

RESOLUTION OF THE
SUMMERHILL / DAVINA HOMEOWNER'S ASSOCIATION

RE: Landscape Maintenance Standards ("Standards")

WHEREAS, Shulman-Summerhill Associates Limited Partnership, a Washington limited partnership and developer of the Summerhill/Davina Homeowners Association (the "Association"), recorded the Declaration of Covenants, Condition and Restrictions and Reservation of Easements (the "Declaration"), with the Clark County Recorder's office on June 26, 1990 in Book No. 9000225 as Instrument No. 00965.

WHEREAS, Nevada Revised Statutes 116.3102 grants the Board of Directors of the Association the power and authority to adopt Rules and Regulations that govern the Association Community, and whereas Nevada Revised Statutes Chapter 116.31065 governs the scope of rules that may be adopted;

IT IS HEREBY RESOLVED that on November 28, 2001 the Board of Directors of the Association adopted the foregoing Standards in accordance with Nevada law to further outline and detail the requirements of an Owner or Member of the Association under Article IX, Section 9.1 of the Declaration.

LANDSCAPE STANDARDS

Lawn Areas

Lawns are to be maintained in a reasonable and acceptable green, healthy, weed-free state. The height of the lawn may not exceed a height beyond that necessary to promote continual growth and may not be cut too short as to prevent future growth. Water your lawn in accordance with the guidelines set forth by the local water district. Irrigation systems shall be adjusted to account for changing weather conditions, but may never be turned off completely for any period of time.

If a lawn takes on a yellow or brown appearance, take steps to remedy the appearance. Steer manure, due to its offensive odor, may not be used as a fertilizing agent. Owners must monitor their irrigation systems at all times to prevent over-spray or over-watering. Maintenance problems are evidenced by lawns that turn yellow, brown or in which weeds are beginning to appear.

Trees and Bushes

Trees and bushes must be regularly trimmed to prevent obstruction of side walks, streets and driveways. Trees with sharp leaves or thorns will be considered a danger to the health, safety and welfare of the Community if they protrude into other properties or common areas and they may be trimmed by the Association at the Owner's expense if proper pruning is not completed by the Owner. Additionally, trees and bushes that obstruct

the view of traffic signs, pedestrians, and cross traffic will also be considered a danger to the health, safety and welfare of the Community and may be trimmed by the Association at the Owner's expense if proper pruning is not completed by the Owner.

Droppings from trees, i.e. pine needles, leaves, seedpods, fruit, etc., must be removed in a timely fashion. Dead or diseased growth shall be removed promptly. If removing a dead tree or bush, it is expected that you will replace it with a like kind of tree or bush. The new tree or bush should be of sufficient size to fit in with your existing landscape plan. Please note: any changes to your existing landscaping **must** have prior approval of the Architectural Review Committee.

Ground Cover, Flowers, and Other Plantings

All plantings must be regularly watered, attended and pruned in accordance with the standards accepted for the particular species. All annual plants must be removed and properly disposed of at the end of the growing season. Growth that is generally accepted as a weed or valueless, wild growing plant and that was not intentionally planted on the property must be removed. Such growth/weeds must also be removed from all walkways, driveways, and sidewalk cracks and separations. Bare areas are not permitted in any portion of an owners property unless such area is an integral part of a planter area. Such standards apply to areas including, but not limited to, walls, planter boxes, sidewalks, driveways, berms, flower gardens and any other similar planting areas.

Inorganic Yard Areas

Inorganic yard areas must be maintained, replenished and replaced as deterioration occurs. Such items must be maintained in a clean, stain-free, and safe condition. Stuccoed walls must be repaired as needed, especially when discoloration, mold, cracks, breaks or chips occur. Fluid leaks from vehicles are unsightly and may be a danger to the health, safety, and welfare of the Community. Any oil, rust, fluid or similar stain must be removed from all driveways, walkways, streets and sidewalks. If such stains are not removed, the Association may remove the same at the Owner's expense. Drip pans and the like are not allowed in the open. Hoses and other lawn equipment must be kept out of sight when not in use.

All gates must be maintained, painted, repaired and kept in a safe condition and attractive appearance. All other landscape features including, but not limited to, fountains, statuary and ornaments are to be maintained in a functional condition and must be painted and replaced as needed. Any seasonal inorganic items must be removed at the end of the applicable season.

Seasonal Changes

Seasonal changes do not eliminate the need for landscape maintenance. Trees, plants, bushes and lawns continue to grow year-round, and, as such, they require year-round maintenance. Owners are encouraged to consult reputable, local companies for assistance

and advice on irrigation, fertilizer, with the exception of steer manure, plantings, and weed control products that will help maintain the respectable, healthy appearance of their landscape.

Architectural Approval

Remember that all changes must also have prior approval of the Architectural Review Committee before installation.

Violations and Assessment Policy

If the Board or its representative is informed of and/or observes a deviation from these Standards, the alleged violating owner will receive a "Courtesy Notice" with an explanation and photograph requesting that the violation be remedied. If the violation is not corrected with thirty (30) days of the date of the Courtesy Notice, a "Violation Notice" will be sent.

The Violation Notice will again outline the alleged violation and offer the Owner an opportunity to request a hearing before the Board of Directors or its duly authorized agent. If a hearing is requested, the Board, or its agent, will permit the Owner to be heard for a defined period of time in Executive Session. If a hearing is not requested, the Board may act in the Owner's absence. Upon review of the facts and circumstances presented to the Board, the Board may grant the Owner an additional ten (10) days to bring the violation into compliance and/or the Board may assess fines in accordance with Nevada Law.

Dated this 28th day of November, 2001

By: David Sommer
Director/President

By: Lucretia Paul
Director/Vice-President

SUMMERHILL/DAVINA

HOMEOWNERS ASSOCIATION

Compliance Policy and Procedures

The Board of Directors is charged with assuring that Members and Residents are in compliance with the governing documents of your Association. These documents may include the Covenants, Conditions and Restrictions, Bylaws, Rules and Regulations, and Architectural Guidelines. The Compliance Inspector and/or Community Association Manager have been directed by the Board to make regular inspection tours of the community. In some cases your Board may have appointed a committee to further inspect the community and to act as a liaison to your Community Manager. Prior to the imposition of any penalty for non-compliance of the Governing Documents, the Association shall provide the offending Member or Resident with notice of the alleged infraction. Upon receipt of a written complaint from a Member or Resident or a report by a Member of the Board or the Association Management Company, alleging a violation of the CC&R's, Rules, or Architectural Guidelines, the following procedures will be adhered to:

A. Notice Procedures

The following is the Fine Policy and Procedure for violations of Rules and Regulations as adopted by the Board of Directors in accordance with NRS 116 and SB 100.

1. First Notification:

- (a) A "courtesy notice" will be mailed to the owner of record stating the area of non-compliance and the necessary corrective action. This notice is not a legal requirement and will not incur any expense to the homeowner. This notice is for violations of a transient nature only. Recognizing that at times homeowners may walk away from a violation for just the few minutes wherein the violation is noted come under this category. Items included in this definition are: garbage cans visible outside the allowed hours; garden hoses that are not coiled and stored away neatly; garage doors that are found open; bicycles or other play equipment noted in the front of the residence; landscape refuse while the work is being performed. If these items are not evident again within a period of sixty (60) days, the matter will be considered corrected and not further notice sent.

- (b) A "Friendly Reminder Notice" will be mailed to the owner of record stating the area of non-compliance and the necessary corrective action. This notification is a legal requirement and will be sent by dual mailing. This notice will also be sent following the "Courtesy Notice" if the violation of a transient nature occurs within 60 days of sending the "Courtesy Notice" and will be considered the first legal notice. All such notices will incur a cost for certified mailing and will be a pass through cost to the owner.

- (c) Understanding that there may be extenuating circumstances; a communication form will be provided to each member. Communication with the Management Company is highly encouraged to prevent further notifications.

2. Second Notification: (Same offense)

- (a) If the violation is confirmed and is not abated within thirty (30) days, a "Compliance Demand and Notice of Hearing" will be sent by dual mailing.
- (b) Along with this notification, at the discretion of the Community Manager, a photo of the violation may be taken at the expense of the owner. This photo when taken will be provided to the owner with the first class mailing.
- (c) This notification letter will also inform the member of the exact article or rule that they are out of compliance with and the remedy sought by the Association including possible fines and/or penalties.
- (d) A scheduled hearing for this violation will be announced in this notice. The owner is not required to be present for the violation to be reviewed; however they are encouraged to attend. Any owner wishing to be represented by council may do so by providing written advance notification to the Management Company of their intent to have council present.
- (e) The Association shall have the right to limit the time of the hearing and limit the time in which any evidence may be presented.
- (f) This notice will satisfy the legal requirement of a fourteen (14) day notice prior to any fines or penalty being assessed to the owner's account. A clerical fee of \$10.00 plus all applicable postage will be assessed for this notification.

3. Hearing Result Notification: (Same offense)

- (a) Following a scheduled hearing; a notification will be mailed to the member indicating what action the Association has determined to take.
- (b) If the action is dismissal; that information will be provided and the record closed
- (c) If the action is to dismiss or suspended conditionally; all conditions and time requirements will be clearly outlined including potential fines and/or penalties that may occur with failure to meet the conditions.
- (d) If the violation is upheld and a fine and/or penalty is imposed; the amount of such fine and/or the time limit for such penalty will be clearly defined in this notification.
- (e) A clerical fee of \$10.00 plus all applicable postage will be assessed for this notification.
- (f) If a duly appointed/chartered committee is established by the Board of Directors to facilitate compliance hearings; the following appeal process will apply:
 - 1. Written request for appeal must be postmarked or dated received within ten (10) days following the notification of hearing results.

2. A receipt acknowledging this request will be sent to the owner scheduling a hearing before the Board of Directors.
3. THE DECISION OF THE BOARD IS FINAL

4. **Continuing Fine Notification:** (Same offense)

- (a) In accordance with NRS §116.31031 – *“If a fine is imposed and the violation is not cured within fourteen (14) days, the violation shall be deemed a continuing violation. Thereafter, the board may impose an additional fine for the violation for each seven day period or portion thereof that the violation is not cured. This additional fine may be imposed without notice and without an opportunity to be heard”.*
- (b) Following a hearing notification where the Board of Directors and/or their duly appointed/chartered committee has imposed a fine and/or penalty; a Notice of Continuing Violation will be sent to the owner. This notification will specifically inform the owner of the amount and frequency of all continuing fines and/or penalties being assessed.
- (c) A clerical fee of \$10.00 plus all applicable postage will be assessed for this notification.
- (d) No further compliance notifications will be sent for this continuing violation. Statements and collection activity will be forthcoming in accordance with the collection policy of the Association.
- (e) All fines and/or penalties will continue until written notice *of correction* is received from the unit owner *and confirmed* by the Association.

B. Fines, Penalties and Sanctions

Should a violation be determined to exist the Directors may order any or all of the following sanctions:

Impose a fine not less than \$50 or greater than \$100 per seven day period.

Impose a Special Assessment upon the Member (in accordance with NRS 116) until the Board has been notified in writing by the offender that the situation has been rectified.

Suspend the Member's voting privileges as provided in the CC&R's.

Enter upon a Member's property to make necessary repairs or to perform maintenance. and specially assess the Member for any amounts expended.

This policy, adopted this 25th day of September, 2003, by the Board of Directors of the Summerhill/Davina Homeowners Association Association, becomes effective upon thirty days notice to the membership.