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CASABELLA2C0001RES-3-1-1--  
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Nikita V. Patel, Esq.  
Carpenter Hazlewood Delgado & Bolen, PLC  
1400 E. Southern Ave., Suite 400  
Tempe, Arizona 85282

**CAPTION HEADING:        RESOLUTION**

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**CH File No.: CASABELLA2C.0001**

**Casa Bella II Condominiums Master Owners Association, Inc.  
Resolution Prohibiting Smoking**

WHEREAS, the Declaration of Condominium Casa Bella II Condominiums, A Condominium Project (hereinafter the "Declaration"), recorded at instrument number 1998-0193430 on March 12, 1998 in the official records of the Maricopa County Recorder authorizes the Casa Bella II Condominiums Master Owners Association, Inc.'s Board of Directors (hereinafter the "Board") to enact rules and regulations regarding the use of Common Elements;

WHEREAS, the Declaration at Article 15, Section 15.2.1 prohibit noxious, offensive, or illegal activity on, in, or upon any part of the Project, which is or may become a nuisance, disturbance, or annoyance to Owners;

WHEREAS, the Declaration defines Common Elements as follows:

The Common Elements shall mean and include the Property on which all Units are located and all portions of the Project not contained within any Unit, including, but not way of limitation, the foundation, columns, girders, beams, supports, exterior and bearing walls, roofs, halls, corridors, lobbies, fire escapes and entrances and exits of the Buildings; the grounds, all recreational facilities (such as the swimming pool and spa), the parking areas and storage spaces; the areas used for storage of janitorial supplies and maintenance equipment and materials...

WHEREAS, the Board has determined that the presence of cigarette, cigar or pipe smoke in, on, or upon the Common Elements is noxious and offensive to Owners;

WHEREAS, the Smoke-Free Arizona Act (A.R.S. § 36-601.01) (hereinafter referred to as the "Act") provides, in part, that "Smoking is prohibited in all public places and places of employment within the state of Arizona..."

WHEREAS, the Act defines a "public place" as follows:

"Public Place" means any enclosed area to which the public is invited or in which the public is permitted, including airports, bars, common areas of apartment buildings, condominiums of other multifamily housing facilities, educational facilities, entertaining facilities or venues...

NOW, THEREFORE, effectively immediately, the Casa Bella II Condominiums Master Owners Association, Inc. (the "Association"), as an Association rule, prohibits cigarette, cigar and pipe smoke in, on, or upon the Common Elements. In order to implement this rule, the Board directs the following:

1. The Association and/or its professional management company are directed to post "No Smoking" signs pursuant to the guidelines contained in the statute [Administrative Order of the Department of Health Services, R9-2-105].
2. The Association rules and regulations shall be amended to reflect the above prohibitions as soon as possible.
3. The Board intends to adopt, at a later date, directions to its professional management company regarding the appropriate protocols for confronting possible violators of the above rule and what enforcement action will be taken as to reported violations, such as fines.

A majority of the Board adopted the above Resolution on this 3 day of January, 2013.

DATED this 3 day of January, 2013.

Casa Bella II Condominiums Master Owners Association, Inc.

By: David A. Zickel  
 Its: President

STATE OF ARIZONA                    )  
   )ss.  
 COUNTY OF MARICOPA                )

On this 3<sup>rd</sup> day of January, 2013, before me the undersigned Notary Public, personally appeared David A. Zickel, who acknowledged to me that he/she is the President of Casa Bella II Condominiums Master Owners Association, Inc. and that he/she executed the foregoing resolution on behalf of the Association for the purpose expressed therein.

Barbara Elco  
 Notary Public

