

CLEARWATER FARMS UNIT III PROPERTY OWNER'S ASSOCIATION

Definitions Visible from Neighboring Lots, Roadway or Easements

WHEREAS the Declaration of Conditions, Covenants, and restrictions for Clearwater Farms Unit III Property Owners Association, Inc recorded in Docket 84-247967, of the records of Maricopa County, Arizona (The "Declaration") sets forth the legal description of the Property and subjects each owner of a Lot that is part of the Property to certain obligations, easements, restrictions, covenants and conditions.

BE IT RESOLVED that the following policy is hereby adopted by the Clearwater Farms Unit III Property Owners Association, Inc., its Board of Directors with respect to the storage upon Lots.

Article 9.5 of the CC&R's reads, "No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the surrounding area. No lot shall be used or maintained as a dumping ground for rubbish, or storage of non-operating vehicles. All weeds shall be kept and removed. Lots, fence lines, ditches and pipelines shall be kept free of weeds and unkempt grasses, as not to become a fire hazard, or a nuisance to adjacent properties, irrigation systems and roadways."...

The Board will utilize the following definitions in order to determine a violation:

Storage of inoperable vehicles: An inoperable vehicle will be defined as a vehicle that is not operable, has flat tires, not moved regularly, has low tires, cobwebs, covered in dust etc...

Visible from a neighboring lot: shall mean with respect to any given object, that such object is or would be visible to a person six feet tall, standing on any part of such neighboring property at an elevation no greater than the elevation of the base of the object being viewed.

Visible from the street, roadway or easements: shall mean with respect to any given object, that such object is or would be visible to a person six feet tall, standing on any part of such street or easement at an elevation no greater than the elevation of the base of the object being viewed.

With regard to complaints of storage of inoperable vehicles, the Board of Directors will be inspecting the community and will make a determination as to any offending lot that is considered to be storing an inoperable vehicle(s), when the inoperable vehicles may be "**viewed from any street, roadway or easement**". The offending owner will then be sent a letter requesting the lot owner to take immediate steps in which to remedy. Example, if an owner maintains their "old truck in the front of the house, the hood is off, the tires are flat and clearly the vehicle doesn't run because the motor is sitting in the bed, the offending owner will be sent a letter requesting the vehicle be moved from view of the roadway. In order to remove the object from view of the street or easement or even neighboring property, the offending owner may need to consider installation of a perimeter block wall or fencing with screening so that the object cannot be viewed to resolve the infraction. Remember an Owner must first submit for Architectural Approval before installing any type of fencing or screening.

Weeds, Rubbish or Debris piles:

Using the same definitions of being stored or able to be viewed from a neighboring property, no owner may allow grass clippings, tree branches or the like to be stored upon any lot or easement or may be

viewed by a neighboring property. Piles may be viewed as a Fire Hazard. Immediate removal will be required.

The Board will not be viewing or searching for violations that may be *visible from a neighboring property* by stepping foot upon any lot unless invited.

- All attempts should be made to resolve any neighboring issue on an individual basis, if feasible.
- If an issue is not able to be resolved through individual contact, the complaining party must submit in writing a complaint to the Association.
- The complaint must be in writing and signed.
- The complaint must detail the infraction or nuisance and specify how the complainant is impacted by the infraction.
- The Board will then inspect the complaint and determine whether the violation or nuisance is valid.
- If the complaint is validated, the Board will notify the offending party in writing via U.S. Mail. The offending party will be asked to respond in writing.
- The Board will then attempt to resolve the issue in compliance with the documents of the Association and/or the applicable policies. The offending party will also be given an opportunity to be heard by the Board of Directors.

Remember, the Board of Directors reserves the right to impose monetary penalties against a member for a violation of the Declaration, Bylaws or Rules of the Association per Arizona Revised Statutes 33-1803.

The Board will not issue a letter under the definition of being "viewed by a neighboring property" unless a written complaint is received. The implementation of the foregoing is a continued effort of improving the value of the homes in Clearwater and to promote maintenance of the esthetics to make Clearwater Farms Unit III the most desirable place to call home in Clearwater Farms.

Adopted this 12th day of April 2004

Art Trautman

Art Trautman, President

Owen Dejanovich

Owen Dejanovich, Secretary