

Town Square

1986

BY-LAWS

OF

ALTA MESA UNIT 11 HOMEOWNERS ASSOCIATION

ARTICLE I

OFFICES

Section 1. Principal Offices. The principal offices of the Alta Mesa Unit 11 Homeowners Association shall be 17416 North 6th Place, Phoenix, County of Maricopa, State of Arizona.

Section 2. Other Offices. The corporation may establish such office or offices at such other places within the State of Arizona as the Board of Directors may from time to time designate.

ARTICLE II

DEFINITIONS

Section 1. "Association" shall mean and refer to the Alta Mesa Unit 11 Homeowners Association, its successors and assigns.

Section 2. "Properties" shall mean and refer to that certain real property described in the Declaration of Covenants, Conditions, Restrictions, and Reservations, and such additions thereto as may hereafter be brought within the jurisdiction of the Association.

Section 3. "Common Area" shall mean all real property and improvements thereon owned by the Association for the common use and enjoyment of the Owners.

Section 4. "Lot" shall mean and refer to any plot of land shown upon any recorded subdivision map of the Properties with the exception of the Common Area.

Section 5. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, but other than the Declarant, of the fee simple title to a Lot, but excluding those having such interest merely as security for the performance of an obligation.

Section 6. "Declarant" shall mean and refer to Executive Homes, Inc., an Arizona corporation, its successors and assigns if such successors or assigns should acquire more than one undeveloped Lot from the Declarant for the purpose of development.

Section 7. "Declaration" shall mean and refer to the Declaration of Covenants, Conditions, Restrictions, and Reservations applicable to the Properties recorded in the Office of the County Recorder of Maricopa County, Arizona, in Docket \_\_\_\_\_, page \_\_\_\_\_ thereof.

Section 8. "Member" shall mean and refer to those persons entitled to membership as provided in the Declaration.

Section 9. "Community" shall mean and refer to a group of residential patio home dwelling units.

### ARTICLE III

#### MEETING OF MEMBERS

Section 1. Annual Meetings. The annual meeting of the members shall be held at 7:30 P.M. on the third

Wednesday of June each year. The first annual meeting of the members shall be held on the third Wednesday of June, 1985, unless sooner required by the Articles of Incorporation. If the day for the annual meeting of the members is a legal holiday, the meeting will be held at the same hour on the first day following which is not a legal holiday.

Section 2. Special Meetings. Special meetings of the members may be called at any time by the President or by the Board of Directors or upon written request of the members who are entitled to vote one-fourth (1/4) of all of the votes of the Class A membership.

Section 3. Notice of Meetings. Written notice of each meeting of the members shall be given by, or at the direction of, the secretary or person authorized to call the meeting, by mailing a copy of such notice, postage prepaid, at least fifteen (15) days before such meeting to each member entitled to vote thereat, addressed to the member's address last appearing on the books of the Association, or supplied by such member to the Association for the purpose of notice. Such notice shall specify the place, day and hour of the meeting, and, in case of a special meeting, the purpose of the meeting.

Section 4. Quorum. The presence at the meeting of members entitled to cast one-tenth (1/10) of the votes of each class of membership shall constitute a quorum for any action except as otherwise provided in the Articles of Incorporation, the Declaration, or these By-Laws. If,

however, such quorum shall not be present or represented at any meeting, the members entitled to vote thereat shall have power to adjourn the meeting from time to time, without notice other than announcement at the meeting, until quorum as aforesaid shall be present or be represented.

Section 5. Proxies. At all meetings of members, each member may vote in person or by proxy. All proxies shall be in writing and filed with the secretary. Every proxy shall be revocable and shall automatically cease upon conveyance by the member of his Lot.

#### ARTICLE IV

##### BOARD OF DIRECTORS: SELECTION: TERM OF OFFICE

Section 1. Number. The affairs of this Association shall be managed by a Board of Directors consisting of not less than three (3) nor more than nine (9) members and such officers as the Board of Directors may select from time to time. Members of the Board of Directors need not be members of the Association. Initially, the Board of Directors shall consist of three (3) members.

Section 2. Term of Office. At the first annual meeting the members shall elect one (1) director for a term of three (3) years, one (1) director for a term of two (2) years and one (1) director for a term of one (1) year; and at each annual meeting thereafter, a Director shall be elected for a term of three (3) years to replace the outgoing Director. In the event the Board of Directors shall at any time be expanded beyond three (3) members, the first

additional director elected in any calendar year shall serve for a term of three (3) years, the next additional director elected during the calendar year shall serve for a term of two (2) years, and the third additional director elected during the calendar year shall serve for a term of one (1) year. If more than three (3) additional directors are elected in any calendar year, this order shall be repeated until the terms for all additional directors have been established.

Section 3. Removal. Any director may be removed from the Board, with or without cause, by a majority vote of the members of the Association. In the event of death, resignation, or removal of a director, his successor shall be selected by the remaining members of the Board and shall serve for the unexpired term of his predecessor.

Section 4. Compensation. No director shall receive compensation for any service he may render to the Association. However, any director may be reimbursed for his actual expenses incurred in the performance of his duties.

Section 5. Action Taken Without a Meeting. The directors shall have the right to take any action in the absence of a meeting which they could take at a meeting by obtaining the written approval of all the directors. Any action so approved shall have the same effect as though taken at a meeting of the directors.

## ARTICLE V

### NOMINATION AND ELECTION OF DIRECTORS

Section 1. Nomination. Nomination for election to the Board of Directors shall be made by a Nominating Committee. Nominations may also be made from the floor at the annual meeting. The Nominating Committee shall consist of a Chairman, who shall be a member of the Board of Directors, and two or more members of the Association. The Nominating Committee shall be appointed by the Board of Directors prior to each annual meeting of the members, to serve from the close of such annual meeting until the close of the next annual meeting and such appointment shall be announced at each annual meeting. The Nominating Committee shall make as many nominations for election to the Board of Directors as it shall in its discretion determine, but not less than the number of vacancies that are to be filled. Such nominations may be made from among members or non-members.

Section 2. Election. Election to the Board of Directors shall be by secret ballot. At such election the members or their proxies may cast, in respect to each vacancy, as many votes as they are entitled to exercise under the provisions of the Declaration. The persons receiving the largest number of votes shall be elected. If more than one Director is to be elected, cumulative voting is permitted, in accordance with the laws of the State of Arizona.

## ARTICLE VI

### MEETINGS OF DIRECTORS

Section 1. Regular Meetings. Regular meetings of the Board of Directors shall be held at least once every three (3) months without notice, at such place and hour as may be fixed from time to time by resolution of the Board. Should said meeting fall upon a legal holiday, then that meeting shall be held at the same time on the next day which is not a legal holiday.

Section 2. Special Meetings. Special meetings of the Board of Directors shall be held when called by the President of the Association or by any two (2) directors, after not less than three (3) days notice to each director.

Section 3. Quorum. A majority of the number of directors shall constitute a quorum for the transaction of business. Every act or decision done or made by a majority of the directors present at a duly held meeting at which a quorum is present shall be regarded as the act of the Board.

## ARTICLE VII

### POWERS AND DUTIES OF THE BOARD OF DIRECTORS

Section 1. Powers. The Board of Directors shall have power to:

(a) adopt and publish rules and regulations governing the use of the Common Area and facilities and the personal conduct of the members and their guests thereon and to establish penalties for the infraction thereof;

(b) suspend the voting rights and right to use of the recreational facilities for a member during any period in which such member shall be in default in the payment of any assessment levied by the Association. Such rights may also be suspended after notice and hearing for a period not to exceed sixty (60) days for infraction of published rules and regulations;

(c) exercise for the Association all powers, duties, and authority vested in or delegated to this Association and not reserved to the membership by other provisions of these By-Laws, the Articles of Incorporation, or the Declaration;

(d) declare the office of a member of the Board of Directors to be vacant in the event such member shall be absent from three (3) consecutive regular meetings of the Board of Directors;

(e) employ a manager, an independent contractor, or such other employees as they deem necessary, and prescribe their duties; provided, that any management agreement may not exceed one (1) year renewable by mutual agreement for successive one (1) year terms. Any such agreement shall be terminable by the Board of Directors for cause upon thirty (30) days written notice.

Section 2. Duties. It shall be the duty of the Board of Directors to:



(a) cause to be kept a complete record of all its acts and corporate affairs and to present a statement thereof to the members at the annual meeting of the members, or at any special meeting when such statement is requested in writing by one-fourth (1/4) of the Class A members who are entitled to vote;

(b) supervise all officers, agents, and employees of this Association, and to see that their duties are properly performed;

(c) as more fully provided in the Declaration, to:

(1) fix the amount of the annual assessment against each Lot at least thirty (30) days in advance of each annual assessment period;

(2) send written notice of each assessment to every Owner subject thereto at least thirty (30) days in advance of each annual assessment period; and

(3) foreclose the lien against any property for which assessments are not paid within thirty (30) days after due date or to bring an action at law against the owner personally obligated to pay the same.

(d) issue, or to cause an appropriate officer to issue, upon demand by any person, a certificate setting forth whether or not any assessment has been paid. A reasonable charge may be made by the Board for the issuance of these certificates. If a certificate states an assessment has been paid, such certificate shall be conclusive evidence of such payment.

(e) procure and maintain adequate liability and hazard insurance on property owned by the Association;

(f) cause all officers or employees having fiscal responsibilities to be bonded, as it may deem appropriate; and

(g) cause the Common Area to be maintained.

## ARTICLE VIII

### OFFICERS AND THEIR DUTIES

Section 1. Enumeration of Offices. The officers of this Association shall be a president and vice president, who shall at all times be members of the Board of Directors, a secretary, and a treasurer, and such other officers as the Board may from time to time by resolution create.

Section 2. Election of Officers. The election of officers shall take place at the first meeting of the Board of Directors following each annual meeting of the members.

Section 3. Term. The officers of this Association shall be elected annually by the Board and each shall hold office for one (1) year unless he shall sooner resign, or shall be removed, or otherwise disqualified to serve.

Section 4. Special Appointments. The Board may elect such other officers as the affairs of the Association may require, each of whom shall hold office for such period, have such authority, and perform such duties as the Board may, from time to time, determine.

Section 5. Resignation and Removal. Any officer may be removed from office with or without cause by the

Board. Any officer may resign at any time giving written notice to the Board, the president, or the secretary. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Section 6. Vacancies. A vacancy in any office may be filled by appointment by the Board. The officer appointed to such vacancy shall serve for the remainder of the term of the officer he replaces.

Section 7. Multiple Offices. The offices of secretary and treasurer may be held by the same person. No person shall simultaneously hold more than one of any of the other offices except in the case of special offices created pursuant to Section 4 of this Article.

Section 8. Duties. The duties of the officers are as follows:

President

(a) The president shall preside at all meetings of the Board of Directors; shall see that orders and resolutions of the Board are carried out; shall sign all leases, mortgages, deeds, and other written instruments and shall cosign all checks and promissory notes.

Vice President

(b) The vice president shall act in the place and stead of the president in the event of his absence, inability, or refusal to act, and shall exercise and

discharge such other duties as may be required of him by the Board.

Secretary

(c) The secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board and of the members; keep the corporate seal of the Association and affix it on all papers requiring said seal; serve notice of meetings of the Board and of the members; keep appropriate current records showing the members of the Association together with their addresses; and shall perform such other duties as required by the Board.

Treasurer

(d) The treasurer shall receive and deposit in appropriate bank accounts all monies of the Association and shall disburse such funds as directed by resolution of the Board of Directors; shall sign all checks and promissory notes of the Association; keep proper books of account; cause an annual audit of the Association books to be made by a public accountant at the completion of each fiscal year; and shall prepare an annual budget and a statement of income and expenditures to be presented to the membership at its regular annual meetings, and deliver a copy of each to the members.

ARTICLE IX

COMMITTEES

The Association shall appoint an Architectural Control Committee, as provided in the Declaration, and a

Nominating Committee, as provided in these By-Laws. In addition, the Board of Directors shall appoint other committees as deemed appropriate in carrying out its purpose.

#### ARTICLE X

##### BOOKS AND RECORDS

The books, records, and papers of the Association shall at all times, during reasonable business hours, be subject to inspection by any member. The Declaration, the Articles of Incorporation, and the By-Laws of the Association shall be available for inspection by any member at the principal office of the Association, where copies may be purchased at reasonable cost.

#### ARTICLE XI

##### ASSESSMENTS

As more fully provided in the Declaration, each member is obligated to pay to the Association annual and special assessments which are secured by a continuing lien upon the property against which the assessment is made. Any assessments which are not paid when due shall be delinquent. If the assessment is not paid within thirty (30) days after the due date, the assessment shall bear interest from the date of delinquency and a late charge of Five Dollars (\$5.00), or such other penalty as the Board shall from time to time determine, all as provided in the Declaration, and the Association may bring an action at law against the Owner personally obligated to pay the same or foreclose the lien against the property, and interest, late charge, expenses,

costs, and reasonable attorney's fees of any such action shall be added to the amount of such assessment. No owner may waive or otherwise escape liability for the assessments provided for herein by nonuse of the Common Area or abandonment of his Lot.

## ARTICLE XII

### CORPORATE SEAL

The Association shall have a seal in circular form having within its circumference the name of the Association, the year it was organized, and the word "Arizona."

## ARTICLE XIII

### AMENDMENTS

Section 1. These By-Laws may be amended, at a regular or special meeting of the members, by a vote of a majority of a quorum of members present in person or by proxy, except that the Federal Housing Administration or the Veterans Administration shall have the right to veto amendments while there is a Class B membership, providing the FHA or VA has issued commitments to insure one or more mortgages upon a residential lot.

Section 2. In the case of any conflict between the Articles of Incorporation and these By-Laws, the Articles shall control, and in the case of any conflict between the Declaration and these By-Laws, the Declaration shall control.

ARTICLE XIV

ALTA MESA DECLARATION

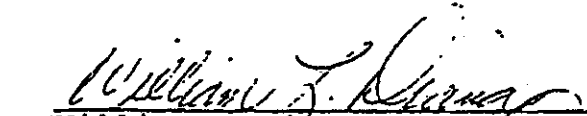
The Association and the rights of its members are subject and subordinate to the provisions of the Alta Mesa First Amended and Restated Declaration of Covenants, Conditions and Restrictions (the "Alta Mesa Declaration") recorded July 18, 1984, in the Records of Maricopa County, Arizona, at Recording No. 84-312771, the Articles of Incorporation and By-Laws of the Alta Mesa Association, the Alta Mesa Rules, and the architectural rules and guidelines adopted pursuant to the Alta Mesa Declaration.

ARTICLE XV

MISCELLANEOUS

The fiscal year of the Association shall begin on the first day of January and end on the 31st day of December of every year, except that the first fiscal year shall begin on the date of the incorporation.

IN WITNESS WHEREOF, we being all of the Directors of the Association, have hereunto set our hands this 3rd day of December, 1984.

  
\_\_\_\_\_  
William L. Diana

  
\_\_\_\_\_  
Ken Heistand

  
\_\_\_\_\_  
Don Kaiser

"Directors"

STATE OF ARIZONA     )  
                                  ) ss.  
County of Maricopa    )

This instrument was acknowledged before me this  
3<sup>rd</sup> day of Feb, 1984, by WILLIAM L. DIANA, KEN HEISTAND,  
and DONALD KAISER.

Sondra K. Diana  
Notary Public

My Commission Expires:

March 7, 1986

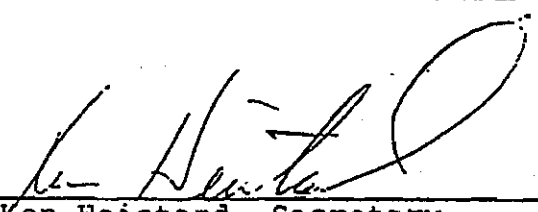


CERTIFICATION

I, the undersigned, do hereby certify:

That the foregoing By-Laws constitute the original By-Laws of said Association, as duly adopted at a meeting of the initial Board of Directors thereof, held on the 3<sup>rd</sup> day of December, 1984.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of said Association this 3<sup>rd</sup> day of Dec, 1984.

  
\_\_\_\_\_  
Ken Heistand, Secretary

*John Belata*



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

GRANT WOODS  
ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

MAIN PHONE : 542-5025  
TELECOPIER : 542-4085

## HOMEOWNER ASSOCIATIONS AND THE OPEN MEETING LAW

The Attorney General's Open Meeting Law Enforcement Team (OMLET) receives several calls each year alleging that homeowner associations have violated Arizona's Open Meeting Law (A.R.S. §§ 38-431 through -431.09). Because the Open Meeting Law does not apply to homeowner associations, OMLET created this quick information guide to help identify the laws that currently do apply to meetings of homeowner associations.


Under the Open Meeting Law, "[a]ll meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings." A.R.S. § 38-431.01(A). Arizona law defines a "public body" as:

the legislature, all boards and commissions of the state or political subdivisions, all multi-member governing bodies of departments, agencies, institutions and instrumentalities of the state or political subdivisions, including without limitation all corporations and other instrumentalities whose boards of directors are appointed or elected by the state or political subdivision. Public body includes all quasi-judicial bodies and all standing, special or advisory committees or subcommittees of, or appointed by, such public body.

A.R.S. § 38-431(5). A homeowner association does not satisfy the definition of "public body" because it is not a multi-member governing body, an instrumentality of a political subdivision, or a corporation or an instrumentality whose board of directors are elected by a political subdivision. *See* Ariz. Att'y Gen. Op. 188-055. Because a homeowner association does not meet the definition of a "public body" in A.R.S. § 38-431(5), it is not subject to the Open Meeting Law. *Id.*

However, in 1994, the Arizona Legislature enacted A.R.S. § 33-1804 and required that "all meetings of the [homeowner] association and board of directors are open to all members of the association" except for any portions of a meeting relating to four exempted topics (employment, legal advice, litigation, and enforcement matters). Also, the homeowner association must supply notice of its meetings to all members, unless the articles of incorporation and bylaws provide otherwise. *See* A.R.S. § 33-1804(B). The Attorney General, County Attorneys, and other public lawyers are not authorized to enforce the laws relating to homeowner associations.

A homeowner association can have great influence in community affairs, and because its decisions affect its members, its members should always be invited to attend and observe the association's deliberations. Thus, although not subject to Arizona's Open Meeting Law, homeowner associations are strongly encouraged to always conduct public meetings which are properly noticed. *See* Ariz. Att'y Gen. Op. 197-012.


**OFFICIAL RECORDS OF**  
**MARICOPA COUNTY RECORDER**  
**HELEN PURCELL**  
 Recording Number  
 94-0676612  
 09/14/94 09:21  
 1 OF 1 MESA1

Alta Mesa Unit No. 11  
 Homeowners Association ✓  
 Town Square  
 P.O. Box 20472  
 Mesa, AZ 85277-0472

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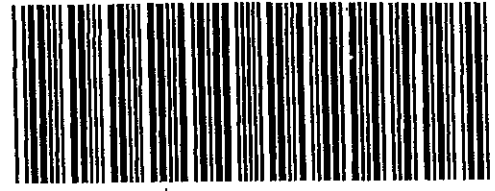
Amendment to Document # 84 430379  
Association rules From June 1993 to September 1994

It has been resolved by the Board of Directors of the Alta Mesa Unit 11-Town Square Home Owners Association to adopt the following Association rules:

- Increase Home Owners Association dues to \$30 per month.
- If anyone wishes to have a garage sale, they must receive written permission from the Architectural Committee of Town Square prior to the sale.
- Post "No on-street parking" signs at both entrance ways to Town Square and enforce the messages on all signs that are posted. Parking is not allowed on the street; and violators will be towed.
- If Association dues are not received by the 15th of the month that they are due, a Late Notice will be mailed to that address stating that they are late in paying their dues and that they are being assessed \$10.00 per month. If the Association does not receive the dues and assessment by the last day of the month of which notice was mailed, that a Late Letter will be mailed to them and will be assessed \$15 assessment. Then, if the dues and assessments are not paid, a certified letter of demand will be mailed to the homeowner. After that [redacted] will be filed with the court. Another [redacted]
- All violators of the by-laws and CC&R's will be notified by mail through the Town Square Board secretary stating the violation and what action should take place to correct said violation and that if the violation is not corrected in a certain length of time determined by the Architectural Committee, then the violator or violators will be requested by certified letter to appear before the Board of Directors for a hearing on the subject and action on the matter by the Board of Directors.
- A written notice of a hearing by the Board must be received by the violator at least 15 days prior to the hearing and the letter to the violator must be sent by certified mail to give the Board proof when the letter was received.
- The Architectural Committee of Town Square has the responsibility to notify the Board secretary of violations and the Board secretary will be the person to notify the violator of said violation and will identify the violation by referring to the section and paragraph of the by-laws or CC&R's.
- A \$25 charge will be charged [redacted]
- An assessment up to [redacted]
- In the absence of the Board president, the Board secretary and Board treasurer will sign checks. In the absence of the Board treasurer, the Board president and Board secretary will sign checks. When the Board president and Board treasurer are both available, they will sign the checks.
- When closing on a home, the seller must be current with all dues and assessments and the buyer must pay [redacted] to the title company for collection and payment to our Association.
- A \$5 service charge [redacted] when the [redacted] to the Architectural Committee of Town Square for his or her company.
- The washing of any vehicle on our streets or sidewalk is prohibited. The soap and water cuts a furrow out between the asphalt and the concrete curb, deteriorating the private streets.
- Violators of Town Square's CC&R's, by-laws and association rules may be [redacted] if violation is not taken care of within 15 days after a letter is sent out notifying them of the violation, plus a \$10 additional fine each day thereafter, plus the [redacted] and all legal and mailing costs and collection fees incurred until the violation is taken care of.

When recorded mail to:

Town Square HOA  
P.O. Box 20472  
Mesa, AZ 85277



OFFICIAL RECORDS OF  
MARICOPA COUNTY RECORDER  
HELEN PURCELL

2000-0930251 12/05/2000 03:37

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**REVISIONS TO THE  
BYLAWS  
OF  
ALTA MESA UNIT 11 HOMEOWNERS ASSOCIATION  
A.K.A. TOWN SQUARE HOA**

Article I

Offices

Section 1. Principal Offices. The Homeowners Association is Alta Mesa Unit 11, also known as Town Square, 1616 North Alta Mesa Drive, P.O. Box 20472, City of Mesa, County of Maricopa, State of Arizona, 85277-0472.

Article II

Definitions

Section 9. "Community" shall mean and refer to a group of residential dwelling

Article III

Meeting of Members

Section 1. Annual Meetings. The annual meeting of the members shall be held at 7:30 P.M. on the third (3<sup>rd</sup>) Thursday of February, 2001 and each ensuing year thereafter.

Article IV

Board of Directors: Selection: Term of Office

Section 1. Number. The affairs of this Association shall be managed by a Board of Directors consisting of not less *than three (3)* nor more *than five (5)* members and such officers as the Board of Directors may select from time to time.

Article V

Nomination and Election of Directors

Section 1: Nomination. Nomination for election to the Board of Directors shall be made by a Nominating Committee. Nominations may also be made from the floor at the annual meeting. The Nominating Committee shall consist of a Chairman, who shall be a member of the Board of Directors, and two or more members of the Association. The Nominating Committee shall be appointed by the Board of Directors prior to each annual meeting of the members, to serve from the close of such annual meeting until the close of the of the next annual meeting and such appointment shall be announced at each annual meeting. The Nominating Committee shall make as many nominations for election to the Board of Directors as it shall in its discretion determine, but not less than the number of vacancies that are to be filled. Such nominations may be made from among members.

Section 2: Election. Election to the Board of Directors shall be by secret ballot. At such election the members or their proxies may cast, in respect to each vacancy, as many votes as they are entitled to exercise under the provisions of the Declaration. The persons receiving the largest number of votes shall be elected. Each Class "A" member in good standing shall be allowed one (1) vote per household per vacancy. No cumulative voting is allowed.

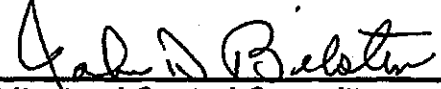
Article IX  
Committees

The Association shall appoint an Architectural Control Committee, as provided in the Declaration, and a Nominating Committee, as provided in these By-Laws. In addition, the Board of Directors shall appoint other committees as deemed appropriate in carrying out its purpose.

**Add the following:**

*The Board shall appoint an Auditing Committee consisting of one (1) Board member and two (2) Association members at large. The Board member shall not be the Treasurer, but the Treasurer shall be available to support the Committee upon request.*

Approval:

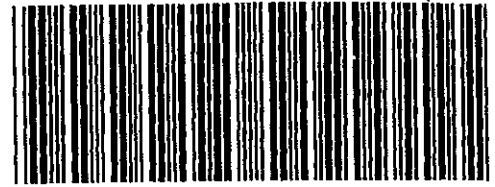
  
\_\_\_\_\_  
Architectural Control Committee  
Alta Mesa Community Association

Date of Approval:

9 NOV 2000

When recorded mail to:

Town Square HOA  
P.O. Box 20472  
Mesa, AZ 85277



OFFICIAL RECORDS OF  
MARICOPA COUNTY RECORDER  
HELEN PURCELL

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**REVISIONS TO THE  
BYLAWS  
OF  
ALTA MESA UNIT 11 HOMEOWNERS ASSOCIATION  
A.K.A. TOWN SQUARE HOA**

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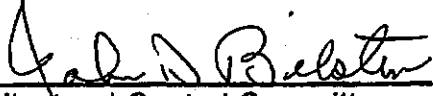
Article IX  
Committees

The Association shall appoint an Architectural Control Committee, as provided in the Declaration, and a Nominating Committee, as provided in these By-Laws. In addition, the Board of Directors shall appoint other committees as deemed appropriate in carrying out its purpose.

**Add the following:**

*The Board shall appoint an Auditing Committee consisting of one (1) Board member and two (2) Association members at large. The Board member shall not be the Treasurer, but the Treasurer shall be available to support the Committee upon request.*

Approval:



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Architectural Control Committee  
Alta Mesa Community Association

Date of Approval:

9 NOV 2000

All the Mesa - ...  
Homeowners Association  
Town Square  
P.O. Box 20472  
Mesa, AZ 85277-0472

Recorded at  
Maricopa County Recorder  
Helen Purcell

Recording Number  
94-0676612  
9/14/94 09:21

**Association Rules From June 1993 to September 1994**

- It has been resolved by the Board of Directors of the Alta Mesa Unit II-Town Square Home Owners Association to adopt the following Association rules:
- Increase Home Owners Association dues to \$30 per month.
  - If anyone wishes to have a garage sale, they must receive written permission from the Architectural Committee of Town Square prior to the sale.
  - Post "No on-street parking" signs at both entrance ways to Town Square and enforce the messages on all signs that are posted. Parking is not allowed on the street; and violators will be towed.
  - If Association dues are not received by the 15th of the month that they are due, a Late Notice will be mailed to that address stating that they are late in paying their dues and that they are being assessed \$10 for being late and that if the Association does not receive said dues and assessment by the last day of the month of which notice was mailed, that a Late Letter will be mailed to them and will be an additional \$15 assessment. Then, if the dues and assessments are not paid, a certified letter of intent to Lien will be mailed to the homeowner, which will be another \$15. After that - if necessary - a lien will be filed, which will cost the home owner another \$43.
  - All violators of the by-laws and C&R's will be notified by mail through the Town Square Board secretary stating the violation and what action should take place to correct said violation and that if the violation is not corrected in a certain length of time determined by the Architectural Committee, then the violator or violators will be requested by certified letter to appear before the Board of Directors for a hearing on the subject and action on the matter by the Board of Directors.
  - A written notice of a hearing by the Board must be received by the violator at least 15 days prior to the hearing and the letter to the violator must be sent by certified mail to give the Board proof when the letter was received.
  - The Architectural Committee of Town Square has the responsibility to notify the Board secretary of violations and the Board secretary will be the person to notify the violator of said violation and will identify the violation by referring to the section and paragraph of the by-laws or C&R's.
  - A \$35 charge will be charged to all home owners who issue a bad check to the Association.
  - An assessment up to \$300 may be imposed on any home owner who at an Association meeting does not conduct himself or herself properly when requested to do so by the chairperson when that person is out of order.
  - In the absence of the Board president, the Board secretary and Board treasurer will sign checks. In the absence of the Board treasurer, the Board president and Board secretary will sign checks. When the Board president and Board treasurer are both available, they will sign the checks.
  - When closing on a home, the seller must be current with all dues and assessments and the buyer must pay six months Association fees in advance plus a \$35 transfer fee to the title company for collection and payment to our Association.
  - A \$5 service charge is required to be paid to our Association by the home owner when the home owner submits an improvement request to the Architectural Committee of Town Square for his or her property.
  - The washing of any vehicle on our streets or sidewalk is prohibited. The soap and water curbs a furrow cut between the asphalt and the concrete curb, deteriorating the private streets.
  - Violators of Town Square's C&R's, by-laws and association rules may be fined \$50 if the violation is not taken care of within 15 days after a letter is sent out notifying them of the violation, plus a \$10 additional fine each day thereafter that they are in violation and all legal and mailing costs and collection fees incurred until the violation is taken care of.

Document approved Sept. 6, 1994 by the Town Square homeowners Board of directors

State of Arizona  
County of Maricopa  
JOHN BILSTEN  
President

Subscribed and Sworn before  
me this 14th day of September 19 94

by Chris Price  
Notary Public

