

**CYPRESS ON SUNLAND HOMEOWNERS ASSOCIATION
RESOLUTION BY THE BOARD OF DIRECTORS**

**EXTERIOR MAINTENANCE AND PAINTING POLICY
Effective October 7, 2020**

Pursuant to the authority contained in the Arizona Revised Statutes and Article 5, Section 5.4 of the Declaration, the Board of Directors of the Cypress on Sunland Homeowners Association hereby adopts the following resolution by unanimous consent for and as the actions of the Cypress on Sunland Homeowners Association, as of the date set forth above:

On the 7th day of October 2020, at a meeting of the Board of Directors of Cypress on Sunland Homeowners Association, whereby a quorum of the members of the Board were present in person, the Board Members unanimously

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 Cypress on Sunland 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 7.4 of the Declaration,

Article 9 Use Restrictions, Section 9.1(f) Repair of Buildings. *“No improvement upon any Property shall be permitted to fall in disrepair, and each such improvement shall at all times be kept in good condition and repair and adequately painted or otherwise finished.”; and*

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.

THEREFORE, BE IT RESOLVED, that the Board of Directors of the Cypress on Sunland Homeowners Association, hereby approves and adopts the following 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. All Owners will receive a notice to paint their home by January 1, 2023, unless **1)** proof of painting is provided to the Association identifying painting has been completed between January 2015 and December 2020 , and **2)** the paint is still in good condition and is not discolored, cracking, peeling or fading.

Application and Enforcement of Rule

- A. All Owners will receive notice that all structures on their Lot must be painted by January 1, 2023.
- 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 fourteen (14) days to comply by submitting the Architectural Request to paint, or further action will be taken. This notice will also identify the steps available to the Lot Owner of how to appeal the violation notice.
- D. **Second Notice:** If the Lot Owner does not respond to the Community Management Company within the fourteen (14) days from the courtesy notice, the second violation notice will be mailed to the Lot 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 fourteen (14) 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 to the Lot Owner of how 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 fourteen (14) days from the second notice, the third violation notice will be mailed to the Lot 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 fourteen (14) 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 to the Lot Owner of how 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 fourteen (14) days from the third notice, the fourth violation notice will be mailed to the Lot 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 fourteen (14) 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 to the Lot Owner of how 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 fourteen (14) days from the fourth violation notice, the Association will take the necessary Legal Action required to achieve compliance through the Association's Attorney and the Court system. All costs will be a part of the judgment that is sought against the Lot 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 cost shall 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 Lot 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 has painted their house between January 2015 and December 2020, proof must be provided (receipt from vendor) indicating their house was painted.
 - An inspection will be conducted on the house to ensure the paint is not discolored, cracking, peeling, or fading.
 - If the painting passes inspection, painting by January 1, 2023 will not be required.
 - If the painting does not pass inspection, the Lot Owner will be notified that the house must be painted by January 1, 2023.
3. 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.
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 Community Management Company website. If you would like to paint your house with colors that are not a part of the pre-approved color list, you will need to obtain sample paint chips to submit for review. **Adjacent houses cannot be painted the same color.**
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 arch@gothoa.com and your request will be approved within 3 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 Cypress on Sunland HOA, PO Box 5720 Mesa, AZ 85211-5720. The sample chips will be reviewed by the Architectural Committee. **The process may take up to 3 weeks, depending on when the request is received.** 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 7th day of October 2020.

Jeffrey Poirier

Board Member

Mandy Alvarado

Board Member