

## VILLA ALEGRE ASSOCIATION

### BOARD OF DIRECTORS RESOLUTION REGARDING AREAS OF MAINTENANCE AND FINANCIAL RESPONSIBILITY

WHEREAS, the Villa Alegre Association (“Association” or “Villa Alegre”) is governed by an the Declaration of Covenants, Conditions and Restrictions (“CC&Rs”) as recorded on December 4, 1970 in Docket No. 8428, Pages 350-364, in the official records of the Maricopa County Recorder’s Office, Bylaws recorded on September 21, 1970 in Docket No. 8319 Page 785, and Articles of Incorporation recorded on September 21, 1970 in Docket No. 8319 Page 774 (“Articles”);

WHEREAS, Villa Alegre is also governed by its Plat (Book 131 of Maps, Page 9 along with the Amendment to Dedication for Villa Alegre dated January 15, 1971 in Docket No. 8487, Page 534), Board Resolutions, and Board adopted Rules and Regulations. Together with the CC&Rs, the Bylaws and the Articles, these documents are collectively referred to as the “Governing Documents”;

WHEREAS, the Association is a non-profit corporation governed by the Arizona Non-Profit Corporation Act, A.R.S. § 10-3101 *et. seq.*;

WHEREAS, the Association is also subject to the Arizona Planned Communities Act, A.R.S. § 33-1801 *et. seq.* (the “Act”);

WHEREAS, the Association is governed by a Board of Directors (“Board”) responsible for the implementation of and enforcement of the Governing Documents, the Act and applicable provisions of the Non-Profit Act, as well as any case law;

WHEREAS, through its general powers, the Board is responsible to interpret the Governing Documents in such a manner as to eliminate any inconsistency, confusion or ambiguity;

WHEREAS, the Board has determined that the Association’s Governing Documents are ambiguous thereby causing confusion or ambiguity as to who is responsible for making certain repairs or maintaining certain areas of the community as well as who is responsible for paying for said repairs and/or maintenance;

WHEREAS, the Board desires to provide clarity relating to the maintenance responsibility of various areas throughout the community, including specific portions of the Lots and Common Areas (as defined by or referred to in the Governing Documents), including whose responsibility it is to pay for said repairs or maintenance;

WHEREAS, because the Association’s Governing Documents are ambiguous and confusing, the Board has determined that it is in the best interest of the Association and its members to make it clear what portions of the project the Owners are responsible for maintaining and funding, and what portions of other areas the Association is responsible for maintaining and funding as outlined in the “Maintenance Checklist and Rules and Regulations” below;

WHEREAS, the Board is responsible to interpret the Governing Documents in the event of any inconsistency, confusion or ambiguity in the Governing Documents;

NOW, THEREFORE, based on the power authorized to the Board of Directors, the Board hereby adopts the following Resolution and makes the provisions below part of the Association's Rules and Regulations:

## **RULES AND REGULATIONS**

### **REGARDING AREAS OF MAINTENANCE AND FINANCIAL RESPONSIBILITY**

The Association will operate consistently with the Maintenance Checklist herein whenever issues relating to maintenance of various items throughout the community arise:

### **DEFINITIONS**

**Lot** – Portion of the Properties owned and occupied by the individual Owners (besides the fractional interest in the Common Areas) and any structure or improvement built thereon. See Article II, Section 2 of the Bylaws.

**Party Wall** – Each wall built as part of the original construction of the Association Properties and placed upon the dividing line between the Lots. See Article VIII of the CC&Rs.

**Common Areas** – All real property owned by the Association for the common use and enjoyment of the Owners. See Article II, Section 3 of the Bylaws.

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**VILLA ALEGRE ASSOCIATION  
MAINTENANCE CHECKLIST**

**(Revised June 2019)**

ITEM	TYPE OF ELEMENT	WHO MAINTAINS?	WHO PAYS?
Interior of residence on Lot; All interior finished & unfinished surfaces of ceilings, walls and floors; doors, and windows; appliances. <i>See</i> CC&Rs, Article VII (Association responsible for only exterior of Buildings, not interior of residences).	Part of Lot	Owner	Owner
All fixtures and equipment within a residence including water heaters & pipes; all other pipes, conduits, and electrical wires within residence (measured at the point where the utility lines, pipes, wires, conduits or systems enter the exterior walls of a residence for the sole use of the Lot); HVAC systems serving only the Lot (A/C & heating units).	Part of Lot	Owner	Owner
All areas within individual patios including block walls, fences, or railings, interior non-structural portion of patios, sheds, water spigots, all windows, exterior doors, exterior security doors and screen doors. <i>See</i> CC&Rs, Article VII.	Part of Lot	Owner	Owner
Termite control (interior of residence); Insurance on Lot and personal belongings.	Services	Owner	Owner
Walls built as part of the original construction placed on the dividing line between Lots. <i>See</i> CC&Rs, Article VIII.	Party Walls	Adjoining Lot Owners	‡ Adjoining Lot Owners
Common Areas – All property owned and maintained by the Association for the common ownership, use and enjoyment of all Unit Owners [EX: recreational facilities, exterior lighting, pavements, streets, laundry areas (if any), garbage receptacle areas]. Insurance on Common Areas. <i>See</i> CC&Rs, Article VII; Bylaws, Article VII, Section 2(e)	Common Areas	Association	*Common Expense
Utility Lines - All exterior pipes, flues, shafts, wires conduits, water or sewer lines or other public utility situated under a residence on Lot but forming part of any system serving one or more other residences. Association is not responsible for interior damage due to water leaks.	Common Areas	Association	*Common Expense
Exterior of Buildings - Including: roofs, chimneys and chimney caps, gutters, exterior structural portion of patios, downspouts, exterior building surfaces including sheds, (except owners are to maintain & paint doors), carports, other exterior improvements as determined by the Board. <i>See</i> CC&Rs, Article VII, <i>See</i> Bylaws, Article VII, Section 2(h).	Part of Lot to be maintained by Association	Association	†Common Expense
Landscaping of trees, shrubs, grass, walks, recreational facility areas on both the Common Areas and portions of the unenclosed Lots. <i>See</i> CC&Rs, Article VII.	Common Areas/Lots	Association	*Common Expense

\* Even though the Association is responsible to maintain common areas and other areas, if the need for maintenance or repair in such areas is caused through the willful or negligent act of an Owner or his family, guests, or invitees, the cost of the maintenance or repairs will be added to and become part of the assessment to which the Owner's Lot is subject. See CC&Rs, Article VII.

† Despite the fact that the Association is responsible to maintain, repair or replace the aforementioned components of the Lots, pursuant to Article VII of the CC&Rs, the Association may pass the expenses through to the Owner if the painting, repair or replacement is the result of any willful or negligent act of the Owner, his/her family, guests, or invitees. The costs of the maintenance or repairs shall be added to and become part of the assessment for which the Owner is responsible. See CC&Rs, Article VII.

‡ If the party wall is destroyed or damaged by fire or other casualty, any Owner who has used the wall may restore it, with contribution to the costs by other Owner(s) who make use of the wall (contribution shall be in proportion to such use). However, any Owner has the right to call for a larger contribution from another Owner for the restoration of the wall if a particular Owner's negligent or willful act or omission caused the damage. See CC&Rs, Article VIII.

### Association Insurance Responsibilities

Article VII, Section 2(e) of the Bylaws provides that the Association must procure and maintain adequate liability and hazard insurance on property owned by the Association, i.e., Common Areas.

Members have an on-going obligation to notify the Association of the existence of any condition that creates the potential harm to other residences and/or Common Areas.

### CERTIFICATION

I hereby certify that a majority of the Board of Directors adopted this Resolution at a meeting duly called and held on the 23rd day of June, 2020.

### VILLA ALEGRE ASSOCIATION

By: Lee J. Anderson

Print Name/President

Lee J. Anderson  
Signature