

TABLE OF CONTENTS

	<u>PAGE</u>
ARTICLE 1 - PROJECT DECLARATION	1
ARTICLE 2 - NONPROFIT CORPORATION	2
ARTICLE 3 - DEFINITIONS	3
3.1 Annexation	3
3.2 Annexation Property	3
3.3 Developer	3
3.4 Lender	3
3.5 Mortgage	3
3.6 Owner	3
3.7 Project	4
3.8 Project Assessments	4
3.9 Association	4
3.10 Board	4
3.11 Common Area	4
3.12 Declaration	4
3.13 Project Documents	4
3.14 Member	4
3.15 Rules	4
3.16 Slope Control Zone	4
3.17 Maintenance Area	5
3.18 Voting Rights	5
3.19 Residential Lot	5
3.20 Unit	5
ARTICLE 4 - COMMON AREA	5
4.1 Title to Common Area	5
4.2 Use of Common Area	5
4.3 Property Rights in Common Area	5
ARTICLE 5 - PARTITION OF COMMON AREA	6
5.1 Right to Partition	6
5.2 Distribution of Partition Proceeds	6
ARTICLE 6 - ASSOCIATION	7
6.1 Membership	7
6.1.1 Classes of Membership	7
Class A Members	7
Class B Members	7
6.1.2 Termination of Class B Membership	7

TABLE OF CONTENTS

PAGE

6.2	Commencement of Voting Rights	7
6.3	Persons Entitled to Vote	7
6.4	Vote Required	8
6.5	Transfer of Membership	8
6.6	Application of Provisions	8

ARTICLE 7 - ASSOCIATION AND BOARD OF DIRECTORS 9

7.1	Powers of Association	9
7.2	Association and Board of Directors	9
7.3	Meetings of Association	9
7.4	Number of Directors	9
7.5	Director - Office	9
7.6	Liability of Board Members	9

ARTICLE 8 - POWERS, DUTIES AND LIMITATIONS 10

8.1	Powers and Duties	10
8.1.1	Common Area Maintenance	10
8.1.2	Project Assessments and Funds	10
8.1.3	Payment from Project Funds	10
8.1.4	Taxes and Assessments	10
8.1.5	Maintenance of Residential Lots	10
8.1.6	Maintenance of Project Walls	11
8.1.7	Utilities	11
8.1.8	Insurance	11
8.1.9	Management	11
8.1.10	Legal and Accounting	11
8.1.11	Rules	11
8.1.12	Discipline	11
8.1.13	Enforcement	11
8.1.14	Delegation of Powers	12
8.1.15	Entry by the Board	12
8.1.16	Furnishing Documents	12
8.1.17	Utility Access	12
8.1.18	Power of Attorney	12
8.2	Limitations	13
8.2.1	Contracts	13
8.2.2	Capital Improvements	13
8.2.3	Sale of Property	13

TABLE OF CONTENTS

PAGE

8.2.4	Compensation	13
8.2.5	Hazard Insurance Proceeds	13
8.2.6	Claims	14

ARTICLE 9 - INSURANCE 14

9.1	Insurance	14
9.2	Property Insurance	14
9.3	Liability Insurance	14
9.4	Required Provisions	14
9.5	Fidelity Coverage	15
9.6	Worker's Compensation	15
9.7	Other Insurance	15
9.8	Residential Lot Owner Insurance	16

ARTICLE 10 - RULES AND REGULATIONS 16

ARTICLE 11 - BOOKS AND RECORDS 16

ARTICLE 12 - PROJECT ASSESSMENTS 17

12.1	Creation of Lien and Personal Obligation of Project Assessments	17
12.2	Project Funds	17
12.3	Purpose of Project Assessments	17
12.4	Nature of Project Assessments	17
12.4.1	Regular Project Assessments	17
12.4.2	Budget	17
12.4.3	Reconstruction Project Assessments	18
12.4.4	Capital Improvement Project Assessments	18
12.4.5	Special Project Assessments	19
12.4.6	Enforcement Project Assessments	19
12.4.7	Monetary Penalties	19
12.5	Allocation of Project Assessments to Residential Lots	19
12.6	Levy of Project Assessments	19
12.6.1	Commencement of Regular Project Assessments	19
12.6.2	Payment of Regular Project Assessments	20
12.6.3	Commencement and Payment of Other Assessments	20

TABLE OF CONTENTS

	<u>PAGE</u>
12.6.6.4 Working Capital Fund	20
12.6.6.5 Certificate of Payment	20
12.6.6.6 No Offsets	20
12.6.6.7 Assessment Rolls	20
12.6.6.8 Transfer of Property	20
12.7 Effect of Non-Payment of Project Assessments - Remedies of Association	21
12.7.1 Action Against Owner	21
12.7.2 Foreclosure of Lien on Residential Lot	21
12.7.3 Cure of Default	22
12.7.4 Nonexclusive Remedy	22
12.7.5 Delegation of Authority	22
12.8 Subordination of the Lien to Mortgages	23

ARTICLE 13 - COMMON AREA - PERMITTED USE AND RESTRICTIONS 23

13.1 Common Area	23
13.2 Alteration or Improvement of Common Area	23
13.3 Limitations on Use of Common Area	24
13.3.1 No Obstructions	24
13.3.2 Nuisances	24
13.3.3 Rubbish	24
13.3.4 Fires	24
13.3.5 Signs	24
13.3.6 Temporary Structures and Recreational Vehicles, Boats, Trailers	24
13.3.7 Vehicles	24
13.3.8 Pets	24
13.4 Easements and Encroachments over Project Common Area	25
13.4.1 Utilities	25
13.4.2 Development and Sales	25
13.4.3 Encroachments	25
13.5 Maintenance Standard	25
13.6 Maintenance of Fences and Walls	25

ARTICLE 14 - RESIDENTIAL LOTS EASEMENTS AND OBLIGATIONS 26

14.1 Maintenance of Residential Lots	26
--	----

TABLE OF CONTENTS

PAGE

14.2	Owner Rights and Duties	26
14.3	Separate Taxes and Assessments	26
14.4	Maintenance Area Easement	27

ARTICLE 15 - USE OF RESIDENTIAL LOTS 27

15.1	Single Family Residential	27
15.2	Front and Rear Yard Maintenance	27
15.3	Insurance, Waste, and Nuisance	27
15.4	Signs	28
15.5	Pets	28
15.6	Exterior Alteration	28
15.7	Zero Lot Line Structure	28
15.8	Mineral Extraction	28
15.9	No Change in Grade or Drainage Pattern	28
15.10	No Machinery	29
15.11	Unightly Items	29
15.12	Parking	29
15.13	Slope Control Zone	29
15.14	Improvement of Certain Residential Lots	29

ARTICLE 16 - ARCHITECTURAL CONTROL 30

16.1	Architectural Approval	30
16.2	Number of Members and Term of Architectural Committee Appointed by Developer	30
16.3	Failure to Approve or Disapprove Plans and Specifications	31
16.4	Appeal	31
16.5	No Liability	31
16.6	Notice of Noncompliance or Noncompetition	32
16.7	Rules and Regulations	32
16.8	Variances	32
16.9	Appointment and Designation	32
16.10	Local Ordinances	32
16.11	Developer Exemption	32

ARTICLE 17 - RIGHTS OF DEVELOPER 33

17.1	Nonexclusive Easement for Sales	33
17.2	Nonexclusive Easement for Construction	33

ARTICLE 18 - ANNEXATION 33

18.1	Annexation of Additional Property	33
------	---	----

TABLE OF CONTENTS

	<u>PAGE</u>
18.1.1.1 Developer's Annexation Rights	33
18.1.1.2 Annexation Procedure	34
18.1.1.3 Common Area	34
18.1.1.4 Rights and Obligations of Owners	34
18.2 Limitation	35
 ARTICLE 19 - DAMAGE AND DESTRUCTION	
19.1 Duty of Board	35
19.2 Minor Casualty	35
19.3 Major Casualty	35
19.4 Insurance Proceeds Insufficient	35
19.5 Notice to Lenders - Priority Distribution	35
 ARTICLE 20 - CONDEMNATION	
20.1 Award.	36
20.2 Lender Notice - Priority in Distribution	36
 ARTICLE 21 - COMPLETION OF COMMON AREA IMPROVEMENTS	
	36
 ARTICLE 22 - ENFORCEMENT	
	37
22.1 Equitable Servitudes	37
22.2 Disciplinary Action	37
22.3 Enforcement by City	38
 ARTICLE 23 - RIGHTS OF LENDERS	
	38
 ARTICLE 24 - GENERAL PROVISIONS	
	41
24.1 Waiver	41
24.2 Amendments	41
24.3 Notices	41
24.4 Attorneys Fees	42
24.5 Interpretation - Conflicts	42
24.6 Severability of Provisions	42
24.7 Binding on Successors	42
24.8 Duration of Restrictions	42
 SUBORDINATION AGREEMENT	
	44
 SUBORDINATION AGREEMENT	
	45
 SUBORDINATION AGREEMENT	
	46
 SUBORDINATION AGREEMENT	
	47