

ABM BOARD OF DIRECTORS COVENANT ENFORCEMENT POLICIES

1993 – GOLF COURSE FENCES

At its regularly scheduled meeting on February 17, 1993 the ABM Board of Directors made the following resolution regarding fences on lots bordering the Ahwatukee golf courses:

“BE IT RESOLVED: that the ABM Board of Directors hereby agrees that there are to be no future modifications, removal or additions to existing fences bordering on golf courses.”

1997 – AGE RESTRICTED HOUSING

Approved on October 15, 1997 by the Board of Directors of the Ahwatukee Board of Management, Inc.

“Be it Hereby Resolved that the Federal Housing Act of 1988 allows restrictions for occupancy, but has no direct reference to ownership. Given the fact that the CC&Rs applicable to ABM pertain to ownership and occupancy, the Board hereby approves a policy change and states that it will currently undertake enforcement of the age restriction provisions of the CC&Rs only as to occupancy arrangements and not the ownership issues.”

This new policy decision by the ABM Board is made based upon the uncertainty future interpretations of the Federal Housing Act of 1988 may have upon the issue, and the fact that no apparent case law currently exists clearly delineating the correct reading of that Federal Statute. The ownership and occupancy restrictions contained in the ABM CC&Rs shall not be deemed abandoned by this Resolution, and the Board expressly reserves the right to alter and change its policy on enforcement as facts and future interpretations of the Federal Housing Act evolve.

This Resolution is being passed in order that ABM Board comply “in good faith” with Federal and State laws dealing with age restriction matters. This matter may be revisited by the ABM Board and shall not be an irrevocable decision as to the transfers of legal title to under-age people subsequent to a time that the Board revised this Resolution.

TRASH CAN ENFORCEMENT POLICY

City of Phoenix Code Chapter 27, subsection (i) states: “Containers for street collection shall be placed at the street curb no later than 5:30 am on the day of collection. Containers shall not be placed or permitted to remain adjacent to the street except upon regular collection days. They may be placed at the street AFTER 6:00 pm of the day preceding collection. They must be removed prior to 5:30 am of the day after collection. Containers shall be stored, between collection days, in such a manner that they are not readily visible from the street”.

1994 – Ahwatukee Board of Management policy states: The ABM Board of Directors instructed management not to pursue violations of trash containers being left out, provided that the containers are left behind the front plane of the home. An exception to this would be if a complaint was received from a neighboring homeowner.

ARCHITECTURAL REVIEW ALONG EASEMENT IN FS-4 ON MANDAN STREET

Due to the fact that there are multiple entities involved along the easement of Lots 1981-1999, 2138, and 2158-2169, architectural review for changes to the easement area will not be conducted. Homeowners will need to contact appropriate entities (i.e., City of Phoenix, APS, SRP, etc.) before making any changes to the area. The normal lot not under the easement will still be subject to architectural review.

2001 – RULES & REGULATIONS ESTABLISHED

BULK TRASH PICKUP

All recorded CC&R's for Ahwatukee subdivisions prohibit "unscreened storage", and/or the accumulation of trash upon any Lot. However, to allow residents to utilize the quarterly curb service bulk trash collection provided by the City of Phoenix, the following parameters are established:

1. Items may be placed out **no earlier than 7 days prior** to the earliest pick up date outlined for each pick up. This time frame supersedes any "put out" dates published by the City of Phoenix.
2. Items may not block the street or sidewalks in accordance with City of Phoenix ordinance. All noted or reported violations will be reported to the appropriate City of Phoenix department promptly for removal.

2001 – DOG BARKING

ABM will send one (1) letter as a courtesy to inform the pet owner(s) of a problem. Subsequently, all dog barking complaints will be directed to the City of Phoenix for mediation only. (Excluding Center Court if Nuisance covenant applies).

2004 – ARCHITECTURAL GUIDELINES ESTABLISHED

2005 NON-OWNER OCCUPIED (N.O.O.) PROPERTY REGISTRATION POLICY

Owners of non-owner occupied properties are requested to register them as such and will be assessed \$85 annually for each N.O.O. property.

2006 – SHED ENFORCEMENT POLICY

The Ahwatukee Board of Directors has established guidelines to allow certain types of sheds in rear lots for residential neighborhoods in Ahwatukee. Sheds must be of a pre-manufactured type, made of metal or plastic that does not exceed six (6) feet in total height and cannot exceed sixty (60) square feet. Sheds must be placed on the lot so as to minimize visibility from the street and neighboring lots. Sheds may not be visible through gates or golf course view fences. Sheds exceeding the existing wall height must be reasonably screened with plant material or foliage. One shed is allowed per lot. Sheds must be maintained in good condition and not allowed to deteriorate. Placement approval may be dictated at ABM's sole discretion based on neighbor input. This guideline shall not pertain to subdivisions with a recorded amendment to the covenants regarding storage sheds. All other covenants and guidelines shall remain in full force and effect.

2009 – CENTER COURT ON-STREET PARKING

The parking in Center Court item was reviewed in great detail regarding the proposals offered by the ad hoc committee which included a "48 hour watch" period. Pros and cons were discussed which included an opinion from the ABM attorney.

MOTION by Kjellstrom, second by Wilson to reaffirm the previous Board interpretation with direction to Management to be hyper-sensitive and courteous to homeowners.

FAVOR: Kjellstrom, Wilson, Zella, Hoge, Robinson, Smith

OPPOSE: McKenna, Gentis

Motion carried

Several other motions were made for additions to the initial motion with no second.

MOTION by Kjellstrom, McKenna, Gentis, Hoge

OPPOSE: Robinson, Wilson, Zella, Smith

Tie vote – no resolution

2009 – CENTER COURT NUISANCE CLAUSE

Motion BY Robinson, second by Kjellstrom to adopt a nuisance clause as follows: “A lot owner must exhaust all avenues available to them from City Codes and County or State ordinances or laws regarding said nuisance. After those avenues are exhausted and only then will the ABM Board, at their sole discretion, determine if a nuisance exists, and if such determination is made will pursue said nuisance as it sees fit.”

2010 – GARAGE MOUNTED A/C UNITS

Management requests that the Board adopt an enforcement policy as: “Notwithstanding any other provision to the contrary, previously installed mounted a/c units may be allowed so long as they do not exceed 24 x 18, are mounted on the side yard (gate) side of the property, remain in good aesthetic and operating condition at all times, one unit per property, not present an unreasonable nuisance to neighboring lots (i.e. noisy) and be entirely painted to match the body color of the home.”

MOTION by Hoge, second by Robinson to adopt the motion as written.

FAVOR: Hoge, Robinson, McKenna, Smith, Gray, Gentis, Zella

OPPOSE: Kjellstrom, Wilson

Motion carried

2010 – EXTENDED PERIMETER WALL GATE REQUIREMENTS

The following are the parameters for extending perimeter wall gates:

1. No wider than 10 feet
2. A pilaster must be installed at either side of the gate – (man gates as well)
3. No separate man gate and extended gate
4. Any area to be paved in front of a proposed extended gate needs to compliment the landscaping and is subject to Architectural Committee and/or Board approval
5. Gates to be metal with wood slats
6. No more than 4” spacing between the ground and the bottom of the gate
7. Gate to be same height as the fence

2011 – A/C UNIT ENFORCEMENT POLICY - CLARIFICATION

Notwithstanding any other provision to the contrary, previously installed mounted auxiliary heating/cooling units (excluding main units designed to heat/cool the entire dwelling), may be allowed so long as they are mounted on the garage side wall, remain in good aesthetic and operating condition at all times, one unit per property, do not present an unreasonable nuisance to neighboring lots (i.e. noisy), and are entirely painted to match the body color of the home. No new units shall be installed for any reason. Existing units may not be replaced. Upon transfer of ownership of a property, these units must be removed and the area must be restored to its original condition.

2013 - SATELLITE DISHES

Management is concerned with the increase in the number and placement of satellite dishes in recent years. A Power Point demonstration was provided depicting dozens of desirable and undesirable placements for dishes. Management requests that the Board adopt the following rule for approved dishes:

1. Dishes must be installed at the rear of the home so as to be as inconspicuous as possible,
2. Dishes must be mounted under the eave versus on top of the roof shingles,
3. All cable and wiring for the dish must be concealed in conduit, which should be painted to match the home, or cable and wiring directly painted to match the home,
4. All cable and wiring must be properly affixed to the home (no sagging, hanging, etc.) and installed in a workmanlike manner.
5. Dishes may be mounted on the property owner’s front wall so long as no more than 25% to 30% does not show over the wall. No cable or wiring may be visible.
6. Only one (1) satellite dish may be visible from the street, golf course or neighboring lots at each property.

MOTION by Smith, second by Gentis to adopt the satellite dish policy as stated above.

All in favor; carried.

Management states it will commence with enforcement in segments (subdivisions). It will be noted in the next ABM newsletter and messages will be on the sign board.

2013 – PAINT POP OUT GUIDELINES FOR STUCCO HOMES

1. Pop out may be approved to be painted one shade lighter or darker (33%) than the body color within the same hue on the color fan.
2. Pop outs maybe approved to be painted, as above, to be the same color selected for the remainder of the trim, (a third, “accent” color is limited to the front door, faux shutters or attached flowerboxes as were installed on older homes by the developer).
3. Pop outs may be approved to be painted two shades darker (66%) by the ARC if the body color is very light.

2015 – GOLF COURSE NETTING

1. Poles for single story homes to be 18’ – 21` in height; linear length to be determined by the area to be protected, typically 40’
2. Horizontal pipe is on top and below the fence line for stability
3. Footing size varies depending on height
4. Netting color to be black and installed at a diagonal (diamond shaped); poles to be tan
5. Homeowner to apply for architectural approval. Include a dimensional plot plan showing the location of the netting to be installed and dimensions of the netting units
6. A copy of all applicable permits must be submitted to ABM prior to installation

JANUARY, 2017 – CLARIFICATION OF THE TERM “VEHICLE”

The term “vehicle” shall mean motorize vehicles intended for transporting passengers and light loads; including automobiles, sport utility vehicles (“SUV”), vans, minivans, pickup trucks, motorcycles, and golf carts that can be parked in a standard size garage. This classification of vehicles does not include any recreational vehicles or utility vehicles, including, but not limited to, off-road vehicle (such as dirt-bikes or ATVs), boats, watercraft, tractor-trailers, commercial vehicles, inoperable vehicles, unlicensed vehicles, or any other vehicle that is not permitted pursuant to the Declaration of Covenants, Conditions, Restrictions for Center Court.