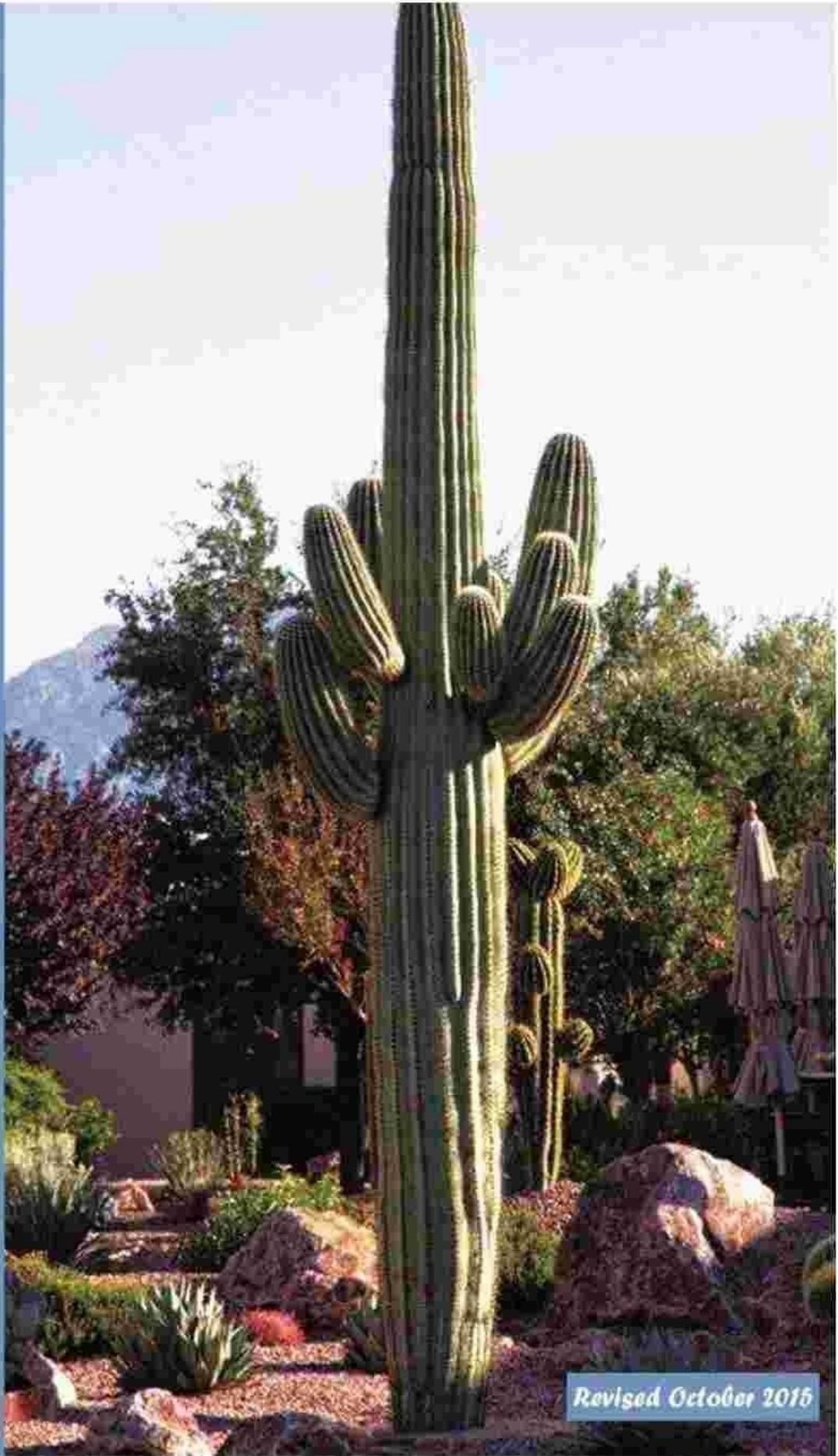


SADDLEBROOKE VILLAS ASSOCIATION

ARCHITECTURAL RULES, LANDSCAPING REGULATIONS, AND GUIDELINES



Revised October 2015

CHANGES TO ARCHITECTURAL RULES, LANDSCAPING REGULATION AND GUIDLEINES

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D. Exterior Fire Pits, Fireplaces, Heaters, and Kivas: No HOA #2 ALC Permit Required
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N. Real Estate Signage:
(DELETED BY BOARD January 16, 2017)

M. Patio Extensions – Page 9, Item 10
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Appendix A – Added
APPROVED BY BOARD April 9, 2018

**Villas Association Architectural Rules & Landscaping
Regulations and Guidelines**

I. INTRODUCTION

The SaddleBrooke Villas Association Nos. 35 & 35 A, Inc. (the “Villas”) is a sub-association of SaddleBrooke #2 Homeowners’ Association (“HOA #2). Villas homeowners are subject to all

SaddleBrooke Villas Association Architectural Rules & Landscaping Regulations and Guidelines: October 2015
April 5, 2017 Board Meeting, April 16, 2017 Board Meeting, April 9, 2018 Board Meeting, April 10, 2019 Board Vote
governing documents of both the Villas and HOA #2. Each Villas homeowner and each Resident
of a Villas Lot is contractually bound to use or permit the use of its Villas Lot in accordance with
the covenants, conditions, and restrictions applicable to that Villas Lot.

The applicable governing documents include, but may not be limited to:

1. The Villas Tract Declaration (CC&Rs) 2.
HOA #2 Declaration (HOA #2 CC&Rs)
3. The Villas Bylaws.
4. The Villas Articles of Incorporation
5. HOA #2 Rules and Regulations
6. The Villas Architectural Rules and Landscaping Regulations and Guidelines (Guidelines)
7. HOA #2 Architectural and Landscaping Guidelines

Failure to read or review the governing documents is not an acceptable excuse for not following their requirements. Violations of the governing documents can result in penalties, fines, and/or other forms of enforcement.

The governing documents are available on the HOA #2 website: www.sbhoa2.org. Villas homeowners cannot rely on improvements they may see on other properties in HOA #2 since the Villas Guidelines and Regulations are often more restrictive. The Villas governing documents are the most reliable source of accurate information.

II. GENERAL INFORMATION

The Villas Association and its 213 residences form a residential relationship in which, according to the CC&Rs, the Association has sole responsibility for: the maintenance of developer and Association installed landscaping and irrigation systems; maintenance and repair of roofs; and maintenance and repair of all exterior surfaces of the residential structure (including exterior glass), driveways, walkways, and developer installed concrete patios. Because the CC&Rs assigns these responsibilities to the Association, it also provides the Association with the right to control these elements of both the residential unit and the Villas Lot.

Fulfilling its responsibility to maintain the landscape of the entire Villas community, the Board of Directors through its Landscape Committee and Painting and Exterior Maintenance Committee, and with the assistance from a certified Landscape Architect, has developed a master plan and design for landscape. This master plan calls for blending cacti, succulents, trees, and other foliage to showcase color, texture, and form. The master plan includes plants and trees that have low water requirements for natural growth, are drought and frost resistant, require only low maintenance, and are properly placed for natural full growth. Other criteria such as potential root damage to sidewalks, driveways, and patios are also considered.

1. The type and amount of landscaping and sprinkler and irrigation system(s) installed on each Villas Lot by the Villas Association at any time shall be in the sole discretion of the Villas Association.
2. No Villas homeowner or other person shall install, remove or modify any plants, trees, granite, irrigation, or other landscaping materials on any portion of a Villas Lot which is to be maintained by the Villas Association, or which has been installed by the Declarant or the Villas Association. Certain projects, as further described and delineated herein, may also require a permit from the HOA #2 ALC and/or Pinal County.
3. No Villas homeowner or other person shall paint or otherwise alter or modify the exterior surface of any residential unit on a Villas Lot, or make any modifications or changes to its exterior surfaces, including windows, doors, or glass doors without written permission and a signed permit from the Villas Association.
4. No Villas homeowner or other person shall engage in work which includes or involves that homeowner or any other person climbing, walking or resting ladders or other objects on or against the roof of the residential unit. This work may include, but is not limited to, house inspectors, dish antennae installers, window washers or gutter installers.
5. The only people approved to climb on or walk on any villa roof are the roofers hired by the Villas Association.
6. No Villas homeowner shall take any action which impedes the Villas Association in performing the exterior maintenance and landscaping functions assigned to the Villas Association by the CC&Rs.
7. For further information or clarification, the homeowner should contact a member of the Villas Board of Directors.
8. The HOA #2 Architectural and Landscaping Guidelines and the Villas Architectural Rules and Landscaping Regulations and Guidelines and any updates, when approved by the

III. WAIVER OF MAINTENANCE RESPONSIBILITY AND LIABILITY

By undertaking any exterior improvement or modification, a Villas homeowner is deemed to accept full responsibility for maintenance of such improvement/modification and must sign a Maintenance and Liability Waiver Form to release the Villas Association and HOA #2 from any maintenance obligation or liability. This waiver of maintenance responsibility and liability applies whether or not a signed waiver is executed. The homeowner is responsible for removing and replacing such improvements or modifications when notified to do so to allow necessary and routine maintenance operations of the Villas Association. The installation of any exterior improvements/modifications and related maintenance responsibility and liability shall run with the property, and will be reported in disclosure statements when ownership transfers occur.

IV. VILLAS REVIEW REQUIREMENTS FOR IMPROVEMENT PLANS AND SPECIFICATIONS

- A. The homeowner must first receive written/signed approval from the Villas Association for any and all projects or proposals for architectural or landscape changes, additions, alterations or modifications.
- B. The homeowner should provide the HOA #2 ALC application for the Villas Board's approval.
- C. With the signed approval of the Villas Board, the homeowner must proceed to the HOA #2 ALC for technical approval of plans and specifications. The HOA #2 ALC charges a nominal fee which covers a 12-month period for all applications filed for a single Villas Lot.
- D. Permit applications submitted after work has begun may incur minimum late fees in accordance with the HOA #2 ALC Guidelines.
- E. All enforcement of these provisions and any violations thereof will be administered by the Villas Association Board of Directors.
- F. If a project is a 'Re-do' such as re-coating a driveway, re-screening a patio, relocating a satellite dish, etc., a new permit must be obtained from the Villas Association.

V. SPECIFIC GUIDELINES, REQUIREMENTS AND PROHIBITIONS

A. Barbecues and Grills:

- 1. Fixed Barbecue/Grills – HOA #2 ALC Permit Required, Pinal County Permit may be required – See Article IV.**

Fixed barbecues/grills shall not exceed four (4) feet in height, and are only permitted on the rear concrete patio installed by the developer. Fixed barbecue grills are **prohibited** on any portion of a patio extension or in any area beyond the covered concrete patio. Fixed barbecues are normally constructed of concrete block, may be stuccoed, and must be painted to match the color of the house. Prefabricated barbecue grills built into a freestanding structure usually tiled and/or covered with stucco or stone, are defined as fixed barbecue grills. Fixed barbecue grills may burn either natural gas or propane. Natural gas installations require a Pinal County Permit if a gas line has not been stubbed in.

- 2. Portable Barbecue/Grills – Pinal County Permit may be required**

Storage of portable barbecues/grills is prohibited in front yards or on driveways. Portable propane tanks require no permits. Natural gas installations in which a gas line has not already been stubbed in DO REQUIRE a Pinal County Permit if the flexible hose is longer than six (6) feet.

B. Driveway, Sidewalk, Patio and Porch Coatings: HOA #2 ALC Permit Required – See Article IV – Waiver of Maintenance and Liability Form Required

1. Driveway and sidewalk coatings may be applied at the homeowner's expense. The homeowner is responsible for maintaining the coating. The color and design overlay of the coatings must complement the color of the stucco (not the trim color) used in the Villas. Homeowners must submit a color sample of the coating and overlay for Villas Association and HOA #2 ALC approval.
2. In the event that concrete repair is required to a driveway, sidewalk, patio or porch which has been coated, the Association will contract for, and provide the necessary concrete repair or replacement. The homeowner is solely responsible for the restoration of the coating.
3. Concrete rear patio floors installed by the Developer may be tiled, coated or paved over with brick or flagstone. The homeowner is responsible for maintaining the tile, coating,

brick or flagstone installed. Front entry floors may be coated or tiled only. Raised walls are prohibited on patios and porches.

4. Homeowners must provide a sample of coating or tile for both Villas Board and ALC approval.

C. **Driveway Extensions: Prohibited**

Extending the width of the driveway by installing cement, brick, flagstone or other material is prohibited.

D. **Exterior Fire Pits, Fireplaces, Heaters, and Kivas: No HOA #2 ALC Permit Required**

1. ~~Exterior fireplaces or kivas are prohibited except for those installed as part of the original construction by the Developer.~~
2. ~~Open, live fires whether fueled by wood, charcoal or other combustible or flammable materials contained in a raised metal fire pit or any other type of container, and whether under the roof line of the rear patio, or outside the roof line of the covered patio either on a patio extension or on the xeriscape stone are prohibited.~~
3. ~~Vertical heaters, regardless of energy source, are permitted only outside of the patio roof line.~~
4. ~~Gas fired fire pits or space heaters are only permitted on patio extensions outside the patio roof line.~~
5. ~~Electric space heaters are permitted on patios.~~
6. ~~Use/lighting of portable barbecues/grills inside garages is prohibited.~~ **SEE PAGE 18 FOR REVISION ADOPTED BY BOARD APRIL 5, 2017.**

E. **Exterior Lighting:**

Only the original exterior lighting as installed by the Developer will be maintained by the Villas Association. Homeowners may install, at their own expense, the types of exterior lighting described below. The homeowner is responsible for maintaining the additional lighting in keeping with the aesthetics of the Villas.

1. **Low Voltage/Driveway/Walkway Lighting – Villa Board Approval Required – See Article IV.** Low voltage lighting may be installed adjacent to and within a maximum of twelve (12) inches of driveways, walkways/sidewalks and patios. A maximum of two (2) such lights may be installed adjacent to patios, a maximum of six (6) adjacent to the sidewalks and a maximum of four (4) adjacent to driveways. The style and color of the lights must be compatible with the southwest character of the Villas. All wires must be covered with the existing landscape material, so as not to be visible. Solar and battery powered (Board Approved 4/9/18) lights are acceptable as long as they meet the foregoing criteria and lighting restrictions detailed in HOA2 ALC (Board Approved 4/9/18). The lights must

be installed so they do not interfere with landscape maintenance. The homeowner must provide the Villas Board with a schematic plat plan drawn to scale showing the location of all lights to be installed. Any type of floodlights or spotlights in the front or rear yard are **prohibited**.

2. Sconce Light/Other Types of Lights – HOA #2 ALC Permit Required, Pinal County Permit may be required – See Article IV

One sconce light may be added to the front of the garage on the side opposite the Developer installed sconce light and must match the existing sconce fixture in style and color. Developer installed lights on garage may not be replaced with a different style light. A Pinal County Permit may be required for the installation for any 110 volt sconce light if the Villa is not pre-wired. Installation of coach lights, floodlights, spotlights and other types of lights attached to the structure are **prohibited**. Light fixtures on the rear patio as furnished by the Developer are permitted, and may be replaced, at the homeowners' expense, with one that matches the southwest style of the villa.

Homeowners of Villa models whose design did not provide lighting at or near the front door may apply for a permit to install one additional sconce light near the front door. The sconce light must match the style and color of the front sconce, and the homeowner is responsible to obtain both an HOA #2 ALC Permit and a Pinal County Permit.

Homeowners who have a Developer installed recessed light in the ceiling of their front entryway may, at their own expense, install a chandelier-type light so as to provide easier access for service. Such chandelier light must be compatible with the southwest character of the Villas.

Homeowner of Villas models with enclosed front entryways/vestibules i.e.; Naples, may use one light to illuminate the enclosed area to discourage bats and other pests. (Board Approved 4/9/18)

3. Exterior Motion Activated Lights – HOA #2 ALC Permit Required, Pinal County Permit may be required – See HOA #2 ALC. CONTINUED ON PAGE 19 (Board Approved 4/9/18)

F. Flowerpots: No Permit Required

Flowerpots may be placed on the rear patio, the rear patio extension or in the front entryway of those Villa models that have a defined front entryway. Flowerpots may be placed within three (3) feet of the Villa structure in addition to the rear patio or front entryway as described above. Flowerpots must be placed so as not to interfere with landscape maintenance. Up to three (3) flowerpots may be placed on the dividing wall of those Villa models with a dividing wall

between Villas walkways. Artificial (silk or plastic) flowers are prohibited on the exterior of all Villas units in the yard, on the patio, in the entry if visible from the street, or along the driveway. See Section X.

G. Fountains – Portable: HOA #2 ALC Permit Required, Pinal Permit may be Required.

1. Portable fountains may not exceed five (5) feet in height above grade level and may be placed in either the front entry or on the rear developer installed concrete patio. Portable fountain pumps must not be visible from the street, but must be located to minimize noise transmission to adjacent property, and may not be attached to a wall or a dividing wall. If located in front entry, the portable fountain must be in a space enclosed by existing structure and must not be visible from the street. Permanent fountain structures in any location are prohibited.
2. 110-volt electrical connections for fountains require a Pinal County Permit. Small portable fountains may be plugged into an approved existing GFI outlet.

H. Gutters and Downspouts: HOA #2 ALC Permit Required See Article IV.

Gutters and downspouts may be installed on Villas Lots only with prior approval of the HOA #2 ALC. Colors must be coordinated with trim and stucco color. Homeowners **must provide splash blocks** under downspouts to direct water away from the foundation and prevent erosion unless one of the following conditions is met.

1. It is physically impossible to install a splash block due to the placement of trees, bushes, sidewalks, driveways or other physical obstructions for which the Association is responsible.
2. The downspout discharges onto a concrete slab, such as a sidewalk or driveway that serves the same purpose as a splash block.
3. The downspout discharges onto a brick or masonry patio extension that serves the same purpose as a splash block.
4. Placement of the splash block would obstruct a sidewalk or driveway and create a hazard to normal pedestrian traffic.
5. An exception has been granted, in writing, by the Board of Directors for any reason that the Board deems to be in the best interests of the Association.

An eighteen (18) inch gutter downspout extension may be used to help direct water away from the foundation onto the splash block or **into existing drainage swales**. The downspout extension must match the color of the downspout. The homeowner is responsible for maintenance of gutters and downspouts. The homeowner is responsible for damage caused by improperly installed or leaking gutters. No gutters or downspout shall direct the flow of water onto an adjoining Villas Lot.

Because water from downspouts with no extension or splash block can cause damage for which the Association may be responsible, the Association has the right to install such devices as necessary and charge the homeowner accordingly.

I. Mounds, Berms, Swales:

Homeowners shall not install or modify, or contract to install or modify mounds, berms or swales in the front, side or rear of the Villas Lot. To do so violates provisions of the CC&Rs and these Guidelines.

J. Mailboxes, Posts, and Tubes: Homeowner responsibility for repair of any damage.

Mailboxes and posts with communication tubes have been installed by SaddleBrooke Construction. Homeowners are responsible for maintaining the post, mailbox and tube in good condition. If a mailbox is damaged, it is the responsibility of the homeowner to replace it. Replacement of mailboxes must be a standard #1 size black metal mailbox approved by the U.S. Postal Service and matching the type installed by the Developer. Decorative or novelty mailboxes are **prohibited**. Temporary holiday decoration of mailboxes is permitted.

K. Misting Systems: No HOA #2 ALC Permit required – Villas Board Approval Required

Misting systems on rear patios only are permitted provided that the homeowner:

1. Obtains Villas Board approval
2. Provides a sketch of the proposed installation plan
3. Signs a Waiver of Maintenance and Liability form.

The homeowner accepts full responsibility for any damage caused by the misting unit.

L. Patio Ceiling Fans/Electrical Outlets: Pinal County Permits may be Required – Villas Board Approval Required

One rear patio fan and one additional electrical outlet are permitted. Installation of a 110-volt electric line requires a Pinal County Permit. The electrical wiring must be enclosed in a conduit or other enclosure that is mounted flush with the wall and/or ceiling. The conduit or enclosure that contains the electrical wiring must be painted to match the wall and ceiling on which it is mounted.

M. Patio Extensions: HOA #2 ALC Permit REQUIRED – See Article IV

Homeowners may extend the existing concrete rear patios of their Villa. Extending or enlarging existing front patios or walkways is prohibited. Homeowners must adhere to the following procedures and requirements before beginning or contracting someone to begin the patio extension process.

1. The homeowner must receive prior signed approval for patio extension from the Villas Association for the permissible dimensions, placement and materials. The homeowner must provide a drawing that shows all dimensions of the patio extension.
2. The homeowner and an authorized representative of the Villas Association must co-sign a Patio Extension Waiver of Maintenance and Liability prior to meeting with the HOA #2 ALC Committee to obtain a permit.
3. Size: A patio extension may measure up to ten (10) feet in depth parallel to the outer edge of the existing concrete patio. A patio extension's width may extend laterally to the dividing line of the attached Villa. On the "open" side, a patio extension may extend up to eighteen (18) inches, unless the Villas Landscape Committee grants prior approval for a greater width. The design of the patio extension is optional provided that it satisfies the prescribed maximum measurement requirements.
4. Materials: Brick, brick pavers and flagstone are acceptable materials. Concrete slabs are also permissible and may be tiled, covered with brick, brick pavers or flagstone. If the existing concrete patio is coated, the concrete patio extension must be coated with the same color and pattern. Using artificial grass materials as a patio extension, or covering a concrete slab patio extension with artificial grass is **prohibited**.
5. Walls, fencing, screening, etc.: Any form of raised wall, or raising or stacking of patio materials above the flat surface of the patio extension surrounding the patio extension is **prohibited**. Fencing or screening materials of any type surrounding a patio extension are **prohibited**, including the construction of any walls or other screening materials around a portable barbecue.

6. Existing irrigation and electrical lines: The Villas Landscape Committee will determine whether the construction of the patio extension will affect any irrigation or electrical lines. The homeowner must provide for the installation of a PVC pipe under the patio extension to accommodate the maintenance of any such lines. If suitable PVC pipe is not installed, and maintenance of irrigation or electrical lines is required, the homeowner is responsible for any and all expenses related to the maintenance of such lines.
7. Water flow: Construction of the patio extension must provide for the flow of water away from the existing concrete patio and the home's foundation slab, and may not direct water flow onto an adjoining Villas Lot.
8. Respect for property lines: Patio extensions may not encroach on an adjoining or neighboring Villa's property line.
9. Restoration of surrounding landscape materials: Homeowners or contractors installing patio extensions must restore the landscape materials of the surrounding area to its original condition, including any disruption of landscaping on a neighbor's property. Patio 'islands' not extending the existing rear patio and located so as to have no contact with the existing rear patio are **prohibited**, unless a Developer- installed planting border prevents such direct connection between patio and patio extension. If such a planting border exists, the homeowner should contact a member of the Villas Landscape Committee before submitting an application to the HOA #2 ALC.
10. Prior to construction, the concrete patio must be drilled and treated for termites. The Association will ~~cover this cost.~~ provide this service **(Clarified by Board vote 4-10-19)**

N. Real Estate Signage:

All real estate signs must be commercially produced and in good condition. ~~All RENTAL signs must be removed when the villa is occupied.~~ **(Deleted by Board vote 1-16-17)**

O. Replacement/Removal of Plants and/or Trees: – Villas Landscape Committee Approval Required

In keeping with the master landscape plan, and understanding that certain existing trees and plants may not be replaced in identical locations or with identical species:

A homeowner can request the replacement of missing or dead plants and/or tree(s) by completing a **Villas Service Request Form**. These forms are available on the wall kiosk at MountainView Administration Building, and are to be turned in to Cadden. The forms are also available online at www.cadden.com or www.sbhoa2.org under the appropriate link. Online forms are submitted directly to our management company. In either case the homeowner receives email confirmation of their request, and of work completion.

Homeowners should NOT contact members of the Board or Landscape Committee for these requests nor should they call the Villas landscaping contractor directly. Work orders are to be used in all cases except for an emergency.

P. Rolling Shutters: Prohibited Rolling shutters of any type or material on any windows or on the rear patio are **prohibited**.

Q. Satellite Dishes: Villas Satellite Coordination Form Required. Villas homeowners must read and follow the requirements and guidelines on this form before arranging for any satellite dish installation. This form must be presented to and approved by the designated Villas representative prior to installation.

1. The proposed installation must be as unobtrusive as possible. It must be on a metal pole, cemented into the ground or on the fascia if necessary for good reception. The location should be in the back or side yard according to **Villas Architectural Rules, Landscaping Regulations and Guidelines. Prohibited locations are on the tile roof or on the patio roof; Installation on a metal sled is also prohibited.**
2. The satellite dish must be painted with flat paint to match the color of the Villa. This must be done within 30 days of installation.
3. Other requirements as stipulated on the Villas Satellite Dish Coordination Form may apply.

4. All unused satellite dishes must be removed and disposed of by either the company that installed them or the homeowner. Removal includes any device and/or pole used to support the dish.
5. **Any satellite dish that has been installed on a patio or Villas roof must be removed. In such a case, the homeowner, not the Villas Association, is responsible for the cost of any repair or damage to the patio roof or Villa roof as determined by the Paint and Exterior Committee and their contractor. All repair work must be done by the Villas roofing contractor.**

R. Screen Doors, Security Screen Doors, Lightweight Doors and Front Entry Enclosures:
(certain models only) – HOA #2 ALC Permit Required – See Article IV

Screen doors and security doors and their ornamentation and front entry enclosures are permitted and must be limited to one of the following colors:

1. Same color as house or trim
2. Black or dark bronze

A drawing, photocopy or brochure rendition of the proposed door must be included with the Permit Application. The preferred structural material of screen doors and security doors is wrought iron. Aluminum may be used provided that the design is of solid or tubular material, has the appearance of a wrought iron door and is one of the colors listed above. Perforated metal screening or poly screening may be used as a backing on the screen and security doors and must match the color of the outside door frame.

1. Screen doors constructed of lightweight wood, aluminum or other lightweight materials are prohibited.
2. Security bars of any type on any window of a Villa residential unit are prohibited.
3. Roll down screens of any type are prohibited on the front entry.

S. Screened Rear Patio Enclosures: HOA #2 ALC Permit Required – See Article IV -

Screened patio enclosures are permitted in the rear of the house only. The screened enclosure must be no greater in size than the original concrete patio. The enclosure must be unobtrusive and blend with the existing structure. Permanent screens using tubular aluminum supports and with one entry door are acceptable. The color of the aluminum supports must match the

existing window trim color. Roll down screens may be installed on the rear patio, must roll down vertically and must be capable of being tied down. Roll down screen color may be black, dark brown or beige.

1. Lattice work constructed of wood or any other material on either side or rear of a patio, or completely surrounding a rear patio is prohibited.
2. Exterior patio screens (temporary or otherwise), whether roll down or installed in a frame, made of plastic reed, bamboo, or any other unapproved material, are **prohibited**.
3. Wooden enclosures, glass enclosures or the construction of a permanent structure surrounding a porch enclosure so as to create another room are **prohibited**.

T. **Seasonal Decorations** – No Permit Required

Seasonal decorations are permitted providing they are put up 30 days or less prior to the holiday and removed within two weeks following it.

U. **Solar Energy Devices: HOA #2 ALC Permit Required**

Please see Section 3 of the HOA #2 Architectural and Landscaping Guidelines for requirements for Alternative Energy Devices. If any of the Association's maintenance obligations (including, but not limited to roof maintenance or replacements) are impeded by a homeowner's Alternative Energy Devices, the homeowner must remove and replace such Devices at his/her sole expense and in accordance with the Association's maintenance schedule.

V. **Steps Between Lots: HOA2 ALC Permit/ Villas Waiver Required**

Steps between lots on different levels are permitted with the approval of the Villas Association and the HOA2 Architecture and Landscape Committee.

1. Steps must be made of natural or man-made stone and must blend into the existing landscaping.
2. Both lot owners must sign the ALC Permit Application and a Villas Waiver.
3. The homeowner installing the steps is responsible for restoring any existing landscaping which is disturbed by the installation of the steps to its original condition and is also responsible for the repair and maintenance of the steps.

W. **Storage Containers:**

One outdoor storage container, no higher than 24 inches is permitted in the back yard (close to the house) or on the covered patio.

X. **Temporary Interior Window Coverings:**

Temporary interior window coverings may not remain beyond thirty (30) days after close of escrow. Aluminum foil, bed sheets, cardboard, paper or insulation material is not permitted as window covering either inside or outside of the residential unit.

Y. **Windows - Coatings/Breakage/Replacement: HOA #2 ALC Permit Required** Windows may

be coated with a film applied by either the homeowner or by a professional contractor. Acceptable colors are bronze or gray. Silver or gold colors are prohibited. Exterior spray coatings are prohibited. Application of a film to glass windows may result in glass cracking and/or breakage. The homeowner may choose to obtain glass breakage warranty from the dealer or manufacturer at the time of installation. The Villas Association will not be responsible to replace glass windows that have cracked/broken due to the application of a film coating. The Villas Association is not responsible for the replacement of windows broken from the inside, regardless of the cause of the break. In a case where the Villas Association is responsible for replacement, a contractor grade window will be covered. Homeowner may pay the difference between the contractor grade window cost and the upgrade amount. See Article II, Section 3.

Z. **Window Sunscreens: No HOA #2 ALC Permit Required**

Window sunscreens are permitted when mounted in frames attached to window framing. Screen frames must match the color of the window frames. Screening material may be black, dark brown or beige. The homeowner must sign a Waiver of Maintenance and Liability Form.

AA. **Yard Art/Wall Art: No HOA #2 ALC Permit Required** 1. Yard art must not interfere with landscape maintenance.

2. Yard art in front yards must be consistent with the Sonoran Desert environment theme; examples of acceptable and unacceptable yards art are detailed in Appendix A.

3. Statues, depictions, artifacts and other man-made objects that do not meet the Sonoran Desert requirement are **prohibited**.
4. Yard art must be limited to prevent clutter; the number of ungrouped pieces should not exceed three (3). A themed grouping (i.e. a family of quail) is considered a single piece of yard art.
5. Yard art deemed inappropriate or non-conforming by the HOA #2 ALC must be removed.
6. Thematically conforming wall art may be attached to the exterior wall in an appropriate place in the front of the Villa, and also attached on the back patio wall. The items must be removed when painting is required. Homeowner should periodically paint or apply a silicon sealer to any metallic wall art to prevent rusting.

BB. Animals:

Except as otherwise expressly permitted in the CC&Rs, no animals or birds, other than a reasonable number of generally recognized house or yard pets, shall be maintained on any Lot, Parcel or other area in the Villas and then only if they are kept, bred or raised thereon solely as domestic pets and not for commercial purposes. All pets must be kept on a leash at all times. No animal or bird shall be allowed to make an unreasonable amount of noise or to become a nuisance or an annoyance to other Owners. It shall be the responsibility of each Owner to remove immediately any droppings from his/her pets. No structure for the care, housing or confinement of any animal or bird shall be maintained so as to be visible from neighboring property, unless otherwise approved by the Villas Board of Directors. Upon written request of any Member or Resident, the Board of Directors shall conclusively determine, in its sole and absolute discretion, whether for the purposes of this Section, a particular animal or bird is a generally recognized house or yard pet, whether such a pet is a problem or nuisance or whether the number of animals or birds on any such property is reasonable. Any decision rendered by the Board of Directors shall be enforceable in the same manner as other restrictions contained herein.

CC. Plants Added at the Homeowners Expense:

Homeowners may add additional plants to their lots providing all of the following conditions are met.

1. The type of plant and the location of the plant must be approved in advance by the Villas Landscape Committee.

2. The plant must be purchased from and installed by the Association's landscape contractor to ensure that the drip irrigation system is not damaged and that the plant is warranted.

VI. PROHIBITED ITEMS

Pursuant to the CC&Rs and these Guidelines, the following items are prohibited in the Villas. This list is not all inclusive.

1. Antennas, as described in the HOA #2 ALC Guidelines
2. Artificial (silk/plastic) flowers
3. Awnings of any type
4. Basketball backboards and other types of outdoor recreation equipment
5. Birdbaths, except on rear covered patios
6. Bird feeders, except two (2) hummingbird feeders on rear patio or rear yard
7. Bug lights of any type
8. Clothes lines or clothes poles of any type
9. Dog runs of any type
10. Evaporative coolers
11. Exterior shutters on windows or on the side of windows
12. Exterior water softeners
13. Fences of any type or location including but not limited to invisible pet fence enclosures and latticework around covered patios
14. Gazebos
15. Gazing balls
16. Lighting, except as described in Article V, Item 5 above
17. Modification of Developer built walls, including perimeter walls
18. Planter boxes attached to, or hanging from, the residential structure
19. Portable swimming pools
20. Ramadas of any type
21. Screen houses or greenhouses
22. Solar tubes and other skylights not installed by the Developer

23. Sound emitting devices (blowers, power tools, etc). Use is prohibited prior to 7:30 a.m.
24. Spas/hot tubs
25. Storage building
26. Tents
27. Trellises, gates, privacy structures or arches
28. Vines supported by twine, cables or other material attached to any part of the residential structure
29. Wild animal feeder or food
30. Wind chimes, bells or any noise making apparatus
31. Wind turbines

VII. LIMITS OF LIABILITY

Approval of plans by the Villas Board of Directors or by the HOA #2 ALC shall not constitute a representation, warranty or guarantee that such plans and specifications comply with engineering design practices or with zoning or building ordinances, or other governmental regulations or restrictions. By approving such plans and specifications neither the HOA #2 ALC, nor the members thereof, the HOA #2 Board of Directors, the Villas Board of Directors nor any member thereof, the Villas Landscape Committee nor any members thereof, nor the Declarant, or any of its related entities or affiliates, assumes any liability or responsibility for any defect in the structure constructed from such plans or specifications. None of the aforementioned shall be liable to any homeowner, occupant or other person or entity for any damage, loss or prejudice suffered or claimed due to (a) the approval or disapproval of any plans, drawings and specifications, whether or not defective, or (b) the construction or performance of any work, whether or not pursuant to the approved plans, drawing and specifications. All pertinent provisions of the CC&Rs and of the HOA #2 CC&Rs regarding this subject remain in full force and effect. To the fullest extent possible, all provisions of this Guideline shall be read in conjunction with the CC&Rs for both HOA #2 and the Villas. Should any provision(s) contained herein contradict any provisions of the CC&Rs then the CC&Rs shall control, followed in priority by the Articles of Incorporation, the Bylaws and these Guidelines.

VIII. TERMITE AND PEST CONTROL

A. Termite Control:

Paragraph (d), page 4, of the Tract Declaration (also known as the CC&Rs) states, in part, the following. "Notwithstanding anything to the contrary herein, the Villas Association shall not have any obligation to make any structural repairs to any residential unit on any Villas Lot." This includes structural damage caused by termites.

The Association will provide the following services.

1. Annual exterior inspection of all Villas units for signs of termite activity.
2. Interior inspection of all Villas units for signs of termite activity. The interior inspection is optional and will be offered only at the time that the exterior inspection is performed. The Association recommends that homeowners who do not have the interior of their units inspected by the Association's contractor make arrangements for a qualified contractor to inspect the interior of their unit at their expense. Please remember that the Villas Association is not responsible for any structural damage caused by termites. The entire cost of any structural repairs will fall on you.
3. Exterior treatment of termite activity when found. The type of treatment will be at the discretion of the Board of Directors and will be based on the recommendation of the Association's termite control contractor.
4. Interior treatment of termite activity when found. The type of treatment will be at the discretion of the Board of Directors and will be based on the recommendation of the Association's termite control contractor.
5. The Association will repair non-structural interior damage to the drywall and trim only. Repairs performed by the Association will not include painting.

If termite activity is detected and termite treatment is required the homeowner is responsible for the following items.

1. If holes must be drilled in the patio or entryway slab to apply termite treatment the homeowner is responsible for repairing or replacing any coating that has been applied to the concrete slab.
2. If holes must be drilled in the patio or entryway slab to apply termite treatment and the concrete slab has been covered by any material, for example, brick, the homeowner is

responsible for removing the obstructing material and replacing the material after the treatment has been performed.

3. If holes must be drilled in the patio or entryway slab to apply termite treatment and access to the slab is obstructed by any object owned by the homeowner the homeowner is responsible for moving the obstruction object and replacing it after the treatment has been performed.
4. The homeowner is responsible for any loss of use that occurs as the result of treatment for termite activity.

If the homeowner refuses to remove any obstruction owned by the homeowner that must be removed to treat termite activity the Association will not treat the termite activity and the homeowner will be solely responsible for any damage to the entire building that results from termite activity. The Association will notify the homeowner by letter that termite activity has been detected, that the homeowner refused to move an obstruction or obstructions that prevent treatment of the termite activity and, therefore, no treatment has been applied. A copy of the letter will be placed in the lot file and will be disclosed to any prospective buyer.

B. Pest Control:

The Association will provide the following services.

1. Routine exterior spraying for insects at an interval determined by the Board of Directors.
2. Removal of pack rats from the interior of buildings.
3. Exterior pack rat control as determined by the Board of Directors.
4. Removal of bees, wasps and hornets.
5. Treatment to remove scorpions from the interior of buildings as needed.

IX. VIOLATIONS, NOTIFICATION PENALTIES AND APPEALS

A. Violations:

Violations of these Guidelines or the HOA #2 Architectural & Landscape Guidelines as they apply to the Villas, for whatever reason or at any time past or in the future, are **prohibited**. Failure to obtain Villas Board written approval and/or HOA #2 ALC permits where required constitute a violation. To avoid unintentional violations, homeowners should not only read and

refer to these Guidelines when anticipating any modification to their residential structure or on their Villas Lot, but should seek advice from the Villas Board or a member of the Villas Landscape Committee.

B. Enforcement:

The pertinent governing documents authorize both the Villas Association and/or HOA #2 to impose penalties when any violation of these Guidelines or the HOA #2 Architectural and Landscaping Guidelines occurs. These penalties may include, but are not limited to:

1. Removal or modification of the unapproved or offending work/object so as to restore the residential Unit or Villas Lot at the homeowner's expense.
2. Removal or modification of the unapproved or offending work so as to restore the residential Unit or Villas property by the Villas Association with billing to the homeowner.
3. Fines, fees and/or penalties as enumerated and described in the CC&Rs, HOA #2 ALC Guidelines and the Villas Enforcement Policy.

C. Enforcement Procedure:

The Villas Board will adhere to the Villas Enforcement Policy. HOA #2 will adhere to the enforcement procedure in Article IV, Sections 8 and 11 of the HOA #2 ALC Guidelines both of which include related provisions of Arizona Revised Statutes §33-1803.

APPROVED BY BOARD – APRIL 5, 2017 (PREVIOUSLY PAGE 5)

D. Exterior Fire Pits, Fireplaces, and Heaters

1. Exterior fire pits or fireplaces are **prohibited** except for those installed as part of the original construction by the Developer.
2. Live fires on a Villas Lot, whether fueled by wood, charcoal or other combustible or flammable materials and contained in a raised metal fire pit or any other type of container are prohibited.

3. Vertical heaters, regardless of energy source, are permitted only outside of the patio roof line.
4. Fire pits or space heaters, fueled by natural or propane gas, are **ONLY** permitted on patio extensions outside the patio roof line.
5. Electric space heaters or fire pits are permitted on patios.
6. Use of or lighting of portable barbecues/grills inside garages is **prohibited**.
7. Southwestern style Chimineas may be used for **decorative purposes only**.

CONTINUED FROM PAGE 6 - E. Exterior Lighting:

3. Exterior Motion Activated Lights – HOA #2 ALC Permit Required, Pinal County Permit may be required – See HOA #2 ALC. Only driveway, walkway, and patio lights allowed in Item E. Exterior Lighting #1, and enclosed entryway/vestibule lights allowed in Item E. Exterior Lighting #2 may be motion activated. Exterior motion activated lights are permitted to provide homeowner safety, security, and peace of mind. They are intended for occasional use. When motion activated, they must not remain illuminated more than 2 (two) minutes. When installing exterior motion activated lights, the motion detector must be positioned so as not to be activated by passing vehicles and wildlife during night hours. Exterior lights must not be directed at, or encroach on, any neighboring yards or Villas. It is a violation if exterior lights are incorrectly placed. Unless specifically addressed in this section, HOA #2 ALC, Section 23 Exterior Lighting requirements shall apply. (Board Approved 4/9/18)

2017

APPENDIX A - Selected Examples of Acceptable/Unacceptable Yard/Wall Art

ACCEPTABLE* Generally – Sonoran Desert Motif	UNACCEPTABLE* Not Sonoran Desert Motif
Buzzards	Bicycles/Wagons (Wooden or Metal)
Cactus Items	Bowling Balls
Cowboys	Cherubs
Coyotes	Flamingos
Indian Artifacts	Gargoyles
Traditional Kokopellis (unadorned)	Gazing Balls
Pottery (Pots)	Geese
Quail	Japanese Pagoda Lanterns
Roadrunners	Skis
Sun/Moon	Windmills
Wall Triptychs in Iron or Copper (Southwestern)	Yard Signs with “Quaint Sayings”
	Religious Articles
*Including, but not limited to items listed	*Including, but not limited to items listed

APPROVED BY BOARD 4/9/18

