

Hacienda Royale Rules & Regulations

**Association Rules & Regulations Addendum to the Governing Documents
of the Hacienda Royale Homeowners Association**

**Developed and Ratified by
Hacienda Royale Homeowners Association
Board of Directors**



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History & Authorities

History

The Hacienda Royale Homeowners Association was established as a non-profit Arizona Corporation on March 13, 1980. The membership and control of the Association was made up by members of the venture capital corporation which funded the building of the complex. As per the Association Bylaws, "The control of the Owners Association will become vested in the Purchasers of the units within not more than 120 days after the completion of the transfer to purchasers of title to units representing 83.3% of the votes of all unit owners exclusive of owners of units within any future expansion of the Project."

Control of the Association was assumed by the then owners of units of Hacienda Royale on May 2, 1982, at least 83.3% of the units having been sold. The first and consuming order of business for the Association was the completion of the Project and bringing pressure upon the prime contractor, Hurst Construction Company, Inc. , to provide things promised (such as a townhome sign) and to repair or replace shoddy work (well over half of the roofs leaked).

As the association begin to solve the Contractor and construction problems, new issues began to arise. These new issues dealt primarily with the personal conduct of the residents and their interactions with each other. Issues such as pets, parking, use of Common Areas, interaction with vendors, etc. was polarizing the membership and beginning to render the Association and Board of Directors ineffective in managing the day-to-day operations and activities of the complex. This ineffectiveness stemmed not from a lack of action or willingness to manage, but because there were no Rules & Regulations upon which to base management actions.

In other words, the then governing documents of the Association, e.g., the Bylaws and CC & R's did not contain, at a detail level, specific rules and regulations governing the personal conduct of the residents nor did these documents define the day-to-day policies and procedures which would guide the daily interactions of the membership. Without these rules and regulations, the Board of Directors was powerless to adjudicate these issues.

Authorities

The Board then decided to develop a set of Rules & Regulations (R&R). The authority is given to the Board of Directors to develop a set of Rules and Regulations by our primary set of governing documents, as follows:

Hacienda Royale Bylaws, Paragraph II 2 E (2)

E. Powers and Authority of the Board of Directors

"The Board of Directors, for the benefit of Casa de Oro Townhomes and the Owners, shall : (2) adopt and publish rules and regulations governing the use of the Common areas and facilities and the personal conduct of the Owners and their guests, and establish penalties for the infraction thereof."

Hacienda Royale Bylaws, Paragraph X

X. Rules and Regulations

"The Board of Directors shall have the right to adopt and amend such Rules and Regulations as may be authorized by the Townhouse Act and Declaration for the purpose of governing the details of the operation and use of the Common Areas and setting forth restrictions on, and requirements respecting the use and maintenance of, townhouse units and Common Areas. Copies of these Rules and Regulations shall be furnished to each Owner prior to the time the same shall become effective."

Hacienda Royale CC & R's, Paragraph 22

22. Enforcement

"Each Owner shall comply strictly with the provisions of this Declaration, the Bylaws and the rules, regulations and decisions issued pursuant thereto and as the same may be lawfully amended from time to time.".....

Pursuant to the authority given the Board of Directors by the Bylaws and CC & R's as above, these Rules and Regulations (R & R) were developed and ratified by the Board of Directors on October, 1983 and so became the third governing document of the Hacienda Royale Homeowners Association.

Update Record

| Ver & Rel | Document/Update Description | Date |
|----------------------|---|---------------|
| V1 R0 | The Association Rules and Regulations were developed and ratified by the Hacienda Royale Board of Directors as a governing addendum to the Bylaws and CC & R's | October 1983 |
| V1 R1 | The Association Rules and Regulations were updated by the Hacienda Royale Board of Directors | December 1985 |
| V1 R2 | The Association Rules and Regulations were updated with newly elected Directors, Officers and Standing Committee Chairpersons and redistributed to the membership | October, 2001 |
| V1 R3 | The Association Rules and Regulations were updated with a change of the Streets & Common Area Parking Committee Chairperson and a correction to the Special Assessments, Amount and Payment paragraph | October, 2001 |
| V2 R0 | The Association Rules and Regulations were reviewed,modified and approved by the Hacienda Royale Board of Directors | December 2001 |

Hacienda Royale Directors, Officers and Committee Chairpersons

Board of Directors

The Hacienda Royale board of Directors consists of five (5) members, the Association President and four (4) Directors. The Directors are elected by the homeowners at the Annual Homeowners meeting for a term of two (2) years. The terms of one-half of the Directors expire on alternate years, thus providing continuity of service and experience. The current Association President is an automatic Board member.

Your Board members at this time, September 16, 2001, are:

1. Art Viles (President), 819 E. Corte Oro, (602) 944-3491
2. Norm Hall, 705 E. Corte Oro, (602) 944-5446, one (1) year term remaining
3. Leon Rich, 804 E. Corte Oro, (602) 331-8122, one (1) year term remaining
4. Rusty Draper, 816 E. Corte Oro, (602) 997-2338, two (2) year term remaining
5. Marcus Leath, 822 E. Corte Oro, (602) 678-5896, two (2) year term remaining

Association Officers

The Hacienda Royale Association officers consist of a President, Vice-President, Secretary and Treasurer. For this term, the Homeowners have elected to combine the offices of Secretary and Treasurer, electing one person to perform the duties and responsibilities of both offices. The Association officers are elected each Annual Homeowners meeting and serve for a one (1) year term. The current Association officers are:

Your Association officers at this time, September 16, 2001, are:

1. President - Art Viles, 819 E. Corte Oro, (602) 944-3491
2. Vice President - Anne King, 801 E. Corte Oro, (602) 861-2663
3. Secretary Treasurer - Janis Hansen, 802 E. Corte Oro, (602) 943-4229

Committee Chairpersons

Your Standing Committee Chairpersons at this time, October 18, 2001 are:

1. Common Area Grounds - Robert Schwarz & Lisa Rogers, 806 E. Corte Oro, (602) 944-0584
2. Tennis Court - Norman Hall, 705 E. Corte Oro, (602) 944-5446
3. Swimming Pool - Lindy Spencer, 711 E. Corte Oro, (602) 749-0447
4. Streets & Common Area Parking - Scott Beason, 805 E. Corte Oro, (602) 944-8814
5. External Structures - Jeff Greenlee, 812 E. Corte Oro, (602) 216-2340

Fees and Assessments

Monthly Maintenance Fees

Amount and Payment

The Monthly Maintenance fees are one hundred twenty five dollars (\$125.00) per month, due on the first (1st) of each month and late after midnight on the tenth (10th) of the month. Fees are to be paid directly to the Treasurer.

Use and Accounting

The Monthly Maintenance fees are to be used for the day-to-day expenditures of Hacienda Royale. Typical of these expenditures are monthly landscaping fees, pool maintenance fees, small structure maintenance fees, etc.

The proceeds of these Monthly Maintenance fees will be kept and accounted for in a separate fund of the same name. The Association Treasurer is charged with the responsibility of monitoring and accounting for these funds and will report to the Board of Directors and the general membership, the accounting of these funds and the expenditures charged against such funds.

Special Assessments

Amount and Payment

In addition to the Monthly Maintenance Fees described above, the Association may levy, in any assessment year, a Special Assessment applicable to that year only for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair or replacement of a capital improvement upon the Common Areas, including fixtures and personal property related thereto, provided that any such assessment shall have the assent of two-thirds (2/3) of the votes of the general membership who are voting in person or by proxy at a meeting duly called for this purpose.

Use and Accounting

These Special Assessment fees are to be levied for expenses as designated by the Board of Directors independent of the day-to-day expenses normally and regularly paid from the Monthly Maintenance account and will be kept and accounted for in a separate fund so named. A Special Assessment may be levied by the Association as a one time assessment payable by a clearly identified and communicated due date or this assessment may be levied in equal payments over a period of time, the starting and ending dates of which are clearly identified and communicated to the general membership population. The Association Treasurer is charged with the responsibility of monitoring and accounting for these funds and will report to the Board of Directors and the general membership monthly the accounting of these funds and the expenditures charged against such funds.

Late Fees & Penalties

Monthly Maintenance Fees

If the Monthly Maintenance fee and/or monthly Special Assessment fee is not received by the Treasurer by midnight on the tenth (10th) of the month in which it is due, a late fee of twenty five dollars (\$25.00) will be assessed.

If a lump sum Special Assessment fee is not received by the Treasurer by midnight on the tenth (10th) day following the communicated due date, a late fee of twenty five dollars (\$25.00) will be assessed.

Any Monthly Maintenance fee or Special Assessment fee which becomes sixty (60) days late will automatically cause a lien to be placed on the delinquent homeowner's unit and additional assessment of one hundred dollars (\$100.00) will be charged to the delinquent homeowner to have the lien removed once the delinquent fees are recovered and the account is placed in good standing.

Swimming Pool and Tennis Court

Access and Use

Access to the swimming pool and tennis court is by key only. Persons using these facilities without a key will be considered to be trespassers and will be asked to leave. Duplication of the swimming pool/tennis court access keys is not permitted. Should an Association member lose their key, they should contact the Swimming Pool Committee Chairperson or the Tennis Court Committee Chairperson for a replacement. A charge of five dollars (\$5.00), payable to Hacienda Royale, will be levied for each replacement key.

The pool and tennis court are for the use of residents and their guests only. Guests of residents may use these Common Area facilities only if the associated residents are on the premises at the time of such usage, unless prior arrangements have been made by the resident with the Board of Directors, the Swimming Pool Committee Chairperson or the Tennis Court Committee Chairperson.

Swimming Pool Rules and Usage

Rules

- No glass containers within the pool area
- "Walk" at all times, no running in the pool area
- Children under twelve (12) must be accompanied at all times by an adult
- Pets are never allowed in the pool area
- Loud and boisterous activities are prohibited
- Residents are liable for damages to the pool, pool equipment and pool accoutrements such as the furniture and life saving equipment caused by themselves, children or guests

Usage

There is no lifeguard on duty. The pool is for your enjoyment and convenience. Hacienda Royale, the Hacienda Royale Board of Directors, Officers or Committee Chairpersons assume no responsibility for accidents or injuries resulting from it's use or occurring within the pool area.

Normal hours of pool usage are 9:00 AM to 10:00 PM, seven (7) days per week. Extended hours of usage for special events require the approval of the Swimming Pool Committee Chairperson.

The pool will be closed during the Annual Association meeting and Board of Directors meetings.

The gate must remain locked at all times. When leaving, ensure that the gate locks behind you.

Tennis Court Rules and Usage

Rules

- Tennis shoes or the equivalent are required
- Use of roller skates, roller blades, scooters, bicycles and like kind of equipment which would scar or damage the court surface is prohibited in the tennis court area
- No glass containers within the tennis court area
- Children under twelve (12) must be accompanied at all times by an adult
- Pets are never allowed in the tennis court area
- Loud and boisterous activities are prohibited
- Residents are liable for damages to the court surface, court fence, lights and light switches and court accoutrements such as the players/spectator bench caused by themselves, children or guests

Usage

Normal hours of tennis court usage are 6:00 AM to 10:00 PM, seven (7) days per week. Extended hours of usage for special events require the approval of the Tennis Court Committee Chairperson.

Show appropriate courtesy to waiting players. Play must be changed on the hour to accommodate waiting players

Lights must be turned off after play is finished

The gate must remain locked at all times. When leaving, ensure that the gate locks behind you

Your Townhomes

Grounds Maintenance and Improvements

Maintenance of the lawn and shrubbery in the Common Areas and the areas between each unit and the street is the responsibility of the Association. The fees for this maintenance are considered a Monthly Maintenance item and is funded from the Monthly Maintenance Fee.

Watering of the lawns and shrubbery in the Common Areas is the responsibility of the Association. Watering of the lawns and shrubbery in the front yards of each unit is the responsibility of the individual homeowner. Sprinkler and bubbler system valves are located at the front of each town home.

The grounds maintenance contractor receives his work orders from the Board of Directors or from the Landscape Committee Chairperson. The grounds maintenance personnel are not permitted to provide individual services such as planting, trimming, weeding, etc., to homeowners. If unusual or individual landscaping or maintenance services are desired, the resident may make his request to the Board of Directors or the Landscape Committee Chairperson who will convey such request to the Board.

All grounds maintenance and improvements to the back yards of each unit is the responsibility of the individual homeowner or tenant.

Townhouse Maintenance and Improvements

The Association provides maintenance and repair to the exterior of all units, excluding glass surfaces, roofs, internal parapet surfaces and internal surfaces of townhome fencing. Any improvements to those exteriors for which the Association is responsible must be approved in advance by the Board of Directors. Any improvements made to these surfaces which are not approved by the Board will be automatically disapproved and the homeowner, at the homeowners expense, will be required to return the property to it's original condition.

The Board of Directors must respond to a homeowner's request for approval of improvements within forty five (45) days or over the span of two (2) Board meetings, whichever period is shorter. If Board response to a requested improvement is not forthcoming within this span of time, the request will be deemed automatically approved.

Garbage Cans

Garbage cans and Recyclable cans are to be stored out of public sight except when they are positioned for weekly city waste/recycling removal.

Pets

Pets must be kept on a leash at all times they are outside the confines of the townhome unit

Owners must clean up after their pets. This includes any droppings left on any streets, walks, lawns or elsewhere within the confines of Hacienda Royale.

Owners are responsible for any damage caused by their pets.

Rental Units

Landlords or their appointed representatives will provide each renter with a full set of Association governing documentation including:

- Bylaws recorded on March 13, 1980
- CC & R's recorded on March 13, 1980
- Amendment to Bylaws recorded on October 26, 1982
- Amendment to the CC & R's recorded on October 26, 1982
- Amendment to the CC & R's recorded on February 10, 1987 (*dated 10 Oct 1986*)
- Hacienda Royale Rules & Regulations (R2 V0) as of November 2001

Further, at or before renter move in, the landlord or his representative will provide the Association Secretary with a signed affidavit by the renter to the effect that the renter is aware of, and will abide by the rules of this Association as contained in the CC&R's (as amended), Bylaws and the Hacienda Royale Rules & Regulations (as modified).

Signage

Section 4 (g) of the Association CC & R's states "No sign of any kind shall be displayed in the public view or from any townhouse unit or from the Common Areas without the prior written consent of the Board of Directors".

This is directed at all signage, including For Sale signs posted within cars parked on any Hacienda Grounds or For Sale signs placed in the townhome windows.

This document modifies the CC & R's as follows:

Portable "Open House", "Home Open" or similar signs may be displayed while a unit is actually open to the public for inspection. Either the owner or the owners representative must be on site during showing. Such signs must be removed at the end of the day's viewing period.

If units are for sale or rent, this will be indicated on the "HACIENDA ROYALE" sign on 7th street. Individual signs for placement on the 7th street sign or in front of the units involved are available through the Board of Directors or the External Structures Committee Chairperson.

Streets and Parking Areas

Speed Limit

The posted speed limit for all Hacienda Royale streets is ten (10) miles per hour. It is the responsibility of all residents to enforce this limit with all family members, guests and fellow residents.

Parking Areas

- Two parking places of the four guest parking places on the east end of Corte Oro, on the cul-de-sac, will be re-designated and signed as "Resident" parking. These parking places are for the use of residents only and may be occupied day or night but not to be used in a continuous fashion, i.e., vehicle(s) left unmoved for a long time period.
- All other parking spaces within the grounds of Hacienda Royale are for the parking of visitor vehicles (see CC & R, paragraph 20). These spaces have "Guest" parking painted on the forward parking abutments and are also marked with Visitor Parking signage.
- No recreational vehicles, boats or like style vehicles may be parked on Hacienda Royale grounds without prior approval from the Board of Directors.
- Residents may park in their drive ways only if the parked vehicle does not extend over the curb.
- Parking at curbside is permitted only during the daylight and early evening hours. No vehicle, resident or visitor owned, may park at curbside overnight.
- While parking at curbside, do not park on the curb or sidewalk. These structures are not to standards and parking on them will cause breakage.