

AVIARA HOMEOWNERS ASSOCIATION

ARCHITECTURAL COMMITTEE RULES AND GUIDELINES

Adopted: May, 2002
REV. 002/MAY 2002

AVIARA HOMEOWNERS ASSOCIATION

TABLE OF CONTENTS

| | |
|--|----------|
| OVERVIEW..... | 3 |
| Community Organization..... | 3 |
| Design Review Process..... | 3 |
| Application Procedure..... | 4 |
| GUIDELINES..... | 5 |
| General Principles..... | 5 |
| Protection of Neighbors..... | 5 |
| Design Compatibility..... | 5 |
| Workmanship..... | 5 |
| Building Architecture..... | 5 |
| Patio Covers and Storage Sheds..... | 5 |
| Ramadas and Gazebos..... | 5 |
| Play Structures..... | 6 |
| Satellite Dishes..... | 6 |
| Roof & Wall Mounted Equipment..... | 6 |
| Outdoor Fireplaces..... | 6 |
| Outdoor Lighting..... | 6 |
| Window Coverings Criteria..... | 7 |
| Building Repair..... | 7 |
| Swimming Pools..... | 7 |
| Basketball Goals..... | 7 |
| Driveways..... | 8 |
| Clotheslines..... | 8 |
| Landscape Maintenance..... | 8 |
| ASSOCIATION RULES..... | 9 |
| General Property Restrictions..... | 9 |
| Trash/Recycling Containers and Collection..... | 9 |
| Pets..... | 9 |
| Holiday Lighting..... | 9 |
| Machinery and Equipment..... | 9 |
| Vehicles..... | 9 |
| Motorized Scooters/Gopeds..... | 10 |
| Residents Conduct..... | 10 |
| Community Pool & Spa..... | 10 |

OVERVIEW

Community Organization

Every resident of Aviara is a member of the Aviara Homeowners Association (the "Association"), the entity responsible for the management of all common areas as well as administration of the affairs of the community. The Association is created by the recording of the Declaration of Covenants, Conditions, Restrictions, and Easements (the "CC&R's"). The CC&R's set forth procedures, rules and regulations, which govern the community. The Association Rules and Design Guidelines are an extension of the CC&R's and are designed to be used in harmony.

The Board of Directors (the "Board") is charged with responsibility for overseeing the business of the Association and has a wide range of powers. The Architectural Committee (the "Committee") is established by the Board to review all improvements within Aviara including new construction and modifications to existing properties. The Committee has adopted architectural guidelines and standards to evaluate proposed construction activities.

Design Review Process

Any change, addition, or modification to a site or a building exterior of a residential property requires the prior written approval of the Committee. Residents with proposed changes should contact the Management Company, with whom the Association has contracted for full Association management, to obtain the necessary architectural guidelines and submittal documentation.

Simply stated, no improvements, alterations, repairs, additions, or other work, **including changes in exterior color, is to occur on any lot or exterior of any home from its improved state existing on the date such property was first conveyed by Builder to a purchaser without the prior approval of the Committee.** The responsibility of the Committee is to ensure the harmonious, high quality image of Aviara is implemented and maintained. Any owner requesting approval of the Committee shall follow the application procedures listed below. Submittals will be returned to you either approved, denied, or for more information within forty-five (45) days of receipt of your request.

Application Procedure

The following information should be included:

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

Submit the application and plans to:

AVIARA HOMEOWNERS ASSOCIATION
C/O KINNEY MANAGEMENT
P.O. BOX 25466
TEMPE, ARIZONA 85285-5466

Kinney Management Services – 820-3451

It is the homeowner's responsibility to ensure that any proposed construction is coordinated with, and where applicable, approved by all counties, local, state and federal government agencies. The Committee, the Management Company and the Association assume no responsibility for obtaining these reviews and approvals.

GUIDELINES

General Principles

The purpose of the Committee is to ensure consistent application of the Architectural Committee Rules. The Committee monitors any portion of any lot or parcel which is visible from other lots or parcels, the street, or Association common areas. This would include backyards which are visually open to other lots or Association common areas. The Architectural Committee Rules promote those qualities in Aviara that enhance the attractiveness and functional utility of the community. Those qualities include a harmonious relationship among structures, vegetation, topography and overall design of the community.

Protection of Neighbors

The interest of neighboring properties must be protected by making reasonable provisions for such matters as access, surface water drainage, sound and sight buffers, and other aspects of design, which may have a substantial effect on neighboring properties.

Design Compatibility

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

Workmanship

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

Building Architecture

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

Patio Covers and Storage Sheds

Backyard storage sheds detached from the house will be considered provided they are lower than the home's surrounding wall or fence so as not to be visible from neighboring property. Storage sheds, along with any permanent addition to a home, including patio covers and other buildings, except those installed by the builder during original construction, must be submitted to the Committee for approval prior to construction.

Ramadas and Gazebos

Ramadas and gazebos may be erected in rear yards only subject to prior review and approval by the Committee, subject to the following guidelines:

- 1) Maximum square footage (under roof area) is 120 square feet.
- 2) Maximum roof height is 10 feet at the highest point.
- 3) The structure must be set back a minimum of 7 feet from any perimeter wall.
- 4) The structure must be painted to match house color and maintained in good condition.
- 5) Any roof tile must also match the tile of the house.
- 6) Lighting of the structure must be approved by the Committee prior to installation.

Play Structures

Play structures may be erected in rear yards only subject to prior review and approval by the Committee, subject to the following guidelines:

- 1) May be erected in rear yards only and structures must be set back a minimum of 7 feet from any perimeter wall.
- 2) Maximum height allowed to top support bar or highest point of structure, is 10 feet.
- 3) Maximum height of any deck/platform is to be 4 feet above ground.
- 4) The distance from the ground elevation to the top of the perimeter fence must be measured and submitted with plans.
- 5) The Committee will take the appearance, height, and proximity to neighboring property into consideration.
- 6) Any shade canopy must be a solid tan or earthtone color.
- 7) Submit a brochure or picture if possible.

Satellite Dishes

While the Association does not prohibit the use of satellite dishes, the Association does regulate the size and location of the "dish" on the following basis.

1. Any "dish" larger than one meter (39 inches) that is visible from the street, neighboring property or the common areas is prohibited.
2. All dishes are to be located in rear yards only.
3. Homes with "view" fencing must locate the dish in the most unobtrusive location possible while still receiving a quality signal.
4. All dishes that are visible from neighboring property, streets, or the common areas are to be painted to match the body color of the house.
5. All other antennae such as those used to receive signals from multichannel multipoint distribution services and television broadcast stations will be reviewed on a case by case basis.
6. All dishes and antennae are to be submitted to the Committee with a diagram showing the location and size of the device.

Roof & Wall-Mounted Equipment

No devices of any type, such as evaporative coolers or air conditioning units shall be placed on any roof. Any rooftop solar equipment must be integrated into the roof structure and requires advance approval by the Committee.

Outdoor Fireplaces

Installation of outdoor fireplaces requires advance approval by the Committee. Outdoor fireplaces may not exceed fence height.

Outdoor Lighting

Any outdoor lighting installed on a lot or dwelling, subsequent to initial lighting installed by the builder, must receive advance approval by the Committee. Permanent lighting sources shall not be directed toward streets, common areas or neighboring property.

Window Coverings Criteria

In no event shall the interior or exterior of any windows be covered with reflective material, such as foil, or with paper, bed sheets or other temporary coverings. All such window

coverings facing the street must show white, beige, earth tone, or pastel colors unless otherwise approved in writing by the Committee. Reflective materials may not be installed on the windows or any portion of the house or any other area of the Lot unless approved in writing by the Committee. Bronze or charcoal sunscreen material may be installed; frames for window screens must be the same as existing window frames.

Building Repair

No building or structure shall be permitted to fall into a state of disrepair. The owner of every detached home or structure is responsible at all times for keeping the buildings in good condition and adequately painted or otherwise finished. In the event any building or structure is damaged or destroyed, the owner is responsible for immediate repair or reconstruction. Roofs must be kept in good repair at all times. The Association shall be responsible for, as a Common expense allocable among the Owners as described in the Constituent Documents, all of the maintenance and repairs to the front yard areas of all Townhome lots, and any structural maintenance area located on a Townhome lot.

Swimming Pools

Prior to construction of a swimming pool, homeowners should contact the Management Company to coordinate the point of construction access to ensure damage to common landscaped areas and common perimeter walls is avoided. In all cases, residents will be advised to enter through the side yard wall, from the front of their homes. Pools may not be backwashed into the drainage ditches, natural washes, common landscaped areas, drainage-ways or streets. All backwash water is to be retained on the owner's lot. If necessary, a hole should be dug and filled with rocks to provide for the needed capacity.

The City regulates swimming pool fence requirements. The City should be contacted to determine the safety fence requirement for your pool. For safety reasons, all openings in walls must be securely covered during construction to prevent anyone from entering and being injured.

Pool plans will not need prior approval unless there is a feature (pool slide or other structure) which would be visible above the top of the wall. All pool equipment shall be screened from view of neighboring property, streets and common area with walls which match the architectural character and color of the house or the existing wall. **IF POOL EQUIPMENT IS PLACED NEAR VIEW FENCING, SPACE MUST BE ALLOWED TO ACCOMMODATE THE SCREENING WALL.**

Basketball Goals

Homeowners must submit an application to the Committee for approval prior to the installation of a basketball goal. Pole mounted goals only will be allowed as a permanent installation in front yards only adjacent to the driveway. No permanent goals will be approved in rear or side-rear yards and portable goals are prohibited. Strict guidelines will be adhered to regarding the quality of equipment and installation and special attention will be paid to placement of the pole on the Lot. Backboards may be transparent or a standard type with highly visible logo material prohibited. Only nylon or similar cord nets are acceptable. Metal or chain nets are not acceptable. All equipment must be constantly maintained. Broken backboards, disfigured or bent rims, ripped or torn nets, chipped and/or peeling paint, etc. constitute grounds for fines and/or removal. No lighting designed to illuminate basketball goals shall be installed without prior written approval of the Committee. The owner of the home with the basketball pole backboard is fully responsible for ball containment on his property. Any damage to neighboring property or landscaping from basketballs shall be the property owner's (with the goal or standards) responsibility to repair or replace.

Driveways

Except for Driveways installed by the Builder, driveways may not be expanded without the prior approval of the Committee. All driveways must be kept clean and clear of debris, oil, rust and other stains. A minimum two-foot colored paver or landscape separation is suggested between the driveway and any expansion.

Clotheslines

Clotheslines or other outside facilities for drying clothes is not permitted unless they are placed exclusively within a fenced service yard and not visible from neighboring property.

Landscape Maintenance

Each Owner is responsible for maintaining, repairing, and replacing all landscape and improvements on his lot visible from Neighboring Properties in a good state of repair and in a neat and attractive condition.

Maintenance

Minimum maintenance requirements include watering, mowing, edging, pruning, removal and replacement of dead or dying plants, removal of weeds and noxious grasses, and removal of trash; fences and walls in good repair, homes painted as needed. Failure to properly maintain ones Lot and dwelling may cause maintenance to be done by the Association. Costs incurred will be the Owners responsibility.

ASSOCIATION RULES

The following Association rules summarize some of the common provisions found in the CC&R's as well as rules established by the Board. Cooperation on the part of all residents in following these rules will make living at Aviara an enjoyable experience.

General Property Restrictions

Owners may rent only the entire lot or dwelling unit. Rental must be made only to a single family and must be for a minimum of one (1) year. A copy of any such lease shall be delivered to the Association prior to the commencement of the term of such lease. No gainful occupation, trade or other non-residential use may be conducted on the property for the purpose of receiving products or services related to such usage. Owners must receive Board permission to apply for any re-zoning, variances or use permits.

Trash/Recycling Containers and Collection

No garbage or trash shall be kept on any lot except in covered containers as provided by the City. These containers cannot be put curbside prior to 6:00 p.m. the night before pickup, and must be stored out of sight from the street or neighboring properties by 9:00 p.m. the day of collection.

Pets

Residents are allowed to keep two (2) pets in the rear portion of their yard. There is no limitation of pets that reside inside a resident's home. Animals cannot be kept or raised for commercial purposes, and they are not allowed to make an unreasonable amount of noise or become a nuisance to neighbors. Dog runs must have prior approval of the Committee. Dogs must remain on leashes at all times while on Association property. All owners must clean up after their pets.

Holiday Lighting

Temporary holiday decorations are permitted from Thanksgiving through January 1. Any other temporary holiday decorations are permitted so long as they are removed after a reasonable period of time.

Machinery and Equipment

No machinery or equipment of any kind shall be placed, operated or maintained upon any lot or any street.

Traffic and Vehicles

All Resident vehicles are to be kept in garages or driveways. Guest vehicles parked in the street or Common Areas without moving for more than 48 hours may be towed at the vehicle owners' expense. No inoperable, unlicensed, or unregistered vehicle shall be parked except inside a closed garage. No commercial or delivery trailer, tractor, or truck with more than four (4) wheels or greater than one ton, boat, or off-road vehicle shall be stored or maintained anywhere on the common area, driveways, or streets. **Commercial vehicles must be parked in a closed garage.** Resident recreation vehicles, motor homes, and campers may not be parked on the Property for more than 24 hours. RV's belonging to temporary guests may be parked at the pool parking for up to 7 days. Exceptions are: pickup trucks or less than one (1) ton capacity with camper shells not exceeding seven (7) feet in height measured from ground level and mini-motor homes not exceeding seven (7) feet in height and eighteen (18) feet in length provided they are used on a regular and recurring basis for basic transportation. Vehicle repairs are not permitted anywhere on the Property with the exception of minor repairs. Vehicles are not permitted to be placed up on blocks. Vehicles which drip excessive amounts of oil or fluids on the pavement may not be parked anywhere on the Property. Owners are responsible for cleaning up any excessive leakage in their driveways and on the streets.

Garage doors shall be kept shut except for ingress and egress or actively working in the garage.

Maximum speed on all streets within the Community is 15 mph.

Motorized Scooters/Go-Peds

Motor driven cycles, scooters, and go-peds are prohibited from being driven within the community at all times.

Resident's Conduct

1. No unit shall be used in such a manner as to interfere with the enjoyment of other residents; nor shall any nuisance be permitted to occur in any unit.
2. Littering of lawns or other Common areas is strictly prohibited.
3. Parties and gatherings on the Common areas shall be authorized by the Board of Directors and/or Social Committee.
4. Posted Rules are a part of these Rules and Regulations and must be adhered to.
5. Any violation of the Covenants, Conditions and Restrictions of the Aviara Homeowners Association will also be deemed a violation of these Rules and Regulations.

Swimming Pool and Spa Rules

1. The pool and Spa hours are 6:30 a.m. to 10:00 p.m. daily during summer and 6:30 a.m. to 9:00 p.m. during winter.
2. Please shower before entering either the pool or spa.
3. Children under fourteen (14) years of age must be accompanied by a responsible adult.
4. No lifeguard will be on duty. SWIM AT YOUR OWN RISK. Swimming alone is not recommended.
5. Secure and lock gate when entering or exiting the pool area.
6. Guests' or invitees must be accompanied by a Resident. The Resident is responsible for the conduct of their guests' and observance of the Rules.
7. The Association is not liable for personal or property damage which occurs in connection with the use of the Facilities.
8. The Pool Equipment room is restricted to authorized personnel only.
9. Persons are not permitted in the pool or spa with infections and/or contagious physical conditions. No bandages or related material is permitted.
10. Overuse of the Spa may be physically harmful. Individuals with heart conditions, open wounds or other disabilities should consult with their physician before extensive use of the spa. (Health Standard Recommended Time: Maximum 15 minutes)
11. Damage to Pool or Spa Facilities caused by members, their children, tenants or guests will be charged to the member responsible.
12. No loud or boisterous conduct will be allowed.
13. Pets are not allowed within the Facilities.
14. No glass objects or bottles allowed within the Facilities.
15. No skateboards, bicycles or roller skates/blades within the Facilities.
16. Children 14 years of age or under are prohibited from using the Spa.
17. No diapered children allowed in the pool.
18. No running, jumping, or diving allowed within the Facilities.
19. Common courtesy must be followed by everyone to maintain the cleanliness of the restrooms, pool facilities, and lawn areas.