

Right Place on 43<sup>rd</sup>  
Condominiums

Homeowners Association  
Information and  
Rules and Regulations

These Rules and Regulations are effective  
9/1/99 and supersede all prior issues.

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## **Rules & Regulations and Architectural Control Procedures**

The basis for a high quality condominium community is the understanding of Covenants, Conditions and Restrictions (CC&Rs) and the cooperation of the property owners.

Each property owner should have received a copy of the CC&Rs during the purchase of the property. If you do not have a copy, one may be obtained from the Right Place Properties for a small fee which is priced according to reasonable copying cost. We urge you to review these CC&Rs to gain a full understanding of the community organization and operation.

As a part of their responsibility to the homeowners the Board of Directors of the RP on 43rd Condominiums Homeowners Association have adopted the following Rules and Regulations which shall be known as "The Desert Wind Association Rules and Regulations." The CC&Rs give the Board of Directors the authority to create rules and regulations in Article 6, Section 2.

These Rules and Regulations explain in detail what is desired and expected of each property owner. The procedures for architectural submittal, addressing violations and a fine schedule have been included.

This is an important document. It allows the Management Company retained by your Board of Directors, \_\_\_\_\_, who has been retained by the Board of Directors to do their job with clear direction and complete understanding.

The Board of Directors recommends you read this document and familiarize yourself with it. Your cooperation and understanding will ensure RP on 43rd continues to be the high quality community each resident desires.

### **Architectural Control**

1. No improvements, alteration, repairs, excavation, grading, landscaping or other work which is any way alters the common elements of the property shall be made or accomplished without the prior written approval of the Right Place on 43rd Condominiums Homeowners Association's Board of Directors.
2. No windows or doors will be changed or altered without the written prior written approval of Right Place on 43rd Condominiums Homeowners Association's Board of Directors.
3. There will be no changes or deviations in or from plans and specifications once approved by the Board of Directors.
4. All rules and regulations are referenced to the *Covenants, Conditions, and Restrictions*, which are referred to as the CC&Rs.

### **Definitions**

The definitions of terms used in this document are the same as those of Article 1 of the CC&Rs. Additional definitions are as follows:

**Machinery/Equipment:** Shall mean machinery and equipment normally associated with and used in construction.

### **Variances**

In accordance with Article 4, Section 20 of the CC&Rs, variances to the rules, regulations and restrictions of Right Place on 43rd Homeowners Association Rules and Regulations and the CC&Rs may be granted by the Board of Directors. A blanket variance to a rule or restriction may exist and will be so noted in a later section of this document. Other variances may be granted on a case by case basis depending on the unique circumstances of the situation.

## **Rules Applicable to all Condominiums within Right Place on 43rd**

### **Animals**

(Refer to Article 4, Section 6 of the CC&Rs)

1. No animals, bird, fowl, reptile or livestock other than generally recognized house pets are allowed in any condominium or anywhere on the common area.
2. No more than one dog can occupy any Unit regardless of the animals size or weight.
3. There will be no breeding of house pets for commercial purposes.
4. Pets must be kept on a leash no longer than 6 feet in length when outside the condominium Unit.
5. Pets must be directly under the condominium owner's control at all times.
6. Owners of pets will be responsible for assuring their pets do not make unreasonable noise or become a nuisance. Complaints regarding barking dogs should be directed to the City of Phoenix Police Department, 602-262-6151.
7. No structure for the care, housing, confinement, or training of any animal or pet shall be maintained on any portion of the Common Elements or in any Unit so as to be visible from the exterior of the Building in which the Unit is located.
8. Upon the written request of any Unit Owner, the Board of Directors shall determine whether a particular animal or bird is a generally recognized house pet, a nuisance, or whether the number of pets in any Unit is allowable.
9. Owners walking pets will be responsible for picking up all droppings.

### **Antennas**

(Refer to Article 4, Section 1 of the CC&Rs)

No antenna of any type, including satellite dishes, which are used for transmitting or receiving electronic signals shall be erected, used or maintained out of doors without prior written approval from the Board of Directors.

### **Electronic Gates**

1. Openers for the electronic gates are available from the Homeowners Association for a fee.
2. The electronic gates are programmed to open automatically, and stay open, when there is a power failure.
3. The walk up gate has a code that is changed from time to time.
4. No one is permitted to give the code to any non-resident.
5. If a visitor rings your condominium from the walk up gate, you may let them in by pressing # on your telephones numeric keypad.

### **Machinery & Equipment**

Machinery and equipment of any type shall not be placed, operated or maintained upon the common elements. (Refer to Article 4, Section 5 of the CC&Rs)

### **Motor Vehicle & Parking**

(Refer to Article 4, Sections 12, 13, 14)

1. No mobile home, camper, tent camper, travel trailer, bus, recreational vehicle, commercial truck, or boat can be parked on the common elements.
2. Automobiles, motorcycles, motor bikes and any other type of vehicle shall not be constructed, reconstructed or stored in any Unit or on any common element including the parking area. However, emergency vehicle repairs or adjustments may be accomplished provided the work does not require more than 24 hours.
3. The Board shall assign one covered parking space to each Unit.
4. No parking space shall be used for storage or for any purpose other than the parking of vehicles.
5. The Board has the right to have any vehicle towed when it is violating the rules and regulations.

6. Motorcycles are not permitted to be parked in any breezeway or sidewalk area.
7. Oil leaks are not permitted. Any motor vehicle with an oil leak must be repaired immediately.

#### **Nuisances**

(Refer to Article 4, Section 17 of the CC&Rs)

1. Offensive odors and loud noises shall not be permitted.
2. Any condition determined to be unsanitary, unsightly, offensive, detrimental to people or property shall be regarded as a nuisance and will not be permitted to exist.
3. External speakers, bells, horns, whistle and similar devices are not allowed.
4. Trash and debris will not be allowed to accumulate in any condominium or any location on the common areas.
5. No use of golf and/or golf equipment in the association's common areas shall be allowed.

#### **Restriction on Subdivision**

(Refer to Article 9, Section 7 of the CC&Rs)

No Unit shall be further subdivided, or changed in total or part from its original intended use.

#### **Roofs**

(Refer to Article 4, Section 3 of the CC&Rs)

The installation of solar panels, air conditioning units, evaporative coolers or other apparatus, structure or object is not allowed without prior written approval of the Board of Directors.

#### **Seasonal Decorations**

(Refer to Article 6, Section 2 of the CC&Rs establishment of rules and regulations)

Seasonal decorations may be displayed from November 11th to January 15th; however, decorations must be removed within 20 days following any holiday within this time period. Decorations may be displayed during the rest of the year, no earlier than two weeks before and no later than two weeks after any nationally recognized holiday.

#### **Signs**

(Refer to Article 4, Section 15 of the CC&Rs)

1. Signs shall not be erected or maintained in windows, on doors, or on the common elements.
2. No sign including "for sale" or "for lease" signs shall be erected so as to be visible from the exterior of any Unit or Building or any other portion of the Condominium.
3. Signs hanging over rear or side fences or block walls are not allowed.
4. Signs required by local, state or federal governments are allowed.

#### **Storage and Other Structures**

(Refer to Article 6, Section 2 of the CC&Rs)

Storage facilities, storage sheds and any other structures will not be placed upon or erected on the common areas.

#### **Swimming Pool**

1. The swimming pool hours are 6AM to 10PM.
2. No glass is allowed in the pool area.
3. An adult must accompany children under the age of 16.
4. The pool gate must remain locked.
5. No loud parties are permitted in the pool area.
6. There is no running or rough housing allowed in the pool area.
7. No pets are allowed in the pool.

**Trash Containers and Collection**

(Refer to Article 4, Section 4 of the CC&Rs)

The trash dumpsters must be kept neat at all times. Residents are expected to pick up their own messes around the dumpsters.

**Trucks, Trailers, Campers and Boats**

(Refer to Article 4, Section 12 of the CC&Rs)

Motor homes, mobile homes, travel trailers, tent trailers, trailers, detached campers, boats, boat trailers, or other similar equipment or vehicles shall not be parked, maintained, constructed, reconstructed or repaired on any lot or parcel so as to be visible from neighboring property. Pickup trucks with camper shells shall be allowed provided the height of the pickup truck's camper shell does not exceed 7 feet in height as measured from ground level.

**Utility Services**

(Refer to Article 4, Section 2)

Lines, wires and other devices for communication or transmission of electricity, i.e., telephone, television, radio signals, etc., shall not be erected, placed, or maintained anywhere in or upon the Common Elements unless they are contained in a conduit or cable installed underground. The Board of Directors must approve all modifications.

**Window Coverings, Lights, and Reflective Materials,**

(Refer Article 4, Section 18 of the CC&Rs)

1. There shall be no spotlights or other lights in any Unit which may reflect upon or cause glare to neighboring condominiums.
2. Foil or light reflective materials shall not be placed or maintained in windows or glass areas, and these or similar materials shall not be installed anywhere else on any structure or erected on the common elements.
3. Window coverings visible to street, common area, or neighboring property must be manufactured for the sole purpose of covering window areas. The use of bed sheets or other materials not specifically made for the purpose of covering windows is prohibited.
4. High intensity lights used to illuminate areas out of doors shall be allowed only after obtaining prior written approval of the Board of Directors.

**Architectural Submittal Process**

**General**

Architectural submittals can be made by contacting the Management Company \_\_\_\_\_, and requesting an architectural submittal form. Complete the form including name, address and phone number so that the Board of Directors can contact you if they have any questions about your submittal. Return the form to the following address:

Right Place on 43rd HomeOwners Association

\_\_\_\_\_  
\_\_\_\_\_  
(602) \_\_\_\_\_ or Fax: (602) \_\_\_\_\_

The Board of Directors meets quarterly on \_\_\_\_\_ of the first month of the quarter and will review submittals at these times. After review a written response will be mailed back to the owner indicating approval or disapproval and any reasons why submittal was disapproved. Your submittal will be kept with the homeowner association's records.

**Plans**

Plans should be submitted with the submittal form showing the lot layout, placement of home, modification, addition or change clearly indicated and any relevant information concerning the alterations. Please include two copies with sufficient detail for understanding the submittal. Paint samples shall be 8 1/2 x 11".

**Fees**

No fees are required for residential submittals.

**Violations, Disturbances, and Notification Procedures**

A violation of the Right Place on 43rd Rules and Regulations will be subject to the following process:

Violations and disturbances will be dealt with by sending three consecutive letters to the owner of any condominium where a violation or disturbance is noted. The letters will be sent certified mail, return receipt requested and will be mailed at intervals of one week. These letters will give the owner an opportunity to correct the disturbance or violation problem and the opportunity of a hearing if desired by the owner.

If the problem is not corrected, then the Homeowners Association will impose a fine of \$100. The designated management agent will send the owner a letter stating the owner has thirty days to pay the fine. If the owner fails to pay within the thirty-day period a lien will be placed on their condominium.

The designated management agent will enforce the Rules and Regulations.

**First Notification Letter**

A letter requesting the violation be corrected within 7 days will be sent to the owner of the condominium via certified mail return receipt requested.

**Second Notification Letter**

A letter requesting immediate correction of the violation will be sent to the owner of the condominium via certified mail return receipt requested.

**Last Notification Letter**

A letter will be sent, via certified mail return receipt requested, notifying the owner of the property that they are required to take whatever action is necessary to correct the problem by no later than a specific date. If they do not correct the problem the Homeowners Association will fine them \$100 and may take other legal action against them. The letter will further state that the fine will become a lien against their condominium unit if they do not pay it promptly.

**Notification of Fine Letter**

A letter will be sent notifying the owner of the property they have been fined and that they have thirty days to pay the fine or a lien will be filed against their condominium via certified mail return receipt requested.

**Resident Complaint Procedure**

Any resident may make a formal complaint regarding violations of the rules and regulations. The complaint must be in writing and must include the date and time along with a detailed description of the violation including the people involved. The complaint should be mailed, faxed, or hand delivered to:

Right Place on 43rd HomeOwners Association  
C/O \_\_\_\_\_  
Attention: Designated Management Agent

\_\_\_\_\_  
Phone: 602-  
Fax: 602-

## **Fine Schedule and Collection**

### **Fines for Rules Violations**

Article 5 of *The Amended and Restated Bylaws of Right Place on 43rd Condominiums Homeowners Association, Inc.* allows the Board of Directors the power to assess monetary penalty for violations of the Rules. The Board of Directors in accordance with Article 5 will assess these fines as follows:

- First Assessment of a Fine: \$100.00
- Second Assessment of a Fine: \$150.00
- Third Assessment of a Fine: \$300.00

Failure to pay the assessed fine(s) will result in the creation of a lien against the owner's property in accordance with Article 7 of the CCRs.

### **Monthly Assessments and Fines for Late Payments**

Regular monthly assessments are due on the first day of the month. They are payable to Right Place on 43rd Condominiums HOA. Payments can be mailed or delivered to:

Right Place on 43rd HomeOwners Association  
Attention: Bookkeeping Department

\_\_\_\_\_  
If the regular monthly assessment is not received by 5PM on the 30<sup>th</sup> day of the month, there will be a late fee of \$15.00. Failure to pay late fees will result in the creation of a lien against the owner's property.

## **Blanket Architectural Approvals**

The following items have been approved for all condominiums:

1. Sun screens with white metal frames installed flush with the windows.
2. Security doors painted almond white and installed flush with the doors.

## **Meetings of Members**

### **Annual Meeting**

The annual meeting will occur on \_\_\_\_\_. It will be held in the conference room at \_\_\_\_\_ Phoenix, AZ. The Secretary will see to it that a Notice of the Meeting is mailed to the Members no fewer than ten and no more than fifty days before the meeting. The main order of business at the annual meeting is the election of the Board of Directors. The legal document governing the annual meeting is the *Amended and Restated Bylaws of Right Place on 43rd Homeowners' Association, Inc.*

## **Board of Directors and Officers**

There will be five Directors. Each Director will hold offices for one year or until their successors are elected. There is no compensation for serving on the Board of Directors. Each of the Directors will generally hold an office. The four offices are President, Vice-President, Secretary, and Treasurer. The legal document



governing the Board of Directors and Officers is the *Amended and Restated Bylaws of Right Place on 43rd Homeowners' Association, Inc.*

#### **Powers and Duties of Board of Directors**

The list below is a brief overview of the powers and duties of the Board of Directors. For a complete understanding of their powers refer to Section 3, Paragraph 11 of the *Amended and Restated Bylaws of The Right Place on 43<sup>rd</sup> Homeowners' Association, Inc.*

1. Open bank accounts and designate signatories
2. Contract for repairs, additions to, improvements to or alterations to the Condominium and Common Elements
3. Legally enforce the provisions of the Condominium Documents
4. Hire and fire maintenance and management
5. Provide for the upkeep and maintenance of the property
6. Prepare and adopt an annual budget.
7. Adopt and publish Rules and Regulations
8. Levy Assessments, late charges, fines and penalties
9. Prepare and file tax returns
10. Employ a managing agent

#### **Officers and their Duties**

The election of officers takes place at the first meeting of the Board of Directors following each annual meeting of the members.

#### **President**

The President is the Chief Executive Officer of the Association. The President presides at all meetings and sees to it that all decisions made by the Board of Directors are carried out. The President generally manages the affairs of the association that primarily consists of overseeing the Management Company.

#### **Vice-President**

The Vice-President takes the place of the President when the President is not available.

#### **Secretary**

The Secretary will record votes and keeps minutes of all meetings. The Secretary is responsible for ensuring that the Management Company is keeping current records showing the Members of the Association along with their current addresses.

#### **Treasurer**

The Treasurer monitors all the money for the Association. This involves active participation in the preparation of an annual budget and ensuring that the Management Company maintains accurate financial statements.

#### **Quarterly Board Meetings**

If any member wants to address the Board they should \_\_\_\_\_ the Management Company, at least ten days in advance so they can be placed on the Agenda.

The Board of Directors will conduct five regularly scheduled meetings per year on the approximately the following dates:

- The second Wednesday in February to organize the new Board and elect officers.
- The second Wednesday in April to review the first quarter operations.
- The second Wednesday in July to review the second quarter operations.
- The second Wednesday in October to review the third quarter operations and the proposed budget for the upcoming year.

- The second Wednesday in January to review the fourth quarter operations.

**Community Newsletter**

The Management Company will publish a periodic Newsletter that gives the following information:

- The names of the Board of Directors
- The name of the designated management agent at \_\_\_\_\_
- The minutes from the current HOA meetings
- Reinforcement of Rules and Regulations
- Information on how to pay assessments
- Community concerns