

Miralago Rules & Regulations

STATEMENT OF GENERAL POLICY

Recognizing the individual and collective property investments of the membership of Miralago at the Foothills Homeowners' Association and the value to all owners and residents of the beauty and peacefulness of this community, the Board of Directors has adopted these Rules and Regulations effective November 1996. Your cooperation in supporting not only the letter but the spirit of these Rules and Regulations will contribute significantly to the protection of the rights and privileges of all.

The overriding philosophy is to establish guidelines that will maintain the private lifestyle and architectural decor of this community. The Board considers it essential that all members of the Association familiarize themselves with these Rules and the Covenants, Conditions and Restrictions (CC&Rs) which are the governing document of our Association.

The terms and conditions set forth in these Rules and Regulations are binding upon all owners and tenants residing within the boundaries of the Miralago at the Foothills Homeowners' Association (The Association) and invited guests who might be visiting or using any part of the Common or other designated areas

MANAGEMENT COMPANY

ACCOUNTING FIRM:

COLBY MANAGEMENT
13622 N 99TH AVE
SUN CITY, AZ 85351
623-977-3830

The Management Company handles business matters for the Miralago Board of Directors including the maintenance of grounds and recreational facilities. If you have specific questions or concerns, contact them directly.

BOARD OF DIRECTORS

Your Board of Directors will meet at scheduled times each month which is posted on the clubhouse notice board. The first thirty minutes of the Board meeting is Homeowner Forum and is open to all homeowners and residents to participate in active discussion relating to association concerns. Then the Board will close the floor to non-Board members to begin the formal meeting. Homeowners and tenants are invited to stay and see how the Board operates but may be asked to leave if an Executive Session is required.

COMMITTEES

In addition to being elected to the Board, Committees are the forum in which you can participate in the affairs of the Community, make known your needs, complaints and suggestions, and above all be a part of the decision making process. Owners are encouraged to participate in these Committees.

The following Committees are active in the Community and need your support in order to be effective. If you are willing to help, leave your name with the Management Company and someone will contact you.

- Architectural
- Finance
- Landscape
- Social

It is the intention of the Board of Directors to adopt as few Rules & Regulations as possible while maintaining a peaceful, livable community and preserving individual freedom. Achievement of community harmony does require some regulation of individual activity to protect the right of all residents.

MAILBOXES

Your mailbox is the property of the U.S. Postal Service. If you have any problem with your lock, key or mail delivery, contact the Phoenix Post Office at 1-800-275-8777.

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GENERAL RULES

- All living units are to be used solely as private residence.
- No living unit or exclusive use area is to be used in such a manner as to cause unreasonable noise, nuisance or illegal activity.
- No living unit or exclusive use area is to be used in any manner so as to cause said property to be uninsurable.
- The owner of the living unit shall not be permitted or allow residents to drape the interior side of windows or doors with aluminum foil or any other material such as sheets and blankets.
- No automobile or motorcycle overhaul or maintenance shall be permitted anywhere except INSIDE the garage.
- Garages must be kept clean and safe. No activity that would be a health, fire, or safety hazard and/or noise nuisance is permitted. Wiring changes in garages require a Building and Safety Permit. Flammable products such as paint, thinner, or oil shall be stored in suitable containers and marked as such. No gasoline or open containers of oil may be stored.
- The use of radios or television sets in open driveways on a temporary basis should have volume kept at a courteous level.
- In the event an owner fails to maintain his living unit, garage or patio in a manner defined necessary in the judgment of the Board of Directors, the Board shall send written notice to the owner stating that work or repairs are required. The repairs shall be carried out within a period of 14 days or the Association may have the work done at the owner's expense.
- The Association's Master Insurance Policy does not cover residents for their own liability and personal structure and content insurance coverage.
- Homeowners are held accountable for their own and/or their tenant's and guest's actions.
- Violations resulting in damages to Association facilities and/or Common Areas will result in charges being levied to the homeowner for all repair of damages.
- All complaints/violations shall be submitted in writing to the Board of Directors through the Management Company.

COMMON AREA: All that portion of the real property not located within property lines of a given lot or exclusive use area. Common Area includes swimming pool, spa, recreation building, neighborhood landscaping, community entry landscape and community privacy gates, walkway at the lake, drainage channel, private streets and guest parking.

RECREATIONAL FACILITY ACCESS

All owners are furnished with one "Resident Key" to the Common Facilities. This key belongs to the Miralago at the Foothills Homeowners' Association and must be surrendered to the Management Company upon request and transferred to the new owner or Management Company when selling your home. If this key is lost, a duplicate can be obtained from the Management Company for a fee of \$50.00. A second lost key is \$75.00.

SWIMMING POOL, SPA AND RAMADA RULES

- The Pool, Spa and Ramada Facility have no restricted use hours. Quiet time shall be from 10:00 P.M. to 6:00 A.M. The pool service personnel may ask residents to leave the pool or spa while cleaning is done.
- Please shower before entering either the pool or the spa. People using the Facilities shall place a towel over pool furniture when using suntan oil or other lotions. Excessive suntan lotion or oils should be rinsed off before entering the pool or spa.
- Children under fourteen (14) years of age must have a Red Cross emblem secured to their swim suit in a visible location, Red Cross Certification, or must be accompanied by a responsible adult. After 6:00 P.M. people under eighteen (18) years old must be accompanied by a responsible adult.
- No lifeguard will be on duty; SWIM AT YOUR OWN RISK. Swimming alone is not recommended.
- Secure and lock gate when entering or leaving the Facilities.
- Anyone found breaking into the Facilities or climbing over the fence will be subject to trespass laws as set forth in the Arizona Penal Code.

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- Guests must be accompanied by a member of the Association; the member is responsible for the conduct of their guests and observance of the Rules.
- The Homeowners' Association is not liable for personal or property damage in connection with the Facilities.
- The pool equipment room is restricted to authorized personnel only.
- Persons are not permitted in the pool or spa with infections and/or contagious physical conditions. No bandages or related material is permitted.
- Overuse of the spa may be physically harmful. Individuals with heart conditions, open wounds or other disabilities should consult with their physician before extensive use of the spa. (Health Standard Recommended Time: Maximum 15 Minutes.)
- Damage or negligence to pool, spa and ramada facilities caused by members, their children, tenants or guests will be charged to the member responsible, as set forth in the Covenants, Conditions and Restrictions (CC&Rs) of the Association.
- You must use your pool key and be prepared to show it to any Member as a means of identification as a person authorized to use the Facilities.
- In consideration for the families that live immediately adjacent to the pool area, please keep the noise down to a minimum. NO LOUD OR BOISTEROUS CONDUCT!

THE FOLLOWING ITEMS ARE NOT ALLOWED

- NO pets within the Facilities.
- NO glass objects, glassware or bottles within the Facilities.
- NO skateboards, bicycles or roller skates within the Facilities.
- NO running, pushing, shoving, or other disorderly or dangerous activity in or around the pool area.
- NO RADIOS, TELEVISIONS, TAPE DECKS, OR MUSICAL INSTRUMENTS MAY BE USED WITHIN OR AROUND THE POOL FACILITIES UNLESS USED WITH EARPLUGS OR EAR PHONES.
- NO diving or jumping from the edge of the pool or from another person's shoulders shall be permitted.
- NO smoking, eating, or drinking while using the pool or spa shall be permitted. Food, cigarettes, or drink should be kept away from the water. Be careful with litter and cigarette butts so that the pool drains and filters do not become clogged. Dispose of all trash in proper receptacles.
- NO personal items such as towels, chairs, etc. should be left in the pool area overnight.
- NO barbecuing in or about the pool and spa Facilities or on the lawn adjacent to the pool areas except in designated areas.
- Toys, inner tubes and floating apparatus, except for toddler swim aids or life vests, will be allowed in the pool only from 11:00 A.M. to 5:00 P.M.
- Lap swimming has priority from 6:30 A.M. to 8:00 A.M.
- Common courtesy must be followed by everyone to maintain the cleanliness of the restrooms, pool facilities and lawn areas. Trash containers and ashtrays have been provided. Please use these containers and keep the Recreation areas clean.
- For a planned gathering exceeding 10 people, prior reservations and a deposit need to be made with the Management Company.
- Spontaneous use of the common area facilities is encouraged by all members as long as courtesy and sharing are observed. When a reservation has been made, it shall take priority over spontaneous use.

THE POOL IS FOR YOUR CONVENIENCE, PLEASURE AND ENJOYMENT. PLEASE COOPERATE IN HELPING TO KEEP IT CLEAN, SAFE AND QUIET.

LAKE AND WATERCRAFT AND FISHING

- Wading, swimming or diving in the lakes is prohibited.
- Windsurfing is prohibited.
- Boating on the lakes is restricted to residents and their guests.
- All boats operated on the lakes shall be powered manually, by sail or electrically. No power boats are permitted. Sailboats shall not exceed an overall length of 15 feet. Canoes shall not exceed 16 feet.

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- All boats must be registered with the Arizona Game and Fish department, 2222 W. Germany Road, Phoenix (942-3000). This is a State of Arizona boating regulation.
- In addition, all boats must be registered with the Foothills Association and must display the decal provided by the Association.
- All boats shall be equipped with flotation devices sufficient to float craft and crew when awash. Coast Guard approved life preservers are required for each crew member on board. Children under 10 and non-swimmers must wear life preservers while boating.
- Watercraft owners and operators must have public liability insurance covering water and boating accidents. The operator of any watercraft involved in an accident which results in injury or property damage shall immediately stop the boat, give his name and address and the name and address of the owner of the boat to the injured party, render reasonable assistance and promptly report the incident to the nearest enforcement agency. A report must be filed with the Arizona Game and Fish Department and the Foothills Association within 10 days.
- No person under the influence of alcohol or drugs or who is mentally or physically incapable of operating a watercraft under the prevailing conditions shall be in control of any watercraft.
- Watercraft are not permitted to use the lakes at night.
- Fishing shall be by permit only. The limit of number and size of fish taken will be announced from time to time by the Foothills Association.
- Children under 14 years of age may not be on the lake or the lake walk or lake pier unless accompanied by an adult.
- The Miralago Association will not be responsible for injury at the lakes, banks or piers.

CHILDREN

- No sports, games, or any activities are permitted on Common Areas that will damage trees, lawns, sprinklers, or buildings.
- Toys, tricycles and children's vehicles with three or more wheels are allowed on the Common Areas. It is the responsibility of the adult residents of each unit to ensure that items of this nature are not left unattended to block sidewalks, creating a hazard or eyesore.
- NO bicycle riding on the grass.
- NO climbing or playing in trees.
- NO rock or dirt clod throwing.
- Children under the age of fourteen (14) must be accompanied by an adult resident responsible for their safety and conduct when entering or using the pool or spa (except with Red Cross certification. See "Swimming Pool Rules).

ANIMALS

- No unit shall maintain more than two (2) pets excluding caged birds and fish.
- Animals must be kept either within an enclosure or on a leash being held by a person capable of controlling the animal.
- It is the absolute duty and responsibility of animal owners to clean up after their animals which have defecated on any portion of the Miralago property including personal yards.
- All cats and dogs must be licensed and tagged with the identification of the owner's name, address and phone number. Untagged and stray animals are sent to the animal shelter.
- Animals are never allowed in the pool area (seeing-eye dogs excepted).
- Noisy animals which are an annoyance to other residents are not permitted.
- Residents are responsible for any personal injury or property damage caused by their pet(s).
- No animal may be kept, bred or maintained for commercial purposes.
- Pets outside the living unit and on Common Area must be restrained by a leash not exceeding eight (8) feet in length.
- Guests are not permitted to bring pets to Miralago Common Areas.

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- The Board of Directors may exercise the right to require removal of any pet which creates a nuisance, including but not limited to excessive noise, barking, running loose, damage, or creating or contributing to unhealthy private or Common Area conditions.
- All state and local ordinances apply, i.e. licensing, leash laws, etc.
- Please call County Animal Control for violation of County ordinances: 506-7387.

TRAFFIC AND VEHICLE RULES

- Vehicles parked illegally in the driveways and fire lanes may be towed away at the vehicle owner's expense, without warning.
- All vehicles are to be kept in garages or driveways. No more than one vehicle shall remain in a driveway overnight. No vehicle shall be parked on any Common Area except as permitted by the Association.
- Vehicles owned by residents may not be parked on the streets and guests may not park on the streets overnight.
- There will be no parking on the streets on trash collection days.
- Parking stalls adjacent to the Recreation Center are for the temporary use of residents and guests and should not be used for parking for a period exceeding 8 hours.
- Owners of vehicles violating any of these Rules and Regulations will have a notice placed on the vehicle and **WILL BE TOWED** once due notice has been given. Please see section entitled '*Enforcement of Rules & Regulations*'
- No inoperable, unlicensed, or unregistered vehicle shall be parked except inside a closed garage.
- No commercial or delivery trailer, tractor, or truck with more than four wheels or greater than one ton, boat, or off-road vehicle shall be stored or maintained anywhere on the common area, driveways or streets.
- Recreation vehicles, motor homes and campers may not be parked on the property for more than 24 hours. Exceptions are: Pickup trucks of less than one (1) ton capacity with camper shells not exceeding seven (7) feet in height measured from ground level and mini-motor homes not exceeding seven (7) feet in height and eighteen feet in length provided they are used on a regular and recurring basis for basic transportation.
- No motor driven cycles or vehicles of any kind shall be raced in the driveways or Common Areas.
- No vehicle may occupy more than one driveway space nor may it project onto the street when parked.
- Double parking is prohibited.
- Maximum speed on all streets within the Community is 15 MPH. Use extreme caution for children.
- Vehicle repairs are not permitted anywhere on the property with the exception of minor repairs that can be accomplished in a matter of minutes such as tire or battery changes. The overhauling of engines is not permitted under any circumstances and vehicles are not permitted to be placed up on blocks.
- Never pour or spill gasoline or any solvents on the pavement as they destroy the asphalt.
- Vehicles which drip excessive amounts of oil or fluids on the pavement may not be parked anywhere on the property. Owners are responsible for cleaning up any excessive leakage in their driveways and on the streets.
- The parking or storing of motorcycles on walks or patios is prohibited.
- Garage doors shall be kept shut except for ingress and egress.

STRUCTURAL ALTERATIONS

- No exterior improvement, change or alteration shall be permitted in the community nor to any unit, without the written consent of the Architectural Committee. For more specific information see Architectural Guidelines.
- No window shall be covered with aluminum foil or similar material.
- Antennas and satellite dishes must be submitted to the Architectural Committee for review prior to installation.
- No heating, air conditioning, evaporative cooler or solar energy collection panels shall be added without conformance to the Architectural Guidelines and written approval of the Architectural Committee.

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LANDSCAPE & LOT MAINTENANCE

- Each owner is responsible for maintaining, repairing and replacing all landscape and improvements on his lot in a good state of repair and in a neat and attractive condition.
- Maintenance and repair includes landscape maintenance. Lawns should be green, weed free and neatly trimmed; fences and walls in good repair, homes painted as needed, etc.
- As per CC&Rs (Article VII., Section 9) failure to properly maintain landscaping may cause maintenance to be done by the Association. Costs incurred will become a special assessment of the lot owner.

SIGNS

- No posters, notices, or signs are to be posted in or on the Common Areas without the permission of the Board of Directors.
- One residential address sign is allowed with a total face area not exceeding eighty square inches.
- "For Sale" and "For Lease" signs are permitted (size: not more than five (5) square feet). A real estate Open House may not exceed four (4) hours per day and all directional signs shall be placed and removed within the four hours. The displaying of any gate pin codes and other information adversely affecting the privacy of Miralago is strictly forbidden. Only the 3 digit lot numbers for the dialing of your home may be used.

RESIDENTS CONDUCT

- No unit shall be used in such a manner as to interfere with the enjoyment of other residents; nor shall any nuisance be permitted to occur in any unit.
- Loud noise, stereo or television sound shall not be allowed to reach a level that is objectionable to other residents.
- Unless otherwise authorized by the Board of Directors, earphones must be used when using audio devices in pool or spa areas or the exterior Common Areas.
- Littering of lawns or other Common Areas with beverage cans, bottles or debris is strictly prohibited.
- No person may enter any Common Facility (i.e. the swimming pool, spa) by other than normal means. The owner of any unit whose occupants or guests enter a Common Facility by other than normal means (e.g., climb over a fence or gate, or climb through a window) outside of the posted hours may be immediately assessed without warning.
- Parties and gatherings on the Common Areas must be arranged with the Management Company. A \$100.00 refundable cleaning deposit will be required from each group requesting authorization.
- Posted Rules are a part of these Rules and Regulations and must be obeyed.
- Any violation of the Covenants, Conditions and Restrictions (CC&Rs) of the Miralago at the Foothills Homeowners Association will also be deemed a violation of these Rules and Regulations.

INVESTOR/OWNER

- Off-site owners must supply the Management Company with their current address information in writing within 10 days of any change.
- It is the owner's responsibility to supply his/her tenants with a copy of these Rules and Regulations which are available from the Management Company at no charge.
- Occupancy information submitted to the Association shall not be revealed by the Management Company to any third party except as may be required in the reasonable administration of Association affairs.
- Owners should understand that they are fully responsible to the Association for the conduct of their tenants, their tenants' guests or the pets of their tenants. An owner should therefore carefully evaluate a prospective tenants' ability to accept and abide by these Rules and Regulations.
- No owner shall lease his unit for transient or hotel purposes. No owner shall enter into any rental, lease or tenancy agreement unless such agreement is in writing. Such written agreement shall include an express provision that it is subject in all respects to the provisions of the CC&Rs, ByLaws and Rules and Regulations. Any failure by the lessee or tenant to comply with the terms of such documents shall be a default under the agreement.
- Owners who rent their units have thereby delegated all their rights to the use of all common areas to their tenants. Nonresident owners may not use the Association recreational facilities.

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- Any costs incurred by the Association in enforcing any of its Rules and Regulations or the Covenants, Conditions and Restrictions (CC&Rs) will be assessed to the owner of the unit involved.

TRASH DISPOSAL

- Trash cans must be kept out of sight. Storage within the atrium/courtyard will not be permitted.
- Trash is to be put out no earlier than 6:00 P.M. of the day prior to pickup.
- Trash cans must be returned to your garage by 8:00 A.M. of the day after pickup.
- Garbage must be thoroughly wrapped and secured. Trash can lids must be closed at all times. Trash should not be placed such as to protrude over top of cans. Trash cans shall be screened from public view except during normal pickup hours.
- Cardboard boxes must be cut up and/or flattened.
- Toxins and non-degradable materials such as motor oil, grease, paints, etc., are not to be deposited. Contact the City for locations where disposal may be made.
- No person shall tamper or meddle with any trash cans. No person shall remove any contents from trash cans.
- The common sewer is not to be used for waste disposal.
- No rubbish or debris of any kind shall be permitted to accumulate anywhere within any lot.
- No odor shall be permitted to arise from any lot which would be considered unsanitary, offensive or detrimental to any occupants of the community.
- Disposal for Miralago is done by the City of Phoenix Department of Sanitation. The collection schedule can be obtained by calling: 261-8562.

ASSESSMENT COLLECTION PROCEDURE

Resolved that effective November 1996 and in accordance with both Arizona State law and the Association's governing documents, the following homeowner ("member") assessment collection procedures will be in force:

Regular monthly assessments are set annually and are due the first day of the month. Call the Management Company to obtain the current year's assessment. If the assessment payment has not reached the Management Company's office by 4:00 P.M. on the 30th day of the month, a \$15.00 late fee will be added:

At sixty (60) days past due: A second notice shall be sent to the delinquent member with a second administrative late charge levied.

At seventy-five (75) days past due: An outside collection agency will be notified to start collection proceedings.

At ninety (120) days past due: A Notice of Intent to File Lien shall be sent to the delinquent owner. If not paid in thirty (30) days, a lien will be filed. An administrative fee for such preparation shall be charged. Additionally, attorney fees, lien filing fees and such related expenses shall be charged to the delinquent member's account.

ENFORCEMENT OF RULES AND REGULATIONS

SCHEDULE OF PENALTIES

- A FIRST violation of a Rule and Regulation will generate a first warning violation letter.
- A SECOND violation of the same rule within a 12 month period will generate a second violation letter.
- A THIRD violation of the same rule within a 12 month period will generate a third violation letter and will be reviewed by the Board of Directors to determine the next course of action, which may be to: fine the homeowner in violation, turn the matter over to an attorney for further legal action or correct the violation with the cost of doing so to be assessed to the homeowners lot.

Each remedy provided herein and in the Declaration are cumulative and not exclusive.

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ENFORCEMENT PROCEDURES

An infraction of the Rules shall be reported in writing and signed by complainant. Letters should be sent to:

IRONWOOD COMMUNITY MGT
3941 E CHANDLER BLVD #106-107
PHOENIX, AZ 85048

- It is imperative that the complaining party identify the non-complying person or unit involved in order for the Management Company to proceed.
 - The Management Company will, at its option, issue a warning to the owner of any unit which is alleged to be out of compliance. This warning will specify the nature of the non-compliance and indicate that penalty procedures or other action will be taken if the violation is repeated. It is the owner's responsibility to notify the occupants of the unit.
 - If the problem is of an "on-going" nature (i.e., a problem which persists without any further action on the part of the violator), a warning will indicate the amount of time which will be allowed for the owner to correct the non-compliance before penalty procedures will be instituted or other action taken. In no case will this be more than 30 days.
 - After an owner has been notified of a violation and the violation continues, the owner will be given the opportunity to attend a Special Hearing of the Board of Directors. The Board may then decide to levy a penalty against the homeowner's account for that violation.
 - If the violation continues or is repeated, additional penalties may be levied by the Board in accordance with the adopted Schedule of Penalties. At the time of each violation, the owner will be notified and given an opportunity to attend a Special Hearing of the Board. The notification of an owner is considered to be notification of the occupants provided the occupants have not changed since the original warning was issued.
 - The Management Company, acting on behalf of the Board, will institute immediate penalty procedures, described in paragraphs 1 through 4 above, in the amount indicated against the owner of any unit whose occupants or guests:
 - Enter any Common Facility (such as the pool or spa) by climbing over any fence or gate or through any window or by gaining entry by any but normal means.
 - Damage Association property.
 - Create a situation which in the Board's judgment requires immediate action.
 - Violate Architectural Guidelines.
- It is the responsibility of each Owner to communicate these Rules and Regulations to their families, guests and tenants and to ensure that they are followed.
- Any vehicle violating the parking rules will have a notice placed on the vehicle and will be towed if not permanently removed immediately.

Adopted by Miralago at the Foothills Homeowners' Association June 1997.

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Amendments to Previous *Rules & Regulations* (Sept 1990)

Page 1	Management Co.	Management Co. details were changed from Graham Management to Kinney Management
Page 1	Warranty Service	The paragraph pertaining to the warranty service was deleted.
Page 2	Recreational Facility Access	Cost of first and subsequently lost keys changed from \$25.00 and \$50.00 to \$50.00 and \$75.00 respectfully.
Page 3	Planned Gatherings >10	To be arranged by Management Co. not Social Committee.
Page 5	Illegally Parked Vehicles	Fines changed from \$25.00, \$50.00 & \$75.00 to warning, \$25.00 & \$50.00 for first, second & third violations respectfully.
Page 5	Antennas & Satellite Dishes	Must now be submitted for approval instead of being prohibited. This is keeping with recent FCC legislation.
Page 6	Gate Pin Codes	Restriction added prohibiting the publishing of gate pin codes.
Page 6	Clubhouse Deposit	Refundable cleaning deposit increased from \$50.00 to \$100.00.
Page 7	Assessment Collection	Procedure amended to reflect recent changes in legislation as per House Bill 2299.
Page 7	Assessment Collection	Paragraph pertaining to working capital contributions by original buyers deemed no longer relevant and removed.
Page 7	Schedule of Penalties	Fine process removed for general behavioral violations. This will not currently be used to seek remedy of violations but may in the future should it be deemed necessary.
Page 7	Enforcement Procedures	Management Co. details amended.