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ELECTRONIC RECORDING

When recorded mail to:

Cactus Park Estates Homeowners Association

PO Box 5720

Mesa, AZ 85211-5720

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sarabiam

CAPTION HEADING:

2016 Exterior Maintenance and Painting Policy

DO NOT REMOVE

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**CACTUS PARK ESTATES HOMEONERS ASSOCIATION
RESOLUTION BY THE BOARD OF DIRECTORS**

**EXTERIOR MAINTENANCE AND PAINTING POLICY
Effective April 1, 2016**

Pursuant to the authority contained in the Arizona Revised Statutes and Article 5, Section 5.3 of the Declaration, the Board of Directors of the CACTUS PARK ESTATES Homeowners Association Inc. hereby adopts the following resolution by unanimous consent for and as the actions of the CACTUS PARK ESTATES Homeowners, as of the date set forth above:

On the 21st day of January 2016, at a meeting of the Board of Directors of CACTUS PARK ESTATES Homeowners Association, whereby a quorum of the members of the Board were present in person, a majority of the members of the Board

RESOLVED, to adopt the following:

Exterior Painting and Maintenance Policy, which includes the timeline for painting requirements, inspection schedule, enforcement rules, fine schedule and Appeal process for violations of the CC&R's and Rules and Regulations as may be adopted or modified from time to time by the Board of Directors for the CACTUS PARK ESTATES Homeowners Association.

This policy also rescinds all previous exterior painting and maintenance policies adopted by the Board of Directors.

The scope and intent of this resolution is to apply uniformly to all members of the Association.

WHEREAS pursuant to Article 7, Section 7.2 of the Declaration,

Article 7 Maintenance, Section 7.2 Lots. *“Each Owner of a Lot shall be responsible for maintaining, repairing or replacing his Lot and all buildings, Residential Units, landscaping or other Improvements situated thereon, except for any portion of the Lot which is an Area of Association Responsibility. All Lots, buildings, Residential Units, landscaping and other Improvements shall at all times be kept in good condition and repair...”*

WHEREAS the Board of Directors recognizes the need for Rules and Regulations to ensure all Lots in the community are kept in good condition and repair, including the painting of exterior surfaces of all homes and structures in the community.

WHEREAS the Board of Directors desires to maintain the community as a Premier Property in the West valley, thus facilitating higher property values, detailed rules, regulations and enforcements regarding the exterior maintenance and painting of all structures located in Cactus Park Estates Homeowners Association;

THEREFORE, BE IT RESOLVED that the Board of Directors of the CACTUS PARK ESTATES Homeowners Association, hereby approves and adopts the following EXTERIOR MAINTENANCE AND PAINTING POLICY for any maintenance violations of the CC&R's, Association Rules and the following Exterior Maintenance and Painting policy;

EXTERIOR MAINTENANCE AND PAINTING RULES AND ENFORCEMENT POLICY

Rule

The exterior of all structures on a Lot must be periodically painted to be kept in good condition and repair. Notice to paint within two (2) years/ twenty-four (24) months will be sent if based on inspection by the Association, it is determined that the paint and/or stucco on the exterior of a structure is splotchy, peeling, cracking or fading.

Application and Enforcement of Rule

- A. Based on inspection by the Association, Lot Owners determined to have splotchy, peeling, cracking or fading paint and/or stucco on the exterior of a structure will receive notice that all structures on their lot must be painted within two (2) years / twenty-four (24) months.
- B. The Community Management Company will send a courtesy/reminder notifications to the Lot owners, twelve (12) and six (6) months prior to the expiration of the time frame.
- C. **First Notice:** If the Lot Owner has not submitted an Architectural Request form prior to the painting deadline, a courtesy violation notice will be mailed on the **first business day of the following week** advising the Lot Owner that they have ten (10) days to comply by submitting the Architectural Request to paint, or further action will be taken. This notice will also identify the steps available for the Lot Owner to appeal the violation notice.
- D. **Second Notice:** If the Lot Owner does not respond to the Community Management Company within the ten (10) days from the courtesy notice, the second violation notice will be mailed to the owner, identifying that they have been **fined \$250.00** for not complying with the Exterior Maintenance and Painting Policy.
 - a. This notice will identify that the Lot Owner must submit an architectural request form to the Community Management Company within ten (10) days from the date of the notice, including the colors selected, the painting vendor they will use and a scheduled date for their home (or other structure) to be painted.
 - b. This notice will also identify the steps available for the Lot Owner to appeal the violation fine and notice. All appeals must be received within ten (10) days of the date of the violation notice.
- E. **Third Notice:** If the Lot Owner does not respond to the Community Management Company within the ten (10) days from the second notice, the third violation notice will be mailed to the owner, identifying that they have been **fined \$500.00** for not complying with the Exterior Maintenance and Painting Policy.
 - a. This notice will identify that the Lot Owner must submit an architectural request form to the Community Management Company within ten (10) days from the date of the notice, including the colors selected, the painting vendor they will use and a scheduled date for their home (or other structure) to be painted.
 - b. This notice will also identify the steps available for the Lot Owner to appeal the violation fine and notice. All appeals must be received within ten (10) days of the date of the violation notice.
- F. **Fourth Notice:** If the Lot Owner does not respond to the Community Management Company within the ten (10) days from the third notice, the fourth violation notice will be

mailed to the owner, identifying that they have been **fined \$750.00** for not complying with the Exterior Maintenance and Painting Policy, and further non-compliance will result in legal action.

- a. This notice will identify that the Lot Owner must submit an architectural request form to the Community Management Company within ten (10) days from the date of the notice, including the colors selected, the painting vendor they will use and a scheduled date for their home (or other structure) to be painted.
- b. This notice will also identify the steps available for the Lot Owner to appeal the violation fine and notice. All appeals must be received within ten (10) days of the date of the violation notice.

G. Legal Action: If the Lot owner does not respond to the Community Management Company within the ten (10) days from the fourth violation notice, the Association will take the necessary Legal Action required to achieve compliance through the Association Attorney and the Court system. All costs will be a part of the judgment that is sought against the Owner.

H. Collection of Violation Fines & Charges: If the Lot Owner fails to pay any monetary fines imposed, administrative fees, and/or legal fees and costs shall be become due and personal liability of the owner. The Board of Directors on behalf of the Association may bring an action at law against the owner personally obligated to pay the delinquent amount owed pursuant to the remedies available.

All fines are cumulative.

The board of Directors reserves the right to take any action permitted by law or the CC&R's, in addition to the above mentioned fine policy

Procedures:

1. Homeowners will be notified by first class mail and/or email of all violations.
2. If the homeowner feels their house does not need to be painted within the allotted time frame, the homeowner has the right to a hearing before the Board where decisions of the Board are final.
3. Variances to the Exterior Maintenance and Painting Policy may be allowed based on review of the Architectural Committee and approval by the Board. (Refer to Article 4 Section 4.16 of the Declaration). Please note: if a variance is given, it will be on a temporary basis to assist during financial hardship.
4. The Board will direct the Community Management Company, as to waiving or assessing of fines at each hearing or board meeting and for all pending fines and/or legal action with the Association's Attorney.

Submitting for Architectural Approval:

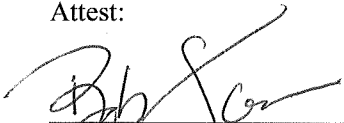
1. **Select the colors you would like to paint:** The approved paint colors for the community are available on the website. If you would like to paint your house colors that are not a part of the pre-approved color list, you will need to obtain sample paint chips to submit for review.
2. **Complete the Architectural Request form:** Even if you've selected a pre-approved color from the website, you must still submit an architectural request form so the Community Management Company is able to track the colors & date your house is painted. If you chose colors that are not on the pre-approved list, you must submit paint chip samples via US Mail.
3. **Submit the Architectural Request form:**


- a. If you have selected colors from the pre-approved list, you may email your request to info@gothoa.com and your request will be approved within 2 business days.
- b. If you have selected colors that are NOT on the pre-approved list, you must send your completed form along with the paint chip samples to Cactus Park Estates, PO BOX 5720 Mesa, AZ 85211. The sample chips will be reviewed by the Architectural Committee. **The process may take up to 5 weeks, depending on when the request is received.** **All requests are reviewed at the monthly Architectural Committee Meeting held on the 1st Tuesday of every month.** Please make sure you give yourself enough time to receive the response back prior to the actual painting to be begin. If the color is not approved and you have already started painting, you may have to repaint!

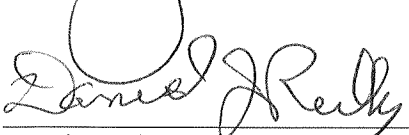
RESOLVED, that the board shall retain the right to amend or repeal this resolution.


IN WITNESS WHEREOF, the undersigned have executed this consent as of this 21 day of January 2016.


Attest:

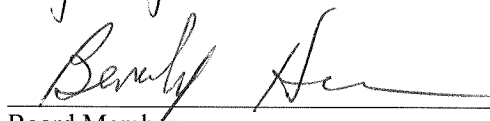

Board Member

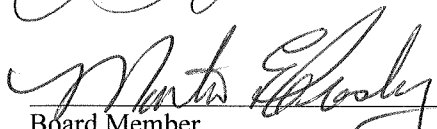

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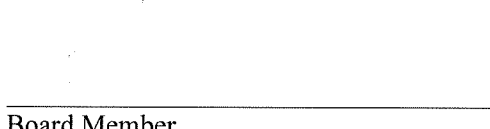

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