

LAS BRISAS HOMEOWNERS' ASSOCIATION
Rules and Regulations

Las Brisas is a community of 160 single-family townhomes located at 1815 South River, Tempe, Arizona. It is important to each homeowner that the community maintains a high aesthetic and strong financial value.

The purpose of these Rules and Regulations is to summarize the Declaration of Covenants, Conditions and Restrictions (CC&Rs), which have been accepted by each owner as a precondition to ownership and a fundamental part of living at Las Brisas. The CC&Rs and By-laws of the community grant authority to the Board of Directors to adopt Rules & Regulations and adopt penalties for violations of the rules.

Homeowners must remember they are responsible for the actions of their guests, and any violations of these Rules or the CC&Rs will be their responsibility. Homeowners who lease their units are responsible for the actions of their renters, and of the guests of their renters. If you are a landlord, you will be responsible for violations of these Rules or the CC&Rs made by your renters or the renters' guests. It is HIGHLY recommended that you provide a copy of these Rules & Regulations and the CC&Rs to your renters when they move in so that they may become familiar with the rules and restrictions they will be expected to abide by.

The maintenance of all facilities and common areas is paid for by a monthly homeowners' association fee. Therefore, it is to the advantage of all to enjoy the facilities and see that they are cared for in a proper manner.

If each resident of the community will respect the feelings and rights of other residents, we will achieve the goal of a harmonious and increasingly prosperous community.

BOARD OF DIRECTORS

The Board of Directors is made up of at least seven members duly elected at the Annual Meeting of Homeowners, held each year in December. Vacancies during the year may be filled by appointment of the Board. Any resident in good standing is eligible to become a Board member. The purpose of the Board of Directors is to set policy for the Association and to act in the best interest of the total membership.

VOTING & RECREATIONAL USE RIGHTS

Each unit owner in good standing has an individual interest in the Las Brisas community and has one vote per unit in matters concerning the Association. In the event an outstanding assessment balance remains unpaid following ten days' written notice, the Association may suspend the owner's voting rights as well as the right to use the recreational facilities.

ASSOCIATION FEES

The association fee for the calendar year 2006 is \$145.00 per unit per month. The fee is due and payable the first day of each month. Fees not paid to Las Brisas by the 30th day of the month are considered delinquent and are subject to a late-fee penalty. Please contact the Board at (480) 303-0251 for further information as required.

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INSURANCE

The Association maintains insurance coverage for all common areas, including the landscaped common area, and the main structures such as the pool and the buildings. In addition, there is General Liability Coverage for Las Brisas Officers and the Board of Directors. It is strongly recommended that each homeowner carry a separate policy for personal contents and personal liability. In accordance with the CC&Rs, each owner is responsible for the following maintenance. The Association insurance policy will not cover these owner-maintenance items:

- All conduits, plumbing, water and sewer, wiring, and other facilities for the furnishing of utility services located within the boundaries of a lot shall be maintained by the owner.
- All air conditioning and heating equipment, interior equipment such as dishwasher, laundry, refrigerator, oven/stove, water heater and fireplaces shall be maintained by the owner.
- Interior fixtures such as electrical and plumbing fixtures, floor coverings, and all interior surfaces including inside paint and other inside wall finishes shall be maintained by the owner. Owners shall also maintain all windows, doors, and all hardware appurtenant thereto.

GENERAL ASSOCIATION RESPONSIBILITIES

The Association is charged with the following fiduciary responsibilities:

1. Maintenance of all common elements, such as recreational facilities, landscaping, buildings, parking areas, lighting, and streets.
2. Financial responsibility for all common area utilities.
3. Insurance coverage for all buildings and common elements.
4. All landscaping areas outside of patio fencing and screening walls or fences.
5. As to the buildings and structures on the individual lots, the Association shall provide:
 - a. Exterior surface maintenance, including painting and repair of the exterior building surfaces.
 - b. Repair and maintenance of roofs, gutters, and downspouts.
 - c. Maintenance of the exterior surface of the patio fences.

GENERAL HOMEOWNER RESPONSIBILITIES

The homeowner is responsible to maintain the following:

1. The interior of the unit.
2. Heating and air conditioning units, all appliances.

3. All conduits, plumbing, water and sewer, wiring, and other facilities for the furnishing of utility services located within the boundaries of each owner's lot.
4. All windows, doors, and door & window hardware.
5. Patio fences except for the exterior surfaces.
6. All areas inside of the patio walls/fences and screen walls/fences.
7. All electrical wiring, gas, and water lines located between the meter and the unit.

GENERAL ASSOCIATION RESTRICTIONS

The following restrictions are applicable to all units and the entire membership except where noted:

1. No noxious or offensive activities.
2. No rubbish or debris cans on a lot. Trash must be kept in a covered container and screened from view both from the street and from adjacent lots.
3. No laundry shall be visible anywhere, including balcony and back patio areas.
4. Only standard window coverings are acceptable. No reflective or other unapproved materials are to be used on the glass of any windows nor are other items such as newspapers, blankets, etc., to be used as window coverings.
5. No unit shall be used as a commercial business location.
6. "For Sale" or "For Rent" signs may be displayed in front of the units so long as the sign does not interfere with vehicle or pedestrian traffic. Signs are not allowed in the common areas. Signs must be on a standard real estate type metal or wood post. Signs attached to fences, doors, wood trim, or the stucco surfaces of the units will be removed without notice.
7. Patios must be kept in a safe, clean and sanitary condition. No unsightly items are allowed to be above the height of the back patio fence.

ARCHITECTURAL CONTROL

This community was planned by architects with a primary objective of seeking to carry out a uniformity of design in the exterior building appearance. Therefore, alterations or additions are discouraged. The CC&Rs of Las Brisas states in Article VIII, Section 1:

"No building, fence or wall or other structure shall be commenced, erected or maintained upon the lots or the common area, nor shall any exterior addition to or change or alteration therein be made, nor shall any painting or any other change in the exterior of any said building or exterior lighting on said building be made until the plans and

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specifications showing the nature, kind, shape, height, materials, and location of the same shall have been submitted to and approved in writing by the Board of Directors.”

Thus, no additions or alterations are to be made to the exterior of the building, front yards, or any common areas. If it is visible, there must be prior written approval from the Board of Directors. This includes the removal or alteration of screens, and the addition of security screen doors. A non-structural alteration may be made within a unit without Board approval if the alteration is not visible to the surrounding neighbors or from the common areas. If any alteration is visible, there must be prior written Board approval.

A structural alteration within a unit requires a prior written Board approval.

The appearance, type and method of installation of air conditioning and heating units must first be approved by the Board.

A request for an architectural change must be submitted in writing in the form of an “Architectural Change Request”, which can be obtained from the Board of Directors.

PARKING / VEHICLE AND TRAFFIC SAFETY

Our roads are too narrow to accommodate much parking while simultaneously allowing the safe and convenient movement of vehicles, pedestrians, and bicyclists. Accordingly, the following restrictions apply to the parking of vehicles:

1. On street parking of vehicles is restricted to within those areas specifically marked for this purpose by white lines. Parking spaces are for the temporary parking of vehicles (up to 48 hours). Vehicles may not be parked for extended periods of time or stored in these spaces.
2. Vehicles may not be parked in such a way that their tires extend onto the grass and landscaped areas.
3. Vehicles may be parked in driveways only so long as they do not extend into the street a distance of more than one foot.
4. Vehicles other than cars, light trucks (up to $\frac{3}{4}$ ton) and motorcycles may not be parked overnight on the streets, in driveways or carports, or in other areas described above.
5. Other than maintenance vehicles, motorized vehicles may not be driven on the bike paths.
6. Motor vehicles may be driven only by licensed drivers and may not be driven in any way which violates applicable city and state laws.
7. No motor vehicle shall be repaired or constructed on any common area except for emergency repairs of a brief nature. Repairs involving engine or transmission oil or any type of fluid such as brake fluid are prohibited and subject to a fine.

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Recreational Vehicles

Trucks and vans (over $\frac{3}{4}$ ton capacity), buses, trailers, boats, motorhomes, campers and other similar vehicles are not allowed on the streets or the lots of the community.

A recreational vehicle storage area is provided in the northwest corner of the development. Keys and spaces for the use of this area are provided by the Board of Directors or their authorized agent for an annual fee.

Parking in Fire Lanes

The City of Tempe Fire Prevention Department has identified specific driveways as fire lanes. These fire lanes have been posted with signs, and the curbs have been painted red. Cars may not be legally parked in these driveways without being subject to immediate citation, towing, and/or both. The Association will enforce this regulation. Owners who wish to report a vehicle in violation of the City ordinance should call (480) 303-0251.

Parking of Abandoned and/or Inoperable Vehicles

The parking of abandoned and/or inoperable vehicles is prohibited. Violations will be tagged. Vehicles not removed within 24 hours of tagging will be towed away at the owner's expense. Vehicles qualify under this regulation if they are observed to fulfill (but not limited to) one of the following conditions: flat tire(s); spider webs; dirt and debris collecting under, around and on the vehicle; expired registration tags; no license plate; missing parts required for normal use; or too damaged to operate safely.

Definition of an Abandoned Vehicle

A motor vehicle or any major portion thereof, which is of a type subject to registration under Title 28 of the Arizona Revised Statutes but does not have lawfully affixed thereto unexpired number or license plates assigned to the vehicle by any state. A motor vehicle, or any major portion thereof, which exhibits one or more of the following conditions: wrecked, partially or fully dismantled, stripped, substantially damaged, inoperable, unused, scrapped, having the status of a hulk or shell, discarded, or unable to be safely operated.

GARBAGE

Garbage pickup is currently scheduled for Monday and Thursday. Regular trash (black container) is to be placed out on Monday and recyclables (blue container) on Thursday. It is the responsibility of each resident to make certain that their garbage does not constitute a nuisance for their neighbors. The following rules apply to the placement of garbage in the street for pickup:

1. All garbage placed in the street for pickup must be contained in the garbage containers furnished by the City of Tempe.
2. Garbage may not be placed in the street earlier than 5:00 P.M. on the day before pickup.
3. Garbage cans must be removed from the street on the day of pickup.

4. Garbage cans may not be stored in any common area.

LANDSCAPING

Landscaping and plantings within the walls and fences of individual townhouses are the responsibility of the owner of the unit. Plantings must not be allowed to become a nuisance or to damage the common property or property maintained at the community expense of the Homeowners' Association. For example, trees must not be allowed to crack walls or to break asphalt and concrete pavement; tree limbs and vines must not be allowed to grow onto roofs and to damage or weaken roofing.

Homeowners will be notified when their landscaping and plantings become a visual nuisance or when it appears to be damaging or weakening walls, fences, roofs, streets and other property. The Board of Directors may require the responsible homeowner to maintain or remove the plantings in question or may notify the homeowner of his/her financial responsibility for any damage caused by his/her plantings. Failure to maintain or remove plantings at the written request of the Board will result in the Homeowners' Association contracting the services required and assessing the homeowner.

Large trees in the patio areas of the units are the sole responsibility of that particular unit owner. Owners are to maintain the trees in their patio area so that the tree doesn't become a hazard to the unit or other structures in the area. Should the Association determine that a tree is dangerous or causes an undue risk, it will notify the owner of the problem and ask that removal or trimming work be done. Removal may be required if the tree increases the insurance risk for the community, or if the tree is a serious danger to structures in the area. The owner is responsible for any damage done by the tree to structures in the community.

EXTERIOR UNIT APPEARANCE

Each homeowner is responsible for maintaining the external appearance of his/her townhouse so that it does not create a nuisance or safety hazard. This particularly applies to the storage of property in carports, and in front and back yards. These areas may not be used to store anything which creates a nuisance or safety hazard.

Homeowners will be notified when they are in violation of this regulation and will be asked to correct the situation. If there is an imminent and serious hazard and the owner fails to correct the situation, the Board will have the hazardous items removed from the property at the owner's expense.

PETS

Pets are the responsibility of their owners at all times. Pets may not, under any circumstances, be brought into the pool and recreation facility. When allowed outside of a residence and patio areas, dogs and cats must be on leashes. Owners are responsible for picking up and disposing of excretion dropped by their pets. Noises and barking of pets must not be allowed to become a nuisance for neighbors. Please carry your pooper-scooper or a plastic bag with you; it could save you a possible fine.

Please call (480) 303-0251 or contact a member of the Board if you see an animal roaming the complex unleashed and/or defecating on the grounds. When you call, please provide as much information about the animal as possible: include a description of the animal as well as the date, time and place of the occurrence. Or write up your complaint and leave it at the clubhouse. Upon written complaint the Board will take appropriate action. Frequent violations will result in a fine. Pets allowed to roam around the development unleashed will be picked up and impounded.

NOISE AND OTHER GENERAL NUISANCES

Residents of Las Brisas and their guests are to conduct themselves so as not to create nuisances or to diminish the attractiveness of Las Brisas. This applies to activities occurring both within and without a townhouse.

Because of the close proximity of the units, noise travels easily. Whether the noise is from music, the human voice, cars, or other sources, it must not be so loud as to create a serious nuisance for those living in the community. This is especially critical between the hours of 10:00 p.m. and 8:00 a.m.

Any use of the streets and common areas must not cause damage or litter. Any damage or litter must be repaired/cleaned up by the responsible party or by the homeowner responsible for this individual.

Uses of the townhouse and garage/carport must conform to applicable zoning restrictions. Other applicable laws and restrictions are contained in the Las Brisas CC&Rs. Failure to conform is hereby defined as a violation and subject to fines.

WATER CONSERVATION

In conjunction with the City of Tempe water conservation ordinance No. 91-46, the Board asks that all residents use water in an efficient manner. Residents are discouraged from using water in a manner that wastes this precious resource.

The City of Tempe specifically includes but is not limited to the following:

- Water running off landscaped areas to other areas where it would not be beneficial, such as out into streets, sidewalks, alleys or other areas of this type.
- Hosing down of driveways, sidewalks and other hard surface areas should be accomplished in such a way that the water will run off into landscaped areas.
- Washing vehicles in a manner that uses excess water beyond the required task.
- Any use of water in excess of that reasonably necessary to accomplish the intended task.

Please strive to adhere to the above policy and ordinance. Excess water use in the community can result in fines to the community by the City of Tempe. Report sprinkler and other water

problems to the Board of Directors so that prompt action can be taken. A complete copy of this ordinance can be obtained from the City of Tempe water conservation office at (480) 350-2668.

POOL RULES

General common sense and courtesy must prevail at all times at the pools. There is no lifeguard on duty; therefore, adults must accompany children at all times.

Entry to the pool areas in all instances is to be through locked gates with keys issued by the Board of Directors. Entry by any other means is considered to be trespassing and will result in the Board having criminal charges filed against the responsible individuals.

Removal of any items of furniture purchased by the Homeowners' Association is theft and likewise will result in criminal charges being filed.

Nonresident guests, when using these facilities, must be accompanied by their resident host. No more than five guests may be invited by a resident to use these facilities at any one time. Upon written application to, and approval by the Board of Directors, Homeowners may reserve use of a pool or recreation facility for a private party. Weekday uses must end no later than 10:00 p.m. Weekend use of the facilities (Friday & Saturday), must end no later than 12:00 midnight. All users of pools and recreation facilities must respect the rights of other users and of the residents of nearby townhouses. Noise must not be excessive, and in any case must not reach beyond the fences of the nearby townhouses.

Consumption of alcohol must be moderate and glass containers may not be brought into pool areas. Each user is responsible for cleaning up and removing any debris created by his/her use of the facility.

Although not inclusive, the following rules apply:

1. Posted rules take precedence and are in force.
2. Jumping or diving into the pool is expressly prohibited.
3. No glass is allowed inside the enclosed pool area.
4. No food is allowed inside the enclosed pool area.
5. No running is allowed inside the enclosed pool area.
6. Offensive or loud noises and/or disturbances of any kind are strictly prohibited. Offensive is defined to mean excessive noise or disturbances that also offend the tranquility of neighbors, guests and/or occupants of units near the pool.
7. Suntan oil must be washed off at the shower area prior to entering the pool.
8. Flotation devices or water games such as water polo, etc. are prohibited activities when there are a large number of people in the pool.
9. UNDER NO CIRCUMSTANCES MAY ANYONE UNDER 14 USE A POOL UNLESS ACCOMPANIED BY AN ADULT 18 YEARS OF AGE OR OLDER.
10. Noise in the pool area after 10:00 p.m. and before 10:00 a.m. will be reduced to a level acceptable to all homeowners and their guests who live adjacent to or directly around the pool area. Any complaint about an unacceptable noise level may result in:
 - a. The pool being closed and chained for the evening.

- b. Arresting anyone found in a chained pool for trespassing.
11. Absolutely no pets are allowed in the pool and pool area. This is a health and safety requirement of the County and violations will invite immediate legal action.
12. No bicycles, tricycles, skateboards, rollerskates, rollerblades, etc. are allowed in the pool and pool area.
13. Guests must be accompanied by a resident of the community while in the pool area.

SPA RULES

All Rules & Regulations pertaining to the use of the swimming pool will also apply to the spa.

Because of the additional danger involved due to the strong suction at the drain areas and the health damage of using a heated spa without full knowledge of one's physical conditions or limitations, the following also apply:

1. Anyone under 8 years of age is not permitted in the spa.
2. Anyone between 8 and 14 years of age is not permitted in the spa unless accompanied by a responsible adult 18 years of age or older.
3. Due to the high temperatures of the water, anyone in poor health is strongly cautioned about using the spa. Such persons may want to consult their physician prior to use.

FINES AND REPORTING OF VIOLATIONS

Any infraction of these Rules and Regulations or the CC&Rs by an owner, resident family member, tenant, or guest shall result in a fine against the applicable owner.

Violations shall result in a minimum of \$25.00 fine. Unless otherwise indicated in any written notice of an offense, a continuing offense shall be deemed to be a new violation every ten days until remedied. Any fine not paid will be handled in the same manner as any other delinquent assessment.

Offending owners have the right to appeal any fine to the Board of Directors. The appeal must be made in writing and sent to Las Brisas within 30 days of notification of the fine.

Violations may be reported to (480) 303-0251. Violations involving parking, dogs, intoxication, noise, or abusive behavior can also be reported directly to the Tempe police. Their non-emergency number is (480) 350-8311.

Thank you for your cooperation in helping make Las Brisas a better community for all who live here.