

**MARYLAND HEIGHTS COMMUNITY
ASSOCIATION**

**Association Rules, Regulations
and
Design Guidelines**

Maryland Heights Community Association

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EXHIBITS

- Exhibit A – Architectural Request Form
- Exhibit B – Approved Plant List

OVERVIEW

Community Organization

Every Owner is a member of the Maryland Heights Community Association (the "Association"). The Association is an Arizona nonprofit corporation formed to manage and maintain the Common Areas and to perform all duties and exercise all rights imposed on or granted to the Association by the Declaration of Covenants, Conditions, and Restrictions for Association (the "CC&Rs"). The CC&Rs, as amended from time to time, provide for design guidelines and rules and regulations to interpret, clarify, and implement the use restrictions detailed in the CC&Rs (the "Design Guidelines" or "Guidelines"). In the event of any conflict between the Design Guidelines and the CC&Rs, the CC&Rs shall control. Capitalized terms not defined herein shall have the meaning ascribed to them in the CC&Rs.

The Board of Directors of the Association (the "Board") is responsible for the administration of the Association. The Architectural Committee is appointed by the Board, as set forth in the CC&Rs, to review all Improvements within the Association, including new construction and modifications to the existing Improvements.

The Architectural Committee has adopted the Design Guidelines and standards to evaluate proposed construction activities. The purpose of the Design Guidelines are to assist homeowners in gaining approval for structural and landscape Improvements and repairs, and are necessary to enhance property values, desirability, and attractiveness of the properties located within the Association. These Design Guidelines may be amended by the Architectural Committee and reissued from time to time. *Following the guidance detailed in these Design Guidelines does NOT eliminate the need for submission of plans for approval by the Architectural Committee except as specifically noted herein.*

Design Review Process

As set forth in **Section 3.4. Architectural Committee** of the CC&Rs, any change, addition, or modification to a site or a building exterior of a residential property requires the prior written approval of the Architectural Committee. Owners with proposed changes must contact the management company, with whom the Association has contracted for the day-to-day management of its affairs, to obtain the necessary submittal documentation.

Simply stated, no Improvements, addition, alteration, repair, change or other work which in any way alters the exterior appearance, including but without limitation, the exterior color scheme, of any Lot or exterior of any home from its improved state existing on the date such property was first conveyed by a builder to a purchaser may be done without the prior written approval of the Architectural Committee.

The responsibility of the Architectural Committee is to ensure the harmonious, high quality image of the community is implemented and maintained. Any Owner requesting approval of any construction, installation, addition, alteration, repair, change or other work to their Lot or home shall follow the application procedures listed below.

- All applications submitted will be acknowledged in writing by the Property Management Company; City Property Management, within five (5) business days.
- If acknowledgement is not received within allotted timeframe, it is the homeowner's responsibility to contact the Property Management Company, to determine if application was received. Approval timeframe does not begin until the full and completed application is received from the Property Management Company.
- Approved submittals will be returned to the applicant within forty-five (45) days of receipt.
- Owners shall diligently pursue approved work so that it is completed as soon practicable or such period of time as may be deemed by the Architectural Committee at time of issuance.

Application Procedure

The following information must be included in each application:

- ❑ Application Form completed and signed (copy enclosed), additional copies can be obtained from the Association's Management Office.
- ❑ Plot Plan – A site plan indicating dimensions relating to the existing dwelling and property lines (setbacks, etc.) and the Improvement proposed to be installed.
- ❑ Elevation Plans – Plans showing finished appearance of the Improvements in relation to the existing dwelling and property lines.
- ❑ Specifications – Description detailing materials to be used with color samples attached; drawing or brochure of structure indicating dimensions and color.

Applications and plans must be submitted to:

**Maryland Heights Community Association
c/o City Property Management
4645 East Cotton Gin Loop
Phoenix, AZ 85040
Office: (602) 437-4777
Fax: (602) 437-4770**

It is the Owner's responsibility to ensure that any proposed construction is coordinated with, and where applicable, approved by all county, local, state and federal government agencies. The Architectural Committee, the Management Company and the Association assume no responsibility for obtaining these reviews, approvals or permits. An approval by the Architectural Committee does not indicate or imply the request complies with local zoning or building code requirements. The Design Guidelines are independent of the obligation of Owners to comply with all applicable laws, ordinances, codes and regulations.

PURPOSE, ORGANIZATION AND FINANCE

Defined Terms

Unless otherwise defined herein, capitalized words and phrases used in these Rules and Guidelines shall have the meanings set forth in the Declaration of Covenants, Conditions, Restrictions and

Easements for Association recorded in the Official Records of the Maricopa County Recorder (the "CC&Rs").

Association

The Association is an Arizona nonprofit corporation. It was established on July 17, 2014 to own the Common Area and other Association property and to provide for the management, maintenance and care of Areas of Association Responsibility.

Association Documents

The duties and powers of the Association are defined in the following documents, as the same may be amended, modified or supplemented from time to time (the "Association Documents"):

- The Articles of Incorporation for Maryland Heights Community Association, LLC ("Articles")
- The Bylaws of Maryland Heights Community Association ("Bylaws")
- The CC&Rs, as amended and supplemented from time to time ("CC&Rs")
- Each Tract Declaration recorded with respect to a Parcel in the Project ("Tract Declaration")
- These Association Rules and Design Guidelines ("Rules and Guidelines")

Each Owner of a Lot will receive copies of the Association Documents. An Owner is a Member of the Association and agrees to comply with the provisions of the Association Documents. Please read the Association Documents to learn how the Association operates and what restrictions are imposed against Lots and Parcels within the Project.

Management

The Board of Directors ("**Board**") of the Association is responsible for the administration of the Association and is authorized to hire personnel necessary for the daily operation of the Association and its property. The Property Manager will work closely with the Board to assure that the Association is being operated in a manner that will enhance and preserve the Project. The Property Manager's name, telephone number and address will be provided to each Person who purchases a Residential Unit in the Project.

Finance

The funds required to operate the Association and its facilities are generated from Assessments levied by the Association against each Lot within the Project. The Board, subject to the provisions of the CC&Rs, has the authority to levy Annual Assessments to provide for the operation and management of the Association, Special Assessments for the cost of any construction, reconstruction, repair or replacement of facilities upon the Master Common Area, and Parcel Assessments for providing additional services to Lots within a specific Parcel (as established in a Tract Declaration). Annual Assessments, Special Assessments and Parcel

Assessments shall be referred to collectively herein as “Assessments.” The financial stability of the Association depends upon timely payment of all Assessments by each Owner of a Lot.

The following rules apply to the payment of Assessments for the Project:

1st day of each month (the “Assessment Due Date”):

The Annual Assessment, paid monthly, for a Lot is due and payable to the Association on this date. Payments made to the Association for Assessments shall be applied first to current Assessments, then to any unpaid Assessment Lien amounts, and then to any unpaid Penalty Charges.

15th day after each Assessment Due Date:

Any Assessments not paid within fifteen (15) days of their due date shall be delinquent and incur a late fee of twenty five dollars (\$25). The Association shall have the right to report delinquent Owners to the credit bureaus.

90 days after each Assessment Due Date

If the Association has not **received** an Assessment payment for a Lot within ninety (90) days after the Assessment Due Date, the Board may authorize the Property Manager to record a lien against the Lot and file a lawsuit against the Owner of said Lot in the appropriate Court to collect the past-due Assessment. The amount to be collected under the lawsuit will include interest on the past-due Assessment and amounts expended by the Association to record the lien and file the lawsuit (the “Collection Costs”).

From and after the date that a lawsuit for a past-due Assessment is filed against an Owner, any payment received from the Owner in full or partial satisfaction of the Assessment amount then due and owing must also include the Collection Costs and be paid in the form of a cashier’s check, certified check or money order. The lien against the Owner’s Lot will not be released until the Owner of the Lot pays the entire Assessment amount and the Collection Costs.

When judgment is obtained:

The matter will be referred to an attorney or a collection agency for collection. Any additional fees incurred during these collection efforts will be added to the Collection Costs due from the Owner of the Lot (see Section 4.1. of the CC&Rs).

Returned checks:

There will be a thirty-five Dollar (\$35.00) charge for checks not paid by an Owner’s bank.

The following Rules and Guidelines may be modified from time to time as may be deemed necessary in the sole discretion of the Association, the Board of Directors or the Design Review Committee (as applicable), including, without limitation, for purposes of compliance with 42 U.S.C. §3607(b)(2)(C), A.R.S. §41-1491.04 and 24 CFR Part 100.

In the event of any conflict between the Rules and Guidelines and the CC&Rs, the CC&Rs shall control. In the event of any conflict between the Rules and Guidelines and the Bylaws, the Bylaws shall control.

DESIGN GUIDELINES

General Principles

The purpose of the Architectural Committee is to insure consistent application of the Design Guidelines, as set forth in the CC&Rs. The Architectural Committee monitors any portion of any Lot or parcel that is Visible from Neighboring Property, the street, or the Association Common Areas. The Design Guidelines promote those qualities in the Association that enhance the attractiveness and functional utility of the community. Those qualities include a harmonious relationship among structures, vegetation, topography and overall design of the community.

All buildings and structures erected within the Association, and the use and appearance of all land within the Association, shall comply with all applicable municipal requirements (including any zoning requirements), as well as the requirements contained in the CC&Rs.

Design Compatibility

The proposed construction must be compatible with the design characteristics of the property itself, adjoining properties and the neighborhood. Compatibility is defined as harmony in style, scale, material, color and construction details.

Workmanship

The quality of workmanship evidenced in construction must be equal to, or better than, that of the surrounding properties. In addition to being visually objectionable, poor construction practices can cause functional problems and create safety hazards. The Association and the Architectural Committee assume no responsibility for the safety or livability of any construction by virtue of design review.

Building Architecture

In general, any exterior addition or alteration to an existing residence shall be compatible with the design character of the original structure.

Building Repairs

No building or structure shall be permitted to fall into a state of disrepair. The Owner of the Lot is solely responsible at all times for keeping all buildings located on the Lot in good condition and adequately painted or otherwise finished. In the event any building or structure is damaged or destroyed, the Owner is responsible for immediate repair or reconstruction. Roofs must also be kept in good repair at all times.

Awnings

The Architectural Committee must approve all awnings. Awnings over windows shall be canvas or similar material, of solid color on both sides which match the color of the body of the exterior of the home or roof color and may only be installed on the sides and/or rear of the home. All

awnings must be commercially manufactured or the equivalent and requests for the Architectural Committee's approval of the same must include: (i) a drawing with the location of the proposed awning installation, (ii) a sample of the material to be used, and (iii) the color and design of the proposed awnings. The Owner is responsible for maintenance and repair of any installed awnings. The Association retains all rights to determine when an awning must be repaired and/or replaced due to weather fading, tearing, ripping, and other states of disrepair.

Basketball Goals

Both permanent and portable basketball goals may, with the prior approval of the Architectural Committee, be installed pursuant to the following guidelines:

Permanent Basketball Goals

1. Basketball poles must be installed on the interior side of the driveway at least halfway up the driveway from the street to the house. Backboards shall not be attached to the house, garage, or roof.
2. Basketball poles must be black, white, or painted to match the color of the body of the home.
3. Backboards must be of a predominantly neutral color (gray, black, or white) or match the color of the body of the exterior of the home. Clear Plexiglas backboards are acceptable.
4. All equipment must be constantly maintained. Broken backboards, disfigured or bent rims, ripped or torn nets, chipped or peeling paint, and other states of disrepair are a violation.
5. Only nylon or similar cord nets are acceptable. Metal or chains are expressly prohibited.
6. Courts may not be painted or permanently outlined on the driveway.
7. Lighting for night use of equipment is prohibited.
8. Permanent basketball goals installed in the back yards of homes must have a 20 foot setback from all perimeter walls.

Portable Basketball Goals

1. Portable goals must be set adjacent to/in the interior side of the yard/driveway.
2. Basketball stand and pole(s) must be black, white, or painted to match the color of the body of the home.
3. Backboards must be of a predominantly neutral color (gray, black, or white) or match the color of the body of the exterior of the home. Clear Plexiglas backboards are acceptable.
4. All equipment must be constantly maintained. Broken backboards, disfigured or bent rims, ripped or torn nets, chipped or peeling paint, and other states of disrepair are a violation.
5. Only nylon or similar cord nets are acceptable. Metal or chains are expressly prohibited.
6. Courts may not be painted or permanently outlined on the driveway.
7. Lighting for night use of equipment is prohibited.
8. Portable basketball goals placed in the back yards of homes must have a 20 foot setback from all perimeter walls.

Clotheslines

Clotheslines or other outside facilities for drying clothes are not permitted unless they are placed exclusively within the fenced rear yard and not Visible from Neighboring Property, the streets, or the Common Areas.

Driveway Extensions

Driveway extensions will be reviewed on a case-by-case basis with strong consideration of any impact on the architectural features of the neighborhood. Approved driveway extensions will be for the purpose of access to side/back yard gates. Use of driveway extensions for permanent parking of vehicles is allowed. All driveways must be kept clean and free of debris, oil, rust, and other stains. The use of planting material between the street and driveway extension, and the driveway extension and property line is required to minimize the effect of additional paving.

Lot owners must submit and receive approval from the Architectural Committee to remove and replace any portion of their existing driveway, or approved driveway extension, and replace it with concrete pavers or like material.

Flagpoles

Flagpoles must be installed in a respectful manner and meet the following guidelines:

1. No flagpole shall be installed without the prior written approval of the Design Review Committee.
2. Freestanding poles must not exceed fifteen feet in height, and if mounted on the structure not extend more than ten feet from the edge of the home. Only one flagpole is permitted per Lot.
3. Poles must be placed on a Lot so that they are as far from the property line as they are tall.
4. Poles must be white or painted to match the house.
5. All flags are prohibited, except those permitted under A.R.S. § 33-1808(A), as it may be amended from time to time.
6. Flag size may not exceed twenty-four square feet.
7. Flag must be removed during inclement weather.
8. Flag must be kept in good repair, and Residents may not display more than two flags at any given time. Flagpole must also be kept in good repair.
9. Owners installing flagpoles must take reasonable efforts to mitigate the noise created by the flagpole and all related hardware. Only non-metal clasps are allowed to mitigate noise.
10. Illumination of the flag and/or flagpole must be approved by the Architectural Committee.
11. If the flagpole, or its installation, causes physical damage to any other Lot or the Common Areas, the Owner of the Lot shall be responsible for all damage caused.

Fences and Walls

Except as initially installed by the Declarant, all modifications and/or additions to the walls and fences shall require the prior written approval of the Architectural Committee. In addition, it shall be the owner's sole responsibility to obtain any municipality approvals and permits required. All fences shall conform to existing materials and workmanship.

Gates

Gates may be installed at either side of the home to allow wider access to rear yards with prior written approval from the Architectural Committee, provided that the installation of such gates does not require Boundary Wall modifications. All gates (double or single) shall be the same

material, design and color as the originally installed single gate. Shrubs, trees and plant material must be installed and maintained between the street and the gate access whenever possible. Parking behind double gates is prohibited along either side of the home.

Gutters and Downspouts

Gutters and downspouts will be considered for approval if the finish matches the color of the house. The Association strongly recommends use of high quality materials that offer long life as the gutter must be maintained in good condition.

HVAC

Except as initially installed by the Declarant, no heating, air conditioning or evaporative cooling unit shall be placed, installed, constructed or maintained upon any Lot without the prior approval of the Architectural Committee. All units must be ground mounted, located within the perimeter of the rear yard and screened or concealed from view of neighboring property and the street.

No portable or window-style heating, air conditioning or evaporative cooling unit shall be placed, installed, constructed or maintained upon any Lot.

Outdoor Fireplaces

Outdoor fireplaces may only be installed and used in rear yards and require the prior approval by the Architectural Committee. Outdoor fireplaces may not exceed seven (7) feet in height and may not be closer than five (5) feet to the property line. Proposals for the installation of outdoor fireplaces must include materials, colors, and the location and distance from neighboring Lots. The style, color and materials of the proposed Improvement must complement the style, color and materials of the community. Each Owner is responsible for assuring that the operation of the fireplace is in compliance with all applicable ordinances, codes, and laws. The Architectural Committee may require neighbor approval of such Improvements.

Outdoor Lighting

Any outdoor lighting installed on a Lot or dwelling must receive advance approval from the Architectural Committee. Permanent lighting sources shall not be directed towards streets, common areas or neighboring property. Lighting mounted on the front or side of a building shall be in decorative fixtures that diffuse light and shall not contain colored bulbs. Pictures/brochures of proposed outdoor light and bulb wattage will be required at time of submittal to the Architectural Committee.

Patio Covers

All patio covers installed or extension to existing patio covers on a Lot must receive advance approval from the Architectural Committee. Roofing material color shall match that which was installed by the builder on the original roof of the home. The color of supports and material shall match the color of the body or trim. Structures must be professionally installed, and match the house color. A setback to sidewalls that complies with applicable law must be maintained.

Ramadas and Gazebos

Ramadas and gazebos may be erected in rear yards with the prior approval of the Architectural Committee, and subject to the following guidelines:

1. Maximum roof height is 10 feet at the highest point.
2. The structure must be set back a minimum of 8 feet from any perimeter wall.
3. The structure must be painted a neutral color or match the home's color and be maintained in good condition.
4. Any roof tile must also match the tile on the house.
5. Lighting of the structure must be approved by the Architectural Committee prior to installation.
6. If required, Owner shall submit plans and obtain any permits required by the municipality having jurisdiction over structures of this type. Owner shall comply with all City designated setbacks.

A sketch or drawing of the proposed Ramada or gazebo, showing all dimensions and setbacks is required at the time of submittal. Owners must provide the total number of square footage (under roof area) with their submittals. Submittals must also contain a list of all materials and finishes to be used. Color samples are preferred.

Painting

Owners will not be required to submit to the Architectural Committee if they are repainting all or any portion of their home using the existing paint color(s). Any change in paint color(s) to the home will require approval from the Architectural Committee. Lot owners are required to provide color swatches/samples with their submittals.

Play Structures

Play structures may be erected in the rear yards with the approval of the Architectural Committee, subject the following guidelines:

1. May be erected in the rear yards only and structures must be set back a minimum of 7 feet from any perimeter wall.
2. Maximum height allowed to the top support bar or highest point of structure is 10 feet.
3. Maximum height of any deck or platform is to be 4 feet above ground.
4. The Architectural Committee will take appearance, height, and proximity to neighboring properties into consideration.
5. Any shade canopy must be solid tan or dark green in color, or match the color of the home.

A sketch or drawing of the proposed play structure, showing all dimensions and setbacks is required at the time of submittal. Submittals must also include a brochure or picture.

Pools and Spas

Pools and spas require the prior approval of the Architectural Committee as provided below:

1. Perimeter walls on Lots bordering Common Areas and shared Association walls may not be torn down to allow access to rear yards.
2. Access must be gained by removing a portion of the front wall on the side of the home.
3. Repairs to the wall must be made in a timely fashion and include repairing the wall to match the texture and color of the remaining wall.
4. All pool and spa equipment must be screened from view of neighboring property.
5. Lots with view fencing must submit plan for prior approval by the Architectural Committee.
6. Pool motors and associated equipment must be concealed from view from adjacent Lots and Common Areas (including streets) and placed in a location on the Lot so that the noise generated from such equipment will be the least disruptive to neighbors.
7. Except for hot tubs or whirlpool spas, above-ground pools are not permitted.
8. Plans and specifications for a pool or spa, as prepared by the pool or spa contractor, must include any proposed fencing. All slides, water features, etc. to be erected as part of the pool must be included on plans submitted for approval, and height must be given.
9. To the greatest extent possible, hot tubs and spas shall be located in such a manner that they will be unobtrusive and not visible from Neighboring Property and Common Areas (including streets).
10. Backwash water from pools and spas (including water drained from pools or spas in order to perform maintenance on pools or spas) must be contained wholly on an Owner's Lot and may not be permitted to seep or flow onto an adjacent Lot or Common Area (including streets).

Pool Fencing

The specifications for rear yard wrought iron pool fencing installation on a Lot with view fencing shall be neutral earth tone color to match or blend with the existing home color or match the existing wrought iron fencing color. The applicable municipal authority may have specific rules governing swimming pool fence enclosures, and an Owner shall submit a proposal for a swimming pool fence only after being assured by the applicable municipal authority that the proposed fence will not violate those rules.

Satellite Dishes

An antenna one (1) meter or less in diameter or diagonal measurement which is designed to receive signals from direct broadcast satellites (DBS) or designed to receive video programming services from multi-channel multi-point distribution (wireless cable) providers (MMDS) or an antenna that is designed to receive television broadcast signals (TVBS) may be placed, installed, or kept on a Lot if the antenna complies with the following restrictions:

1. The antenna must be placed on the Lot in such a manner as to not be Visible from Neighboring Property unless it is impossible to do so without impairing the user's ability to receive signals from a provider of DBS, MMDS or TVBS.
2. Recommended installation locations:
 - 1st - Ground mounted in back yard
 - 2nd - On back of home below roof line
 - 3rd - Attached to rear patio
 - 4th - Attached to side of home below roof line

3. Wiring must be secured to home and painted to match what it is attached to.

Screen Doors

All screen and/or security doors must be submitted for approval prior to installation and must be painted to match the exterior body color or trim of the home, or the color of the exterior door. Silver-colored aluminum screen doors are prohibited.

Signs

No signs shall be displayed on any Lot except the following:

1. Signs used by Declarant to advertise the Lots and residence thereon for sale.
2. One residential identification sign with a total face area of 80 square inches or less.
3. Political (70 days prior to an election and removed 7 days after an election), children at play, for sale, for lease, for rent, and open house signs, but only to the extent such signs are permitted under A.R.S. § 33-1808, as amended.
4. Such signs as may be required by legal proceeding.
5. Security signs are acceptable but they may not exceed 80 square inches.

Solar Panels

The Association recognizes the Owners' right to install and use solar energy devices, as set forth in A.R.S. § 33-1816, and hereby adopts these Guidelines in order to regulate the placement of solar energy devices that are governed by A.R.S. § 33-1816 and A.R.S. § 44-1761. If the solar energy device is one of the devices listed in A.R.S. § 44-1761, the placement of the solar energy device must be approved in advance by the Architectural Committee. Such solar energy device must comply with the following guidelines, to the extent that they do not impair the functioning of the device, or adversely affect the cost or efficiency of the device:

1. No solar energy device may encroach upon the Common Area or the property of another Owner.
2. All piping and wires must be painted to match the structure/surface that it crosses.
3. The solar energy device must be shielded from view so as not to be visible from Neighboring Property, the streets, or the Common Areas to the maximum extent possible. The landscaping or structure used to shield the solar energy device must be approved in advance by the Architectural Committee.
4. Solar Panels may be installed on the roof structure, provided the color and installation is approved by the Architectural Committee.
5. The solar energy device must comply with all applicable city, county and state laws, regulations and codes. The Association must be provided with a copy of any applicable governmental permits.
6. Placement and installation must be pursuant to the manufacturer's instructions.
7. In order to protect against personal injury and property damage, the solar energy device may not be placed in a location where it may come into contact with a power line.
8. In order to protect against personal injury and property damage, all solar energy devices must be properly grounded and secured.
9. In order to protect against personal injury, solar energy devices may not block or obstruct any driver's view of an intersection or street.

10. The Owner is responsible for all costs associated with the installation and maintenance of the solar energy device and shall keep the device in good repair.
11. The Owner is responsible for all damage caused by or connected with the solar energy device.
12. The Owner must hold the Association harmless and indemnify the Association in the event that someone is injured by the solar energy device.

Stone Veneer

Stone veneer added to homes requires the prior written approval of the Architectural Committee. Lot owners must submit a photo or brochure along with a color sample, or make a sample available for view at the home, with their submittal form.

Storage Sheds

Storage sheds require the prior written approval of the Architectural Committee and are subject to the following guidelines:

1. Storage sheds are subject to rear setbacks of a minimum of 6 feet from any property line. Storage sheds over 6 feet in height must add an additional foot to the setback for every additional foot in height. For homes with View Lot fencing, storage sheds are subject to rear setbacks of a minimum of 20 feet from the wall with the View fence.
2. Quality materials and construction shall be required.
3. Sheds must be in harmony with the exterior of the residence including siding, color, and roofing materials.

A sketch or drawing of the proposed storage shed, showing all dimensions and setbacks is required at the time of submittal. Submittals must also include a brochure or picture, if applicable.

Walkways

Walkways do not require prior written approval from the Architectural Committee as long as they are constructed as follows:

1. Walkways must be installed from existing side yard gates to existing driveways. In the case of double-gates, walkways may be installed from the existing driveway.
2. Walkways may not exceed 4 feet in width.
3. Walkways must be constructed of concrete or concrete pavers, which matches the existing driveway in color and finish.
4. A landscaped buffer of at least one foot is required along the outside edge of the walkway and the property line.

All other walkways, including cobblestone/pavers or similar, require prior written approval from the Architectural Committee.

Window Coverings Criteria

Permanent draperies or suitable interior window treatments must be installed on all front-facing windows within thirty (30) days of occupancy. No reflective materials, including but not limited

to, aluminum foil, reflective screens or glass, mirrors or similar type material shall be installed or placed upon the outside or inside of any windows. Exterior window coverings, shelf openings, or treatments used to decorate must be compatible with respect to materials and color, and with the style and color of the home, and must be approved by the Architectural Committee prior to installation. Bronze, gray, charcoal, brown, or beige sunscreen material may be installed. The frame for window screens must match the screen material or existing window frames.

LANDSCAPE GUIDELINES

Maintenance

All landscaping shall be maintained in a neat and attractive condition. Minimum maintenance requirements include watering, mowing, edging, pruning, removal and replacement of dead or dying plants, removal of weeds and noxious grasses, and removal of trash, leaves, and debris. All trees shall be trimmed away from walls and neighboring properties. No tree shall be allowed to overhang/encroach any sidewalk, street, pedestrian way, etc., in such a way as to impede its use. An eight foot clearance, from the ground up, shall be maintained.

Hardscape

The Architectural Committee must approve any hardscape (i.e., curbing, concrete slabs, etc.) items proposed for front yard installation. Hardscape items that will be Visible from Neighboring Property, the streets, or the Common Areas in the rear yard also require prior approval.

Rock and Ground Cover

If decomposed granite or other landscape rock is used, it must match the original/installed landscape rock in color and size. Any alterations to landscape rock must be submitted for approval by the Association. Samples of landscape rock are required to be submitted with all requests. Artificially colored rock(s) or granite is prohibited. All rock areas shall be treated with a pre-emergent weed control at regular intervals to hinder weed growth.

River rock shall be three (3) to six (6) inches in diameter. Not more than 10% of the front yard landscape may be river rock.

Fine Grading and Mounding

Fine grading is a critical aspect of landscaping. Each Lot has been graded in such that all storm water will drain away from the house. It is important that this drainage pattern is maintained when preparing the landscape design, especially if mounding or berming is proposed. In all cases, the installation must comply with the approved grading and drainage plan. Mounding must appear natural. Installations of hardscape within the front, back and side yards must not change the grading, as to hinder the proper flow of water away from the house or direct it to neighboring properties.

Water Features and Statuary

Lawn ornamentations, including but not limited to, landscape sculptures, statues, outdoor art, decorative water features, waterfalls, fountains, ponds, animal replicas, pottery or similar landscape elements, or any material or object applied to a wall, fence, gate or other Improvement on a Lot, whether permanently installed or not, are considered Improvements and part of the landscaping and therefore subject to the prior written approval of the Architectural Committee before installation. Items such as fountains and statuary are permissible within the rear yard (as long as they are not visible from Neighboring Property, the streets, or the Common Areas). Fountains in the front yard may not exceed four (4) feet in height. Statuary is not allowed in the front yard except for seasonal decorations which must be removed in a timely manner (see Holiday Lighting). It is recommended that water features be chlorinated. The Architectural Committee reserves the right to limit the size and quantity of statuary in rear yards where the Improvement is Visible from Neighboring Property, the streets, or the Common Areas. Statuary must be of earth tones, with no painted finishes, and must be approved in advance by the Architectural Committee.

Plant Requirements

Unless installed by the Declarant, within 90 days of the date of closing, the Owner of the Lot shall complete installation and irrigation Improvements in compliance with the CC&Rs and the Guidelines, in that portion of the Lot which is between the street(s) adjacent to the Lot and the exterior wall of the residential unit or any wall separating the side or rear yard of the Lot from the front yard of the Lot. Rear yards that are Visible from Neighboring Property, the streets, or the Common Areas shall also adhere to this installation time frame.

Minimum Plant Requirements – Front Yard

<u>Plant Type</u>	<u>Size</u>	<u>Quantity</u>
Trees	15 gal	2
Shrubs	1-5 gal	15
Ground Cover	Granite to match existing in community	

1. Owners are to select low shrubs/groundcover along driveway and street frontages to maintain visibility. Any plants located within the parkway area (area between back of curb and front of sidewalk), or close enough to the sidewalk to encroach upon it, must be maintained so as not to encroach upon the sidewalk or street or to impeded their use. Plant material is not permitted to attach itself to any wall.
2. Owners are to install any trees at least 6' from any wall. The distance measured must be from the above-ground portion of the tree that is nearest to the wall, within five feet of the ground level. No trees shall be planted within the Public Utility Easement ("PUE") as set forth in the Final Plat of the subdivision.
3. Surface select boulders may be grouped in clusters, with varied sizes, buried 1/3 below grade and incorporated with grades to mimic a natural outcropping. Boulders may not exceed 3' in height and shall have a natural oval character that is compatible with specific decomposed granite. Colored and lava rocks are prohibited.
4. Owners may use low voltage lighting to highlight entry walks, or accentuate trees where permitted by all applicable laws and ordinances and these Guidelines. Colored bulbs and lenses are prohibited. Light source shall be adjusted to minimize glare on adjacent properties, common areas and streets.

5. Ornamentation such as driftwood, skulls, wagon wheels, sculptures, and others are not permitted in front yards.

Irrigation

Each Owner shall provide a complete irrigation system compatible with the front yard design. Time clocks shall be cycled for efficient deep watering. Turf areas shall have spray irrigation with 100% head-to-head coverage, designed to minimize overspray onto any paved or granite areas. Sprinklers and drip irrigation are not permitted within three (3) feet of any wall fencing.

All supplemental plants shall be watered by an underground drip system to provide deep watering. All irrigation and drip system lines must be covered under gravel or within plant material. Exposed irrigation or drip system lines are prohibited. Any irrigation or drip system lines that are not in use must be capped. Irrigation is not permitted within three (3) feet of any wall fencing.

ASSOCIATION RULES

The following Association rules summarize some of the common provisions found in the CC&Rs as well as rules established by the Board pursuant to its rulemaking authority as set forth in the CC&Rs, the Association's Bylaws, and Articles of Incorporation of the Association.

Animals

Residents are allowed to keep a reasonable number of generally recognized domesticated house or yard pets. Animals cannot be kept or raised for commercial purposes and they are not allowed to make an unreasonable amount of noise or become a nuisance to neighbors. Dog runs must have prior approval of the Architectural Committee. Dogs must be kept on leashes at all times while on Association property and all Owners must clean up after their pets. No structure for the care, housing, or confinement of any house or yard pet shall be maintained so as to be Visible from Neighboring Property, the streets, or the Common Areas.

Clotheslines

Clotheslines or other clothes drying facilities are to be placed in back yards, and cannot be Visible from Neighboring Properties, the street or the Common Area.

Garages

Garages, including garage doors, are to be maintained in a neat and clean condition at all times. Garages are to be used for the parking of vehicles and the storage of normal household items, supplies and materials. Garages are not permitted to be converted into living quarters without the written approval of the Architectural Committee. Garage doors are only to be left open as needed for access to the garage.

Holiday Lighting

Temporary holiday decorations and lighting are permitted without prior approval. Decorations must keep kept in good condition and repair at all times. Decorations and lighting can be installed

no sooner than 30 days prior to a holiday and must be removed no more than 14 days after a holiday.

Noise

Nothing will be permitted on any Lot that causes a noxious or offensive noise. Outside speakers will only be allowed if they are concealed in the patio cover and not Visible from Neighboring Property, the street, or Common Areas. Residents are required to keep the volume as low as possible so as not to create a nuisance and/or disturb the peaceful enjoyment of neighbors.

Parking

Parking of vehicles (vehicles are defined in Section 5.9 of the CC&R's) is permitted only on a driveway, driveway extension or in the garage of a Lot. Parking of vehicles on the street is prohibited, except that when a vehicle is too large to fit on a driveway or is the vehicle of a guest of the resident, and is only permitted during daylight hours. Vehicles may not be parked on any portion of the front yard that is not the driveway. Vehicles are not to be parked in a manner that blocks or obstructs the sidewalk.

Parking/storage of inoperable vehicles on any portion of a Lot that is Visible from Neighboring Property, the street or the Common Area is not permitted.

Parking of Recreational Vehicles, including, but not limited to, RV's, boats, ATV's, trailers, etc. is permitted only when done so behind double gates located on the garage side of the home, and cannot be of greater height of 6'. Recreational Vehicles must be parked directly behind the double gate. All on Lot parking must comply with current municipality ordinances.

Any driveway that is added for access for an 8' or 10' gate to the street, must be on the garage side of the house and must be approved by the Architectural Committee. The additional driveway must be of the same material as the garage driveway. Pavers will need to match existing pavers, if any. Additional driveways must be landscaped on either side of the driveway and approved by the Architectural Committee.

Seasonal and Decorative Flags

Seasonal and decorative flags not referenced in A.R.S. § 33-1808(A), which are house mounted below the roofline, do not require approval. However, seasonal flags can be installed no sooner than 30 days prior to a holiday and must be removed no more than 14 days after a holiday, and all flags must be maintained in good condition at all times. Seasonal or decorative flags not referenced in A.R.S. § 33-1808(A) that are determined by the Board, in its sole discretion, to be offensive to neighbors or the Association must be removed. Sports flags will only be allowed to be displayed on the day prior to and the day of the specified sports team's most recent game.

Trash/Recycling Containers and Collection

All garbage and trash must be kept in covered containers as provided by the City. Containers must be stored behind the fence or within the garage during non-collection times, so as not to be Visible from Neighboring Property, the street, or the Common Areas. Containers can be placed on the

curb as early as Dusk the night before collection and must be put away by Dawn the morning after collection.

Trash and debris are not to be placed/accumulate on any Lot. Garbage or trash placed on any Lot solely in connection with any bulk trash pickup program shall be acceptable so long as such garbage or trash is placed neatly on the Lot and is made available for collection no earlier than the weekend immediately prior to the weekday of collection.

Window Coverings

Windows facing the streets must have suitable window coverings. Reflective materials, aluminum foil, sheets, blankets, newspapers, etc. are not considered suitable window coverings and are not permitted.

Yard Sales

Residents are permitted to hold up to two yard sales within a year. Yard sales are to be held Thursday through Sunday. Yard sales are not to begin prior to 6:00am and must be completed by 5:00pm. Residents are not to place signage for the yard sale anywhere except on their Lot and on the morning/day of their yard sale.

VIOLATIONS; IMPOSITION OF FINES; OTHER CORRECTIVE ACTION

Pursuant to Section 33-1803 of the Arizona Revised Statutes, the Board of Directors shall have the power to impose monetary penalties upon the owners of Lots for violations of the Declaration of Covenants, Conditions and Restrictions, Bylaws and Rules of the Association. This power shall apply to violations by the owner(s) and the owner(s) shall also be liable for any violation committed by a family member, guest, tenant or other occupant of the Lot of the owner(s). The amount of the monetary penalties shall be determined based on the nature of the offense, the attitude of the offending owner(s), and the number of past violations. The amount so established by the Board of Directors shall range from \$10.00 to a maximum of \$500.00 per day. The owner(s) in question shall be given an opportunity to be heard by the Board prior to the assessing of any monetary penalties, and written notice of said hearing shall be given at least 10 days in advance of the hearing by regular mail or by hand delivery at the last-known address of the owner(s). Once it has been determined that the owner(s) is guilty of a continuing violation, the Board may impose reasonable daily monetary penalties for each subsequent day of the violation and such continuing penalties shall continue to accrue until the owner(s) notifies the Board that the violation has ceased and the Board has confirmed that, this, in fact, is the case. Any penalties assessed against the owner(s) may be enforced in the same manner established in the Declaration in regard to delinquent maintenance assessments and said owner(s) shall be liable in this manner for all violations committed by the family members, guests, tenants or any other occupant of the owner(s).

Notice of Violation

The Association has the right (but not the obligation) to record against a Lot a notice of violation with respect to any violation of the Association Documents by the Owner, Lessee or Resident of the Lot.

Imposition of Fines

In accordance with the CC&R's, no fines for the violation of any provision of the Association Documents will be assessed against an Owner until the Board has provided written notice of the violation to the Owner and given the Owner an opportunity to request a hearing on the violation.

Any Owner requesting a hearing on a violation will need to submit their request in writing, by email or mail, to the Association's Community Manager.

COMPLAINTS CONCERNING VIOLATIONS

An Owner, Lessee or Resident may report an alleged violation to the Association by calling or writing to the Property Manager:

Maryland Heights Community Association, LLC
c/o City Property Management Company
4645 East Cotton Gin Loop
Phoenix, Arizona 85040
Office: (602) 437-4777
Fax: (602)437-4770

EXHIBIT A

Maryland Heights Community Association
4645 East Cotton Gin Loop
Phoenix, AZ 85040
Telephone: (602)437-4777 Fax: (602) 437-4770

ARCHITECTURAL REQUEST

PLEASE MAKE SURE TO INCLUDE ALL INFORMATION ON YOUR PROPOSED REQUEST. PLEASE SUBMIT A SKETCH, DRAWING, PHOTOS OR BROCHURES OF THE PROPOSED CHANGE ALONG WITH PAINT SAMPLES (IF APPLICABLE).

Date: _____

Account Number: _____

Property Address: _____

Owner's Name: _____

Mailing Address: _____

City: _____ State: _____ Zip code: _____

Home phone: _____

Alternate phone: _____

Email: _____

Preferred method of contact/response: [] Mail [] Email

Description of Architectural request in detail including:

Description of Project: _____

Dimensions: _____

Materials: _____

Location: _____

Colors: _____

Vendor/Contractor: _____

Start Date: _____ Completion Date: _____

The Homeowner agrees to maintain the improvement if approved by the Architectural Committee. The homeowner agrees to comply with all city, county and state laws and must obtain all necessary permits.

Signature of Lot Owner

Date signed

OFFICE USE ONLY

APPROVED

Request ID #: _____

APPROVED CONDITIONALLY, CONDITION: _____

DISAPPROVED, REASON: _____

Association

Date

Exhibit "B"

Landscaping Plant List