

Boulder Mountain Homeowners' Association

Phoenix, Arizona

PROPERTY OWNER'S MANUAL

MESSAGE FROM THE BOARD OF DIRECTORS

Boulder Mountain Homeowner's Association (hereafter referred to as BM HOA) is made up of 78 Lots with single family homes on each lot. The Board of Directors is charged with the responsibility of managing the assets of the members of the Association. This operating manual is not intended to be a substitute for each owner having a copy of the recorded documents pertaining to their property.

The intent of this manual is to be a quick reference for each property owner to use in addressing issues and submitting questions.

NOTES ON OPERATIONS

The Management Company is an extension of the Board of Directors. It is charged with the task of fulfilling the duties assigned to them by the Board. All calls are to be directed to VIP Property Management. In the event of an emergency, and some complaints such as noise, pets barking, owners curbing their pet, you should call the appropriate government agency, be it police, fire or another agency.

ARCHITECTURAL

The BM HOA, through its Architectural Committee, is the ruling body for changes and additions that you make to the exterior of your home and landscaping, which includes both front and backyard improvements. Each owner needs to make application for approval. The application form is available on the website or from the Management Company. Additional information and forms can be found on the website.

BASKETBALL HOOPS

The BM HOA has amended its rules to allow for permanent basketball hoops. It has also set regulations regarding the use of temporary basketball hoops. **ATTACHED IS THE WAIVER FOR PERMANENT BASKETBALL HOOPS AND THE RULES AND REGULATIONS REGARDING TEMPORARY BASKETBALL HOOPS. As adopted October 2006**

COMPLAINTS AND SUGGESTIONS

All suggestions and complaints need to be submitted in writing. In order for the Board of Directors to take action, the issues need to be submitted to the Management Company in legible form and signed. You may send in the notice by e-mail. Any complaint needs to have the owners full name and address.

DUES

The dues are paid semi-annually on September 1st and March 1st. Dues not received within 30 days of the due date will be deemed late and will be assessed a late fee. **Failure to pay dues and assessments could result in a lien being placed on your property. The cost of the lien and any associated legal fees will be charged to the homeowner. SEE ATTACHED DUES COLLECTION POLICY as adopted February 2003**

FINES AND ASSESSMENTS

Attached to this manual, you will find the Addendum addressing the issues of the CC & R violations and the fine schedule that applies. This Addendum addresses the issues of notices to owners, time frames for corrections and appeals, the schedule of fines and their collection and was amended October 2007

GATES

The wood slats in gates may be painted to match the wall, stained or finished natural. Slats showing dark stains from the oxidation of metal fasteners must be refinished to eliminate these stains.

GARBAGE/RECYCLE CANS

Garbage and recycle cans should be put at the curb the night before pickup and removed within 24 hours after pickup. Cans must be stored in the garage or behind the wall and be out of sight of the street and neighbors. SEE ATTACHED POLICY

LANDSCAPING

All landscaping must conform to the requirements as seen in BM HOA recorded documents. In addition, yards must be kept neat and free of weeds. See attached Addendum for the landscaping guidelines.

LIGHTING

Exterior lighting must conform to the guidelines in the recorded documents or as might be amended in policies set by the Board. If more restrictive, they must also conform to the City of Phoenix regulations. All lighting must be shielded. NO EXPOSED BULBS.

NOISE

If you experience a problem with noise, please take the time to address this with the offending neighbor. It is also suggested that you contact the City of Phoenix to register a complaint. This will bring the quickest action in the event the neighbor is not available or will not cooperate. In the event you want to involve the Board, and the Management Company, you will need to submit a signed complaint in writing to the Management Company. If the problem persists, there is a "paper trail" upon which a hearing can be

requested with the offending owner. It is the owner's responsibility to keep all noise within the confines of their property. This includes, but is not limited to, barking dogs, music, wind chimes, etc.

PAINTING

Painting requires approval of the colors by the Architectural Committee. There has been a "pallet" of colors pre-approved and an owner may select other colors. The color pallet can be found on the website. Be sure to confirm the color through a store or vendor as each computer screen may show colors differently. Garage Doors may not be white and must be painted the same color as the body of the house or the accent trim. **SEE ATTACHED REPAINTING POLICY** as adopted October 2007.

PARKING

The Board of Directors developed and approved a parking policy in March of 2009. It was revised in December 2013 to address issues with Boats and RV.s **SEE ATTACHED POLICY**. **Garage doors are to remain closed except for ingress and egress.**

PETS

All pets allowed by the recorded documents are to be in a fenced yard or under the control of the owner at all times. It is the responsibility of the owner to clean up after their pet regardless of the location. This includes curb areas and common areas. The City of Phoenix Codes require the owner of a pet to be responsible and violations are enforced with fines.

POOLS

Water from back washing of the pool's filter must be disposed of on the owner's lot. Back washing cannot be done over walls or into common areas. Pool equipment must be hidden from view.

PORTABLE STRUCTURES

See attached policy as adopted in 2005.

RENTALS / LEASES

Leases must have a minimum of 30 days and be in writing. Owners are advised that they are responsible for the actions of their tenants. The Board cannot respond to the issues of the tenants. In the event there are issues, concerns or violations, the owner will be contacted and will be responsible for violations, corrections and any applicable fines.

It is the responsibility of each owner to provide a copy of the pertinent documents from the Constitution of the State of Arizona, specifically, but not limited to, Title 33. It is also recommended that landlords provide their tenants with a copy of the recorded documents of the Association as well as a copy of the Owner's Manual and all policies.

SEE ATTACHED RENTAL POLICY ADDENDUM as adopted October 2007

SATELLITE DISHES / ANTENNAS

Satellite dishes and communications receiving devices must be installed in accordance with Federal Guidelines and City of Phoenix Guidelines if applicable.

SHADE SCREENS

Shade screens (sun screens) must be of a solid color excluding white. No screens are permitted with stripes or patterns. SEE ADDENDUM ENTITLED "WAIVER REGARDING PERMANENT PORTABLE STRUCTURES.

TRASHCANS

SEE ATTACHED TRASH AND TRASHCAN POLICY as adopted in October 2007
If you have a problem with your trashcan being blocked call the City of Phoenix at: 262-7251 and press 0 or call the Police Department

WATER LEAKS

If you notice a water leak in a neighbor's yard, please call the homeowner and not the Management Company. In the event you are not able to reach the homeowner, please call the City of Phoenix to report the leak.

WEBSITE

www.bouldermountainhoa.org

If you do not have the username and password, contact the Property Manager at 480-585-8684 or by e-mail at : RudyBMHOA@vippropertymanagement.com

WINDOWS

Within thirty (30) days of occupancy, each owner shall install permanent draperies or suitable window treatments on all windows facing the street. No reflective materials, including, but without limitation, aluminum foil, reflective screens or glass, mirrors or similar type items, shall be installed or placed upon the outside or inside of any window.

WILDLIFE

You have purchased a home in a desert community and there is an abundance of wildlife. For the welfare of the wildlife and your safety **DO NOT FEED THE WILDLIFE**. This also includes birds.

Revised December 2013

Boulder Mountain Homeowners' Association, Inc.

**RULES AND REGULATIONS
REGARDING TEMPORARY BASKETBALL HOOPS
Effective Date: October 10, 2006**

Temporary basketball hoops will be allowed by the Association, subject to the following guidelines:

1. The basketball hoop equipment must be of regulation size with regulation backboards, hoops and nets.
2. The pole supporting the hoop may be adjustable in height.
3. Toy basketball hoops are not allowed.
4. The basketball hoop equipment must be situated for use on the driveway, and not in the street or yard.
5. The basketball hoop equipment may be placed off of the paved driveway in the yard; however, the equipment must be adjacent to the driveway and located not more than four (4) feet into the yard.
6. If the base of the equipment needs to be weighted for balance, such balance system must be internal, using water or sand. The base may not be weighted with bags, bricks or other weights on top of the base.
7. The equipment must be kept in good condition at all times.
 - a. Poles must not show chips or wear
 - b. The net must be fully attached to the hoop and not torn
 - c. The rim must be in regulation condition
 - d. The backboard must be kept neat
8. The equipment may not be stored in the front or side yards. The equipment may be stored in the garage or back yard. If stored in the back yard, the equipment must not be visible from the front yard or neighboring property.
9. Basketball hoop equipment shall not be installed until the Owner completes and submits an architectural request form, which will include a copy of these guidelines signed by the Owner.

Adopted by the Board of Directors at a duly-held meeting on October 10, 2006.

Boulder Mountain HOA

**Boulder Mountain
Homeowners Association**

**DUES COLLECTION POLICY
February 25, 2003**

1. Dues are payable quarterly and are due on or before March 1st and September 1st.
2. Dues are deemed late if unpaid after the 30th day of the month in which they are due and a late fee charged will be placed on the account.
3. Late fees will be based on the greater of \$15.00 or 10% of the unpaid balance.
4. In the event dues are not received within 60 days of the due date, a lien may be placed on the property for the delinquent amount due plus late fees and lien fees. A lien will stay in place against the property until such time as the account is paid in full. All costs associated with the placement of the lien will be charged to the homeowner. The Association also reserves the right to use any other means of collection such as Personal Judgments or garnishment of wages.
5. Checks are to be made payable to: Boulder Mountain HOA
6. Payments are to be mailed to: Boulder Mountain HOA
c/o Frame & Company
26546 N. Alma School Road Ste. 100
Scottsdale, AZ 85255

ALL PAYMENTS WILL BE APPLIED TO THE ACCOUNT AS FOLLOWS:

1. Past due dues and/or assessments
2. Lien fee, small claims fees and legal costs
3. Late charges
4. Fines

There will be a \$25.00 charge for checks returned for insufficient funds, account closed or any other reason.

Boulder Mountain
Fine schedule

Parking:

Overnight parking on street and/or violation of daytime street Parking policy. \$25 first violation notice. Any additional violations noticed to owner in next 90 day period will be billed and due at \$50. \$25/\$50 per Occurrence

Trashcans:

Garbage or recycle cans not being put out and pulled in per policy \$25 per Occurrence

Trashcan Storage:

Failure to store garbage cans/recycle per policy. \$25 per Occurrence

Leasing:

Failure to provide the Association with a copy of the lease and evidence that the tenant has been provided a copy of the rules and regulations as required by the Association rental/lease policy. \$50 per Occurrence

Landscape Violations:

Unsightly Weeds in yard \$25 – 1st Violation
+\$1.00 each day delinquent
maximum cap of \$100.00 per violation

No architectural plan submittal \$50 per occurrence
+\$1.00 each day delinquent
maximum cap of \$100.00 per violation

Architectural Violation:

Failure to submit plans for review and Board approval \$50.00 per occurrence
Before beginning work + \$1.00 each day delinquent
maximum cap of \$100.00 per violation

Fines that result in a balance of \$100.00 or greater shall require the Association to lien aggrieved home to protect the integrity of the neighborhood.

Management Company shall provide written documentation to BOD each meeting indicating fines levied, actions taken, letters sent, and responses received. This shall be part of the Management report.

Fine schedule as amended October 9, 2007

BOULDER MOUNTAIN HOMEOWNERS ASSOCIATION

Enforcement Procedures

The Association will enforce the Declaration, the Articles, and these bylaws in accordance with the following procedure:

1. **First Notice of Violation.** The Association, through its officers or agents, may send the Owner a written notice describing the violation and requesting correction within fourteen (14) days, or if said violation is a recurring violation, requesting that the violation not reoccur, and stating that a fine in an amount to be determined by the Board of Directors will be due and payable by the Owner if the violation is not cured within the fourteen (14) day period, or if the violation reoccurs. The notice will inform the Owner that the fines are collectible in the same manner as regular assessments. The notice will also state that the Owner has the right to be heard by the Board on the matter, and that if the Owner wishes to exercise such right, the Owner must notify the Association in writing of his or her request to be heard within ten (10) days from the date of the notice.
2. **Second Notice of Violation.** If the Owner does not correct the violation within fourteen (14) days of receiving the first notice of violation, or if the violation reoccurs, the Association, through its officers or agents, may send a second written notice informing the Owner of the amount of the fine that has been imposed, and stating the amount of additional fine that will accrue on a daily, weekly, or monthly basis until the violation is corrected. If the violation is a recurring violation, the notice may state the amount of fine that will be imposed every time the violation reoccurs.
3. **Additional Action.** Upon expiration of the initial time period, or sooner if the Board so warrants depending on the circumstances, the Association may pursue whatever rights and remedies are available pursuant to the Declaration, the Articles and these Bylaws, or that are otherwise available at law or in equity, to enforce the Declaration, the Articles, and these Bylaws, including the commencement of legal proceedings for enforcement.
4. **Fines.** The Association is authorized to impose fines based upon statutory law. Furthermore, any fines imposed are collectible in the same manner as regular assessments. The Association may bring legal action to collect any unpaid fines in the same manner as any unpaid assessments.
5. **Hearings Before Board.** If any Owner receives a notice of violation as set forth herein, the Owner may request a hearing before the Board with respect to the matter. Any such request must be in writing and must be made within ten (10) days from the date of the notice of violation. If a request for hearing is made, the Board will set a time and place for the hearing, and give notice of the time to the Owner. The hearing may be a part of the regular board meeting, or at such other time to be determined by the Board. At the hearing, the Owner will be entitled to present such evidence and information as the Owner deems appropriate to demonstrate that the Owner is not in violation; however, the Association may limit the time allotted for such presentation. Officers and agents of the Association may also appear at the hearing and offer evidence and information; however, the Association may limit the time allotted for such presentation. Hearings before the Board are intended to be informal, and the rules of evidence will not apply. The decision of the Board with respect to such matter shall be final and conclusive. An Owner will be entitled to only one hearing with respect to a particular claimed violation.

**BOULDER MOUNTAIN ENFORCEMENT PROCEDURE
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6. **Effect of Hearing on Time Periods.** If an Owner requests a hearing, a fine will not be imposed until after a hearing has been held. However, after the hearing occurs, the Board may apply a fine retroactively to the date of the violation if it deems such action to be appropriate.

Boulder Mountain Homeowners Association

BOULDER MOUNTAIN HOA

LANDSCAPING GUIDELINES

Plans need not be submitted for approval, however, the following guidelines are recommended.

The CC&Rs recorded with Maricopa County require that all yards visible from the street shall have acceptable landscaping installed within 180 days from close of escrow. It is recommended that back yard landscaping be installed at this time as well since construction access to the back yard is often through the front yard. Owners shall maintain their lots free of weeds and debris; lawns shall be neatly mowed and trimmed; bushes shall be trimmed; and dead plants, trees, or grass shall be removed and replaced.

In all cases, the installation must comply with City of Phoenix drainage and grading requirements.

TURF

The City of Phoenix currently does not limit the amount of turf on residential lots. However, Boulder Mountain HOA joins the City in encouraging water conservation. It is recommended that you consider turf installation in areas where it can be used for play, for example; and consider desert landscaping in other areas.

ROCK GROUND COVER

If decomposed granite or other landscape rock is used, it must be of an "earth tone" color and not white, green, blue, red or other bright colors. All rock areas shall be treated with pre-emergent weed control at regular intervals to retard weed growth. Not more than 20 percent of the front yard landscape may be river run rock.

MINIMUM NUMBER OF PLANTS

All front yard landscaping shall include a minimum of twelve (12) plants. These shall be one (1) gallon size or larger.

ASSOCIATION PLANT LIST

The following vegetation types and varieties are not recommended.

1. Olive trees (*Olea europaea*) other than the "Swan Hill" variety. These trees create considerable pollen which disturbs allergy sufferers. A mature tree produces thousands of olives which drop and create a mess.
2. Oleanders (*Nerium oleander*) other than the dwarf variety and *Thevetia* (*Thevetia* Species). Oleanders other than dwarf or *thevetia* varieties get to such a size and trunk thickness that they are hard to control on a small lot.
3. Fountain Grass (*Pennisetum setaceum*) or Pampas Grass (*Cortaderia Selloana*). Within a very few years, fountain grass and pampas grass build up thatch which makes them extremely difficult to trim back. As a result they are often let go and are unattractive or owners end up removing them. Pampas grass blades are so sharp, they can easily produce sliver cuts.
4. All varieties of Citrus are permissible *within the confines of the rear yard*.
5. Mexican Palo Verde (*Parkinsonia aculeata*). Known for its extreme shedding, this variety is discouraged.
6. All varieties of mulberry trees. Mulberry trees join fruiting olive trees as a major pollen contributor.

FINE GRADING & MOUNDING

Fine grading is a critical aspect of landscaping. Each lot has been graded such that all storm water will drain away from the house. It is important that this drainage pattern be maintained when preparing the landscape design, especially if mounding or berming is proposed. In all cases the installation must comply with the City of Phoenix grading and drainage plan. Every effort should be made to make the mounding appear natural.

WATER FEATURES (FOUNTAINS, ETC.)

Water features are permitted within the rear yard areas. It is recommended water be chlorinated. Water features must be approved by the Architectural Committee when in the front yard. Water features that may present a hazard to small children or animals are discouraged and will not be allowed.

HARDSCAPE

Any additions or changes to pavement areas in any form, e.g. concrete, brick, tile, flagstone, wood decks, etc. in the front yard must be approved. The exception to this is single coarse brick borders commonly used to separate landscaped area, provided they are of the same earth-tone or red color. Painting or refinishing any hardscaped surface will require approval. No more than 65% of the landscaped area in the front yard may consist of inert ground cover (cement, granite, tile, etc.). The installation of artificial turf requires approval however, if approved, will not count as inert ground cover in calculating the front yard area.

ANY ADDITIONS OR IMPROVEMENTS THAT CHANGE THE EXTERIOR OF THE HOME'S APPEARANCE, EXCEPT FOR NATURAL VEGETATION, MUST BE APPROVED BY THE ARCHITECTURAL COMMITTEE. SUCH ADDITIONS OR IMPROVEMENTS THAT ARE WITHIN THE CONFINES OF THE REAR YARD AND CANNOT BE SEEN FROM THE STREET OR NEIGHBORING PROPERTIES ARE EXCEPTED. HOMEOWNERS MAY STILL BE REQUIRED TO OBTAIN PROPER PERMITS FROM THE CITY EVEN IF NO ARCHITECTURAL APPROVAL IS REQUIRED.

These Architectural Review Committee Guidelines and Landscape Guidelines may be amended by the Board of Directors from time to time by a majority vote of the Board.

Boulder Mountain Homeowners' Association, Inc.

**RULES AND REGULATIONS
REGARDING REPAINTING
Effective Date: October 9, 2007**

The Board of Directors has adopted a "pallet" of colors that is available from the Website or from the Property Manager's office.

- 1) These colors are pre-approved by the Board of Directors.
- 2) Owners must submit in writing what colors they are using, main color and trim if applicable prior to commencing work. The management company is authorized to send the owner written approval without further submittal to the Architectural Committee.
- 3) Should an owner wish to choose a color or paint not on the pre-approved list a application may be made to the Association through the Architectural committee. Full description of all colors and materials be used along with sample must be submitted with the application.
- 4) Any owner commencing work without written approval does so at the risk of fines and the potential cost of repainting.

Adopted by the Board of Directors at a duly-held meeting on October 9, 2007.

Boulder Mountain HOA

**RULES AND REGULATIONS
REGARDING PARKING
Effective Date: March 24, 2009
(Revised December 2013)**

The Board of Directors has adopted the following policy on parking.

I. Rules and Regulations

- 1) The Board of Directors would ask that all Owners, guests and tenants please use the space in their garage and driveway as much as possible and prior to street parking. All vehicles must be parked facing in the direction of traffic flow for that side of the street.
- 2) Owner (or tenant) parking is allowed on the street. This is limited to one vehicle at a time on the street per Lot. Such parking must be in front of the Lot on which the owner of the vehicle resides and not in front of a neighbor's Lot or any other home within the community. Further, street parking when allowed cannot block a neighbor's driveway, hinder access to the neighbor's driveway, or, on trash collection day, block the City's access to the trashcans.
- 3) Guest parking is limited to one vehicle and may not exceed forty-eight (48) hours in a seven-day period. Such parking must be in front of the Lot which the guest is visiting. Further, street parking when allowed cannot block a neighbor's driveway, hinder access to the neighbor's driveway, or, on trash collection day, block the City's access to the trashcans. Owners are responsible for guests' parking.
- 4) No vehicles may be parked in the gravel or grass area of the yard. All parking must be on the driveway or garage, or on the street as allowed by these regulations. All vehicles must be in operational condition, including tires.
- 5) Boats, trailers, campers, RVs, and all other vehicles besides passenger vehicles may not be parked at the property at any time except for short durations to load or unload. "Short term periods" for boats and RVs to be at your property is defined as not longer than four hours and only if it does not cause a safety hazard. Under no circumstances is the short term to go past midnight, nor may the boat or vehicle be plugged into the house for any purpose other than cleaning. The vehicle must be parked in your driveway or in front of your home and may not be parked in the yard. Special Requests for parking may be considered, however they need to be in advance by e-mail. Approvals will be in writing and if mailed need to be well in advance of the requested time.
- 6) Commercial vehicles may only be parked in garages or screened or concealed from the view of any neighboring property in a manner approved by the Board and the Architectural Committee unless the vehicle meets the guidelines as detailed below. Commercial vehicles may not be parked on streets and/or driveways except as must be permitted by law or as allowed by the Association Guidelines seen here. It is the Owner's responsibility to be aware if their vehicle qualifies. For purposes of this rule, a commercial vehicle is a vehicle that meets one or more of the following criteria: has a carrying capacity in excess of one ton, is designed for commercial purposes, displays any type of signage, design or lettering for advertising, has commercial utility racks or ladder racks located on the vehicle, or work equipment or a tool box stored on the vehicle that is visible from outside of the vehicle. A standard size pickup truck or passenger vehicle that has one or more of the above criteria for commercial vehicles may be parked at the residence however it must be parked in the driveway and may not extend into the street or block the walk way.

II. Enforcement

- 1) Each Owner shall be responsible for the parking of his or her family members, guests, tenants or other occupants of the Lot.
- 2) The first time any one of the above rules and regulations are violated, the Owner of the Lot shall receive a written warning of the violation from the Association.
- 3) After a written warning is issued to the Owner for a violation of any one of the above rules and regulations, the Association shall have the right to assess fines against the Owner of the Lot for any subsequent violations of any of the above rules and regulations.
- 4) The amount of the monetary penalties shall be determined based on the nature of the offense and the number of violations. The amount so established by the Board of Directors shall start at \$10.00 per day. Should violations continue or an owner repeats the violation on a regular basis (within six months) the Board may impose a higher penalty.
- 5) The Owner shall be given an opportunity to be heard by the Board and an opportunity to contest the violation, as required by Arizona law, before any monetary penalties are assessed. However, such fines can apply retroactively to the date of the violation.
- 6) The Board may vary from this enforcement policy as it deems necessary or in the best interests of the Association.

Boulder Mountain Homeowners' Association, Inc.

RULES AND REGULATIONS REGARDING RENTALS Effective Date: October 9, 2007

The Board of Directors has adopted the following policy on rentals.

- 1) Owners must inform the Association, in writing through the management company when a property is leased.
- 2) The lease should state the names of the lessee along with the start and end time of the lease.
- 3) If there are any changes to the lease it is the Owner's responsibility to inform the Association in writing, through the management company.
- 4) Owners are responsible for their tenants being in compliance with the Association's rules and regulations.
- 5) Any warning notices, fine notices and subsequent fines will be billed to the owner not the tenant. The Owner must provide a mailing address at which they receive mail. This may not be the Owner's rental manager or real estate agent. Failure to provide such address may not be used to avoid the timeframes for corrections of violations or the levy of fines.
- 6) Notification of the rental to the Association does not satisfy any government requirements to register a property as a rental. It is the Owner's responsibility to know any government regulations and to follow them.

Adopted by the Board of Directors at a duly-held meeting on October 9, 2007.

Boulder Mountain HOA

**BOULDER MOUNTAIN HOMEOWNERS ASSOCIATION
C/O FRAME & COMPANY ASSET MANAGEMENT
26546 N ALMA SCHOOL ROAD, STE 100
SCOTTSDALE, AZ 85255**

March 4, 2005

Waiver Regarding Permanent Portable Structures

As stated in the Covenants, Conditions, & Restrictions of the Boulder Mountain Homeowners Association, Article II, Section 2.4: "Waivers may be granted for restrictions contained in Article II upon a demonstration by such Owner that said waiver will not materially interfere with the use or enjoyment of any Lot or the Common Elements, or any portion thereof." The Board shall deliver to each Owner a copy of such waiver within thirty days of granting the waiver. If any Owners are opposed to the waiver, they must petition the Board in writing within thirty days (no emails or calls, the petition must be written, signed and delivered to the Management Company within proper timeframe). If sufficient Owners are opposed, the waiver must be submitted to a vote of the Members of the Association. If Members of the Association disallow the waiver it shall be of no further force and effect.

This waiver is in regard to permanent portable structures located in backyards. Such items may include items like sun-shade tents, storage units, or shaded play areas for children. The aforementioned structures shall be allowable henceforth providing they are not permanently affixed to the real property of the Owner, they are of a desert coloration, and they do not extend more than 7 feet in total height at their highest point and are located inside the fenced area of the backyard.

Desert coloration to be defined as shades of brown, gray, and dark green. It is the responsibility of the Owner to ascertain that the color of choice is in compliance prior to installation. If there is any question that the color might not be in compliance it is recommended that the owner submit an architectural request for clarification. The Architecture Committee shall retain the right to determine that a color is unacceptable and to require the structure to be removed or replaced with one of appropriate color.

Boulder Mountain Homeowners' Association, Inc.

**RULES AND REGULATIONS
REGARDING TRASH AND TRASHCANS
Effective Date: October 9, 2007**

The Board of Directors has adopted the following policy on trash and trashcans.

- 1) Trashcans may be put out the evening before pick up, no earlier than 4pm and must be in no later than 9pm on the day of pick up.
- 2) Trashcans may be stored in view from the street, strictly as follows.
 - a) Behind the front plane of the garage against the side of the house, no more than a foot from the house.
 - b) While in view from the street all cans must be closed, without trash overflowing.
- 3) No trash may be stored outside the cans in view from the street. It may not be piled by the cans or in view.
- 4) Bulk trash pick up is regulated by the City of Phoenix. Specific guidelines on when it may be put out and that it does not block sidewalk or street are issued and at times changed by the City of Phoenix. It is each owner's responsibility to know and follow these regulations. In any event at no time may bulk trash be stored in view from the street other than when out for pick up as per the City of Phoenix regulations.

Adopted by the Board of Directors at a duly-held meeting on October 9, 2007.

Boulder Mountain HOA