

**HOMEOWNER
GUIDELINES
AND
RULES ENFORCEMENT**

**The Links at Santa Rita Springs
Homeowner's Association**

Effective: November, 2007

The Links Homeowner Guidelines

Welcome to the Links Homeowner Guidelines and Rules Enforcement

These homeowners guidelines and Rules Enforcement are not meant to displace the Links By-Laws or CC&R's. The sole emphasis in these Guidelines will be on two Articles in the CC&R's which come into play most often:

Article 8 Architectural Review and Landscaping Restrictions and Control **Article 9 Use Restrictions**

Objective of these Guidelines: To provide homeowners with the factors which will contribute to making and keeping The Links an attractive and enjoyable place to live. They represent an abbreviated list of the most often encountered situations and are not designed to cover every eventuality.

Spirit of these Guidelines: To rely on the cooperation and reasonableness of homeowners in achieving this stated objective so that minimal imposition of rules, regulations and enforcement measures is required.

Scope of these Guidelines: To offer a shorter and simpler version of what is currently covered in great detail in the CC&R's.

Purpose of these Guidelines: To zero in on those issues which most often arise involving approval or intervention by the Architectural Review Committee(ARC), and if necessary, the Links Board of Directors. An awareness of proper procedures in advance is intended to reduce confusion and conflict later on.

Here are some, not all, of the subjects covered in detail in Article 8 of the CC&R's:

You are encouraged to familiarize yourselves with the detailed elements of The Links CC&R's and By-Laws, as well as some of the issues covered in some detail here. But if you have any questions or doubts about any additions or modifications you're thinking of making to your property...

Contact the ARC... the Architectural Review Committee! **“An ounce of prevention is worth a pound of cure!”**

You will get from any member of this committee a quick response as to what, if anything, is needed before you proceed with a project...and, if indicated, the proper steps which must be taken before proceeding.

Architectural Review & Landscaping Restrictions and Control.

Architectural Review Committee (ARC)

The ARC shall have jurisdiction over all original construction and all modifications, additions or alterations made on or to existing and planned structures in The Links. A written record of all applications and approvals will be maintained by ARC.

Architectural Review

Responsibility for review of all applications for construction and/or modification of any Links property shall be handled by the ARC. No improvement, structure, or thing shall be placed, erected, installed or placed without ARC review and approval. A reasonable fee for review of applications may be established and charged by the ARC and is payable if charged upon submission of an application.

Procedures

- a) While it can't be legislated, a homeowner planning to apply for approval of a project is urged to communicate with nearby neighbors before plans are submitted to the ARC. This will eliminate surprises and give neighbors advance information which can help alleviate concerns.
- b) A copy of an application form should be obtained from the ARC for any planned project by the homeowner. After all elements of the application have been completed, the ARC will approve or disapprove the request within 30 days.
- c) Any project begun without prior ARC approval may be stopped and property restored to original condition at homeowner's expense if so ordered in writing by the Board.

ARC Disclaimers

- a) Each approval shall govern only that specific project and shall not constitute a precedent implying automatic approval of similar requests;
- b) Review and approval of any application and plan is made on the basis of ensuring the aesthetic quality and appeal of The Links;
- c) Members of The Links Board and the Architectural Review Committee shall not be held liable for any injury, damage or loss arising from the approval or disapproval of any project.

Licensed Contractor

The ARC advises that homeowners select a licensed and bonded contractor for any improvements on their property. Licensing status may be checked by calling the Registrar of Contractors at 625-6345.

Enforcement

The Links Homeowner Association board shall have the authority to pursue all legal and equitable means available to enforce the provisions of this Article and the decisions of the ARC.

Here are some, not all of the subjects covered in detail in **Article 9 of the CC&R's** under the heading: **Use Restrictions and Occupancy Restrictions & Standards.**

This Article provides the do's and don'ts of living peacefully and happily in The Links; along with some additional statements which should clarify certain issues which are not dealt with in adequate detail in the CC&R's.

Residential Use

All Links lots may be used for residential purposes only. Leasing, but not time-sharing, is allowed. No business or commercial activity is permitted.

Restrictions

This list outlines, but is not limited to, examples of prohibited activities so that all homeowners may derive maximum peace and enjoyment from their residence in The Links. Some examples:

- a) Nuisance: Any activity such as the creating of odors, noise levels, unclean conditions, etc., is to be avoided;
- b) Endangerment: Any activity such as the discharge of firearms, burning of trash, storage of gasoline, driving on common areas, etc., is prohibited;
- c) Eyesores: Trash containers, storage bins, pool equipment, satellite dishes, etc..., cannot be visible from the street. Note: Weed control is the homeowner's responsibility.

Architectural Review Committee (ARC)

Any plans for new construction and landscaping or modification to existing structures must be submitted to the ARC for prior approval. If there is ever any question as to whether a project needs approval, submit the plan to the ARC and get their judgment and recommendation. Some, but not all, examples of such topics:

- a) Addition of flagpoles, flag holders, ramadas,/pergolas, pools, hot tubs, greenhouses etc; Two flags may be displayed on the approved flagpole. No other flags or banners are permitted on the property or common area unless approved by the ARC.
- b) Construction of walls, dog runs, conversion of garage space, etc.
- c) Installation or addition of outdoor lighting;
- d) Any change in exterior house color from the desert tones which currently prevail in The Links;
- e) Addition of roll-down screens, retractable awnings, security windows & gates etc.
- f) Any new plantings of trees or shrubs.

Parking

To avoid congestion and maintain a quality residential area, the following rules shall apply:

- a) Homeowner's cars must be garaged. Parking on the street or in the driveway is not permitted. The only exception is a one-time, non-recurring six week grace period following closing when an owner may be in the process of unloading moving cartons, etc., which temporarily displace space in the garage intended for automobiles.
- b) Outdoor parking of a RV, trailer or camper is limited to a 48 hour maximum, in any one month and must not interfere with any neighbors driveway or access to the street.
- c) Daytime visitors may park in the driveway or on the street..
- d) Cars, RV's trailers, campers etc. must park on the street not on the curb or sidewalk (Houseguests should park in the host's driveway).

Garage Doors

These are to remain closed at all times with only two exceptions:

- a) **Cross Ventilation:** If an owner wishes to promote air flow through the garage and into the home, the garage door may be elevated to a maximum of 24 inches;
- b) **Owner's Activity:** The garage door may remain open only when the owner is actively involved in car washing, landscaping, woodworking, etc, activities which require continual access to the garage. As soon as any task is completed, or even temporarily suspended, the door should be returned to its closed position. [It should be noted here that none of the activities mentioned in b), above, ought to result in, or excuse, street parking by the owner.]

Pets

- a) Unless grandfathered (owned previous to the issuance of these Guidelines), no more than three pets per household.
- b) If the animal(s) roam or create a disturbance or health hazard, the board may have the pet(s) removed if the owner fails to correct the condition when requested to do so.

Driveways

These shall be cement. Any deviation or modification should be submitted to the ARC.

Signage

- a) **For Sale:** Signs may be displayed in accordance with AZ Statutes.
- b) **Open House:** No more than eight per month, each not to last more than 4 hours. Maximum of 3 signs, 1 at Links entry, 1 at corner of street where house is for sale; 1 on homeowner's front yard. Signs not to exceed 2'x2'. Signs to be removed immediately at the end of the event.
- c) **Garage Sales:** Limit of 2 per year. Sale hours limited to 8:00 AM-5:00 PM. Number, size and placement of signs same as b), above.
- d) **Political Signs:** Placement, duration, size, and any other considerations will be in accordance with Arizona statutes.

Yard Maintenance

Sometimes a homeowner will leave his/her home for an extended period of time without making arrangements for proper yard maintenance in their absence. If, in the owner's absence, the yard becomes unkempt in the opinion of the ARC Committee, the HOA Landscape Maintenance Company will perform the necessary yard maintenance and bill the homeowner involved directly.

VIEWS

POLICY

Landscaping by the developer/builder, or that approved by the ARC, has no guarantee that the subsequent growth of trees and shrubs will not affect views. The ARC does not warrant, expressed or implied, written or orally, any view.

GOOD NEIGHBOR POLICY

However, if such a situation exists, the ARC encourages homeowners to communicate with one another in person to seek resolution. The ARC also encourages homeowners to exercise a good neighbor policy by keeping their trees laced and shrubs pruned to allow their neighbors to see through the trees and over the shrubs. Please, no topping!

MEDIATION

Before contacting the ARC/Compliance Coordinator (ARC) for mediation, affected homeowners must negotiate in good faith. In the unlikely event an impasse exists between homeowners, the ARC will attempt to resolve differences. If there is no resolution, the ARC may suggest arbitration.

FUTURE PLANTINGS

Except for the replacement of existing trees or shrubs which may have died or been damaged, any new plantings must have ARC approval as per article 8.1.3 of the CC&R's.

TREES/PLANTS/COMMON GROUNDS

The Links Landscaping Committee is responsible for existing plants and trees, as well as future plantings on the common grounds. Trees on the common grounds will be laced when necessary and practical, and shrubs pruned by a professional landscaper to allow homeowners to see through the trees and over the shrubs. Homeowner input on all matters relating to the common grounds is encouraged.

VEHICULAR SAFETY

Landscaping which interferes with line of sight traffic, must be corrected and kept to scale and in a condition which poses no safety threat to drivers.

LINKS RULES ENFORCEMENT

I. INTRODUCTION

Article 13 of the Links CC&R's titled **Enforcement** authorizes the board to identify and enforce violations; and fix fines.

These Enforcement Guidelines are being presented here so that all homeowners are aware, in advance, of what penalties might be imposed for non-compliance with CC&R's; By-Laws; Homeowner Guidelines; or any other written notice which might be issued advising a homeowner of a condition which requires correction.

II. RESPONSIBILITIES

- a. The Architectural Review Committee (ARC) has the primary responsibility for seeing the the rules are respected and adhered to.
- b. The Board of Directors will support the ARC; but stands ready to receive written appeals from a homeowner who does not agree with the findings of the ARC. Appeals, however, must be confined to unusual, non-routine matters.

III. NOTIFICATION

The ARC will issue a written notice to any homeowner who is in violation of any rule or guideline, with a copy provided to the HOA Board. The notice will provide specific detail as to the nature of the violation and set a time by which the problem must be corrected.

IV. CORRECTION TIMETABLES

Every notification by the ARC will state the specific time allowed for correction. Listed here are some of the major categories of potential non-compliance with examples of time for correction:

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| a. Vehicles and parking violations | 48 hours |
| b. Weed correction and control | 10 days |
| c. Unapproved construction/additions | 28 days |

V. FINES FOR NON-COMPLIANCE

The ARC, with the backing of the Board has the authority to impose a fine for each day that a violation persists beyond the correction time allowed. The correction time allowance starts as of the ARC notification date.

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|---------------------------|---------------------------------------|
| a. Vehicles and parking | \$25 a day; \$50 a day after 7 days |
| b. Weed control | \$15 a day; \$30 a day after 7 days |
| c. Construction/Additions | \$50 a day; \$100 a day after 14 days |

VI. RIGHT OF APPEAL

If the homeowner does not agree to respond to the ARC notification as per III above,

owner must request a hearing before the Board of Directors, within 10 days. The request should be in writing stating the reasons for the appeal; and should be delivered to the president of the Board within 10 days of the ARC notification date.

VII. HEARING

To be scheduled by the board president within 20 days of the homeowner's appeal and conducted in Executive Session of the board. The owner will be given the time to present reasons in support of the appeal; then be excused in order to allow the board to reach a decision and set the terms of the fine if there is to be one. A written copy of this decision will be provided to the owner within 48 hours of the hearing date.

VIII. PAYMENT OF FINES/PENALTIES

The terms, amount, commencement and payment due dates of any fines levied will be delivered to the owner in writing, as follows:

- a. By the ARC if there is no appeal by the owner.
- b. By the HOA Board of Directors if the hearing results in fines/penalties.

The board may also impose, as an additional penalty, any fees incurred by virtue of the board's employment of collection agencies and/or other legal means.

Any fine/penalty not paid as per the payment due date is subject to a late payment penalty of 10% of the amount of the fine. Any unpaid fine will be added to the base amount due on a compounding basis.

IX. CONCLUSION

Members of the Board of Directors are responsible to see that the rules are enforced and enforced even handedly. They are your fellow homeowners who are volunteers. They do not want to be policemen. For minor violations, board members will use "**ticket notices**", which in the case of a parking violation, may be affixed to a vehicle. In other cases, these notices will be mailed. The notice will contain the rule as outlined in the CC&R's or other governing documents. Please take the necessary action to correct the violation if you receive a notice.