

Cactus Park Estates Homeowners Association



Association Rules & Architectural Guidelines

Managed by

Preferred Communities

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CACTUS PARK ESTATES HOMEOWNERS ASSOCIATION

Rules and Architectural Guidelines

December 11, 2001

Revised, January 20, 2011

Each Owner within the CACTUS PARK ESTATES development is a member of the CACTUS PARK ESTATES HOMEOWNERS ASSOCIATION (the "ASSOCIATION"), the entity responsible for the management of all common areas and related facilities, and responsible for the administration of architectural activities by homeowners. In accordance with the Declaration of Covenants, Conditions, And Restrictions for Cactus Park Estates (the CC&R's), the Board of Directors has adopted the following Rules (the "RULES") and Guidelines for Architectural Improvements (the GUIDELINES") which shall apply to all Lots within the ASSOCIATION.

Each owner of a lot in CACTUS PARK ESTATES (the "Lot") should become acquainted with the CC&R's & GUIDELINES as they may be amended from time to time by the Board of Directors. These documents are intended to enhance property values and sustain the high standards of the development.

The RULES are a summary or clarification of the Use Restrictions in the CC&R's and the City of El Mirage ordinances. The GUIDELINES are established to assist residents in preparing an application for submission to the Architectural Control Committee (the "COMMITTEE") for aesthetic, structural and landscape improvements. Following the GUIDELINES does not eliminate the need for approval by the COMMITTEE. In the event of any inconsistency between these RULES & GUIDELINES and the CC&R's, the CC&R's shall control. All COMMITTEE approvals will be conditioned upon compliance with all applicable City of El Mirage zoning ordinances, building codes, and other ordinances as well as the CC&R's and these GUIDELINES. (CC&R's Article 4, Section 1)

RULES

SINGLE FAMILY SUBDIVISION

1. All Lots within the CACTUS PARK ESTATES shall be known and described as "residential lots" and shall be occupied and used for single family residential purposes only (CC&R's Article 4, Section 10)
2. An owner may conduct a business activity within the CACTUS PARK ESTATES so long as the existence or operation of the business activity (a) is not apparent or detectable by sight, sound, or smell from the outside of

the residential unit; (b) conforms to all zoning requirements for CACTUS PARK ESTATES; (c) does not involve door-to-door solicitation of other residents; and (d) is consistent with the residential character of CACTUS PARK ESTATES and does not constitute a nuisance or a hazardous or offensive use as may be determined in the sole discretion of the Board including, without limitation, excessive or unusual traffic or parking of vehicles in the vicinity of any Lot or the Common Area. (CC&R's Article 4, Section 10)

3. No Owner may rent his/her Lot and the single family house and related improvements thereon for transient or hotel purposes or shall enter into any lease for less than the entire Lot. No lease shall be for a rental period of less than thirty (30) days. (CC&R's Article 4, Section 10)

ANIMALS

1. No animals, livestock or poultry shall be raised, bred or kept on any Lot except for customary household pets such as dogs, cats, and household birds may be kept but only such number and types shall be

allowed which will not create a nuisance or disturb the health, safety, welfare or quiet enjoyment of other residence (CC&R's Article 4, Section 2, 6)

2. All Animals shall be kept under reasonable control at all times and in the accordance with applicable laws (CC&R's Article 4, Section 2)
3. All animal wastes must be properly disposed of in accordance with applicable city or county regulations (CC&R's Article 4, Section 2, 6)

SIGNS

1. No sign of a commercial nature except for one "For Rent" or one "For Sale" sign per lot of no more than five (5) square feet, shall be allowed in the Project. (CC&R's Article 4, Section 14)
2. Not more than two identification signs for individual detached residences, each with a face area of seventy-two (72) square inches or less shall be allowed in the Project. (CC&R's Article 4, Section 14)

GARAGES

1. Garages may not be partially or completely converted to a living space. (CC&R's Article 4, Section 26)
2. Owners shall keep their garages neat, clean, and free from clutter, debris, hazardous material or unsightly objects. (CC&R's Article 4, Section 26)
3. Owners shall at all times keep garage doors closed except as reasonably necessary for ingress and egress. (CC&R's Article 4, Section 26)
4. At least one vehicle owned by a resident of each Lot must be parked, on a regular basis, in the garage. (CC&R's Article 4, Section 22,26)

NUISANCES, GARBAGE AND RUBBISH

1. No unsightly objects or nuisance shall be erected, placed or permitted on any Lot, nor shall any use, activity or thing be permitted which may endanger the health or unreasonably disturb the resident of any Lot. (CC&R's Article 4, Section 5)

2. No noxious, illegal or offensive activities shall be conducted on any Lot. (CC&R's Article 4, Section 5)
3. Each Lot shall be maintained free from rubbish, trash, garbage, or other unsightly items which shall be promptly removed from each Lot and not allowed to accumulate. No garbage, trash or other waste materials shall be burned on any Lot. (CC&R's Article 4, Section 5,11)
4. Garbage cans, clotheslines, woodpiles and areas for the storage of equipment and unsightly items shall be kept screened by adequate fencing or other aesthetically pleasing materials acceptable to the Committee to conceal the items from the view of adjacent Lots and streets. (CC&R's Article 4, Section 11,12,13)
5. Garbage cans may be set out for pickup after 6:00 p.m. the day preceding regular collection and shall be removed from the curb by 6:00a.m. of the day after collection. Containers shall be stored between collections in such a manner that they are not visible from the street. ((CC&R's Article 4, Section 11 and City of El Mirage Code – Chapter 52).

VEHICLES

1. For purposes of these rules, the term RECREATIONAL VEHICLES includes, but is not limited to, campers, boats, trailers, motor homes, hang gliders and similar type vehicles. Except for temporary parking not exceeding twenty-four (24) consecutive hours, recreational vehicle parking is limited to inside the garage or in the back yard where it cannot be seen from any street or from any other Lot. (CC&R's Article 4, Section 20)
2. For purposes of these rules, COMMERCIAL VEHICLES includes vans or trucks, rated by the manufacturer as having a payload capacity of 3/4 - ton capacity, modified or not, which may be used both for business and personal use. Except for temporary parking not exceeding four (4) consecutive hours, commercial vehicle parking is limited to inside the garage or in the backyard where it cannot be seen from any street or from any other Lot. (CC&R's Article 4, Section 20) Revised 8-22-02
3. No Recreational Vehicles, Commercial Vehicles, or other mechanical equipment may be dismantled or repaired, except for inside an enclosed garage. No personal vehicles may be dismantled or repaired,

except for; (a) inside an enclosed garage, or (b) emergency repairs for a time period, not exceeding forty-eight (48) hours. (CC&R's Article 4, Section 21)

4. No mechanical equipment may be placed or operated on any Lot or in the street except as is usual and customary with the use of an approved structure. (CC&R's Article 4, Section 13)
5. All Vehicles which remain visible must have a legal license plate. Vehicles which do not have a legal license plate or are inoperative shall be stored or kept in the enclosed garage. (CC&R's Article 4, Section 21)
6. No vehicle which is abandoned shall be stored or kept in, or in front of, or in such a manner as to be visible from any other Lot or any street within or adjacent to CACTUS PARK ESTATES. (CC&R's Article 4, Section 21)
7. Vehicles may not be parked on the front yard landscape whether the groundcover consists of grass or granite. Front yard parking must be limited to driveways as originally installed or approved by the COMMITTEE.
8. Vehicles may not be parked on the sidewalks. Vehicles must be parked in such a manner as to allow access to the full width of the existing sidewalks.

9. Vehicles must be parked facing forward on the right side of the street.

MAINTENANCE REQUIREMENTS

1. Each building or structure in the Project shall be kept in good condition and repair, and adequately painted or otherwise finished. (CC&R's Article 4, Section 7 and Article 7 Section 2)
2. All fences shall be maintained in good condition and repair, and when damaged or destroyed, must be rebuilt or repaired within a reasonable time not exceeding three (3) months. (CC&R's Article 4, Sections 16 and 17)
3. The Lot owner is responsible for keeping his yard, trees and bushes neatly trimmed, properly cultivated and free of trash, weeds, and other unsightly material. Each Lot owner must maintain, repair and restore any and all grades, slopes, retaining walls and drainage structures as originally installed on the Lot as it has been approved by the COMMITTEE. (CC&R's Article 4, Section 4 and Article 7, Section 4)
4. No tree, shrub or planting of any kind, on any Lot or other area, is allowed to overhang or otherwise encroach upon any sidewalk, street, bike path, equestrian trail, pedestrian way or other area, from ground

level to a height of eight (8) feet without the written approval of the COMMITTEE. (CC&R's Article 4, Section 19)

5. Pools or spas may not be backwashed into drainage ditches, common landscaped areas, drainage-ways or streets. All backwash water is to be retained on the owner's Lot. (CC&R's Article 4, Section 4)
6. Excessive oils spills or stains on driveways or streets must be removed within thirty (30) days of staining. (CC&R's Article 4, Section 4)

CACTUS PARK ESTATES

Homeowners Association

Rental Rules

The Board of Directors sets high standards for the appearance of our community. Our goals include well-maintained homes, common areas and the implementation of regulations to secure a crime free neighborhood for residents and their guests. Oftentimes, investment properties are neglected and/or not maintained to the level of owner occupied homes. Tenants do not always share the community's high standards created to improve and protect property values. In an effort to maintain these standards, the Board of Directors has implemented the following rules for rental properties. Owners and their tenants shall comply with the Association's Rental Rules, as well as the Declaration of Covenants, Conditions and Restrictions, Bylaws and Architectural Committee Rules (collectively referred to as "Community Documents"). The Association has the power to assess monetary penalties against the Owner's Unit for violations of the Community Documents. Compliance with these Community Documents is a vital part of the Association's success as a crime free neighborhood. Each Owner who rents a unit within the Association must comply with the Rental Rules and assist in our goal for a crime free neighborhood. The Association seeks everyone's cooperation in making the community a desirable place to live.

Each Owner who rents/leases a residential unit/lot or renews or revises an existing rental, lease or occupancy agreement ("Lease Agreement") on or after January 01, 2010, and each Owner who has an existing rental, lease or occupancy agreement as of January 01, 2010, is required to comply with the following rules:

1. Pursuant to Article 4, Section 4.31 of the Association's Declaration of Covenants, Conditions and Restrictions:
 - (A) All Lease Agreements must be in writing;
 - (B) All Lease Agreements must be submitted to the Association in order to verify the existence of the written Lease Agreement;
 - (C) All Lease Agreements must contain a provision which makes the Lease Agreement subject to the Community Documents.
2. Any Owner who is in violation of Rule (1) above is subject to a monthly fine of \$100.00 for each month that the Owner remains in violation.
3. In order to enhance the safety and well being of all residents of Cactus Park Estates, the Association **strongly encourages** all Owners who rent/lease a residential unit/lot to perform a background check on prospective tenants prior to signing any Lease Agreement.

Architectural Guidelines

These GUIDELINES are established to assist residents in preparing an application to the Architectural Control Committee (the "COMMITTEE") for aesthetic, structural and landscape improvements. Following these guidelines does not eliminate the need for approval by the COMMITTEE. (CC&R's Article 4, Section 1)

ALTERATION

1. No improvement of any kind may be made on any lot, except as described below, without prior

Approval from the COMMITTEE, and no change to an improvement previously approved may be made without prior written approval of the COMMITTEE for the new change. (CC&R's Article 4, Section 1)

ANTENNAS & SATELLITE DISHES

1. The installation of any antenna or satellite dish larger than one (1) meter in diameter must be submitted to and approved by the COMMITTEE prior to installation. Neither may be installed as to be visible from other Lots, the Common Area, or the street. Applications must describe visibility compliance. (CC&R's Article 4, Section 8)
2. Satellite dishes, which are less than one meter in diameter, may be installed on a lot without prior approval subject to the following guidelines:
 - Satellite dish must be installed in the backyard
 - Satellite dish must be installed below the fence-line
 - The owner is responsible for all costs associated with the installation and maintenance of a dish.
 - The owner is responsible for all damage caused by or in connection with the dish.
3. Prior approval must be obtained from the COMMITTEE for all dish installations that do not meet or will not be installed according to the above guidelines. (CC&R's Article 4, Section 8)

AWNINGS

1. Awnings will not be approved for front windows
2. Awnings over windows must be a canvas types with the color the same on the interior and exterior face. A minimum five-year guarantee is expected from the manufacturer to insure a high quality awning. Your application must include the following: the manufacturer, color, type, number of years' guarantee and planned location(s) of installation. (CC&R's Article 4, Section 24)

BASKETBALL GOALS OR SIMILAR STRUCTURES

1. Permanent basketball standards installed on any Lot must be approved by the COMMITTEE prior to installation. An application will be considered based upon its appearance and relationship to other properties. (CC&R's Article 4, Section 8)
2. If you wish to install the pole anywhere other than immediately adjacent to the interior or exterior edges of the driveway, you must obtain and submit written approval from the neighboring property owners with your application.

3. Portable hoops need not be approved, but must be removed from view when not in use. (CC&R's Article 4, Section 8)

BUILDINGS

1. No structure of a temporary character and no trailer, shack, garage, barn or other outbuilding shall be used on any Lot at any time as a residence, either temporarily or permanently. (CC&R's Article 4, Section 3)
2. No unsightly structure, object or nuisance shall be erected, placed or permitted on any lot. (CC&R's

CHILDREN'S PLAY STRUCTURES

1. Plans for play structures, including swings and slides used in connection with a swimming pool, must be submitted for approval if the structure exceeds the fence height. (CC&R's Article 4, Section 8)
2. The maximum allowable height is 10 feet and the structure must be at least 7 feet from any wall. The maximum height of any deck or platform is 4 feet above ground. (CC&R's Article 4, Section 8)
3. The distance from the ground elevation to the top of the perimeter fence must be measured and submitted with plans for the structure. The COMMITTEE will take

appearance, height, and proximity to neighboring property into consideration. A brochure or picture must be submitted with your application.

CLOTHESLINES

1. Clotheslines or other outside facilities for drying clothes are not allowed unless they are placed exclusively within a fenced yard below the fence line and otherwise concealed. Such facilities may not be visible from any neighboring property. (CC&R's Article 4, Section 12)

DECORATIVE ITEMS

1. All decorative items visible from any lot, street, or common area must be approved prior to installation. (CC&R's Article 4, Section 1)
2. Fountains and ornamental statuary must be located in the rear yard only and screened from view of neighboring properties, streets, and common area. (CC&R's Article 4, Section 1)
3. Holiday decorations including light strings, are allowed without approval but must be removed within 30 days of the holiday. **(Decorations remain subject to review by the COMMITTEE)**

DRIVEWAYS

1. Applications for any alterations to existing driveways must include a plot plan of the existing lot, indicating the direction in which expansion is proposed and each measurement of the proposed paved surface.
2. Changes in surface color or finish must be submitted to the COMMITTEE. (CC&R's Article 4, Section 1)
3. Changes must meet city code requirements prior to receiving approval from the Association.

FENCES, WALLS & DECORATIVE WALLS

1. Plans for new fences, walls or additions to existing structures must be submitted to the COMMITTEE for written approval prior to construction. (CC&R's Article 4, Section 1)
2. All fencing and any materials used for fencing, dividing or defining the Lots and must be of cement block construction and of new materials. Stucco and paint must match the existing dwelling in texture and color. The City of El Mirage height restriction must be adhered to. (CC&R's Article 4, Section 17)

FLAGPOLES

1. Flagpoles for display of the American Flag or decorative flags are allowed in CACTUS PARK ESTATES without prior approval.
2. Flagpoles must be attached to the front of the house or garage by brackets
3. When displaying the American Flag, all Federal Codes must be followed (CC&R's Article 4, Section 8) revised 8-22-02

GATES

1. All gates shall be the same height as the Party Wall or fence to which it is attached. (CC&R's Article 4, Section 17)
2. Double gates may be installed to allow wider access to backyards, with approval from the Committee. However, a driveway to the gate is not allowed. Double gates should be the same type, design, and color as the originally installed single gates. Shrubs, trees or other plants should be located between the house and the double gates where possible. Double Gates MUST have a City of El Mirage approved building permit prior to submitting for Committee approval. Plans must include all dimensions, location, color(s) and all other improvements on a professionally completed drawing(s). Even if you receive a

permit from the City, this does not allow you to go forward with the project until the Committee approves it.

3. Perimeter walls on lots bordering ASSOCIATION landscaped areas may not be removed and ASSOCIATION landscape easements may not be crossed. (CC&R's Article 4, Section 17)

GUTTERS AND DOWN SPOUTS

1. Seamless gutters and down spouts may be installed if approved. The finish must match the dwelling in color. High-quality, non-corrosive materials that offer long life are recommended as the homeowner will be required to maintain the addition in good repair. Plans must include the proposed locations of the gutters and down spouts, the quality of material to be used, warranty by the manufacturer, and the name and telephone number of the installer. (CC&R's Article 4, Section 1)

SCREENING MATERIAL

1. All screening areas, whether fences, hedges or walls, shall be maintained and replaced from time to time on the Lots by the Owners thereof in accordance with the

original construction of the improvements by the Developer, or as approved by the COMMITTEE. (CC&R's Article 4, Section 7)

LANDSCAPE

1. The original landscape package installed on each Lot has been approved by the COMMITTEE. Any and all changes made to the original landscape or to existing landscaping must be approved by the COMMITTEE prior to installation. Plans submitted to the COMMITTEE must include proposed changes and must conform to City Code. If a permit is required by the City, a copy of the permit must be included with your plans to the Association. (CC&R's Article 4, Section 4)
2. A dead plant or tree may be replaced with a plant or tree from the approved plant list without submitting for approval from the Committee. The approved plant list is located on the community website.

DRAINAGE

1. No Owner or Resident shall interfere with or obstruct the drainage pattern over his Lot from or to any other Lot or Common Area or the storm water retention volume on his Lot as established by the Declarant or

other developer. (CC&R's Article 4, Section 25)

LIGHTS

1. Except as initially installed by Developer, no spotlights, flood lights or other high intensity lighting shall be placed or utilized upon any Lot or any structure erected thereon which in any manner will allow light to be directed or reflected on any other Lot or adjacent street, or any part thereof except as approved by the COMMITTEE.2 (CC&R's Article 4, Section 1,8)
3. Locations pre-wired by the Developer for carriage lighting may install the approved fixture, manufactured by Progress Lighting (model number P5773-19), without prior written approval. Any deviation from the approved fixture must be submitted in writing to the COMMITTEE. (CC&R's Article 4, Section 1, 8)

PATIO COVERS

1. Plans for patio covers will be considered for approval. The following minimum standards are suggested: (CC&R's Article 4, Section 1)

Partial Shade Covers

- Horizontal shading members are to be a minimum 2" x 2" rough sawn, running parallel to the dwelling unit, with a maximum overhang of 6 inches past a support
- Horizontal support members are to be a minimum 4" x 6" rough sawn
- Vertical support members are to be a minimum 4" x 6" rough sawn
- Paint color must match existing trim color.

Solid Patio Covers

- Flat roof pitch less than 1: 12 must have a brai roof or built-up application
- Colored granule or built-up roof surface must match existing roof color
- Sloped patio cover with 4:12 pitch and greater shall have tile to match existing dwelling.
- Asphalt shingles other than provided for above are prohibited.

POOLS AND SPAS

1. Plans for installation of pools and spas must be submitted to the COMMITTEE for approval. Approval will be considered

based upon appearance, height, and proximity of ladders and slides to other properties. (CC&R's Article 4, Section 1)

2. Perimeter walls on lots bordering ASSOCIATION landscaped areas may not be removed. Access must be gained by removing the owners' front wall on the side of the home, leaving the perimeter wall intact. (CC&R's Article 4, Section 17)
3. Any wall removed for construction must be promptly replaced assuring it matches in texture and color of surrounding walls. Additional concerns to address in the application include: access of construction equipment, repair to walls and landscape and clean-up of streets. (CC&R's Article 4, Section 17)
4. A deposit of up to \$500 may be required to assure satisfactory compliance. (CC&R's Article 10, Section 1)

RAMADAS AND GAZEBOS

1. Ramadas and gazebos are permitted, subject to approval by the COMMITTEE. (CC&R's Article 4, Section 1)
2. The maximum under roof area is one-hundred twenty (120) square feet with a maximum ten (10) foot height; the

structure must be placed a minimum of seven (7) feet from any wall, subject to any further requirements or restrictions.

3. The structure must be either left natural if redwood or be painted to match the house color. Roof tile must also match the tile of the house.
4. Lighting attached to the structure is permitted so long as it meets the lighting GUIDELINE. (CC&R's Article 4, Section 1, 8)

SCREEN DOORS

1. Screen doors on the front of the house must be submitted to the COMMITTEE for approval. (CC&R's Article 4, Section 1)
2. Paint color of all screen doors must match the house to which it is attached. (CC&R's Article 4, Section 1)

SECURITY DEVICES

1. Security features, including but not limited to, lights and doors and window coverings, must be submitted for approval. (CC&R's Article 4, Section 1,8 and 24)
2. Security alarms need not be submitted for approval. (CC&R's Article 4, Section 5)

SOLAR COLLECTORS

1. An Owner must obtain prior written approval from the COMMITTEE prior to installing Solar Collectors with proper permits. (CC&R's Article 4, Section 23)
2. The ASSOCIATION, through the COMMITTEE, may from time to time, adopt guidelines concerning the types of solar collectors and related equipment, which may be installed in the Project and acceptable means of installation thereof.

STORAGE SHEDS

1. Storage sheds and similar or related type objects may be located in any rear yard if the height of such object is less than the height of the fence on or adjoining the Lot and if such object is not visible from the front of the Lot. (CC&R's Article 4, Section 1)
2. Installation of any storage shed or related type objects not meeting the guidelines require approval by the COMMITTEE. If approved, proper screening may be required. (CC&R's Article 4, Section 1)

WINDOW COVER MATERIAL

1. Each Owner shall install and maintain permanent draperies or window coverings on windows facing the street. In no event shall windows be covered with paper, aluminum foil, bed sheets or any other materials or temporary coverings not specifically intended for such purposes. (CC&R's Article 4, Section 24)
2. Approval must be obtained from the COMMITTEE prior to installation of any reflective materials on the windows or any portion of the house or any other area on any Lot. (CC&R's Article 4, Section 24)
3. Bronze or Charcoal sunscreen material may be installed. The frame for the window screens must match the screen material on existing window frames. (CC&R's Article 4, Section 24)

APPLICATION PROCEDURE

The Following information must be assembled. The Architectural Committee has the right to reject an application submitted without the required information.

- Application form – completed and signed
- Plot Plan – (if applicable) a site plan indicating specific dimensions relating to the existing dwelling and property lines and the improvement to be installed
- Elevation Plans – plans showing finished appearance of the improvement in relation to the existing dwelling and property lines. Specific dimensions must be included.
- Specifications – description detailing materials, dimensions and color to be used with color samples, drawings or brochures attached.

Submit the application and 2 sets of plans and specifications to:

Cactus Park Estates HOA
C/O Preferred Communities
PO BOX 5720, MESA AZ 85211

info@gothoa.com

fax: 480-649-0902

PREFERRED COMMUNITIES

"LOVING WHERE YOU LIVE."



Architectural Request Form

Submit to: Cactus Park Estates HOA
C/O Preferred Communities
PO Box 5720, Mesa, AZ 85211
email: info@aathoa.com fax: 480-649-0902

Requester/Homeowner Information _____ Date: _____

Name: _____ Account/Lot Number: _____

Property Address: _____ Telephone: _____

General Description of work
*Please attach a sketch, photo

EXAMPLE ONLY

Obtain the actual form from our
community website
www.cactusparkestates.com

Signing this request specifies that I am responsible for the maintenance of this addition or improvement. I understand that I am responsible for all future improvements that may be required.

Notice to Owners

1. Submissions will not be considered if the homeowner is not current with the payment of assessments.
2. It is your responsibility to obtain permits (if needed) from the City before submitting to the Association for approval.
3. The Architectural Committee has the right to reject any submittal if all required information is not submitted or legible.
4. All work must be completed within 90 days of approval from the HOA.
5. Homeowner MUST notify Management Company upon completion of project (an inspection by the Association will be conducted to verify project was completed based on specifications submitted).

Homeowner's Signature: _____ Date: _____

If the requested change requires adjacent owners input prior to installation, the adjacent owners must sign below to indicate that they have no objections to the proposed change.

#1—Owner Signature: _____ Date: _____

#2—Owner Signature: _____ Date: _____

For Committee Use Only

Date received by Architectural Committee: _____ Date of Decision: _____

Approved: _____ Disapproval: _____

Date homeowner completed project: _____

Date project completion inspection conducted: _____

REVIEW PROCEDURE

COMMITTEE requests will be reviewed and approved or disapproved within 45 days after submittal. The Lot owner will be notified in writing of the COMMITTEE's determination. No new construction, remodeling, landscaping, or aesthetic changes may commence on any Lot or exterior of any home without prior approval by the COMMITTEE.

The following items, among other items, will be considered as a part of the review process: material, quality of workmanship, colors, consistency with the external design and color of existing structures on the lot and on neighboring lots and location of the improvement with respect to topography and finished grade elevation.

Neither the COMMITTEE, not the Board shall have any liability in connection with or related to approved or disapproved plans, specifications, or improvements. Approval of plans by the COMMITTEE shall not be deemed to be a representation or warranty of the structural soundness of the improvement nor its effect upon existing or future drainage. Review of the plans is for aesthetic purposes only.

Plan approval by the COMMITTEE is valid for six(6) months after the date of the COMMITTEE's

approval of the application unless specifically noted, thereafter, application must be resubmitted. Once started, construction shall be pursued diligently in order to assure completion of the improvement within 60 days of commencement of construction.

ENFORCEMENT

These RULES AND GUIDELINES are a compilation of laws, ordinances, codes and procedures prepared for the benefit of Lot owners and residents of CACTUS PARK ESTATES. Enforcement of these RULES AND GUIDELINES can be accomplished in a variety of ways, all of which are available to the Association and other Lot owners. What follows is one enforcement option and the corresponding fines. The intent is to promote compliance through communication. Initially, fines are assessed for failure to respond. (CC&R's Article 5, Section 2 and Article 10, Section 1)

Lot owners remain responsible for the correction of infractions and for all fines imposed by the Association whether or not the owner is the resident of the Lot. Any infraction of RULES AND GUIDELINES by a Lot owner, resident or his guests will be reported to the management company and fines and penalties will be imposed as follows.

1. **First letter:** A letter of warning will be sent. The letter will explain what the alleged infraction is and three response options including correcting the infraction, write to explain that the letter was sent in error or request to be heard by the Board of Directors.
2. **Second Letter:** 10 business days after sending the first letter, if there is no response or correction, a letter assessing a fine of \$25.00 will be mailed. In addition, the letter shall contain three response options including correcting the infraction, write to explain that the letter was sent in error or request to be heard by the Board of Directors.
3. **Third and subsequent letters:** 10 business days after sending the previous letter, if there is still no correction, a letter assessing a fine ranging between \$25.00 to \$100.00 will be mailed. In addition, the letter shall contain three response options including correcting the infraction, write to explain that the letter was sent in error or request to be heard by the Board of Directors.
4. **Vandalism** will involve a fine of \$75.00, in addition to reimbursement to the Association for actual replacement or repair cost.
5. **Architectural changes** commenced on a Lot prior to receipt of approval from the COMMITTEE are subject to a fine, not to exceed \$500.00. The amount of the fine is based on

Board discretion. Assessment of the fine does not replace the necessity to submit an architectural change application.

6. All fines are added to the Lot owners' maintenance fee account.

Collection Policy

Payment of any regular assessment, special assessment or fine after the fifteenth (15th) day of the month said fee becomes due, shall incur a late fee of not less than \$5.00

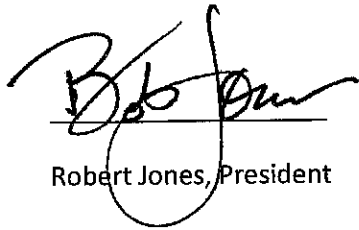
1. 15 days after the monthly assessment due date, a late notice is sent to the homeowner and a late fee assessed,
2. 45 days after the monthly assessment due date, a final notice is sent to the homeowner and a final notice fee is assessed as outlined in the Association's contract with the management company,
3. 60 days after the monthly assessment due date, an "Intent to Lien" notice is sent to the homeowner and an "Intent to Lien" notice fee is assessed to the homeowner's account as outlined in the Association's contract with the management company,
4. 75 days after the monthly assessment due date, a lien is recorded with the Maricopa County

Recorder, a copy is sent to the homeowner and a Lien recording fee is assessed to the homeowner's account as outlined in the Association's contract with the management company,

5. 90 days after the monthly assessment due date, "Intent to pursue legal action" notice of the total amount due plus an "Intent to pursue legal action" notice fee is assessed to the homeowner's account as outlined in the Association's contract with the management Company,
6. 105 days after the monthly assessment due date, Summons and Complaint are filed with the Justice Court and the homeowner is "served notice" of the lawsuit by a document server. The homeowner's account will be charged with the legal document preparer fee, court fee, and process server fee. The amount of the Legal Document Preparer fee is outlined in the Association's contract with the management company,
7. Further actions will be taken as necessary, including, but not limited to, default judgment, summary judgment, garnishment of wages, or foreclosure pursuant to Arizona Revised Statutes and Declaration of Covenants, Conditions and Restrictions for Crismon Crossing Homeowners Association.

I, the undersigned duly elected and acting President of CACTUS PARK ESTATES HOMEOWNERS ASSOCIATION, do hereby certify as evidenced by my signature below, that:

By resolution of the Board of Directors on November 18, 2010 the foregoing rules have been adopted according to the CC&R's Article 5 Section 3.

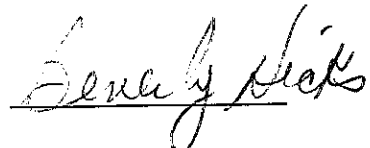


Robert Jones, President

1-21-11

Dated

I, the undersigned duly elected and acting Secretary of CACTUS PARK ESTATES HOMEOWNERS ASSOCIATION have subscribed my name in witness of the certification of the President.

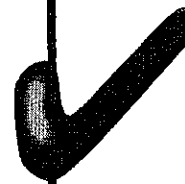


Beverly Hicks, Secretary

1-21-11

Dated

Remember, if you make changes before submitting for architectural approval, you may be assessed a fine in an amount up to \$500 and you may be required to remove the changes you made!



Submit for architectural approval FIRST!

Visit our community website for more information.

www.cactusparkestates.com