

Sun Lakes Villas Association No. 37, Inc.

Rules & Regulations

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Revised June 25, 2019 – Homeowner Responsibilities

Revised March 1, 2020 (Article 5.6)

Sun Lakes Villas Association No. 37, Inc.

SECTION 1

- 1.1 **Purpose:** These Rules and Regulations are adopted and published to aid in the governing of the Villas #37 (hereafter known as the Villas) areas. They are to promote the health, safety and welfare of the owners, residents, and guests on the property located in the Villas area, and to regulate the use of Villas areas. The enforcement measures set forth in the Rules also apply to enforcement of the obligations contained in the CC&Rs, Architectural Landscape Guidelines, and the HOA 3 documents.
- 1.2 **Captions and Titles:** All captions, headings, and titles of sections of these Rules and Regulations are for the purpose of reference and convenience only and are not deemed to limit, modify, or otherwise affect any of the provisions of, or to be used in determining the intent or context of these Rules and Regulations.
- 1.3 **Effective Date:** These Rules and Regulations and any subsequent amendment of them shall be effective on the date adopted by the Board of Directors of the Villas unless a later date is specified and approved by the Board. These Rules and Regulations may be amended or repealed in part, or in their entirety, at any time by a vote of the majority of the members of the Board of Directors.
- 1.4 **Scope:** These Rules and Regulations shall apply to all Villas areas owners, residents, whether a renter or a non-owner permanent resident, and guests using it, or upon Villas areas, and owners of property within said Villas area are fully responsible for actions of their guests and/or tenants.
- 1.5 **Official Version of Rules and Regulations:** The Secretary of the Villas Association shall maintain an accurate and current set of these Rules and Regulations, which shall be available for inspection and distribution to all owners and renters of the Villas area property.
- 1.6 **Service of Notice:** Whenever any notice is required by these Rules and Regulations to be served upon any person or entity, the mailing of such notice via U.S. Postal Service Certified Mail to his/her or its last known address as it appears upon the records of the Villas Association records, which shall be deemed the official mailing address of such person or entity. This shall be deemed an official notice and receipt of such notice shall be conclusively presumed to be seven days after mailing.

SECTION 2 - DEFINITIONS

- 2.1 **Villas Areas:** Shall mean all real estate described in the Amended and Restated Declarations of Covenants, Conditions, and Restrictions for Sun Lakes Villas Association No. 37, Inc. recorded on July 10, 2003 as Document # 2003-0900076 in the Official Records of Maricopa County, Arizona Recorder.

- 2.2 Villas Unit #37: Shall mean the Arizona not-for-profit corporation named Sun Lakes Villas Association #37, Inc.
- 2.3 Board of Directors: Shall mean the Board of Directors of Villas #37.
- 2.4 Owner: Shall mean the person or persons who is/are named as grantee on the deed to the Villas area lot.
- 2.5 Permanent Resident: Shall mean a person or persons who reside permanently in the home located on the Villas area lot, who either rents or owns the said lot.
- 2.6 Renter: Shall mean a person or persons who rents or leases the home on the Villas area lot.
- 2.7 Guest: Shall mean a non-resident of the Villas area who is visiting the Villas area at the invitation of and the specific knowledge of the owner, permanent resident or renter.
- 2.8 Governing Documents: Shall mean the Amended and Restated Declaration referred to in 2.1 above and Restated Articles of Incorporation and the Restated By-Laws of the Corporation described in 2.2 above and the Sun Lakes Architectural Guidelines Unit #37 adopted in January 2002 and any amendments of restatements thereof.
- 2.9 HOA 3: Shall mean the Master Association, Sun Lakes Association #3, Inc. (d.b.a. IronOaks Association).

SECTION 3 – AUTHORITY AND ENFORCEMENT

- 3.1 The owners and all permanent residents, renters and guests shall be bound to comply with the Governing documents of the Villas and HOA 3. Owners are responsible for their renters, guests, tenants and permanent residents.
- 3.2 The Property Manager, at the direction of the Villas Board, is responsible for enforcement. HOA3 rules are enforced by that Board of Directors and delegated to the HOA Patrol for traffic violations and to the Architectural Landscape Committee for violations of the provisions of the Architectural Landscape Guidelines.
- 3.3 Any citation issued by the HOA 3 Patrol may be appealed to the HOA 3 Appeals Committee. Architectural violation citations/letters can be appealed to the HOA 3 Architectural Landscape Committee. (See HOA 3 Rules and Regulations for procedures.) Violation letters issued by the Villas Board of Directors for Villas infractions can be appealed in writing to that Board.
- 3.4 The Board of Directors of the Villas reserves the right to review and to affirm or modify any action taken by HOA 3 Appeals or Architectural Landscape Committee.

SECTION 4 – PENALTIES AND ASSESSMENTS

- 4.1 In the event that a violation of the governing documents has been determined to have occurred and remains uncorrected, the Villas, by and through its ALC HOA 3 Committee and/or its Board of Directors, has the authority to impose sanctions for violations which may include reasonable fines, assessments, as hereafter set out for late charges, and for reimbursement for costs incurred by the Villas and any restitution and restoration costs, late charges, and if imposed shall be a lien upon the Villas area lot of the offending owner and suspension of the right to vote.

SECTION 5– ADDITIONAL RULES AND REGULATIONS

Pursuant to authority of the governing documents, the following ADDITIONAL RULES AND REGULATIONS are in effect and in the event of a conflict between these ADDITIONAL RULES AND REGULATIONS and the Architectural Landscaping Guidelines, these ADDITIONAL RULES AND REGULATIONS shall prevail, provided that all improvements currently existing under an ALC permit as of the effective date of these Rules and Regulations but which otherwise be Prohibited, may continue to exist and are not a violation of such Rules and Regulations.

- 5.1 Common Areas: Owners assume all risk of loss or injury to themselves or to their guests, visitors, or tenants when they are using the Common Areas.
- 5.2 Footprint: The footprint of a Villa shall mean the area inside the exterior perimeter of the foundation stem wall of the building and shall include the rear patio and that portion of the front area under the roof, as constructed by the developer of the Villas area.
- 5.3 Areas outside of the Footprint - Common Area : Owners may display no more than three (3) small items of yard decoration in each of the front and back yards. Items are defined as flower pots/planters, decorative items and/or wall hangings. All items are subject to Property Management approval.

Decorative items on the ground must be (a) no larger than three (3) feet in diameter and four (4) feet tall, (b) of design and color that is in harmony with the community's image, and (c) placed in graveled areas so as not to interfere with landscape maintenance.

Decorative Furniture – Only one (1) small item of decorative furniture is permitted, in either the front or back gravel areas, provided (a) it does not interfere with landscape maintenance and (b) design, color, size, and location are in harmony with the community's image. This is included as one of the three items referenced above. NOT PERMITTED: Plastic or foldable furniture, oversized benches, gliders and swings with canopies, and lawn furniture such as chaise lounges. No furniture or outdoor items are allowed in lawn areas or on sidewalks or driveways.

Decorations attached to exterior Common area walls are subject to approval and are included in the three allowed items.

Homes that have an archway within the design of their Villa (Portofino) will be allowed to display a decorative item in this location. Item selected for display requires mutual agreement by homeowners and must be in harmony with the community's image. This item is in addition to the three (3) items allowed in the front yard.

If any item is attached to the stucco, the owner will be responsible for having the stucco patched and painted when the item is removed. Any damage caused by that item will be the responsibility of the homeowner to have repaired.

Common area wall between Villas: No decorative items are allowed on the shared wall. However, a decorative item may be placed on the end cap at the entrance to the walkways. This item is in addition to the three (3) items allowed in the front yard. Items selected for display require mutual agreement by homeowners and must be in harmony with the community's image. Size not to exceed the width of the end cap and no taller than 18 inches.

The following are allowed: (a) garden hoses - provided they are neatly coiled and out of sight, (b) low voltage path lights along front walkway – Villas ALC approval by way of the ALC Change Request Form and HOA3 ALC permit required, and (c) lawn furniture provided it is not left out overnight in the common areas.

Window sills and stucco ledges are not to be used to display decorative items.

Satellite dishes – Those currently located in the Common area shall be removed at the time the residence is sold (at time of closing). The cost for the removal of the dish will be the responsibility of either the seller or new homeowner. In the future, Satellite dishes are to be attached to the residence in designated areas; i.e. fascia board mounting.

5.4 Address Numbers: Address numbers on the exterior garage wall shall be placed below the exterior light provided that the numbers do not exceed six inches in height.

5.5 Mailboxes: No signs, ornaments, flowerpots or statues are permitted on mailboxes.

5.6 Bird Feeders: Hummingbird feeders no higher than 4 ft are allowed, but must be placed in the granite away from shrubs so as not to interfere with landscapers. They may also be attached to the stucco, but not to the fascia. This will be counted as one of the 3 decorative items allowed. Seed feeders and other types of soiled food feeders are prohibited anywhere in the Villas³⁷.

5.7 Parking Restrictions: It is important to the health, safety and wellbeing of the Villas owners and their guests and invitees, that fire and any other emergency vehicles have reasonable access throughout the roads in the Villas area. Each Villa owner therefore agrees that neither the Villa owner nor his/her guests or invitees shall park any motor vehicle on the Villas area other than in the driveways on the Villas lots or in other locations approved by the Fire Department. The Villas

Association shall arrange for and maintain signs in the Villas area that identify other parking areas approved by the Fire Department. Both HOA 3 and the Villas Association shall have the right and option to enforce the foregoing parking restrictions whether by issuing citations and/or fines or by other reasonable methods as well as the right and option to enforce as many other reasonable rules that the Master Association or the Villas Association may enact or adopt from time to time. No changes in the parking plan or enforcement methods described above shall be allowed without prior approval of the Fire Department.

Parking in spillways is prohibited.

Vehicles parked in driveways will not extend beyond the driveway curb.

5.8 Recreational Vehicles: Recreational vehicles, as described in the HOA 3 Rules and Regulations, may be parked in accordance with the HOA 3 rules, in approved parking areas on East Holiday Way, East Tranquility Way and East Carefree Way only.

5.9 Water Valves: When a home is not occupied for longer than 24 hours, the owner shall shut off the water valve outside the front entry door. This is done to prevent water leaks and damage to the units.

6.0 Skylights/Solar Panels/Solar Tubes/Changes to roof: **Not permitted.**

VILLAS ASSOCIATION RESPONSIBILITIES:

- Yard maintenance of all common areas including maintenance of grass, shrubs, trees and replacement of damaged, diseased or dead trees and plants
- Fertilization, irrigation and associated electrical costs.
- Maintenance and repair of irrigation lines and systems.
- Professional pest control on a schedule approved by the Board of Directors for common areas.
- Bee control as required on exterior areas only.
- Garbage pickup.
- Residence maintenance and repairs of the exterior of homes to include painting, roofs, exterior glass if damaged by landscapers, concrete repair to severely cracked or broken sidewalks and driveways, paint and repair of mailboxes and severe stucco cracks.
- Payment of all area property taxes on property owned by the Villas Association.
- Income Taxes.
- Management, accounting and other necessary professional fees and supplies.

HOMEOWNER RESPONSIBILITIES:

- All heating, air conditioning and hot water units.
- All gutters and downspouts installed by the original or subsequent owner.
- Anything added, changed or attached to the Villas after the original structure was built, including satellite dishes.
- All custom surfaces, painted sidewalks, patios and/or driveways.
- Everything in or on the interior including original roof leak damage, unless insurance coverage applies.
- Skylight, chimney or gutter cleaning.
- Doors and all screens.
- Any repair, maintenance or replacement of garage door openers or control devices, tracks and any damage to garage doors.
- Any items of landscaping damage caused either by homeowners, permanent residents, renters or visitors.
- Water and sewer lines servicing the Villa; whether located on the exterior from the meter to the Villa or within the Villa.
- Hose bibs, faucets, shut off valve.
- Any work done by the homeowner or his workers, without the approval of the ALC Committee.
- Damage to any property or structures caused by owners, permanent resident, guests or visitors.
- Exterior lights cleaning or bulb changing.
- Washing of exterior or interior windows, sliding doors or screens.
- Replacement of smoke detectors and batteries.
- Pigeon control.
- Termite inspections and treatment.

Any item in question or dispute not included in this list, is subject to Board interpretation/approval.