

*Guidelines For Community Living  
For The  
Oasis At Anozira Owners Association*

*Revised June 1, 1999*

## GUIDELINES FOR COMMUNITY LIVING

### COMMUNITY ORGANIZATION

Every resident of Oasis at Anozira is a member of the OASIS AT ANOZIRA OWNERS ASSOCIATION (the "Association"), the entity responsible for the management of all common areas and related facilities, and administration of construction activities by homeowners in accordance with adopted architectural guidelines and standards.

The Board of Directors (the "Board") manages the affairs of the Association. The Board has a wide range of powers, including the ability to adopt rules and regulations governing the use of common areas and to employ a management firm to assist in the operation of the Association.

The Architectural Committee is established by the Board to review all improvements within the Oasis, including new construction and modifications to existing properties. The Architectural Committee has adopted architectural guidelines and standards to evaluate proposed construction activities.

### ARCHITECTURAL REVIEW PROCESS

The Declaration of Covenants, Conditions and Restrictions, (the "CC&R's") requires the written approval of the Architectural Committee before any change, addition or modification to a site or building exterior of a residential property is made. Residents with proposed changes should contact Kinney Management Services, the management company to obtain the necessary architectural guidelines and submittal documentation.

Simply stated, no new construction or remodeling, including changes in exterior color, is to occur on any lot or exterior of any home without the prior approval of the Architectural Committee. The responsibility of the Architectural Committee is to ensure the harmonious, high quality image of Oasis at Anozira is implemented and maintained. Your submittal will be returned to you either approved, denied, or for more information within forty-five (45) days of receipt of your request. Homeowners may appeal the decisions of the Architectural Committee to the Board for consideration, in which case, the decision of the Board shall prevail.

It is the homeowner's responsibility to ensure that any proposed construction is coordinated with, and where applicable, approved by all county, local, state and federal government agencies. The Architectural Committee, the Management Company and the Association assume no responsibility for obtaining these reviews and approvals.

## DESIGN GUIDELINES

### GENERAL PRINCIPLES

The purpose of the Architectural Committee is to ensure consistent application of the Design Guidelines. The Design Guidelines promote those qualities in Oasis at Anozira which enhance the attractiveness and functional utility of the community. Those qualities include a harmonious relationship among structures, vegetation, topography and overall design of the community.

#### Relationship of Structures and Site

Treatment of the site must relate harmoniously to adjacent sites and structures that have a visual relationship to the proposed construction.

#### Protection of Neighbors

The interests of neighboring properties must be protected by making reasonable provisions for such matters as access, surface water drainage, sound and sight buffers, preservation of views, light and air, and other aspects of design which may have a substantial effect on neighboring properties.

#### Design Compatibility

The proposed construction must be compatible with the design characteristics of the property itself, adjoining properties and the neighborhood setting. Compatibility is defined as harmony in style, scale, materials, color and construction details.

#### Workmanship

The quality of workmanship evidenced in construction must be equal to, or better than, that of the surrounding properties. In addition to being visually objectionable, poor construction practices can cause functional problems and create safety hazards. The Association and the Architectural Committee assume no responsibility for the safety or livability of new construction by virtue of design or workmanship.

#### Completion Time

All work described in a submittal to the Architectural Committee must be completed within ninety (90) days of approval. Any Architectural Committee approval that requires the City of Tempe to issue a building permit will follow the City of Tempe inspection requirement dates and will expire at the same time the City of Tempe's building permit expires.

### BUILDING ARCHITECTURE

In general, any exterior addition or alteration to an existing residence shall be compatible with the design character of the original structure.

#### Patio Covers and Storage Sheds

Metal or other backyard storage sheds detached from the house are allowed when they are lower than the home's surrounding block wall. All permanent additions to a home, including patio covers and other buildings, must be submitted to the Architectural Committee for approval prior to construction.

### **Antennas**

See Attached: SECOND AMENDMENT TO DECLARATION

### **Roof & Wall-Mounted Equipment**

No devices of any type, including antennas, evaporative coolers, air conditioning units, and solar equipment shall be placed on any roof. Electrical boxes, panels, conduits or irrigation controllers attached to the home are to be painted to match the adjacent surface.

### **Landscaping**

The Association requires approval of landscaping plans for individual single family lots. Each homeowner is responsible for keeping his yard neatly trimmed, properly cultivated and free of trash, weeds, and other unsightly material.

Any changes made in existing landscape must be approved. This includes the installation of turf, ground cover, plants or decomposed granite. Native soil is not an acceptable ground cover. If decomposed granite is used, it should be of an "earth tone" color and not white, green, blue, red or other bright colors.

### **Ornamentation**

The utilization of non-living objects as ornaments in the landscape must be harmonious with the character of the neighborhood. Individual expression is permissible so long as it does not detract from this goal. Temporary holiday decorations are permitted so long as they are removed from view after a reasonable period of time.

### **Maintenance**

All landscaping shall be maintained in a neat and attractive condition. Minimum maintenance requirements include watering, mowing, edging, pruning, removal and replacement of dead or dying plants, removal of weeds and noxious grasses, and removal of trash.

## **MISCELLANEOUS ITEMS**

### **Swimming Pools**

Prior to construction of a swimming pool, a homeowner should contact the management company to coordinate the point of construction access to assure damage to common landscaped areas and common perimeter walls is avoided. In most cases, residents will be advised to enter through the side yard wall, from the front of their homes. Pools may not be backwashed into the drainage ditches, common landscaped areas, drainage-ways or streets. All backwash water is to be retained on the owner's lot. If necessary, a hole should be dug and filled with rocks to provide for the needed capacity. Swimming pool fence requirements are regulated by the City of Tempe. The Development Services Department should be contacted to determine the safety fence requirements for your pool.

Any opening through a common or private wall may require an Architectural Submittal and a deposit, refundable after walls and landscape are repaired and inspected by the Architectural Committee. For safety reasons all openings in walls must be securely covered during construction to prevent children from entering and being injured. Pool plans themselves will not need an Architectural Submittal unless there is a feature (pool slide or other structure) that would be visible above the top of the block wall.

Effective June 1, 1999, pursuant to A.R.S. 33-1803 and Sections 17.22 and 20.1 of the CC&R's, the Board of Directors of The Oasis at Anozira Owners Association hereby amends the Guidelines for Community Living to include the authority of the Board to impose in its discretion a monetary penalty not exceeding \$2,000 upon an owner or member for the removal, destruction, damage, or alteration of party walls, common walls, or walls separating common areas, parcels and lots by the owner or member or their agents, contractors, servants, employees or tenants. Before such penalty may be imposed, the owners or member shall be mailed a written notice to the address on record with the Association giving the owner or member forty-five (45) days from the date of the notice to request a hearing on the matter before the Board. Upon the expiration of the 45 day period where no request is made or after the date of the scheduled hearing for the owner or member to appear, the Board shall determine in its discretion the appropriateness of a fine and the amount of the fine. Failure of an owner or member to pay such fine within fifteen (15) days of its due date is deemed late and is subject to a late payment not exceeding ten percent of the amount of the unpaid penalty.

Monetary penalties and late charges as provided herein shall be enforceable in the same manner as unpaid assessments under the CC&R's. Monetary penalties and late charges imposed are independent and in addition to all other rights and remedies afforded under the CC&R's, including but not limited to the expense of repair of the wall, other damages, equitable relief, attorneys' fees, costs, and other expenses.

#### **Flagpoles**

Flagpoles are not allowed in residential areas. Homeowners are advised to use brackets mounted on the house or garage to display flags.

#### **Basketball Goals**

Permanent basketball goals will not be allowed in front yards. Use of basketball goals will be allowed in the rear portion of private (back) yards only and not in front or side yards. Homeowners should submit an application to the Architectural Committee for approval prior to the installation or erection of a basketball goal. Basketball goals may be used only from 9:00 a.m. to 9:00 p.m. Portable basketball goals will be allowed only when in use and must be stored out of sight of neighboring property when not in use.

#### **Driveways**

Driveways may not be expanded without the prior approval of the Architectural Committee. All driveways must be kept clean and clear of debris, oil, rust and other stains.

### Clotheslines

Clotheslines or other outside facilities for drying clothes are not permitted unless they are placed exclusively within a fenced yard and not visible above the top of the block wall or otherwise concealed.

### Window Coverings Criteria

No reflective materials, including, but not limited to, aluminum foil, reflective screens or glass, mirrors or similar type items, or temporary window coverings such as newspapers or bed sheets shall be installed or placed upon the outside or inside of any windows of any house without the prior written approval of the Architectural Committee. No enclosures, drapes, blinds, shades, screens, awnings or other items affecting the exterior appearance of a house shall be constructed or installed in any home without the prior written consent of the Architectural Committee. The Board has given blanket approval to all off-white or white, shutters, mini-blinds, and vertical blinds installed on the interior of windows. All others shall require Architectural approval.

### Planters and Walkways

Planters, paved walkways and other hardscape features visible from neighboring property must be reviewed and approved by the Architectural Committee. Surface textures and colors are to match the paint color and materials of the house.

### Ramadas and Gazebos

Ramadas and gazebos may be erected in rear yards only subject to prior review and approval by the Architectural Committee, subject to the following guidelines:

- 1) Maximum square footage (under roof area) is 120 square feet.
- 2) Maximum roof height is 10 feet at the highest point.
- 3) The structure must be set back a minimum of 7 feet from any perimeter wall.
- 4) The structure must be painted to match the house color or be left the natural wood color, either of which is to be maintained in good condition.
- 5) Any roof tile must also match the tile of the house.
- 6) Lighting attached to the structure is permitted so long as it is not directed onto adjacent properties.

### Play Structures

Play structures may be erected in rear yards only subject to prior review and approval by the Architectural Committee, subject to the following guidelines:

- 1) May be erected in rear yards only and structures must be set back a minimum of 7 feet from any perimeter wall.
- 2) Maximum height allowed to top support bar or highest point of structure, is 10 feet.
- 3) Maximum height of any deck/platform is to be 4 feet above ground.
- 4) The distance from the ground elevation to the top of the perimeter fence must be measured and submitted with plans.
- 5) The Committee will take the appearance, height, and proximity to neighboring property into consideration.
- 6) Any shade canopy must be of a solid color.
- 7) Submit a brochure or picture if possible.

### Gates

Double gates may be installed to allow wider accessways to yards. Double gates should be the same type, design, and color as the originally installed single gates. Shrubs, trees or other plants should be located between the house and the double gates, where possible. All double gates require Architectural Committee approval.

### Gutters and Downspouts

Gutters and downspouts may be considered for approval. The finish on same must match the adjacent surface of the home in color. High-quality materials that offer long life are recommended as the homeowner will be required to maintain these additions in good repair. Plans must include the proposed locations of the gutters and downspouts, the quality of material to be used, warranty by the manufacturer, and the name and telephone number of the installer.

### Security Screen Door

Approved solid colors for security screen doors viewable from the common areas are as follows:

- \* White
- \* Matching as close as professionally possible the original color of the front door.
- \* Matching as close as professionally possible the exterior color of the home or exterior trim.
- \*If the front door is a dark color, brown or black are acceptable door colors

Security doors must be maintained in a well state of repair, including cleanliness.

### Flower or Plant Pots

Pots less than thirty (30) inches high of terra cotta, or ceramic or concrete, matching the paint color of the house, may be used without submitting for approval. Pots not fitting the above description - including pots with decorative patterns of different color - must be reviewed and approved by the Architectural Committee. Only living plants may be used in pots.

## COMMUNITY RULES

The following community rules summarize some of the common provisions found in the CC&R's as well as rules established by the Board. These rules are not meant to restrict, but rather to guide activities for the benefit of all residents of Oasis at Anozira. Cooperation on the part of all residents in following these rules will make living at Oasis at Anozira an enjoyable experience.

### Initial Landscape Installation

Initial landscaping must be installed within ninety (90) days of close of escrow. All plans, with the exception of landscape installed by Builder or agent of builder, requires architectural approval.

### General Property Restrictions

Owners may rent only the entire lot or dwelling unit. Rental must be made only to a single family. No gainful occupation, trade or other non-residential use may be conducted on the property for the purpose of receiving products or services related to such usage. Owners must receive Board permission to apply for any re-zoning, variances or use permits.

### Trash/Recycling Containers and Collection

No garbage or trash shall be kept on any lot except in covered containers as provided by the City of Tempe. These containers must be stored out of sight except for days of collection by the City of Tempe.

### Pets

Residents are allowed to keep a reasonable number of generally recognized house or yard pets. Animals cannot be kept or raised for commercial purposes, and they are not allowed to make an unreasonable amount of noise or become a nuisance to neighbors. Also, no structure for housing such animals may be visible from neighboring property. Dogs must remain on leashes at all times while on Association property, unless approved in writing by the Association. All owners must clean up after their pets.

### Machinery and Equipment

No machinery or equipment of any kind shall be placed, operated or maintained upon any lot or any street.

### Vehicles, Campers and Boats

No motor vehicle classed by manufacturer rating as exceeding 3/4 ton, mobile home, travel trailer, camper shell, boat, or other similar equipment or vehicle may be parked, maintained or repaired on any lot or on any street so as to be visible from neighboring property. Temporary parking of recreational vehicles, boats and similar equipment will be permitted on Mondays and Fridays, if it is apparent that the item(s) are being loaded or unloaded resulting from weekend use. All motorized vehicles, including ATV's, motorcycles, go carts and similar vehicles are prohibited from entering onto any common areas. No commercial vehicles shall be parked on streets or lots in the community. Vendors may park for a reasonable amount of time while rendering a service.



**Parking**

The intent of the Association is to restrict on-street parking to the extent possible. Vehicles of homeowners and their guests are to be parked in the garage, carport or driveway. No inoperable vehicle nor those with expired tags will be parked in driveways or streets. No vehicle shall be parked on landscapes (grass or granite).

**Building Repair**

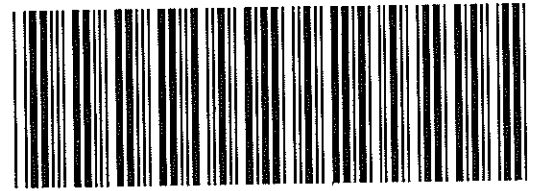
No building or structure shall be permitted to fall into a state of disrepair. The owner of every home or structure is responsible at all times for keeping the buildings in good condition and adequately painted or otherwise finished. In the event any building or structure is damaged or destroyed, the owner is responsible for immediate repair or reconstruction. Roofs must be kept in good repair at all times.

**Exterior Lights**

Any change of exterior lighting must be submitted to the Architectural Committee. This includes flood lights and any addition or change to coach lighting. Malibu lighting need not be submitted. Holiday lighting is allowed from October 31 to Jan 31 only.

**VIOLATION OF LAW**

Any violation of any state, municipal, or local law, ordinance, or regulation pertaining to the ownership, occupation or use of any property within the community is a violation of the CC&R's and is subject to the enforcement procedures in the CC&R's.



OFFICIAL RECORDS OF  
MARICOPA COUNTY RECORDER  
HELEN PURCELL  
00-0241017 03/30/00 04:58  
CLARK 1 OF 1

When Recorded, Return To:

Dyekman, Curtis & Cohen, P.L.C.  
6750 East Camelback Road  
Suite 104  
Scottsdale, Arizona 85251-2015

**SECOND  
AMENDMENT TO DECLARATION**  
(The Oasis at Anozira)

This Second Amendment to Declaration (The Oasis at Anozira) ("Second Amendment") is executed as of March 27<sup>th</sup>, 2000, ("Amendment Date") by the undersigned officers of The Oasis at Anozira Owners Association, an Arizona non-profit corporation.

BACKGROUND

- A. The Declaration of Covenants, Conditions and Restrictions for The Oasis of Anozira was recorded on September 17, 1993, in Document No. 93-0631500, Official Records of Maricopa County, Arizona ("Original Declaration").
- B. An Amendment to Declaration was recorded on March 18, 1994, in Document No. 94-0221331, Official Records of Maricopa County, Arizona ("First Amendment").
- C. The Original Declaration as amended by the First Amendment, shall be hereafter referred to as the "Declaration."
- D. As used in this Amendment and unless otherwise defined in this Amendment, capitalized terms will have the meaning ascribed in the Declaration.
- E. The Owners of the Property desire to amend the Declaration to reflect the matters described below.

AMENDMENT

For valuable consideration, the Owners agree that the following provisions will further amend the Declaration and will be binding on the Property and all parties having or acquiring an interest in the Property:

1. Section 17.13 of the Declaration is deleted and replaced in its entirety by the following new Section 17.13:

Antennas one meter or less in diameter or diagonal measurement which are designed for over-the-air reception of signals from direct broadcast satellites (DBS), multi-channel multi-point distribution (wireless cable) providers (MMDS) or television broadcast stations (TVBS), together with their associated mounting hardware and mast, if applicable (an "Antenna System") and which are placed, installed or kept on a lot must comply with the following restrictions, unless the particular restriction would impair the user's ability to receive signals from a provider of DBS, MMDS or TVBS (a "Provider").

- a) An Antenna System must be placed on the lot in such a manner as to not be visible from any other lot, the common area or any street.
- b) If an Antenna System cannot be placed on the lot in such a manner as to not be visible from any other lot, the common area or any street without impairing the user's ability to receive signals from a Provider, an Antenna System must be screened by landscaping or by some other means so that it is not visible from any other lot, the common area or any street, unless screening would impair the user's ability to receive signals from a Provider, in which case an Antenna System must be screened by landscaping or by some other means to reduce to the greatest extent possible its visibility from other lots, the common area or streets without impairing the user's ability to receive signals from a Provider.
- c) If no other location is available without impairing the user's ability to receive signals from a Provider and an Antenna System must be mounted on a residence or other structure and is visible from any other lot, the common area or any street, the Antenna System must be painted a color which will blend into the background against which the Antenna System is mounted.
- d) Antenna Systems designed to receive video program services from MMDS or TVBS which require masts to receive an acceptable signal must be mounted on masts which do not exceed twelve feet (12') in height above the roofline, provided that no mast shall be higher than the height necessary to establish line of sight contact with the transmitter.

A restriction contained in this Section 17.13 shall be deemed to impair the user's ability to receive signals from a Provider if compliance with the restriction would unreasonably delay or prevent installation, maintenance or use of an Antenna System, unreasonably increase the cost of installation, maintenance or use of an Antenna System or preclude reception of an acceptable quality signal.

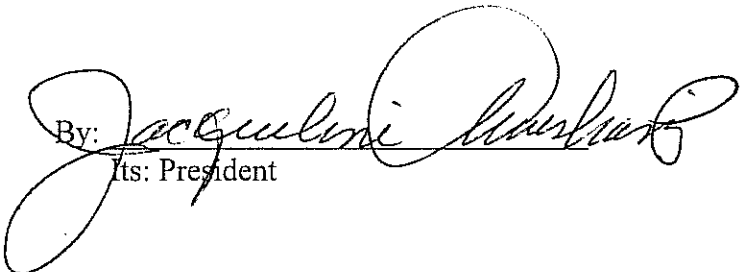
No dish which exceeds one meter in diameter or diagonal measurement, or any television or

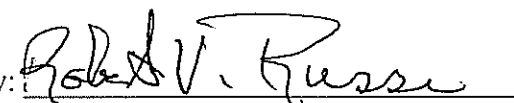
radio antenna on any mast which exceeds twelve feet (12') in height above the roofline may be placed, installed, constructed or kept on any lot without the prior written approval of the Design Review Committee.

2. This Amendment has been approved and adopted by two-thirds of the Owners then entitled to vote for members of the Board, as required by Section 21.1 of the Declaration, by way of written consents hereto.
3. Except as provided in this Second Amendment, all terms and provisions of the Declaration shall remain in full force and effect. In the event of conflict between the terms and provisions of this Second Amendment and the Declaration, the terms and provisions of this Second Amendment shall prevail. From and after the recordation of this Second Amendment, all references to the term "Declaration" shall be deemed to refer to the Declaration as amended by this Second Amendment.

Executed, adopted, attested, and acknowledged as of the Amendment Date by the undersigned officers of the Association.

The Oasis at Anozira Owners  
Association, an Arizona  
non-profit corporation

By:   
Its: President

By:   
Its: Secretary

STATE OF ARIZONA        )  
  ) ss.  
County of Maricopa        )

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of March, 2000, by Maxa Jacqueline A. Amador, the President of The Oasis at Anozira Owners Association, an Arizona non-profit corporation, who executed the foregoing on behalf of the corporation, being authorized so to do for the purposes therein contained.

Joanne M. Osheel  
Notary Public



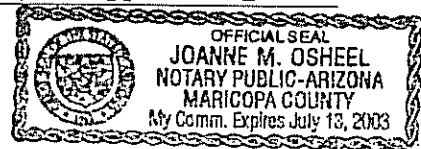
My commission expires:

July 13, 2003

STATE OF ARIZONA        )  
  ) ss.  
County of Maricopa        )

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of March, 2000, by Robert V. Russo, the Secretary of The Oasis at Anozira Owners Association, an Arizona non-profit corporation, who executed the foregoing on behalf of the corporation, being authorized so to do for the purposes therein contained.

Joanne M. Osheel  
Notary Public



My commission expires:

July 13, 2003