

Dear Homeowner and Resident,

You have been provided with a copy of the Covenants, Conditions and Restrictions (CC&R's) of the Homeowners Association. We urge you to read this document since it sets forth the rights, duties and obligations of each homeowner and resident. The following supplement is to clarify certain portions of the CC&R's. Amendments to the regulations may be adopted by the Crystal Gardens Homeowner's Association Board of Directors in accordance with Section 23.1 of the CC&R's. This policy is subject to change by the Board of Directors in accordance with the CC&Rs. Please check the Crystal Gardens Homeowners website at: www.crystalgardenshoa.com for the most current version of this policy.

These rules and fines apply to both Owners and Residents (renters).

Thank you for helping to make our Community a GREAT place to live.

Sincerely,
Crystal Gardens Board of Directors

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What your Home Owners Association (and neighbors) will expect from you.

Please use and enjoy the common elements in our community in a way that does not interfere with your neighbor's use and enjoyment of the same. The result will be a harmonious living environment for all. These rules are to help ensure that your property value will be maintained and that our community's quality of life is maintained.

1. **Association Fees:** The financial stability of Crystal Gardens depends upon prompt payment of all fees. As of January 2010, assessments are \$39.50. Assessments may be increased 10% annually by approval of the Board of Directors.
2. **Maintenance of Lots:** Each owner and/or Tenant shall maintain all structures and landscaping of their lot at all times. Monetary penalties have been set in place for non-compliance.
3. **Tenant Responsibility:** An owner leasing his/her property is responsible for all actions of his/her tenants and/or guests with respect to the Association CC&R's and Rules and Regulations and timely submittal of the Crime Free Lease Addendum.
4. **Structural or Landscaping Changes:** Any changes to the building or landscaping exterior of your property must be approved by the Architectural Committee prior to installation or construction. This includes repainting and new landscaping.

Complaints:

Crystal Gardens' Home Owners Association has employed Colby Management as our managing agent. When you direct your complaints to them, please be patient in waiting for satisfaction.

The proper way to direct problems or complaints concerning community issues is to notify Colby Management by email or phone. Email works best unless the concern is urgent.

Colby Management

Address – 17220 N. Boswell Blvd. #140, Sun City, AZ 85373-1984
Office - **623-977-3860**
Fax - 623-977-3577
Community Manager
Direct - 623-977-7738
Email - jverpoten@colbymgt.com

When the problem involves a threat to health, safety, a legal violation or property damage, these must be reported and handled directly by the City of Avondale by dialing 911 or the following numbers.

Useful Phone Numbers

City of Avondale www.avondale.org (623) 333-1600
Mayor Marie Lopez Rogers (623) 333-1911 office
Police/Fire/Medical emergencies – 911
Police non-emergency /Park Rangers (623) 333-7000
Fire (623) 333-6000
Code Enforcement (623) 333-2701
Graffiti Hotline (623) 333-2702
Water Resources (623) 333- 4400
Building Inspection (623) 333-4000
Streets/Sanitation (623) 333-4700
Wetlands Operation (623) 333-4400
Avondale Citizen Liaison for Crystal Gardens (623) 333-1601
Avondale Animal Control Hotline (623) 333-7345
Maricopa County Animal Control (602) 506-PETS (7387)
To Report Mosquitoes/Green Pools (602) 506-6611

Approved Paint Color Schemes

Prior Architectural Committee Approval is still required to repaint

1. **Home Exterior:** Approved paint color schemes can be found at:
 - A. Dunn-Edwards Paint Store (1468 N. Litchfield Rd)
 - B. Frazee Paint Stores (1579 N. Dysart Rd)
 - C. www.crystalgardenshoa.com
 - D. Colby Management Inc. 17220 N. Boswell Blvd. #140, Sun City, AZ

2. **Rear Wrought Iron Fences/Gates:** Fences are to be maintained by the owner in good repair and painted without evidence of rust or disrepair. Frazee Paint Stores (1579 N. Dysart Rd) offers the Association approved rear metal fence Color – Deluxe Pro's Bayberry. Recommended painting cycle is 5 years or when rust begins to show.

3. **Block Walls and Fences:** Common block walls, common park walls and walls that adjoin community streets belonging to an Owner are to be maintained in good repair and have an approved paint color scheme. Please inquire with the management company as to recommended surface preparation, treatment, effervescent treatment/sealants,

salt removal and surface cover. Recommended painting cycle is 5-10 years depending on condition.

Lake Front Walls: These walls are to be maintained in good repair and kept clean by the homeowner. Please inquire with the management company as to recommended surface preparation, effervescent treatment/sealants, salt removal and sub-surface and surface coating.

Crystal Gardens Website:

Locate documents and helpful contact information at our website.

www.CrystalGardensHOA.com

Crystal Gardens Homeowners Association Governance

Crystal Gardens Annual Members Meeting

Members (homeowners) gather once a year on the fourth Thursday during the month of October to cast their vote for candidates for the Board of Directors. In order to conduct business at the Members' Meeting, it is necessary for a minimum of 10% of the 905 homes in Crystal Gardens to be present either by attendance or by absentee ballot.

Board of Directors

Positions

Board Members are elected by the owners annually.

- President
- Vice President
- Treasurer
- Secretary
- Director

For a list of current HOA Board members, news updates and helpful information please check our website at www.CrystalGardensHOA.com

Board of Directors Monthly Meeting

The Board of Directors meets monthly to conduct the business of the Association. Board meetings are public. Board of Directors meetings are held on the fourth Thursday of each month at 7:00 PM at a designated community location. Dates and times are subject to change. If there is a change, notice will be given either on our website or by email. To obtain information contact the management company or check the website at www.crystalgardenshoa.com.

Newsletter Committee

The Newsletter is a publication produced by the Association for your information. The Newsletter serves as notification for meetings and/or, policy changes and contains information for the community. Advertising is available in the Newsletter for a cost. You can receive a copy of the newsletter by email.

Architectural Committee Positions

Members are appointed by the Board of Directors

Chairman

Member 1

Member 2

For a list of current Architectural Committee members, news updates and helpful information please check our website at www.CrystalGardensHOA.com

Other Committees under Consideration

Your Financial and Association Obligations

Home Owners' Assessments (Dues/Fees)

1. Assessments are due on the 1st of each month but may be prepaid quarterly, semi-annual or annually.
2. Assessments are not included in your mortgage payments
3. As a homeowner it is your obligation pursuant to the CC&R's to pay your Association assessment to cover the cost of expenses for the HOA.
4. Payment must be physically received in the Management Office by the due date.
5. On the 15th day of each month a late fee of \$15.00 is applied to all unpaid fines/assessments.
6. On the 20th of each month a past due statement is mailed to all owners with an overdue balance.
7. Appeal: If you wish to appeal late charges you must submit a request in writing to the Board. Until the Board makes a determination on the appeal (30 days max.), collection action will be temporarily suspended.
8. After 60 days of delinquency, collection enforcement is commenced unless a payment plan has been mutually agreed upon.
9. If no payment is made during the collection agency process (90 days) the balance owed will be reported to the Credit Bureaus and included on your credit report.
10. If you fail to pay during the collection process, your account will be transferred to a law firm for collection and you are personally liable for all of the legal fees and collection costs incurred by the HOA which can easily exceed \$1000 in addition to the original amounts owed. The past due assessments and collection costs will accrue the maximum allowed rate on any unpaid balances. The interest will be assessed retroactive to the day that any portion of the account became past due.
11. Judgments, garnishments and foreclosure proceedings are all legal options to collect unpaid assessments.

Home Owner and Tenant Fines

1. It is your obligation (and that of your tenants) to maintain your property in good condition at all times. Home owners are directly liable. Tenants may also be held liable.
2. If you or your tenants fail to comply with the CC&R's by maintaining your property in good condition and adhering to the CC&R's, you will be issued a notice of violation with a date by which the violation must be corrected. If uncorrected in the mandatory time period, you

will be fined. You will continue to be fined if you ignore the problem and do not correct the violation.

3. If you wish to appeal fines, you must petition the Board within 10 days of the date of the fine notification (based on State statute) and request a hearing. Until the Board makes a determination on the appeal (30 days max), collection action will be temporarily suspended.
4. If the Crystal Garden HOA imposes a fine against you and it remains unpaid, it will be handled and collected in the same manner as a delinquent assessment (see above).
5. The Board may determine that if a CC&R violation is sufficiently egregious, it may seek injunctive relief and court ordered enforcement.

CC&R Violation and Enforcement Policy

Crystal Gardens Homeowners Association Inc. has established the following Enforcement Policy for Covenants, Conditions and Restrictions (CC&R's) violations, enforcement, and any applicable monetary fines for continuing violations. This Policy will be deemed an integral part of the Association Rules and is subject to amendment or modification at any time by majority vote of the Board. This Enforcement Policy for non-monetary violations is adopted in accordance with Arizona's Planned Communities Act, Arizona Revised Statutes 33-1801 through 33-1807 (Supp.1997) and the provisions of the CC&R's and Project Document, as currently in force and effect.

*The Board of Directors reserves the right to establish monetary fines commensurate with the severity of the violation at its sole discretion.

Day 1 First Notice of Violation Letter:

A notice will be sent to the Owner of the property stating the violation. The Owner will be given a fourteen (14) calendar day grace period to bring the violation into compliance. In the event that the owner of the property can be identified as an absentee Owner, a copy of the violation letter will also be sent to the tenant at the property address. **

Day 14 Second Violation Letter and Assessment of INITIAL Fine:

If the same violation exists after the initial fourteen (14) day grace period, a second notice will be sent to the Owner of the property restating the violation and notifying them of that fine amount as established on the Schedule of Fines and Penalties will be assessed to their account for the violation.

Day 28 Third Violation Letter and "ADDITIONAL Fine:

A Third notice will be sent stating that the Owner has not corrected or removed (or has chosen not to correct or remove) the violation, or the violation has repeated or returned

between the first and second letters and that the Association will assess yet again an Additional Fine.

Successive 14 day violation periods ADDITIONAL Fines:

If the violation continues for an additional fourteen (14) calendar day period, additional fines will be assessed to Owner's account for each day and every fourteen (14) day period thereafter. Any and all costs incurred by the Association, including attorney fees, will be assessed against the Owner.

Should there be a three (3) months period of no violation between notices for a similar offense, the process shall start again with a First Notice of Violation Letter.

Violation	Immediate Fine	INITIAL Fine (Day 14)	*ADDITIONAL Fines (Each additional 14 days)
**Trash Containers	\$20.00		\$40.00
Failure to Declare Property as a Rental		\$500.00	\$1,000.00
**Commercial Vehicles	\$100.00		\$200.00
Bulk Trash		\$50.00	\$100.00
Exterior Construction without Approval		\$300.00	\$600.00
Trailers and Recreational Vehicles		\$100.00	\$200.00
Signs/Holiday Lights		\$25.00	\$50.00
Vehicle Repair		\$100.00	\$200.00
Appearance and Maintenance of Lot		\$25.00	\$150.00
Animals		\$50.00	\$100.00
Basketball Structures		\$25.00	\$50.00
Nuisances		\$50.00	\$100.00
Commercial Business		\$250.00	\$500.00
Private Yard Sale	\$250.00		\$500.00
**Violations posing a threat to the health, safety, and welfare of the community	\$250.00		\$500.00
Other violations	As set by the Board of Directors	As set by the Board of Directors	As set by the Board of Directors

Exceptions to Notice Procedure:

** Violations posing a threat to the health, safety, and welfare of the community as a whole or any one or more Owners may require immediate action and thus create exceptions to the foregoing notice provisions. Examples of health, safety and welfare violations include but are not limited to the following:

1. accumulation of trash and/or other materials that may attract pests;
2. "green" pools (insect breeding grounds);
3. excessive weeds and over grown landscaping;
4. threat of flood or fire damage to neighboring properties;
5. an escaped pet; animal feces;
6. a collapsed structure, collapsed wall, or tree/vegetation blocking the road or drivers' lines of vision.

(Note: Notice of these types of violations should also be reported directly to authorities and the Association as appropriate.)

** Private yard sales are prohibited in Crystal Gardens, except for the authorized community wide yard sale weekends scheduled once a quarter.

Note: ** Subject to immediate maximum INITIAL fine. No first notice will be sent.

HOA Right of self-help

The Association has the right (but not obligation) to enter the Owner's property and to provide all maintenance and repairs that are necessary to remove the violation. Entry by the Association and any of its agents is not an actionable trespass. The Association will assess the Owner and Tenants for the costs of all maintenance and repairs performed by the Association. There is a minimum fee of \$275.00 for self-help.

Opportunity to be heard

The Association recognizes each Owner's right to explain the reasons why there is a violation of the CC&Rs or the other Project Documents, particularly if the violation results in an assessment. An Owner has the opportunity to request an Appeal Hearing before the Board of Directors. The Owner must provide a timely written request for a hearing. The Owner is bound by the decision of a majority of the Board.

Use and Occupancy Restrictions

Residential Use

No part of the Property shall be used for other than residential and related purposes except (a) that Developer reserves for itself and for Designated Builders the right to maintain sales offices, model units, and signs on the Property together with rights of ingress thereto and egress therefrom, until all Lots have had residences constructed on them and the Lots and residences have been sold and conveyed, and (b) this Section 18.1 shall not apply to any fire station, police station or school site within the Property. Each lot shall be used as permitted by this Declaration and for no other purpose. No religious, professional, commercial or industrial operations of any kind shall be conducted in or upon any lot or common areas, except such temporary uses as shall be permitted to Developer and Designated Builders. The restriction on use of any lot for business or commercial enterprise shall not prohibit an activity if it meets all of the following requirements (a) is not apparent or detectable by sight, sound or smell from outside the lot on which it occurs (b) does not involve individuals coming onto the lot who do not reside on the lot or solicitation of residents of the property by anyone, whether or not a resident and (c) is consistent with the residential character of the lot and the property and not a nuisance, or hazardous or offensive use, as may be determined in the sole discretion of the Board. By way of illustration, but not limitation, activities conducted from within a residence solely by telephone, facsimile, or computer, without the use of employees other than those who reside on the lot, to outside parties off of the property (or wholly without communication to outside parties) are not considered prohibited but the activity shall be prohibited if it involves or requires visits to the lot by actual or prospective customers, clients, or patients, or by other occupants or a residence are employed in business affairs within the lot will not make such employment a prohibited business use of the lot, but visits to the lot by employees who do not reside there shall be prohibited if the individuals are employed for the business purposes of the owner or occupant of the lot.

Restriction on further subdivision

No lot shall be further subdivided or separated into smaller lots or parcels by an owner, and no portion less than all of any such lot shall be conveyed or transferred by an owner. No lot may be converted into a condominium or cooperative or other similar type of entity without the prior written approval of the Board. No further covenants, conditions, restrictions or easements shall be recorded against any lot without the written consent of the Board being evidenced on the recorded instruments containing the restrictions and without the Board's approval, the restrictions shall be null and void. No applications for rezoning, variances, or use permits shall be filed without the written approval of the Board and then only if such proposed use is in compliance with this Declaration.

Landscaping

No landscaping on the portion of each lot which is visible from neighboring property (including, but not limited to, the front yard of the lot) shall be erected, placed or maintained anywhere in or upon a lot unless the plans for such landscaping have been approved by the Architectural Committee as provided in Section 15 of the CC&Rs. Lots shall be maintained by their owners free of weeds and debris, lawns shall be neatly mowed and trimmed; bushes shall be trimmed; and dead plants, trees, or grass shall be promptly removed and replaced.

Repair of Building

No improvement upon any portion of the property shall be permitted to fall into disrepair, and each improvement shall at all times be maintained and in good condition and repair and adequately painted or otherwise finished.

No Carports

No carports shall be built or otherwise kept on any lot.

No Temporary Structures

No structure of a temporary character, whether trailer, basement, tent, shack, garage, barn, shed or other, shall be used as a residence or otherwise kept on a lot so as to be visible from neighboring property at any time except such structures as Developer or a Designated builder may find necessary or convenient to the development and sale of lots.

Cancellation of Insurance

No owner shall permit anything to be done or kept in his lot or in or upon any common areas which will result in the cancellation of insurance thereon or which would be in violation of any law.

Signs (Also see Signage in 15.14)

No sign of any kind shall be displayed to the public view on any lot or any common areas without the approval of the Board except one "For Sale" or "For Rent" sign on each lot, which sign shall have a total face area of five square feet or less and the location of which sign may be regulated by rule or regulation of the Board of Architectural Committee.

Pets

Subject to the provisions of Section 18.10 and 18.22 of the CC&Rs, a reasonable number of small, commonly accepted household pets may be kept in each lot without the prior approval

of the Board. All additional pets are prohibited unless approved in advance by the Board. No animal shall be kept, bred, or maintained for any commercial purpose, and, except as otherwise provided above, no animals of any kind shall be raised, bred or kept in any lot or in or upon any common area. No animal shall be allowed to become a nuisance whether by making an unreasonable amount of noise or otherwise. All pets shall be leashed or otherwise appropriately restrained when in any part of the property other than in a private yard or residence. The Board shall determine in its sole and absolute discretion whether for the purposes of Section 18.9 of the CC&Rs, if a particular animal is a commonly accepted household pet or whether particular pets are a nuisance. The keeping of pets shall also be subject to such additional rules and regulations with respect thereto as the Association may adopt.

Nuisances

No owner shall permit or allow anything to be done or kept on or within his lot which will obstruct or interfere with the rights of other owners or occupants. No owner or occupant shall allow unreasonable noises or nuisances, or permit any nuisance on or within his lot or allow any illegal acts to be committed on or about the property. Each owner or occupant shall comply with all the requirements of the health authorities and of all other governmental authorities with respect to his lot and the common areas. Normal construction activities shall not be considered a nuisance or otherwise prohibited by this Declaration or state or city regulations. Lots shall be kept in a neat and tidy condition during construction periods. Supplies or building materials and construction equipment shall be stored only in such areas and in such manner as may be approved by the Architectural Committee.

Vehicles

No automobiles, boats, trailers, motor homes, campers or recreational vehicles shall be parked or stored in or upon any lot where visible from neighboring property, the common areas or the public streets of the subdivision, other than as specifically permitted by the Board, (a) no trucks classed by manufacturer capacity rating as exceeding $\frac{3}{4}$ ton, or unlicensed or inoperative vehicles shall be parked or stored in or upon any lot, the common areas or the public streets of the subdivision, other than temporary parking on a lot or the adjacent street for the purpose of loading or unloading; (b) no vehicle shall be repaired or rebuilt in any lot or upon the common areas or the public streets of the subdivision; and (c) off pavement parking is prohibited. The Board shall determine, in its sole and absolute discretion whether for purposes of Section 18.11 of the CC&Rs, if a vehicle is a recreational vehicle.

Lighting

No spotlights, flood lights or other high intensity lighting shall be placed or utilized upon any lot which will allow light to be directed or reflected in any manner on the common areas (lakes, parks, walkways) or any part thereof, or any other lot or public streets in the subdivision. No

spotlights, flood lights or other high intensity lighting shall be placed on any Lot which will allow light to be directed or reflected in any manner onto a neighboring property, common areas, or public streets. All exterior lighting requires the approval of the Architectural Committee prior to installation.

Air Conditioner and Roofs

No window air conditioner or portable units of any kind visible from neighboring property or common areas (lakes, parks, walkways) shall be installed in any owners lot. No heating, cooling, ventilating or air conditioning units, solar panels (except as specifically permitted by last sentence of this Section) or equipment, antenna, or other apparatus or object shall be placed on the roof of a dwelling unit constructed on any lot so as to be visible from neighboring property or common areas (lakes, parks, walkways) . Any solar panels constructed on any lot shall require the prior approval of the Architectural Committee and shall conform with state law.

Reflective Materials

No reflective materials including but not limited to aluminum foil, reflective screens or glass, mirrors or similar type items shall be permitted to be installed or placed on the outside or inside of any windows which are visible from neighboring property or common areas (lakes, parks, walkways) without the prior written approval of the Board.

Cable

All cable television lines serving a lot shall be placed so as to not be visible from neighboring property or common areas (lakes, parks, walkways). Each owner shall pay for any damage to the common areas (including but not limited to landscaping therein) caused by any installation of cable television lines serving the owner's lot.

Trash Collection

The Association may maintain trash and garbage collection bins or similar facilities in such areas of the common areas as the Board determines. No garbage or trash shall be kept, maintained or contained in any lot so as to be visible from neighboring property except in sanitary containers with lids or covers. Sanitary containers placed in public view for collection shall be promptly stored out of public view after collection (containers must be stored behind rear gate or in the garage).

Clotheslines

Outside clotheslines or other facilities for drying or airing clothes shall not be erected, placed or maintained on the property unless they are within the private yard on a lot and are not visible from neighboring property or common areas (lakes, parks, walkways).

Vegetation

No shrub, tree or other vegetation belonging to any owner shall be allowed to overhang another lot without the consent of the owner. Consent may be revoked at any time.

No Mining

No portion of the property shall be used in any manner to explore for or remove any waste, oil or other hydrocarbons or minerals of any kind or earth substance of any kind.

Safe Condition

Without limiting the foregoing, each owner shall maintain and keep his lot and any common areas subject to his exclusive control at all times in a safe, sound and sanitary condition and will repair and correct any condition or reframe from any activity which might interfere with the reasonable enjoyment by others.

Moving Vans and Storage Containers

All moving vans and other storage containers (i.e. PODS & shipping containers) may be kept in the resident's driveway no longer than 48 hours to load or unload property. Extended parking requires prior approval by the Board of Directors.

Enforcement

The Board or its authorized agents may enter any lot in which a violation of these restrictions or rules and regulations of the Association exists and may correct such violation at the expense of the owner. The Board may enact and impose a reasonable system of fines, penalties and/or fees for violation of these restrictions or the rules and regulations of the Association.

Rules and Regulations

The Association may otherwise restrict and regulate the use and occupancy of the property, the common areas and the lots by reasonable rules and regulations of general application adopted by the Board from time to time. All remedies described in Section 21 of the CC&Rs hereof and all other rights and remedies available at law or equity shall be available in the event of any

breach by any owner, or his guests, invitees, licensees, family members, tenants, or any occupant or other person of any provision of Section 18 of the CC&Rs or the rules and regulations of the Association.

Landlord Tenant Resolution

Pursuant to the Declaration of Covenants, Conditions & Restrictions for Crystal Gardens ("Declarations"), Article 15.1, the Crystal Gardens Board of Directors resolves to adopt the following resolution:

Article 17 of the declaration provides that the Lease Agreement shall be in writing and provide that the terms of the Lease shall be subject to the community documents of the Association. These community documents include the Declaration, the Bylaws, the Articles of Incorporation, the Architectural Guidelines and any Rules and Regulations adopted by the Association's Board of Directors. **If the Owner does not provide a copy of the Lease Agreement and a completed Landlord Tenant Agreement and Crime Free Lease Addendum to the Board of Directors or its agent on or before commencement of the Lease, the Board will impose a monetary penalty of \$500.00.**

**Under A.R.S. § [33-1902](#), an owner of a residential rental property in Maricopa County must register certain information relating to the property and its ownership with the Maricopa County Assessor. All owners of residential rental properties must register their properties regardless of whether the tenant is a family member.
(www.maricopa.gov/assessor/residential_property_form.aspx)**

In addition A.R.S. § [33-1902](#) requires out-of-state owners to have a designated property manager on file for property used as a rental.

Failure to provide the required information with the Lease Agreement shall also subject the owner to a monetary penalty of \$500.00 and \$1,000.00 every 30 days not in compliance.

Landlord Owner remains the responsible party for all matters pertaining to their property. The Association does not recognize any agreements between the Landlord and Tenant regarding property maintenance.

Architectural Guidelines

In accordance with the Crystal Gardens Declaration of Covenants, Conditions and Restrictions, Article 15.1, the following has been adopted by the Crystal Gardens Board of Directors.

All Construction and/or Improvements

In accordance with the Crystal Gardens Covenants, Conditions, and Restrictions 15.1, building additions, modifications, improvements, alterations, repairs, excavation, grading, landscaping or any other work which in any way alters the exterior appearance of any lot or the improvement located thereon from their natural or improved state existing on the date that such lot and the completed residence thereon were first conveyed, the following standards and guidelines shall govern.

Construction Containers

All construction containers, dumpsters, trailers and/or storage containers must be approved prior to placement and must be emptied immediately when full.

Article 15.1

Introduction

According to the terms of the Declaration or these Guidelines whenever any action requires review and approval, requests for such shall be submitted to the Association in accordance with the procedures set forth herein. The Architectural Committee or its designee(s) in accordance with these Guidelines and the Declaration shall review requests.

Capitalized terms used in these Guidelines shall have the same meanings as set for in the Declaration.

All periods of time referred to in these Guidelines shall refer to calendar days and shall include all Saturdays, Sundays and State or National Holidays. Provided that the date or the last date to perform any act or give any notice with respect to these Guidelines shall fall on a Saturday, Sunday, or State or National Holiday, such act or notice may be timely given on the next succeeding day which is not a Saturday, Sunday or National Holiday.

Forms and Submittal

The Association will make available the forms for requesting any action or approval from the Architectural Committee. Such forms shall be submitted to the Association through its managing agent. Such forms shall indicate the necessary information and documentation that

must accompany the application and set forth instructions to be followed in submitting applications.

Article 15.1.1

Architectural theme with regard to the harmony of the design with surrounding structures and topography.

Crystal Gardens has been designed to flow with the natural environment of lakes and wildlife. Buildings, structural changes and color schemes should reflect and be in harmony with surrounding area and existing buildings.

Compliance with City of Avondale Codes and Architectural Control

All building and structures erected in CRYSTAL GARDENS and the use and appearance of all land within its borders shall comply with all City of Avondale zoning and building code requirements as well as the Declaration and these Guidelines.

1. All building and improvement projects constructed within CRYSTAL GARDENS must be approved by the Architectural Committee prior to submittal to the City of Avondale for building permits.
2. When a building design has been approved and the necessary building permit(s) obtained from the City of Avondale, construction of the building or other improvement projects shall begin within 30 days from the date of building permit.
3. The architectural Committee shall designate the time allotted for the completion of the approved work.

If the owner/applicant fails to comply with the 30-day commencement of work, the approval from the Architectural Committee will be revoked. If additional time is needed for completion of a project, owner/applicant may also apply for an extension of time.

If the building or improvement project is not completed according to the Architectural Committee's Approval, owner/applicant may be subject to Architectural Fine.

Location of Buildings

The Architectural Committee prior to submittal to the City of Avondale must approve the location and orientation of all buildings and structures.

Roof Systems

All roof types: designs, color and materials must have prior approval of the Architectural Committee.

1. Excessive roof heights and pitches will not be permitted.
2. All flat patio roofs shall be designed and constructed with a parapet wall.
3. Skylight frames must match exterior window frames.

Walls, Fences, Gates

All changes and/or additions to any wall, fence, or gate must have the prior approval of the Architectural Committee. Plans must include building materials, color scheme, design, structural changes as well as location and dimensions. The Builder of Owner shall verify property lines prior to construction.

Note: Only green vinyl covered or galvanized wire hardware cloth with a maximum of (two) feet in height shall be affixed to any rear iron fence for puppy safety. Puppy fence must be kept in good condition or removed. Chicken or rabbit wire is unacceptable.

Driveways, Driveway and Patio Extensions and Sidewalks

All driveways, driveway or patio extensions and sidewalks must have prior approval from the Architectural Committee before construction begins. Approval for driveway, driveway or patio extensions and sidewalks are contingent upon the type of concrete material, size and placement. Concrete coatings must be approved before application.

Wooden Decks

All wooden decks must have the approval of the Architectural Committee before construction begins.

Solar Panels

CRYSTAL GARDENS encourages the use of residential solar energy. At the same time, is required to promote and preserve the attractive appearance of the community and the improvements thereon. Solar panels must have prior approval of the Architectural Committee. Approval will be based upon placement, size, and colors of panels and in compliance with Arizona state law.

Machinery and Equipment

No machinery, fixtures or mechanical equipment of any type, including but not limited to heating, cooling, air conditioning and refrigeration equipment, pool equipment and clotheslines may be placed on any lot or parcel without prior approval from the Architectural Committee. Approval shall be contingent upon concealment from view of neighboring property. Methods of concealment from view could include but is not limited to fencing, walls, breaks, trees and shrubs.

Exterior Accessories

Basketball Goals

Permanent basketball goals shall be installed on the “interior” side of the driveway and be at a minimum of 10 feet from street curb if located in front yard. Portable basketball goals not kept on interior of driveway shall be stored out of sight when not in use. Goals and hoops must be kept in good condition at all times. Basketball goals may not be attached to any dwelling.

Flagpoles and Flags

1. House mounted flag poles do not need approval of the Architectural Committee provided that only one (1) of either the United States flag or the State of Arizona flag is flown. All other types of flags must have prior approval.
2. Ground mounted flagpoles must have prior approval of the Architectural Committee prior to installation. Pole height shall be limited to 16 feet. Display shall be limited to one (1) flag per pole consisting of either the United States flag or the State of Arizona flag. The size of the flag shall be limited to 3' X 5'. Only ground mounted landscape type lighting will be acceptable for flags flown at night.
3. Flags may not be displayed in windows. ALL FLAGS SHALL BE KEPT IN GOOD CONDITION AT ALL TIMES.

Satellite Dishes/Antennas

All satellite dishes that are designed to receive direct broadcast satellite service(including direct-to-home satellite services), that are one meter or less in diameter, or have an antenna that is designed to receive television broadcast signals should be placed on the rear of Lot at a height of less than the fence height, not be visible from neighboring property, and that such location would not impair reception. Satellite dishes that are no longer in use shall be removed.

Utility and Service Lines

No gas, electric, power, telephone, sewer, cable television, satellite cable or other utility or service lines of any nature may be placed or maintained upon or above any Lot or Parcel except to the extent that underground placement may be prohibited by law or would prevent the subject line from being functional. However, above ground service pedestals, splice-boxes, switch cabinets and transformers will be permitted where required for public utilities or the landscaping of Common Areas.

Lighting

No spotlights, flood lights or other high intensity lighting shall be placed on any Lot which will allow light to be directed or reflected in any manner onto a neighboring property, common areas, or public streets. All exterior lighting requires the approval of the Architectural Committee prior to installation.

Storage Sheds

All storage shed must have the prior approval of the Architectural Committee before construction or installation. Sheds that are above the fence line in height must be stucco and tile to match existing dwelling and color scheme. Sheds below the fence line must be painted neutral colors that reflect the harmony of the surrounding area and existing dwellings in the community. Storage sheds must be kept in good condition.

Carports

No carports shall be built or otherwise kept on any Lot.

Gazebos

All gazebos must have prior approval of the Architectural Committee prior to construction. Gazebos must be constructed of stucco with a tile roof.

Ramadas

All attached or freestanding ramadas must have prior approval of the Architectural Committee prior to construction. All ramadas must be painted to match existing color scheme of dwelling. Vinyl or any other product that imitates wood is acceptable building material.

Swing/Play Equipment (swings, play structures, trampolines)

1. Swing/play equipment that are above the fence line or will be housed on a view lot must have prior approval from the Architectural Committee before installation.
2. Placement of swing/play equipment must be five (5) feet from property line.
3. Swing/play equipment must not exceed 8.5 feet in height.

Amplifiers and Speakers

No radio, stereo, television, broadcast loudspeaker, or amplifier of any kind may be mounted upon the exterior of any structure so as to be directed toward Neighboring Properties.

Awnings

All window, door and patio awnings require the prior approval of the Architectural Committee. No metal or vinyl awnings will be approved. No canvas awnings are allowed (amended November 29, 2008)

Pools and Spas

All pools must have prior approval from the architectural Committee. All pump/filter equipment shall be concealed. Methods of concealment include but are not limited to fence, wall, break trees and shrubs. Spa approval is contingent upon design, condition and placement. Temporary above ground pools may be installed during the months of May 1 through October 1 and must be kept in good condition at all times. All pools and spas must be free of standing and green stagnant water.

Doors

1. Metal screen/security doors must be painted to match front entry door.
2. Wood doors and doors with windows must have prior approval of the Architectural Committee before installation.
3. Any changes to the color of a front door must have approval of the Architectural Committee prior to painting.

Fountains and Ponds

Prior to installation, the Architectural Committee must approve all fountains and ponds. Approval is contingent upon the size, style and placement on lot. All water features must have a pump/filter system installed, screened from view and shall be kept in good working condition and free of green standing or stagnant water.

Window and Door Sun Screens

Frames must match existing window frames with brown, black or crème colored sunscreen material. Only framed sunscreens are acceptable for the front of dwelling.

Windows

Windows must have window covering. Coverings must be blinds, shades, shutters or lined draperies. Window film must have prior approval of the Architectural Committee. Reflective material may not be placed on or in any window or door.

Article 15.1.2

Landscaping

All renovations to existing landscaping must have the approval of the Architectural Committee.

If landscaped areas do not meet the minimum requirements, it shall be deemed a violation of Architectural Control and subject to fine.

1. Automatic timed irrigation is required for front and rear yards.
2. Artificially colored landscape rock is prohibited.
3. All bare dirt areas that are visible from Neighboring Properties must be covered by landscape materials.

All renovations to existing landscaping must have the approval of the Architectural Committee.

If landscaped areas do not meet the minimum requirements, it shall be deemed a violation of Architectural Control and subject to fine.

All landscaping will be maintained under these guidelines as set forth in the Declaration (CC&R 18.3).

Minimum Landscape Requirements:

40' Lots: Front Yard

Trees – 1-24" box or 2-15 gal trees

Ground cover options:

1. 60% turf and 40% decomposed granite with 10-5 gallon shrubs or ground cover plus 10-1 gallon shrubs or;
2. 100% decomposed granite with 60% plant coverage with shrubs and ground cover.

Rear Yard:

Lots 13-58 inclusive – no minimum requirement. All other lots – 1-24” box or 2-15 gal trees

50’ Lots: Front Yard

Trees – 2-24” box or 3-15 gal trees

Ground cover options:

1. 60 % turf and 40% decomposed granite with 12.5 – gallon shrubs or ground cover plus 2 1-gallon shrubs; or
2. 100% granite with 60% plant coverage with shrubs and ground cover.

Rear Yard:

Trees 1-24” box or 2-15 gal trees

Ground cover: turf or granite in any percentage mix with 12 shrubs.

60” Lots: Front Yard

Trees 2-24” box or 3-15 gal trees

Ground cover options:

1. 60 % turf and 40% decomposed granite with 12-5 gallon and 1- one gallon shrubs.

Rear Yard:

Trees 1-24” box or 3-15 gal trees

Ground cover: Turf or granite in any percentage mixed with 15-5 gallon shrubs.

Article 15.1.3

Exterior Color Schemes and Finishes

Exterior color schemes for all buildings, structures, walls, fences, gates and yard accessories must be approved by the Architectural Committee prior to the start of work. **If the exterior of a building, structure, wall, fence, gate or yard accessory is to be repainted the existing color scheme, approval is still required. Changing paint colors requires the approval of the Architectural Committee.**

Note: Plans submitted for repainting and redecorating exterior surface must include manufacturer’s color chips and details of all exterior surfaces to be painted or modified. Color changes for dwellings must be chosen from existing colors of the original builder in each subdivision or from approved alternate color schemes for each subdivision available through the Dunn-Edwards Paint Store located at 1468 N. Litchfield Road.

Exterior Finishes

The Architectural Committee prior to the commencement of any exterior construction or alteration must approve all exterior finished materials and coatings.

Finished building materials must be applied to all exterior side of building and structures. Each material will be used to express its characteristics in an appropriate manner with colors and textures compatible with the natural surroundings and other buildings and structures within the community subject to Architectural Committee guidelines and approval.

Permitted exterior finished materials include: stucco, masonry, adobe slump, spilt or textured decorative block and painted wood and vinyl products that imitate wood where authorized. Lattice will be permitted for accent only.

Article 15.1.4

Signage

1. Security company signs and decals are permitted but must not be larger than 12" x 12", be issued by the security company contracted to provide security at that residence and placed not farther than 2 feet from the house.
2. One (1) temporary sign, not exceeding 30" x 30", for the purpose of the sale or rental of property will be permitted. Sign must be displayed professionally on a metal or wood frame and placed in the front of the lot and removed immediately upon the sale or rental of lot. A single sign only must be displayed professionally in the first floor front facing window.
3. A maximum of two Political signs may be displayed in front of a lot 45 days before an election and must be removed not later than 7 days after date of said election (see new legislation on political signs). The maximum size of each sign shall not exceed 24" x 24". Such signs may not be placed on HOA property or City Property within the Crystal Gardens subdivision.
4. Personal yard sale signs are prohibited on private property, HOA property and City property within Crystal Gardens subdivision. The HOA will determine a yard sale schedule with four (4) community wide yard sales per year in which the Association will supply signs and advertising for the sale.

Article 15.2

Architectural Committee Submission and Review Procedures

Meetings

The Architectural Committee shall meet on regularly scheduled dates for the review of Design Change applications. The Chairman of the Architectural Committee may call special meetings upon (2) days prior written or oral notice to the other members. A quorum for each meeting shall consist of two (2) members. An alternate member may participate at any meeting in which there is not a quorum of regular members present and shall constitute a quorum by his or her presence and shall have all authority of a regular member while so participating.

Applications

The Crystal Gardens Association's Covenants, Conditions, and Restrictions (CC&R's) require that an owner obtain the prior written approval of the Committee for any exterior alteration or addition to property within Crystal Gardens. The Committee has 60 days in which to review the application. The Homeowner will receive a letter from the management company stating the application has been received. If a confirmation letter has not been received within 7-10 days the homeowner must contact the management company. **It is the responsibility of the homeowner to maintain for their records any confirmation letters received.**

Decisions

The Architectural Committee or its designee(s) shall review all completed applications submitted and shall furnish, through its Managing Agent, a written decision to the Applicant setting forth the reasons for its decisions. The Architectural Committee or its designee(s) may disapprove any application if there is insufficient information submitted to exercise the judgment required by these Guidelines.

No changes or deviations in or from the plans and specifications once approved by the Architectural Committee shall be made without the prior written approval of the Architectural Committee.

Variances

The Architectural Committee or its designee(s) has the authority to deviate from the requirements contained in Article II of these Guidelines in extenuating circumstances if the requirements would create an unreasonable hardship or burden for an Owner. An affirmative vote of a majority of the Architectural Committee must be gained for a variance to be granted.

Article 15.5

Inspection

Any member of authorized consultant of the Architectural Committee or any authorized Officer, director, employee or agent of the Association may at any reasonable time without being deemed guilty of trespass enter upon any lot ,(after reasonable notice to the Owner or Occupant of such lot) in order to inspect the improvements constructed or being constructed to ascertain that such improvements have been or are being built in compliance with the Declaration, the standards, procedures and any approved plans, drawings or specifications adopted by the Architectural Committee or Board of Directors..

Article 15.7

Appeals

In the event an application is disapproved, the applicant may resubmit for review by the Architectural Committee for reconsideration, the application containing all additionally requested information and changes necessary for approval.

Any Owner aggrieved by a second decision of the Architectural Committee, may appeal to the Board of Directors. Such appeal must be in writing within fifteen (15) days after the decision by the Architectural Committee is made and must be accompanied by the written decision together with copies of the original application and all attachment items which shall include all information previously submitted. A notification date for a scheduled appeal to the Board of Directors shall be furnished in writing to the aggrieved applicant. If Applicant is to be represented by Legal Council, the Board of Directors must be notified in writing no later than ten (10) days before date of Appeal Hearing. In the event that the Board, on any issue or question, overrules the decision of the Architectural Committee, the prior decision of the Architectural Committee shall be deemed modified to the extent specified by the Board. The Board of Directors shall notify Owner in writing of its decision within thirty (30) days of appeal hearing.

Written Records

The Architectural Committee or its designee(s) shall keep and safeguard complete written records of applications submitted to it including one (1) set of all preliminary sketches and all architectural plans; (2) all actions taken by it under the provisions of these Guidelines. Such records shall be maintained in the offices of the Association through its managing agent for a minimum of three years. **It is strongly recommended that owners keep any approval documents for the useful life of the property should a question of compliance arise in the future.**

Nature of Approval

Any approval of plans, specifications or proposed construction given by the Architectural Committee or the Board of Directors shall be only for the purpose of permitting construction or completion of proposed improvements within Crystal Gardens and shall not constitute compliance with City and State laws. Such approval shall not constitute an approval, ratification or endorsement of the quality, architectural or engineering soundness of the proposed improvement. Neither the Association, Architectural Committee, nor its Managing Agent shall have any liability in connection with or in relation to approved plans, specifications or improvements.

Authorization

The Board of Directors finds that the above is in the best interests of the Association.

Board of Directors, Crystal Gardens
Homeowners Association, Inc.
Amended February 2011