

High Desert Residential Owners Association Policy on Community Wall Modification and Maintenance

I. Authority

This policy is adopted in accordance with

- Section III.C. Paragraphs 3.15 and 3.16 of the HDROA By-Laws, which set forth the general powers and duties of the Board of Directors with respect to the administration of the Association's affairs:
- Article IV Paragraphs 4.3 and 4.4 of the Declaration of Covenants, Conditions, and Restrictions (the "CC&Rs") which authorizes the Association, acting through its Board, to make and enforce reasonable rules further defining the covenants and restrictions set forth in the Declaration and to enforce those rules
- Article V Paragraph 5.1 of the CC&Rs, which assigns to the Association the responsibility to maintain and keep in good repair the areas of Common Responsibility, including all perimeter walls and fences

References to "perimeter walls" and "community walls" in this policy shall be consistent with the definitions of such walls in the Guidelines for Sustainability for Builder Homes and in the CC&Rs.

II. Background and Purpose

The HDROA is responsible for the maintenance of common property including walls and view fences.

Because of the importance of community walls to the overall appearance of Builder Communities and because the Association has maintenance responsibilities for structural integrity of community walls and the surfaces facing public areas, they may not be modified by homeowners without the approval of the Board and the Modifications Committee.

Furthermore, inspection to see if maintenance is needed and the actual maintenance and repair of the walls can be difficult due to homeowner plant material that obstructs the common property side of the wall or due to practices by the homeowner that degrade the wall foundation, cause erosion of the base, or cause the wall to deconstruct (e.g. overwatering). Additionally common property such as sidewalks and signs may be raised or obstructed causing dangerous situations. If the homeowner does not correct the situation, the Association must have it corrected, which costs the HDROA money and time. The longer the situation is in place the more expensive the correction becomes.

III. Rules and Procedures regarding modifications to community walls

Should a homeowner wish to modify a community wall that abuts their lot, they must follow this policy for obtaining prior approval for and completing the modification. Because of this two-step approval process for community wall modifications, the homeowner, in making

their request, agrees to waive the 45 day limit on approval of modification requests as stated in the CC&Rs. Such requests will be reviewed in a timely manner, consistent with scheduled meetings of the Board and the Modification Committee.

The homeowner will submit a request to the Modification Committee (MC) using the standard submission form for modifications. The modification request must state the name of the proposed vendor to perform the construction, which shall be chosen from a list obtainable from the property manager of approved vendors for such work. The color and manufacturer of the stucco to be used on the community wall may be obtained from the property manager. The scope of work in the modification request must include restoration of the land surrounding the wall to its pre-modification state.

The MC shall consider the complete submission to determine if the modification is consistent with the Guidelines, especially those pertaining to wall design. If the MC determines that the requested change is acceptable, the modification request will be forwarded to the Board for approval at its next regularly scheduled Board meeting. The Board may only consider that the proposed change does not add unreasonably to the maintenance burden of the Association.

The decision by the Association (through the MC and the Board) to approve or deny the requested modification of the community wall shall be final, conclusive and binding and shall not be subject to judicial review so long as exercised in accordance with the procedures set forth in this policy and the CC&Rs.

Upon notification that the MC and the Board have approved the modification request, the homeowner must make a \$1000 construction deposit with the property management company before final approval is effective. The deposit, less any costs, shall be returned without interest upon a successful final inspection of the modification by the Modification Committee.

IV. Rules regarding owner responsibility for wall care

Homeowners must keep plant materials from growing on common walls and view fences. Furthermore, homeowner landscaping practices must not degrade the wall or view fence.

Homeowners are responsible for correcting conditions caused by their landscape plant material or practices that make it difficult to inspect, maintain, or repair the common walls, view fences, and/or other common property.

Examples of conditions that need to be corrected include but are not limited to:

- Growth of plant material on the top of or on the outside of common walls
- Growth of plant material through view fences in common walls
- Growth of trees or large bushes scraping common walls or growing through view fences in common walls.
- Watering or overwatering in a manner that produces efflorescence or white mineral deposits on the outside of the wall

V. Notice and Fines

Homeowners will be notified by the property manager when they are in violation of the above rules and procedures and will have 30 days to correct the violation.

If the violation is not removed within 30 days, a second notice will be sent stating that the property manager will correct the problem and the owner will be billed for the cost.

Second and successive violations will result in a fine as specified in the Enforcement Policy

Adopted by the Board of Directors on July 17, 2013

Revised and approved by the Board of Directors on December 18, 2013

Signature: _____
For the Board