

**FOUNTAIN OF THE SUN HOMEOWNERS ASSOCIATION
BOARD OF DIRECTORS MEETING
DECEMBER 9, 2013**

**COMPLIANCE COMMITTEE
POLICIES AND PROCEDURES**

WHEREAS:

"Association" shall mean the Fountain of the Sun Homeowners Association---in which Association will enforce the Covenants, Conditions and restrictions---for the benefit of its members (CC&R's - B), and

WHEREAS:

It is the intent of the Members and Board of Directors to adhere to the long established Policies and Procedures that continue to enhance our facilities and provide for the environmental, health and safety of our residents (By-Laws - Art I, Sec II), and

WHEREAS:

Rules for maintaining the desirable environment, promoting the safety of the residents and guests, and insuring an aesthetically attractive community are contained in the CC&R's, the By-Laws, Minutes of prior Board Meetings, and established policies, and

WHEREAS:

The Board created the Complaints Committee to enforce these rules (Mtg - 11-8-89).

NOW, THEREFORE, this Board does hereby resolve that the following Compliance Committee Policies and Procedures shall be binding on this and succeeding Boards, but may be amended by a majority vote of the Board:

A. THE COMMITTEE

1. The name of the Committee shall be "Compliance Committee" and all reference to the "Complaints Committee" shall be discontinued.

2. The Committee shall consist of a Chairman, who shall be a member of the Board; a Deputy Chairman, who shall also be a member of the Board; and whatever number of additional committee members the Chairman shall choose, who need not be members of the Board but must be members of the Association. Members of this committee should have some background in the areas of public relations, servicing of customer complaints, diplomacy, and enforcement.

3. This Committee's sphere of responsibility shall be the enforcement of all Covenants, Conditions and Restrictions, and other Rules and Regulations included in the By-Laws.

4. This Committee shall endeavor to promote Social and Aesthetic harmony within the community, with diplomacy and tact.

5. Lacking a police force, and in order to avoid random or selective enforcement, the Committee shall undertake enforcement only pursuant to receipt of a properly executed complaint form, signed by any homeowner/member of the Association.

B. COMPLAINTS

1. The Committee will consider complaints submitted on the standard complaint form, received at the Association's office. These complaints may be about specific infractions of rules contained in the CC&R's, By-Laws, or nuisance situations (CC&R's paragraph D-16) not covered specifically by any of those rules. In any event, the written complaint must contain full names and addresses of both the complainant and the offender, the signature and phone number of the complainant, and as complete a description of the offense as possible.

2. "The Association and any Member shall be a proper party plaintiff in any action to enforce any provision of the CC&R's (CC&R's Paragraph D-23)."

3. Verbal complaints will not result in any direct action by the Board, but may have some influence on future actions of the Board.

4. No Board member, committee member, employee, or other person shall divulge the name or names or other personal information about the complainants, unless so directed by a court of law.

C. RIGHTS OF INGRESS AND EGRESS

1. Rights of ingress and egress to and from, and the right of entry upon, are reserved to the Association for the purpose of investigating possible or actual violations of these Covenants and correcting such violations (CC&R's - D-18).

D. RULES AND REGULATIONS

1. These Rules and Regulations apply to all homeowners who are members of Fountain of the Sun Homeowners Association (all single family dwellings) within Fountain of the Sun.

2. It should be understood that all Homeowners are also subject to the Laws and Codes of the City of Mesa, Maricopa County, the State of Arizona, and the United States. No immunity from these laws is provided by the following Rules and Regulations. In all cases, the laws of the higher level governments will prevail.

3. The following rules are a composite of rules contained in the CC&R's, By-Laws, Board Meeting Minutes and those passed on to FOSHA by the Developer.

a. Animals

(1). No cattle, sheep, poultry, hogs or any other livestock shall be kept or maintained on any lot. Ordinary domestic pet animals are permitted without restriction (CC&R's - D-3).

(2). "Other Livestock" shall include, but are not limited to, horses, goats, rabbits, llamas, and buffalo. Wildlife species, such as snakes, skunks, lions, etc., whether tame or not, are not permitted. Pet birds, including canaries, parakeets, and cockatoos are permitted.

(3). All pets must be on leashes when outdoors, except in fenced or walled yards.

(4). All owners must clean up their pets' excrements.

b. Signs

(1). No signs, advertisements, or billboards of any kind shall be erected, placed, or maintained on any lot other than a name and address sign, or reasonable signs relative to the sale or rental of lots as may be approved by the Association (CC&R's - D-7). Industry standard real estate signs are permitted per state law. No other signs, except as above are permitted anywhere.

(2). The primary sign board will be no larger than 18 inches high by 24 inches long. "Tag-Ons: affixed under the approved signs are permitted (Mtg - 1-3-79).

(3). Three "Open House" directional signs per Open House will be permitted. These signs must be no more than 18 inches by 12 inches, mounted at ground level, and say no more than "Open House" in black and/or red on white, and have a directional arrow. Open House signs must be removed by nightfall. It is the Seller's responsibility to secure permission from the owners of property where he wants to locate the Open house signs. No signs are permitted on Association property.

(4). These signs and sign posts must be removed within three days of closing of the sale, or of signing a lease on the home.

(5). No Contractor's signs, except those permanently affixed on contractor's vehicles, are permitted. Warning or traffic signs and safety cones are permitted anywhere, as required.

c. Vehicles

(1). Private passenger automobiles, passenger vans, and pick-up trucks or pick-up trucks with camper shells or van bodies no higher than the passenger cab compartment may be parked on the streets during the day, and must be parked on driveways or in garages or carports overnight (CC&R's - D-10). Golf carts, motorcycles and bicycles are passenger vehicles and shall be included in the same category as passenger automobiles. "Passenger vans" include van conversions that may have day-time amenities such as coolers, sinks or tables, but do not include vans with utility hookups. Conversion vans with utility hook-ups are obviously motor homes.

(2). Pick-up campers or trucks larger than pick-up class, and vehicles other than those described above shall not be kept on any lot or street, except in areas designated therefore by the Association (CC&R's - D-10). Included in this prohibited category are cartage and machinery trailers, utility trailers of any sort, construction trailers, recreational vehicle trailers, semi tractors, pop-up tent trailers, motor homes, busses and other road-equipped vehicles. However, there is a four-day grace period allowing the parking of recreational vehicles on the street or driveway for loading or unloading, provided a permit is secured from the Activity Office (FOSCA) or the front gate and prominently displayed in a window of the vehicle.

(3). No motor vehicle or part thereof which is under repair, not in operating condition, or unregistered shall be placed or permitted to remain on the street or streets or any portion of any lot or lots unless it is within a closed garage or closed structure (CC&R's - D-10). For this purpose, a vehicle without current license tags shall be deemed to be not in operating condition.

(4). No vehicle may be parked any place on any lot except on the concrete driveway (CC&R's - D-10). No vehicles of any sort, whether private or commercial, may be driven on any rock-covered surface, whether on privately owned or Association property.

(5). No boats or boat trailers, ATV trailers, off-road trailers or trailers of any sort shall be constructed, kept or maintained upon any lot (CC&R's - D-10). However, FOSHA will allow non RV type trailers to park at their property for up to 72 hours in a 2 week period. Anything beyond that will need special approval from the Homeowners Association.

(6). All vehicles parked on the streets must be parked with all wheels on the hard surface.

(7). No vehicles may be used as sleeping quarters under any circumstance.

(8). Golf carts, motorcycles and bicycles are passenger vehicles and shall be included in the same category as passenger automobiles.

d. Outdoor Fires

No outdoor burning of trash or other debris shall be permitted. This shall not prohibit the use of normal residential barbeque or other similar outside grills or fire pits (CC&R's - D-13).

e. Underground Facilities

No lot shall be used for the purpose of boring, mining, exploring for or removing oil or other hydrocarbons, minerals, gravel, or earth (CC&R's - D-12).

f. Sanitation

Garbage and refuse facilities shall be walled in and camouflaged in such a manner as to conceal them from the view of the neighborhood lots and streets. All rubbish, trash and garbage shall be in approved containers regularly removed from the premises and shall not be allowed to accumulate thereon (CC&R's - D-14). For this purpose, "Approved Containers" shall mean those accepted by the contracted collection service.

g. Obstructions

(1). No structure, shrubbery, or other vegetation shall be permitted to exist on any lot the height or location of which shall be deemed by the Association to constitute either a traffic hazard, to be unattractive in appearance or unreasonably detrimental to the adjoining property (CC&R's - D-15).

(2). As an aid to freer movement of vehicles, and in order to protect the safety of all people, the Association may impose limitations on the height of fences, walls, gateways, ornamental structures, hedges, shrubbery, and other fixtures, construction, and planting on corner lots. Such barriers to clear unobstructed vision at corners or intersections of streets shall be limited to a height of not over two (2) feet above the established elevation of the nearest street line, for a distance of a least 15 feet along both front and side lines (CC&R's - D-15). This is interpreted to prohibit anything over two (2) feet high in a triangle at a corner formed by two fifteen (15) foot sides and the hypotenuse thereof.

h. Nuisances

No noxious or offensive activity may be carried on upon any lot, nor shall anything be done therein which may be or may become an annoyance or detriment to other property owners (CC&R's - D-16).

i. Easements

It is the responsibility of all homeowners to maintain all easements within their lot lines for access by the utility companies and natural drainage of water.

j. Weeds and Debris

All owners are required to insure property is maintained and free of weeds and debris at all times. This includes all easements within the property lines.

k. Clothes Lines

The Board unanimously agreed to continue the policy of previous boards not to allow clothes lines except on back patios (Mtg 5-1-78). No permanent lines or poles for hanging laundry are allowed. However, retractable clothes lines which are put away after use are acceptable in the rear of the home only.

l. Parks

No golfing or pets are allowed on the Maxi-Parks (Mtg 10-11-89).

m. Mail Box Clusters

No advertisements or notices of any sort, including official notices, are allowed on any mail-box cluster (Mtg 7-17-79).

n. Business Use

(1). In accordance with City of Mesa Zoning Ordinance, the following activities are allowed: Hobbies and other activities provided there is no non-resident employee, exterior storage, commercial storage, or other exterior indication of a non-residential use (CC&R's - D-11 amended April 1992).

(2). The above paragraphs allow use for recreation and profit, those part-time hobbies and skills which are useful to the residents provided the conditions of the Mesa Zoning Code are met. (CC&Rs - D-11 amended April 1992).

(3). For this purpose, residents practicing trades, such as carpenters, electricians, masons, barbers, beauticians, stenographers, painters, gardeners, and handymen are not to be considered operating businesses, so long as the above amended restrictions are met.

(4) Estate sales and auctions are permitted so long as the above restrictions are met by their being held inside the home, garage or carport and only one sign is allowed on the property on the day of the sale.

p. Solicitation

No-door-to-door solicitation or soliciting of any kind along with any form of advertising is allowed on any property (CC&R's - D-11).

q. Secondary Living Quarters

No garage or accessory buildings shall be used as living quarters (CC&R's - D-3).

r. Traffic

(1). Drivers of all vehicles, including golf carts and bicycles, must obey Arizona Traffic Laws within Fountain of the Sun. These include:

(a). Speed Limit is 25 mph, except where otherwise marked.

(b). All vehicles must come to a full stop at all stop signs.

(c). Drive, and park, only to the right.

(2). In addition, no person under 16 years of age may drive a golf cart.

(3). Traffic rules are enforced by Fountain of the Sun Community Association Security forces, and City of Mesa police.

s. Age Restriction

(1). At least one occupant of each living unit must be fifty five (55) years of age or older: provided, however, that this section shall not apply to current occupants who first occupied the living unit prior to September 13, 1988. If an occupant who is 55 years of age or older dies, the remaining occupants of the living unit may continue to occupy the living unit even though none of such persons are 55 years of age or older. No person under 18 years of age shall occupy or reside in a living unit for more than ninety (90) days during any twelve (12) month period.

The provisions set forth in this section are for the purpose of establishing the policies and procedures necessary for the property to qualify for the age 55 or over housing exemption under the Fair Housing Amendments Act of 1988. The Board of Directors is

authorized to adopt such other policies and procedures which may be necessary from time to time in order for the property to meet all of the requirements for the Age 55 or over Housing Exemption (CC&R's - D-22 as amended April 1992).

(2). Enforcement of this Rule will be the responsibility of the Senior Overlay Committee.

E. ENFORCEMENT

1. Upon receipt of a proper complaint, the office will contact the Committee and turn the complaint over to them. The Committee will then take such action as they deem proper. These actions may include:

a. Determining that the complaint is in the jurisdiction of FOSHA.

b. Determining if any FOSHA Rules or Regulations apply, or that this case falls under the nuisance (paragraph D-9) regulation.

c. Inspection of the site to determine whether the alleged infraction is valid. (Remember paragraph C. Rights of Ingress).

d. Visit the offender to explain the Rules and attempt to gain compliance.

e. Discuss the problem with other Members of the Board and try a face-to-face confrontation between the violator and the Board to achieve an amicable settlement, if necessary.

f. Proceed with legal action, if necessary.

g. Write a letter to the offender of their violation, informing them of the action taken and confirming the agreement resolving the complaint.

2. Violation of any one or more of the Covenants, Conditions, and Restrictions contained herein may necessitate a fine by the FOSHA Board, be enjoined by any court of competent jurisdiction and/or damages awarded against the violator (CC&R's D-30).

3. Should it become necessary at any time that the Association incur any expenses or employ counsel to enforce any of the provisions, conditions, restrictions, or covenants herein contained, all costs incurred (including a reasonable fee for

enforcement) shall be borne by the offending party, provided notice in writing of such violation has been reasonably given (CC&R's - D-23). The Association shall also be entitled to remove any structure, mobile home, or property, or trim or remove any vegetation maintained or kept on any lot in violation of the provisions of this Declaration and to charge the owner of such lot for the cost of such removal or trimming (CC&R's - D-23).

4. The above charges shall be secured by liens of the type, and enforceable in the manner as described in paragraph D-26 of the CC&R's (CC&R's - D-23). The paragraph D-26 describes liens filed to secure payment of assessments.

ATTESTATION

These Policies were passed and duly enacted by the Board of Directors of Fountain of the Sun Homeowners Association on December 9, 2013 and is effective immediately.