&Rs

**Reference:** Your  email  letter dated \_\_\_\_\_

- The Board of Directors finds that your complaint appears to have merit. We will be following up, and will let you know when the complaint is resolved.
  
- The Board of Directors is unable to follow up for the reason noted below. If you are not satisfied with this action by the Board, please feel free to amend your complaint.
  - The complaint does not identify a specific CC&R
  - We cannot honor your request for confidentiality.
  - The condition described in your complaint, even if true, would not appear to constitute a violation of the CC&Rs.
  - Other: \_\_\_\_\_

**Remarks:**

*FOR THE BOARD OF DIRECTORS*

\_\_\_\_\_ Date: \_\_\_\_\_

By: \_\_\_\_\_ Phone: \_\_\_\_\_

Cc: Secretary

**To:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Subject:** Notice of violation of CC&Rs

The Board has received a complaint alleging a violation of the CC&Rs at Lot # \_\_\_\_\_. It appears from our investigation that that the complaint has merit. The following are the specifics:

We have been unable to close out this complaint to the satisfaction of all parties. We would prefer to find a way of resolving the issue without involving the Association's attorney. We therefore request that you check one or more of the boxes below, and return this page as soon as possible, but certainly within 30 days. If you need to discuss, please call.

*FOR THE BOARD OF DIRECTORS*

\_\_\_\_\_ Date: \_\_\_\_\_

By: \_\_\_\_\_ Phone: \_\_\_\_\_

**Lot Owner Response**

- The situation has already been corrected.
- I'll correct the situation.  Immediately  Within approximately \_\_\_\_\_ days.
- I don't believe that that this action or condition would violate the CC&Rs (Explain)
- The complaint does not accurately describe the situation. (Explain)

**Comments:** (Attach extra pages if necessary)

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**To:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Subject:** Resolution of complaint regarding violation of CC&Rs

**Reference:** Your  email  letter dated \_\_\_\_\_

The Board of Directors has investigated your complaint, and is closing it out for the reason noted:

- Investigation did not discover any violation.
- Violation has been corrected.
- Homeowner's plan for corrective action appears acceptable. (See attachment)

**Remarks:**

If you are not satisfied with this action by the Board, please feel free to amend your complaint.

*FOR THE BOARD OF DIRECTORS*

\_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Phone: \_\_\_\_\_