

TEMPE HOMESTEAD HOMEOWNERS' ASSOCIATION

**RULES
AND
REGULATIONS**

NOVEMBER, 2000

TEMPE HOMESTEAD HOMEOWNERS' ASSOCIATION

TABLE OF CONTENTS

	<u>Page</u>
GENERAL INFORMATION AND RULES	1,2,3
ANIMALS	3,4
TRAFFIC AND VEHICLES	4,5
STRUCTURAL ALTERATIONS	5,6
SIGNS	6
RESIDENT CONDUCT	6
INVESTOR/OWNER	7
TRASH DISPOSAL	7,8
ASSESSMENT COLLECTION PROCEDURE	8
ENFORCEMENT OF RULES AND REGULATIONS	8,9
ENFORCEMENT PROCEDURES	9,10

RULES AND REGULATIONS

TEMPE HOMESTEAD HOMEOWNERS' ASSOCIATION

November, 2000

STATEMENT OF GENERAL POLICY

Recognizing the individual and collective property investments of the membership of Tempe Homestead Homeowners' Association and the value to all owners and residents of the beauty and peacefulness of this community, the Board of Directors has adopted these Rules and Regulations effective November, 2000. Your cooperation in supporting not only the letter, but also the spirit of these Rules and Regulations will contribute significantly to the protection of the rights and privileges of all.

The overriding philosophy is to establish guidelines that will maintain the private lifestyle and architectural décor of this community. The Board considers it essential that all members of the Association familiarize themselves with these Rules, and the Covenants, Conditions and Restrictions (CC&R's), which are the governing documents of our Association.

It is the intention of the Board of Directors to adopt as few Rules and Regulations as are appropriate while maintaining a peaceful, livable community and preserving individual freedom. On the other hand, it is the responsibility of each homeowner to abide by each rule and of the Board to assure that each is enforced. Achievement of community harmony does require some regulation of individual activity to protect the rights of all residents.

The terms and conditions set forth in these Rules and Regulations are binding upon all owners and tenants residing within the boundaries of the Tempe Homestead Homeowners' Association (The Association), and invited guests who might be visiting.

MANAGEMENT COMPANY

Your Management Company is:

Lepin and Renchan Management, Inc.
PO Box 11330, Tempe Arizona 85284 (mailing address)
7955 S Priest Drive, Suite 105, Tempe Arizona (physical location)

The Management Company handles business matters for the Tempe Homestead Homeowners' Board of Directors including the maintenance of the grounds. If you have specific questions or concerns, contact them directly: (480) 345-0046

BOARD OF DIRECTORS, TEMPE HOMESTEAD HOMEOWNERS' ASSOC.

Your Board of Directors will meet at scheduled times as needed. The first thirty minutes of the Board meeting is the Homeowner Forum, and is open to all homeowners and residents to participate in active discussion relating to Association concerns.

Homeowners are invited to stay and see how the Board operates, but may be asked to leave if an Executive Session is required.

COMMITTEES

In addition to being elected to the Board, Committees are the forum in which you can participate in the affairs of the Community, make your needs, complaints and suggestions known, and above all, be a part of the decision making process.

Owners are encouraged to participate in these Committees.

The following Committees are active in the Community and need your support in order to be effective. If you are willing to help, you are encouraged to volunteer at the Annual Board of Directors' Meeting.

- Architectural
- Social

GENERAL RULES

1. All living units are to be used solely as private residences.
2. No living unit or exclusive use area is to be used in such a manner as to cause unreasonable noise, nuisance or illegal activity.
3. No living unit or exclusive area is to be used in any manner so as to cause said property to be uninsurable.
4. The owner of the living unit shall not be permitted or allow residents to drape the interior side of windows or doors with aluminum foil or any other material such as sheets and blankets.
5. No automobile or motorcycle overhaul or maintenance shall be permitted anywhere except INSIDE the garage.

Page Three

6. Garages must be kept clean and safe. No activity that would be a health, fire or safety hazard and/or noise nuisance is permitted. Wiring changes in the garages requires a Building and Safety Permit. Flammable products such as gasoline, paint, thinner, or oil shall be stored in suitable containers and marked as such.
7. Stereos, radios or television sets used outdoors should have the volume kept at a courteous level.
8. In the event an owner fails to maintain his living unit, yard, garage or patio in a manner defined necessary in the judgment of the Board of Directors, the Board shall send written notice to the owner stating that work or repairs are required. The repairs shall be carried out within a period of 30 days or the Association shall, at its discretion, have the work done at the owner's expense or assess a fine.
9. Homeowners are held accountable for their own and/or their tenants' and guests' actions.
10. Violations resulting in damages to Association Common Areas will result in charges being levied to the homeowner for all repair of damages.
11. All complaints/violations shall be submitted in writing to the Board of Directors through the Management Company or by calling the Management Company.

ANIMALS

1. Pets shall be controlled by the owner.
2. It is the absolute duty and responsibility of animal owners to clean up after their animals that have defecated on any portion of Homestead including personal yards.
3. All cats and dogs must be licensed and tagged with the identification of the owner's name, address and phone number. Untagged and stray animals will be sent to the animal shelter.
4. Residents are responsible for any personal injury or property damage caused by their pet(s).
5. No animal may be kept, bred or maintained for commercial purposes.
6. All state and local ordinances apply, i.e. licensing, leash laws, etc.
7. Please call County Animal Control for violation of County ordinances:
(480) 269-3491.

TRAFFIC AND VEHICLE RULES

1. Vehicles parked illegally in fire lanes (west side of Homestead Lane) may be towed away at the vehicle owners' expense without warning. (Tempe City Ordinance)
2. All vehicles are to be kept in garages, driveways or on fence enclosed concrete pavement.
3. Vehicles are not permitted to be parked in the street without moving for more than 48 hours.
4. No inoperable, unlicensed or unregistered vehicle shall be parked except inside a closed garage.
5. No commercial or delivery trailer, tractor or truck with more than four wheels or greater than one ton, boat or off-road vehicle shall be stored or maintained anywhere on the yard, driveways or streets.
6. Recreation vehicles, motor homes and campers may not be parked on the streets, driveways or lots for more than 24 hours.
7. Double parking is prohibited.
8. Maximum speed on all streets within the community is 20 MPH. Use extreme caution for children.
9. Vehicle repairs, except within a homeowner's garage, are not permitted anywhere on the property, with the exception of minor repairs than can be accomplished in a matter of minutes such as tire or battery changes. The overhauling of engines is not permitted under any circumstances except within the homeowner's garage, and vehicles are not permitted to be placed up on blocks in the driveway or on the street.
10. Gate controllers are the responsibility of the homeowner. They are available at Action Garage Doors, Inc., 2140 East Cedar Street, Tempe, AZ 85281, (480) 968-0308 for approximately \$30.00
11. Never pour or spill gasoline or any solvents on the pavement as they destroy the asphalt.
12. Vehicles which drip excessive amounts of oil or fluids on the pavement may not be parked anywhere on the property. Owners are responsible for cleaning up any excessive leaking in their driveways and on the streets.

Page Five

13. The parking or storing of motorcycles on walks or patios is prohibited.

14. Garage doors shall be kept shut except when being used.

STRUCTURAL ALTERATIONS

No exterior improvement, change or alteration other than repair and maintenance including paint touch-up shall be permitted in the community or to any unit without the written consent of the Architectural Committee which shall include a completion schedule. Exterior paint, stone and brick color must be approved in advance by the Architectural Committee. For more specific information see Architectural Guidelines

LANDSCAPING AND MAINTENANCE

1. Maintenance and repair includes landscape maintenance. Lawns should be green, weed free and neatly trimmed, fences and walls in good repair and painted, homes painted as needed, etc.
2. Antennas, satellite dishes and like devices shall not be visible from the street.
3. Failure to properly maintain landscaping may cause the homeowner to be fined or maintenance to be done by the Association. Fines and costs incurred will become a special assessment of the lot owner.
4. The Landscape Standards of Care are as follows:
 - Front and rear yards should be cared for in a professional manner. This includes shrubbery, flower beds and trees.
 - Flower beds, shrubbery beds and tree wells should be free of weeds and grass.
 - Mounting or storage of garden hoses should be out of view from the street when not in use.
 - All vacant lots shall be kept weed and debris free at all times.
 - Paint color on the outside fence on the east and west sides of Homestead Lane shall be white and match the other outside fences on the east and west sides of Homestead Lane.
 - Lawns, trees and shrubs shall be fertilized as necessary to maintain good health and green color.

Page Six

- No areas visible to the street shall be left as dirt or unfinished. All planting areas and tree wells are to be treated in a finished and presentable manner. Unplanted tree wells are not acceptable.
- Winter rye grass shall be installed in the front yard in October of each year. This is mandated by the Tempe Homestead deed restrictions and shall include side yards on Homestead Lane.

SIGNS

1. One residential address sign is allowed with a total face area not exceeding two hundred fifty-six (256) square inches.
2. "For Sale" and "For Lease" signs are permitted (size: not more than five (5) square feet).
3. One security/alarm sign with a total face area of two square feet is allowed.
4. One election sign, not exceeding five square feet, may be placed on the homeowner's lot no sooner than 60 days prior to an election, and must be removed no later than 2 days after an election.
5. No advertising signs will be displayed with the exception of a "For Sale" sign not to exceed 24" x 24".
6. All signs must be properly maintained so as not to create an eyesore.

RESIDENT'S CONDUCT

1. No unit shall be used in such a manner as to interfere with the enjoyment of other residents; nor shall any nuisance be permitted to occur in any unit.
2. Loud music, stereo or television sound shall not be allowed to reach a level that is objectionable to other residents.
3. No motor-driven cycles or vehicles of any kind shall be raced in the driveways or streets.

INVESTOR/OWNER

1. Off-site owners must supply the Management Company with their current address information in writing within 20 days of any change.

2. It is the owner's responsibility to assure that his/her tenants comply with these Rules and Regulations. Owners will be subject to penalties caused by non-conformance of tenants with these Rules and Regulations.
3. Occupancy information submitted to the Association shall not be revealed by the Management Company to any third party, except as may be required in the reasonable administration of Association affairs.
4. Owners should understand that they are fully responsible to the Association for the conduct of their tenants, tenant's guests, or the pets of their tenants. An owner should, therefore, carefully evaluate a prospective tenant's ability to accept and abide by these Rules and Regulations.
5. No owner shall lease his unit for transient or hotel purposes. No owner shall enter into any rental lease or tenancy agreement unless such agreement is in writing. Such written agreement shall include an express provision that is subject in all respects to the provisions of the CC&R's, By-Laws, and Rules and Regulations. Any failure by the lessee or tenant to comply with the terms of such documents shall be in default under the agreement.
6. Any costs incurred by the Association in enforcing any of its Rules and Regulations of the Covenants, Conditions and Restrictions (CC&R's) will be assessed to the owner of the unit involved.

TRASH DISPOSAL

1. Garbage and re-cycle trash must be staged in conformance with the City of Tempe's requirements.
2. Toxins and non-degradable materials such as motor oil, grease, paints, etc., are not to be deposited in trashcans. Contact the City of Tempe for locations where proper disposal may be made.
3. No rubbish or debris of any kind shall be permitted to accumulate anywhere within any lot. Residents are not permitted to place trash for collection in the Tempe Uncontained Trash Collection Service more than twenty-four (24) hours in advance of scheduled pick up.
4. Trash, trash cans and recycling bins shall only be placed for collection in cul-de-sacs.
5. Trash is to be put out no earlier than the day prior to pickup and removed no later than day after pick up.

Page Eight

6. Trashcans must be stored out of view from the street.
7. Disposal for The Homestead is done by the City of Tempe Department of Sanitation and Collection Schedule can be reached by calling: (480) 350-8265.

ASSESSMENT COLLECTION PROCEDURE

The following homeowner (“member”) assessment collection procedures will be in force:

Regular monthly assessments as determined by the Board and due in six month increments are payable on the first day of January and July each year. If the assessment payment has not reached the Management office by 4:00 p.m. on the 15th day of the month, a \$15.00 late fee will be added.

At forty-five (45) days past due: A second notice shall be sent to the delinquent member with an administrative charge of an additional \$15.00.

At seventy (70) days past due: A Notice of Intent to File Lien shall be sent to the delinquent owner. If not paid in ten (10) days, a lien will be filed. An administrative fee for such preparation shall be charged. Additionally, attorney fees, lien filing fees and such related expenses shall be charged to the delinquent member’s account.

ENFORCEMENT OF RULES AND REGULATIONS

SCHEDULE OF PENALTIES

1. A first violation of a Rule and Regulation will generate a first warning violation letter.
2. A second violation of the same rule within a 12-month period - \$25.00 fine.
3. A third violation of the same rule within a 12-month period - \$50.00 fine.
4. A fourth violation of the same rule within a 12-month period - \$100.00 fine.
5. Subsequent violations may be turned over to an attorney for further legal action.

ENFORCEMENT PROCEDURES

1. An infraction of the Rules shall be reported in writing and signed by complainant. Letters should be sent to:

**Tempe Homestead Homeowners' Association
c/o Lepin and Renehan Management, Inc.
PO Box 11330, Tempe Arizona 85284 (mailing address)
7955 S Priest Drive, Suite 105, Tempe Arizona (physical location)
OR by calling the Management Office @ (480) 345-0046**

It is imperative that the complaining party identify the non-complying person or unit involved in order for the Management Company to proceed.

2. The Management Company will, at its option, issue a warning to the owner of any unit, which is alleged to be out of compliance. This warning will specify the nature of the non-compliance and indicate that penalty procedures or other action will be taken if the violation is repeated. It is the owner's responsibility to notify the occupants of the unit.

If the problem is an "on-going" nature (i.e., a problem which has not been remedied by the violator), a warning will indicate the amount of time which will be allowed for the owner to correct the non-compliance, before penalty procedures will be instituted or other action taken. In no case will this be more than 30 days.

3. After an owner has been notified of a violation and the violation continues, the owner will be given the opportunity to attend a Special Hearing of the Board of Directors. The Board may then decide to levy a penalty against the homeowner's account for that violation.
4. If the violation continues or is repeated, additional penalties may be levied by the Board in accordance with the adopted Schedule of Penalties. At the time of each violation, the owner will be notified and given an opportunity to attend a Special Hearing of the Board. The notification of an owner is considered to be notification of the occupants provided the occupants have not changed since the original warning was issued.
5. The Management Company, acting on behalf of the Board, will institute immediate penalty procedures, without warning, in the amount indicated, against the owner of any unit whose occupants or guests:

Damage Association property, and/or

Create a situation, which in the Board judgment, requires immediate action.

Page Ten

It is the responsibility of owners to communicate these Rules and Regulations to their families, guests and tenants, and to ensure that they are followed.

**Adopted by Tempe Homestead Homeowners' Association
November, 2000**