

SAN MARCOS COUNTRY CLUB ESTATES HOMEOWNERS' ASSOCIATION

BOARD RESOLUTION

Rules and Regulations Regarding Parking and Towing

WHEREAS, The San Marcos Country Club Estates Homeowners' Association ("Association") is governed by the Third Amended And Restated Declaration Of Covenants And Restrictions And Easements For San Marcos Country Club Estates A Planned Community, recorded on September 30, 1993 at Instrument No. 1993-0664349, and any and all amendments thereto ("Declaration"); Amended And Restated Articles Of Incorporation Of San Marcos County Club Estates Homeowners Association filed September 30, 1993 with the Arizona Corporation Commission ("Articles"); Amended Bylaws Of San Marcos Country Club Estates Homeowners' Association, Inc. dated December 16, 1993 ("Bylaws"); and any rules and regulations (the "Rules") (collectively "Governing Documents");

WHEREAS, all of the Lots within the Association are governed by the Declaration, Articles, Bylaws, and Rules;

WHEREAS, Article V, Section 5.3 of the Declaration expressly provides the Association's Board of Directors with the power to adopt, amend and repeal rules and regulations;

WHEREAS, Article IV, Section 4.1.21 of the Declaration provides that "[v]ehicles of all Owners and Residents, and of their employees, guests and invitees, are to be kept in garages, and other parking areas designated or approved by the Declarant and the Architectural Committee";

WHEREAS, Article IV, Section 4.1.21 of the Declaration further grants the Association the authority to set guidelines for on-street parking by adoption of Rules setting forth such guidelines;

WHEREAS, the Rules, Section entitled "Parking", provides that "[p]arking on the street is **NOT** allowed";

WHEREAS, the Board of Directors wishes to clarify the Rules regarding parking as expressly allowed in Article IV, Section 4.1.21 of the Declaration and to implement penalties for violating the parking restrictions;

NOW, THEREFORE, the Board of Directors hereby makes, adopts and implements the Parking Rules attached hereto as may be amended from time to time.

All other provisions of the Governing Documents not addressed or amended herein remain in full force and effect, subject to future amendment.

The foregoing was signed and adopted by the Board of Directors of the Association at a duly held meeting pursuant to the powers and duties of the Board of Directors as set forth in the Bylaws this 25th day of OCTOBER, 2016.

SAN MARCOS COUNTRY CLUB ESTATES
HOMEOWNERS' ASSOCIATION

By: Paul Rush

Its: PRESIDENT

AMENDMENT TO ASSOCIATION RULES OF
SAN MARCOS COUNTRY
CLUB ESTATES HOMEOWNERS' ASSOCIATION

Pursuant to the Association's Third Amended And Restated Declaration Of Covenants And Restrictions And Easements For San Marcos Country Club Estates A Planned Community, recorded on September 30, 1993 at Instrument No. 1993-0664349, and any and all amendments thereto ("Declaration") and the rule-making authority as set forth in Article V, Section 5.3 of the Declaration and further set forth in Article IV, Section 4.1.21 of the Declaration;

The Association Rules are hereby amended and supplemented with the following additional language. All other language of the current Association Rules, and any and all other provisions not addressed herein remain in full force and effect, subject to future amendment.

On-Street Parking

The intent of the Declaration is to eliminate on-street parking as much as reasonably possible. In accordance with Article IV, Section 4.1.21 of the Declaration, limited, short-term parking on streets will be permitted only under the limited circumstance of (1) temporary loading or unloading of vehicles, or (2) for temporary, short-term parking of an Owner's guest or invitee that does not include overnight parking. To the extent reasonably possible, any owner desiring to utilize one of the exceptions which would allow limited short-term parking on the street shall obtain prior written approval of the Association prior to utilizing one of the exceptions. Under no circumstances shall overnight parking be allowed without the express written approval of the Association. Overnight parking is defined as vehicles parked on the street between the hours of 12:00 a.m. and 5:30 a.m. Vehicles parked in violation of this On-Street Parking rule are subject to being towed, pursuant to Article XII, Section 12.2 of the Declaration, as set forth in the Towing of Vehicles rule below.

Towing of Vehicles

In accordance with Article IV, Section 4.1.21 of the Declaration, the Association shall have the right to tow any vehicle or equipment that is parked, kept, maintained, constructed, reconstructed or repaired in violation of the Governing Documents, including the On-Street Parking rule above, at the sole cost and expense of the owner of the vehicle or equipment. Any expense incurred by the Association in connection with the towing of any vehicle or equipment shall be paid to the Association upon demand by the owner of the vehicle or equipment. If the vehicle or equipment towed is owned by an Owner, then the cost incurred by the Association in towing the vehicle or equipment shall be assessed against the Owner and his/her Lot and be payable on demand, the cost shall be secured by the Assessment Lien in the Declaration.