

VENU AT GRAYHAWK CONDOMINIUM ASSOCIATION, INC.

RULE REGARDING APPLICATION FOR FLOOR COVERING MODIFICATION

EFFECTIVE 04/03/2018

WHEREAS, the Venu at Grayhawk Condominium Association (the "Association") is governed by the Condominium Declaration for Venu at Grayhawk Condominium (the "Declaration"), recorded in the Office of the Maricopa County Recorder at Instrument No. 2004-0207062 and all amendments thereto;

WHEREAS the undersigned party or parties are Owner(s) of the Association pursuant to Article 1, Section 1.36 of the Declaration (the "Owner");

WHEREAS, the Declaration provides at Article 4, Section 4.18 in relevant part as follows:

No Owner, Lessee or Occupant of a Unit situated on the second or third floor of a Building shall install or allow to be installed any hard floor coverings (including, but not limited to, tile, marble or wood) in any part of the Unit, except the kitchen, bathroom(s), laundry and front door entry. Any hard floor coverings to be installed in the kitchen, bathroom(s), laundry or front door entry of a Unit must use a sound control underlayment system which must include perimeter insulative material which will insure that impact noises will not be transmitted into the Unit below the floor either directly through the floor or by going around the floor and through the surrounding walls. In order to maintain the highest level of acoustical privacy possible, the Board of Directors may, from time to time, adopt rules and regulations to reduce levels of noise emission from Units.[...] All Owners, Lessees and Occupants shall take all reasonable precautions to lower noise transference between Units and to abide by the rules and regulations of the Association and any noise reduction ordinance of the City. (EMPHASIS ADDED)

WHEREAS, pursuant to the language above, owners of second- and third-floor units, (including single family home condos with no separate living Unit above or below it and/or with stairs providing access between first and second floors of the Unit) are prohibited from installing hard floor coverings in certain portions of their units and must comply with board specifications relating thereto;

WHEREAS, pursuant to Article 4, Section 4.3.4 of the Declaration, the Board of Directors may condition the approval of any proposed additions, alterations or improvements to a Unit or the Common Elements in any manner;

WHEREAS, Article 4, Section 4.3.5 of the Declaration further states as follows:

Proposed additions, alterations and improvements to a Unit or the Common Elements...must be in compliance with any conditions imposed by the Association with respect to design, structural integrity, sound attenuation, waterproofing, construction details, lien protection or otherwise.

WHEREAS, the provision above does not specifically define the term hard floor coverings;

WHEREAS, the undersigned Owner seeks to install a floor covering pursuant to the foregoing provisions that may or may not be considered a hard floor covering;

AGREEMENT

NOW THEREFORE, based on the foregoing and the parties intending to be legally bound, agree as follows:

The undersigned Owner understands and agrees that his, her or their request for a hard floor covering variance is contingent upon the execution of this agreement and agree(s) as follows:

- (a) The following applies to condos on 2nd and 3rd floors, including a single family home condo (with no one above or below it): All laminate or wood flooring (which include stairs going from 1st to 2nd floor) will comply with the board specifications, including proper underlayment for soundproofing (such complaint flooring being "Alternative Flooring");
- (b) if the Association receives any complaints about or relating to the noise level coming from owners unit based in part or due to the installation of Alternative Flooring if the owner successfully installed Alternative Flooring according to what the Venu Board specified for same per (a) above, the Association will not require the Owner of the unit to remove the said floor for noncompliance or for noise.
- (c) If the Association is subjected to a lawsuit or other claim as a result of the installation of Alternative Flooring by Owner, Owner agrees to indemnify and hold the Association harmless from any and all damages or expenses, including the payment of its reasonable attorneys' fees and costs; and
- (d) Owner shall provide/disclose this letter to any subsequent purchaser of Owner's Unit.

If you (the Owner(s)) agree to the foregoing conditions, please sign below and include this letter with your application for a variance to install a hard floor covering or alternative floor surface.

RECORD OWNER(S):

Printed Name of Owner or Entity

Signature of Owner and Capacity if Applicable*

Additional Owner's Name (if any)

Additional Owner's Signature (if any)

PROPERTY DESCRIPTION:

Unit No. _____ or property address:

Scottsdale, AZ 85255

DATE SIGNED:

_____, 2018

**If you own your Lot in the name of a trust, partnership, corporation or other entity, you must indicate the name of the entity on the first line and the capacity in which you are signing on behalf of such entity on the second line, e.g. XYZ Trust, by Jane Doe, Its Trustee. If more than one person owns the Lot, both/all owners must sign this agreement.*

Additional Guidelines/Tips

1. For underlayment (for using Wood or Laminate), the Association prefers Lex Floor Acoustic Sound Underlayment with an IIC & STC rating of 70 or greater. While the association is far more likely to approve an application that proposes the installation of LexFloor Underlayment, the Association will also consider non-LexFloor Underlayment with an IIC & STC rating of 70 or greater. Regardless of the type of underlayment that may be proposed for installation, the association retains absolute discretion to approve or disapprove an application to install an alternative flooring surface.
2. In addition to other requirements please be advised that the association will condition any approval upon the following requirements: I) an authorized representative of the association must be permitted to inspect the unit once the underlayment is installed; and II) the unit owner submitting the application must present proof of purchase to demonstrate that the approved underlayment product was installed, prior to the installation of the Alternative Flooring Surface.

Table 1: Preferred Underlayment

We recommend IIC-STC minimum 70 decibel reduced

IIC – Impact Isolation Class

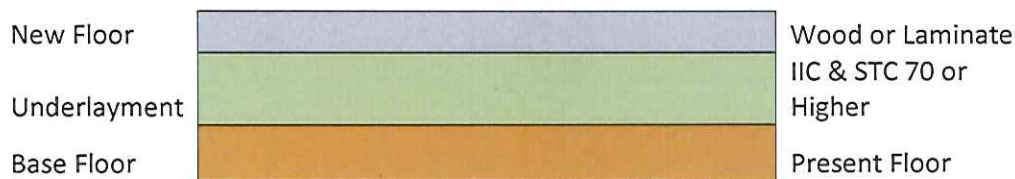
STC – Sound Transmission Class

We found the following Underlayment with IIC and STC 70 and above:

- a) Lex Floor Acoustic Sound: STC rating 73, IIC rating 71
- b) Quick-step Unisound Underlayment: STC rating 70, IIC rating 73
- c) Quick-step Real Sound Advanced Underlayment: STC rating 74, IIC rating 72
- d) Floor Muffler Ultra Seal Underlayment: SC rating 73, IIC rating 74
- e) Floor Muffler Lifetime quiet: STC rating 74, IIC rating 73

Figure 1: Installation of Underlayment

Figure 1 shows how to install the sound proofing underlayment and laminate in the 2nd and 3rd floors



A majority of the Board of Directors adopted the above on this 3rd day of April, 2018.

Venu at Grayhawk Condominium Association

By: 
Its: President