

Adopted 070809

RULES & REGULATIONS FOR 'MONTAGE AT SANTA ROSA'

INTRODUCTION

Montage at Santa Rosa, Inc. (the "Association") was designed and developed to serve as the primary or secondary residence for its owners. The Association's purpose is to insure that the aesthetic integrity of the original community is maintained. As in any community, common rules of courtesy must be observed in order that the common good of the community is served.

The Association is not a condominium. All maintenance of individual property is the responsibility of the Owner. This includes painting, roofs and landscaping. Each Owner is also responsible for their homeowner liability, fire, earthquake, personal property and other insurance. The Association only maintains liability insurance with respect to the Common Areas.

The following is the outline of the Rules and Regulations of the Association that are intended to aid the Owners, their families and guests in determining a reasonable method of conduct. Some of these Rules and Regulations restate and expand upon the provisions of the Declaration of Covenants, Conditions, Restrictions and Reservation of Easements of the Association (the "CC&Rs"). If there is a conflict between these Rules and Regulations and the CC&Rs, then the CC&Rs shall govern. However, Rules and Regulations that expand upon the CC&Rs shall not be considered to be a conflict.

Owners are encouraged to review the CC&Rs as well as these Rules and Regulations from time to time to avoid inadvertent violation of the rules of the Association. Capitalized terms used in these Rules and Regulations shall have the same meaning ascribed to them as in the CC&Rs.

These Rules and Regulations may be changed or adjusted, as necessary, from time to time to reflect the needs of the majority of the Owners. Written suggestions for any adjustments to the Rules and Regulations should be brought to the attention of the Association's Property Manager of the Association's Board of Directors.

Every Owner is expected to provide a copy of these Rules and Regulations to all authorized Occupants (Lessees/Renters). It shall be the responsibility of every Owner to ensure that their authorized Occupants, including short-term guests, understand these Rules and Regulations prior to occupancy of the residence and that they comply with them. Per CC&R Section 3.15 (c), all homes that are leased, regardless of the length of lease, must supply to the management company information on the tenants via the "Tenant Information" form; required information includes contact information of the person or company responsible for leasing and maintaining the property, as well as after-hours phone number(s) and email address(es). Tenant must sign that they have read, understand, and will comply with Rules and Regulations. The signed copy is to be sent to Avail Property Management (760-771-9546 or malia@availhoa.com) prior to occupancy.

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The Board of Directors of the Association is authorized to impose penalties and/or fines and to take any reasonable action required to ensure that these Rules and Regulations are properly observed.

The Board of Directors shall have the right to delegate any of its power to regulate and enforce these Rules and Regulations to a committee of the Board of Directors.

SECTION 1: GENERAL RULES

A: DAMAGE TO COMMON AREA

Any damage caused by an occupant, their guests, or their pets, to the Common Area is the responsibility of the owner. The owner will pay for all costs of repairs, loss or replacement as a result of any such damage, including legal fees and expenses. The Board may specially assess an individual lot owner for such costs and repair of damages to the Common Area.

B: EXTERIOR APPARATUS REGULATIONS

Subject to California Civil Code Section 1376 and any applicable decision of the FCC, electrical or telephone wiring, air conditioning units, antennae, satellite dishes (or any other electronic receiving or broadcasting device) etc. may not protrude through the exterior walls or roof or otherwise be erected on a Lot, unless authorized by the Architectural Review Committee(ARC). Small satellite dishes of 24" or less may be installed under FCC regulations.

If the homeowner has a water softening system, no plumbing or tanks may be visible from the common areas. All plumbing and tanks must be placed either in the garage or behind the walls.

C: SPRINKLER OVERSPRAY

Owners are responsible to ensure that their sprinklers do not overspray into the streets or adjacent lots. Additionally, owners need to regulate their irrigation to keep run-off to a minimum.

D: NEWSPAPERS

Owners are asked to pick up their newspapers on a daily basis. If you are leaving town, please make proper arrangements so the papers do not accumulate.

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E: EXTERIOR CLOTHSLINES

Exterior clotheslines may not be erected and clothes may not be dried outdoors in view of residents or guests.

F: NUISANCES

Illegal, offensive, nuisance or obnoxious actions that interfere with any occupant's quiet enjoyment, or may impair the structural integrity of any building, are not permitted on the property.

G: QUIET ENJOYMENT

To ensure quiet enjoyment of the premises, Occupants shall not produce or permit any unreasonably loud noise, i.e., vibration, music or similar sounds that may emanate from their residence or lot, or from the Common Area. This rule is especially important after 10:00 p.m. and before 7:00 a.m.

No occupant shall permit any activity that may interfere with the rights, comfort, safety and quiet enjoyment of the other occupants.

The following is a list of activities, which if violated, are considered a breach of the association's right to quiet enjoyment.

- a. Bicycle riding shall be permitted on paved portions of the Common Areas only.
- b. Skateboard and bicycle ramps are prohibited.
- c. Playing in the street - Children playing in public areas need to be under the supervision of an adult. The supervising homeowner is responsible for any damage caused by children playing in common areas.
- d. Permanent basketball hoops are prohibited. Portable basketball hoops are permitted on driveways while in use, but must be stored so as not to be visible from any Common Area, or neighbor's view, when not in use. Per CC&R's, children's play equipment (trampolines, jungle gyms, slides, swing sets, etc.) are permitted as long as they are not visible from any Common Area, or neighbor's view, at anytime. Installation of children's play equipment requires approval by the Architectural Review Committee.
- e. The owner of a lot shall be responsible for all damages of any type (including legal fees and expenses) that Occupant causes, directly or indirectly, by any such Occupant or their pets.

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- f. Owners are responsible for the actions of their guests and their pets while on the property.
- g. An owner may advertise a home for sale with one (1) standard real estate sign no larger than 18" X 30". The sign must be beige with dark brown lettering, and be displayed within 10 feet of the house. An "OPEN HOUSE" sign is permitted (in addition to the main sign) when an open house is held, with an additional directional sign. Only one "OPEN HOUSE" sign is permitted per property. A brochure box may be attached to the sign. TWO (2) small security signs (1 front yard, 1 side yard) are permitted per lot within two feet of the home. No other sign or advertising device may be displayed on a Lot without the prior written consent of the Board of Directors. When listing a home for sale, it is the responsibility of the actual homeowner, not the lessee, to inform the realtor of the sign ordinance and advise them who to contact at the Management Company for the name of the sign company and the purchasing of the signs. Realtors should contact Avail Property Management (760-771-9546 or malia@availhoa.com) to obtain a temporary 90-day gate access code; realtors may not post gate codes at the entry gates, nor publish the gate codes in Multiple Listing Services or other property advertisement materials.
- h. Individual garage, yard or estate sales are prohibited; the HOA board may approve an annual Montage garage sale.

H: EXTERIOR LIGHTING

Association exterior lights are operated by two (2) photo cells. One photo cell controls the lighting on front yard landscaping, and is not homeowner controllable. The second photo cell operates the exterior house/garage overhead lights, and is controlled by a switch near the front entry door; homeowners/occupants should ensure that this light switch is always in the "on" position, as the lighting enhances safety and security, as well as provides a consistent subdivision lighting scheme.

I: OWNER'S MAINTENANCE AND REPAIR OBLIGATIONS

Each owner must maintain the Lot (including improvements) in a neat, sanitary and attractive condition, and is solely responsible for the cost of repairs and improvements.

- i. Faded garage and entry doors, gates, shutters and trim need to be repainted on a timely basis and with the original color; contact the Avail

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Property Management for correct color codes. Changes to exterior paint colors must have prior Architectural Review Committee approval.

J. ALTERATIONS OF RESIDENCES

No homeowner may alter any portion of a Residence or Lot without approval of the Architectural Review Committee, including the installation of exterior evaporation units.

K. COSTS INCURED IN ENFORCING RULES

If an Owner is found not to be in compliance, then all costs, including, but not limited to court costs, reasonable attorneys fees and management fees, including interest at the legal rate then specified, incurred in enforcing these Rules and Regulations and/or the CC&Rs shall be borne by such owner. Nonpayment of these costs of enforcement may result in a special assessment being levied against the Lot of such Owner and may be collected in the manner set forth in the CC&Rs.

After due process, the HOA board may direct the management company to contract with appropriate vendor(s) to enter any yard for the purpose of correcting deferred landscape and maintenance defects. The homeowner will be responsible for all cost associated with such remedy.

SECTION 2: ARCHITECTURAL AND LANDSCAPING RULES

A: ARCHITECTURAL COMMITTEE APPROVAL

As provided in the CC&Rs, the association has an Architectural Review Committee (ARC) to review plans to alter or improve existing structures or landscaping or to construct new improvements. The ARC has broad powers and authority to enforce the CC&Rs to preserve the harmony and overall aesthetic beauty of the entire community. To insure the proper operation of the ARC, the work of this committee insures the high quality of the community.

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All plans to build, construct, alter, change, redesign or repaint the existing structure or the addition of a peripheral structure, including doors, gates, shutters, garage doors, SHALL NOT BE PERMITTED without the prior written approval of the ARC or the Board of Directors (see CC&Rs, article VII). Plans should include a construction schedule, and such schedule should be adhered to on all approved plans. Any ARC planned waiver, which is a request that conflict's with the CC&R's, must also be approved by the HOA board. Failure to obtain approval from the ARC Committee and the Board of Directors will result in a fine of \$250.00. All ARC approvals must be in writing.

No structure, either temporary or permanent, may be placed on the homeowner's lot that is visible above the top of the fence. Patio umbrellas are the exception. Palapas must be submitted for approval.

B: ARCHITECTURAL RULES

The ARC Committee may impose reasonable rules and regulations as a condition precedent to the construction including, but not limited to, providing the ARC with drawings, details and design drawings. The ARC may also inspect the residence and/or Lot and require the proposed project to be completed within a set time frame. The cost of this inspection, at the discretion of the ARC, must be borne by the owner seeking approval. Requests for approval should be submitted to the property management company, who will forward the request to the member(s) of the ARC and/or Board of Directors.

The current Property Manager is:

Avail Property Management
47-350 Washington Street, Suite 101
La Quinta, CA 92253
Telephone: (760) 771-9546
Fax: (760) 771-1655
Email: service@availhoa.com
Website: availhoa.com

C: NECESSITY OF BUILDING PERMITS

Nothing in this section will allow an Owner to alter on construct a structure without a building permit, if required.

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D: RESPONSIBILITY FOR DAMAGES

The owner will be responsible for all damages caused by the contractor to the Common Area in connection with the architectural/landscape changes.

E: COMMON WALLS (FENCES)

Owners with a common wall have an equal right to use the wall, with the following provisions:

1. Each owner has the exclusive right to use the interior surface of the wall facing the residence.
2. Owners may not drive nails, bolts or other objects more than halfway thru any common wall.
3. Owners may not interfere with the adjacent owners use and enjoyment of the common wall.
4. Owners may not threaten or impair the structural integrity of any common wall.
5. If any portion of the wall (other than the interior surface of one (1) side) is damaged by any cause other than the act or negligence of either party, it must be repaired or rebuilt at the relevant owner's joint expense.

No wall shall be heightened without the written approval of the ARC.

F: ENFORCEMENT

Failure to follow the provisions set forth in this section and in the rules of the ARC may result in the imposition of fines, special assessments, or legal action.

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**SECTION 3: HOA INDEPENDENT
CONTRACTORS/EMPLOYEES**

A: ASSOCIATION EMPLOYEE'S OR CONTRACTORS

The Association's employees or independent contractors are agents of the Association as a whole and their direction is provided solely by the Board of Directors through the Association's Property Manager. Employees and independent contractors of the Association shall not be directed in their work by occupants or homeowners. Homeowner's are encouraged to always hire licensed contractors whenever possible.

B. PROPERTY MANAGER'S AUTHORITY

All independent contractors of the Association are managed by the Association's Property Manager and any comments regarding their performance or demeanor should be directed in writing to the Association's Property Manager and/or the Board of Directors.

SECTION 4: INORDINATE NOISE

Work done by either an occupant or service/trades persons which cause ordinate noise must be done only during the hours of 7:00 A.M. to 6:00 P.M., May thru October, and from 8:00 A.M. to 5:00 P.M., November thru April, Monday thru Saturday. No work on Sundays.

SECTION 5: LANDSCAPE AND MAINTENANCE RULES

Any failure by an owner to maintain landscaping which is the owner's responsibility, following notice to the owner, may be maintained by the Association at the owner's expense. Any unauthorized landscaping is subject to removal, following notice to the owner, and expense incurred in removal will be charged to the responsible owner. Maintenance crews (with the exception of occupants) are permitted on Lots during the hours of 7:00 A.M. to 6:00 P.M., May thru October, and from 8:00 A.M. to 5:00 P.M., November thru April, Monday thru Saturday. No work on Sundays.

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All Lots must maintain the current landscaping theme in the front yard, and any alterations must be approved by the ARC.

Any yard with grass in the front must be over seeded with Ryegrass annually during the months of October/November.

No artificial plants or flowers are permitted in the front yard or common areas.

Any dead trees or plants must be replaced with the same type, or with ones that have been approved by the ARC. The location of replacements plants must be same as the location of the plants which are being replaced.

No trees or plants are allowed in the front yard water drainage areas. Homeowners are responsible for keeping the water drainage areas free of weeds and sand.

Construction materials and/or equipment, including pool filters, cannot be cleaned in the street or drainage areas. Pools must be drained into the sewer lines.

Bare areas without vegetation or rock must be covered with DG. Additional DG must be added when the native sand becomes exposed. No other rock or ground cover may be added without prior ARC approval.

Trees and shrubs must be trimmed to maintain an attractive appearance, and trees (with the exception of Palms) shall not be allowed to exceed 25 feet in height.

Rear yard landscaping must be completed within 120 days of recording of title to the property. Native sand must be covered with vegetation, DG, rocks or similar material to prevent airborne dust and sand.

After due process, the HOA board may direct the management company to contract with appropriate vendor(s) to enter any yard for the purpose of correcting deferred landscape, irrigation and maintenance defects. The homeowner will be responsible for all cost associated with such remedy.

Any owner of a corner lot property is responsible for all the side yard maintenance up to the pavers.

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SECTION 6: PETS

A: GENERAL

Certain rules are necessary to ensure that pets maintained on the premises do not impose a nuisance or burden on other occupants. Customary household pets may be kept, provided they are not bred or raised for commercial purposes, and they are kept under reasonable control at all times. Maximum of (3) pets (dogs or cats) are allowed per lot, per Indio ordinance 159.605.

B: LEASH REQUIREMENT

All pets must be controlled by a leash at all times when outside owner's property. Pets may only be allowed outside "unleashed" in the owner/occupants rear yard or front courtyard. No animal may be allowed outdoors making noise for more than 5 minutes. No pets shall be tied up outside, in areas viewable from common areas. Dog owners are also referred to Indio ordinances, which provide in part that dogs "may not be permitted to run at large".

Any and all damage to the Common Areas caused by any animal is the responsibility of the owner. Pets are only allowed in the Common Areas (but not on any landscaped portion of the Common Areas), and shall not be permitted to enter the Lot of any owner without permission of the owner.

C: NUISANCE

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If any pet creates a continual nuisance to other occupants by barking or some other manner, the Board of Directors may permanently disallow the residence of the pet on the property.

D: PET WASTE

Owners must prevent their pets from soiling all Lots and Common Areas. Owners are responsible for any required cleanup. Dog owners are also referred to Indio ordinances, which provide in part that no dog owner "knowingly fail, refuse or neglect to clean up any feces of the dog immediately and dispose of it in a sanitary manner whenever the dog has defecated upon public or private property." An immediate \$100.00 fine will be assessed to any pet owner who is found to have violated this rule; repeat offenders will be subject to additional fines, per the enforcement guidelines in section 9 of this document.

SECTION 7: VEHICLES AND PARKING

A: SPEED LIMIT

Speed limit in the community is 15 miles per hour maximum.

B: COMMERCIAL AND RECREATIONAL VEHICLES

Buses, large trucks, trailers, campers, boats, mobile homes, recreational vehicles, motorcycles, inoperable vehicles, or any vehicles the Board of Directors deems a nuisance, are not permitted unless parked wholly within the existing garage with the doors closed. Restoring or repairing vehicles on the property is not permitted unless done completely inside the garage with the garage doors closed. Loading and unloading of RV's or boats is permitted (6 hour maximum per event). Overnight parking is prohibited for any vehicle that has writing on the exterior or visible equipment/supplies; such vehicles must be parked in the garage, with the doors closed. If an RV or commercial vehicle needs to be kept in the community overnight, permission must be obtained from the property management company or the Board of Directors.

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C: PARKING

Vehicles owned, operated, or within the control of any occupant, shall be parked in the garage of such occupant, to the extent of the space available. Each occupant shall ensure that his/her garage is maintained so as to be capable of accommodating at least two (2) full-sized automobiles, and shall not be converted to other uses without a permit from the city of Indio. Garage doors shall remain closed except when entering or exiting, or for reasonable periods of time while the garage is being used.

Occupants should make every effort to utilize garage and driveway available space prior to allowing guest/vendor street parking. To allow for free traffic flow, as well as sufficient walkway access, vehicles temporarily parking on the street may park on the walkway pavers, up to a maximum of 18" from the asphalt street edge; however, any parking-related damages to the pavers, or common areas in general, are the responsibility of the homeowner. Vehicles parked longer than 4 hours must be parked on the driveway or in the garage.

Overnight parking is not permitted on the streets; exceptions require the approval of the property management company, and are evaluated on a case-by-case basis. Street parking is not allowed in instances where to do so will or may obstruct free traffic flow, constitute a nuisance, or otherwise create a safety hazard. Street parking is prohibited during daylight hours every Thursday to accommodate street sweeping.

No parking is permitted in safety zones, by fire hydrants, in front of mailboxes, or on the wrong side of the street. Go-carts, dune buggies, motorized skateboards, and all other similar type vehicles, are prohibited at all times.

Residents and guests are not permitted to work mechanically or otherwise on their vehicle(s) anywhere but inside their garage(s), with the doors closed.

If an owner's vehicle leaks, it should be parked solely in the garage so as not to damage driveways or common areas. Homeowners are responsible for any damage caused by guests or vendors to pavers/streets, including oil stains.

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All vehicles, or other items, parked or stored in violation of the rules, will be subject to immediate tow away or other such action deemed necessary by the Board of Directors or property manager. The owner will be responsible for all costs.

The association, acting through the Board of Directors, reserves the right to issue warnings, which may be written or verbal, and fines when appropriate. The issuance of such warnings shall not constitute a condition prior to the removal of any vehicle, parked or stored in violation. Fines may be issued, when appropriate, without prior notice or warning (for details, reference section 9 "Enforcement Guidelines").

SECTION 8: TRASH AND REFUSE

A: GENERAL

Weeds, rubbish, debris, objects or materials that are unsanitary, unsightly or offensive are not permitted on the property. Driveways and sidewalks must be kept clean and free of oil and rust stains.

B: RUBBISH CONTAINERS

Rubbish storage containers, woodpiles, machinery, equipment and other unsightly objects may not be visible from the other Lots or the Common Areas.

Rubbish containers may not be placed on the street temporarily for pick up before 6:00 P.M. of the evening prior to pick up. Containers must be stored the evening of scheduled trash collection. Trash containers must be stored so they are not visible from any common area, per the City of Indio Regulations and this Association.

SECTION 9: HOLIDAY DECORATIONS

A: SEASONAL DECORATIONS

Seasonal decorations are permitted with the following qualifications:

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1. Holiday decorations shall not be displayed prior to Thanksgiving, and must be removed by January 10 of the following year.
2. All other holiday decorations shall not be displayed more than 10 days before the holiday, and must be removed no later than 5 days after the holiday.

SECTION 10: ENFORCEMENT OF RULES (PROCEDURES)

A: DUE PROCESS

Prior the imposition of any fine or suspension of rights, the violator shall be given written notice, with an opportunity to appeal to the Board of Directors.

B: ENFORCEMENT GUIDELINES

Generally, though not necessarily, the Association will adhere to the following schedule:

1. First Offense: Warning notice of violation and request to correct.
2. Second Offense: Notice of hearing and possible \$100.00 fine.
3. Third offense: \$250 fine
4. Fourth and continual offenses: Notice of \$500 fine, which will continue every 2 weeks or until violation ceases.

The matter may also be sent to an attorney. Any attorney costs/fees incurred will be charged as an assessment, after due process has been provided. The association may also offer to submit the dispute to Alternative Disputed Resolution (ADR), pursuant to Civil Code Section 1354. Any costs incurred to the mediator or arbitrator is to be split among the parties. The association has the right to proceed with legal action to compel compliance with the documents. The prevailing party of any dispute is entitled to recovery of the attorney's fees and costs.

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These steps may vary, and legal action may be immediately sought in the form of a Temporary Restraining Order where appropriate. Payment of an assessment or fine does not eliminate the Owner's obligation to correct the violation. Nothing contained herein shall be interpreted to limit or eliminate case-by-case discretion on the part of the Board of Directors with respect to imposition of disciplinary action.

C: COMPLAINT PROCESS

If an owner provides the Property manager a written complaint that a rule has been violated, the manager will investigate the allegation and may decide to proceed with the enforcement guidelines (section B above) and may refer action against the offending owner or occupant to the Board of Directors. This includes, but not limited to, fining, special assessing, when appropriate or instituting legal action. However, nothing in this section obligates or requires the Board of Directors, or its authorized committees, to take action against an individual owner or occupant. The Board of Directors, in making this decision, will determine the costs and benefits of taking such action.

Anonymous letters or complaints will not be acted upon unless the noted violation can be visually verified by way of an inspection of the property or photographs. Additionally, while the Board of Directors will not routinely provide the identity of the resident alleging the violation, it does not guarantee that their name remains anonymous, or has any duty to protect the privacy of such complaints.

In the case of such complaints that may be difficult to verify, the resident alleging the complaint should be prepared to come before the Rules Committee to discuss their claims. If applicable, the resident alleging the violation should try to obtain photographs as evidence of the violation.

D: OWNER NOT IN GOOD STANDING

Homeowners who are delinquent one month or more in assessments will be considered "not in good standing" and the Board of Directors may elect to suspend voting privileges following the process set forth in the CC&R's.

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