

THE WELLS RULES AND REGULATIONS MANUAL

“Rules and Regulations” shall mean operational, procedural and administrative requirements established and instituted by the Board for the HOA, as may be amended from time to time.
(Article I, Section 1.17, Definitions CC&Rs)

No Smoking

The Clubhouse, swimming pool and the contiguous public areas are designated as NO SMOKING areas. Such designation is in accordance with the City of Mesa City Code.

Adopted by the Board December 15, 2010

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GENERAL INFORMATION

The purpose of this manual is to provide a handy reference to Rules and Regulations of the community. Every homeowner should have a copy of it and complete copies of the By-Laws and CC&Rs of The Wells.

The Wells Homeowners' Association, Inc. (HOA) is a Senior Adult Community. It is a non-profit association organized and existing under and by the virtue of the laws of Arizona. The community has 422 Units.

It is governed by By-Laws ,Covenants, Conditions and Restrictions (CC&Rs), and Rules and Regulations established and instituted by the Board of Directors for the HOA. There are seven members on the Board. Each member is elected for a three-year term.

The HOA office is open Monday through Friday hours as posted. It is closed on all Federal holidays.

The gates at the McDowell Road entrance and at 56th Street are continuously closed. Guests who visit The Wells will need to dial the resident's number listed on the board at the McDowell Road entrance. The resident will answer his/her telephone and press "9" and the gate will open.

At various locations throughout The Wells signs/notices are posted to display regulations not contained herein or in any other document. All persons must observe those regulations as regular conduct

COORDINATED ACTIVITIES

Current coordinated activities are listed below. Anyone interested in participating in one or more can visit the Homeowners' office for more information. Additional activities can be started at any time. A new one should have a coordinator to lead the activity and that coordinator/chairperson will report to the Board of Directors to inform them of the new activity and to seek approval from the Board (Resolution 2003-1) to begin. The manager can assist a new activity to begin.

LIST OF ACTIVITIES:

Bean Bags	Library
Bingo	Men's Golf
Billiards	Mixed Golf
Bowling	Cards (Various Games)
Bocce Ball	Computer Club
Ceramics	Hiking
Exercise Activities	Putting Green
Horseshoes	Shuffleboard
Singing	Swimming
Tennis	Women's Golf

Consult with the office or see The Wellspoken newsletter for detailed information on any of these or other activities.

RESIDENCY RESTRICTIONS

REGULATION:

CC&Rs, Article III, Section 3.10 – “The Wells is a Senior Adult Community in accordance with the Fair Housing Act of 1988 and all amendments made to the act.

Each unit in The Wells shall be occupied by at least one person 55 years of age or older. No person under 40 years of age shall reside in any unit except as allowed in the Rules and Regulations. Guests will be governed by Rules and Regulations as adopted by the Board”.

No person required to register as a sex offender pursuant to Arizona Revised Statutes 13-3821 or pursuant to any other equivalent state statute, and who has been classified as a level 2 or 3 offender, or such other similarly equivalent risk classification as determined by any other state, shall be permitted to reside at any Unit within the Association.

RULES:

“A GUEST may visit in The Wells for a period not greater than 30 days. However, this period may be extended by the Board of Directors upon a petition by the homeowner showing a good reason for the extension. A guest’s behavior is the responsibility of the homeowner.” (Adopted by the HOA, 1/15/97).

“No portion of the Property, except an entire Unit, may be rented, and then only for residential purposes and pursuant to the written lease/rental agreement, a copy of which shall be on file with the

HOA office. All lease/rental agreements shall contain a provision in which the tenant agrees to submit to the terms

and conditions of the Bylaws, CC&Rs, and the Rules and Regulations of the HOA". (CC&Rs Article III Section 3.22). The unit shall be rented for no less than 30 days.

VEHICLES

REGULATION:

CC&Rs. Article III, Section 3.16 – "Passenger vehicles including automobiles, vans, pickup trucks, motorcycles, golf carts, etc. are permitted on any lot. Vehicles such as buses, boats, trailers and large commercial trucks are not allowed to be on the property. Recreational vehicles, trailers and campers which are designed as living/camping units and which are higher, wider or longer than a passenger vehicle shall not be permitted to park overnight on property except as designated in these Rules and Regulations. No vehicle that makes unreasonably loud or annoying noises shall be operated and/or maintained on the property. Only licensed operators are permitted to operate a vehicle within the confines of the property".

RULES:

1. Vehicles (including recreational vehicles) may not be used as living quarters.
2. The owner is responsible for theft, vandalism, and damage to his or her vehicles.
3. Skate boards, in-line skates, roller blades or scooters are prohibited on the tennis courts, shuffleboard courts and the basketball court. These must only be used on the sidewalk portion of the street. No skating should occur on sidewalks around the clubhouse. (Homeowners must supervise skating activities).

PARKING

REGULATION:

CC&Rs Article III, Section 3.17. "Two vehicle parking spaces are to be provided on each lot in accordance with the laws of the City of Mesa. Parking in the common area spaces throughout The Wells is for persons using the recreational facilities and for guest parking only. Storage of any type or item is prohibited in common area parking spaces. Overnight parking in the common area is limited to vehicles with parking permits. No vehicles shall be parked on any street overnight. No vehicle may be used as living quarters while parked on the property".

RULES:

1. Vehicle parking on landscaping rock or golf cart pad is prohibited.
2. Parking is prohibited on the streets between the hours of 11:00 pm and 6:00 am. Visiting guests' vehicles shall be parked in front of a residence for a period not to exceed four (4) hours in a day.
3. Parking overnight in the parking lot of The Wells requires a parking permit. Parking is for a maximum of thirty (30) days per calendar year. Permits are available at the Homeowner's Office during regular business hours. Late arrivals and weekend arrivals shall place their name and the lot number where they can be reached on the windshield.
4. Any vehicle temporarily stopped or standing on the streets of the property will be tended to at all times and moved in case of an emergency.

5. Recreational Vehicles:
 - a) Guests' RVs are not allowed to park overnight on owner's property.
 - b) Residents' RVs may be parked in the parking lot for a maximum period of two nights.
 - c) After two nights, a recreational vehicle MUST BE moved.
 - d) Residents' RVs are not allowed to park overnight anywhere except in the parking lot.
6. The parking of vehicles, including golf carts, on the walkways, sidewalks, entryways or mailbox area near the club house/office is strictly prohibited. Designated parking areas have been provided.

GATE OPENERS (REMOTE)

Gate openers become the complete responsibility of the homeowner. This includes first cost, replacement cost on lost openers, as well as replacement of broken or worn out openers.

It is the responsibility of the homeowner to furnish tenants with gate openers. They will not be furnished by the office.

When selling a home, gate openers should be left with the home. "The office will sell only new gate openers at cost". (Resolution 98-8 effective January 1, 1999).

PETS

REGULATION:

CC&Rs, Article III, Section 3.15 – “Pets are allowed in The Wells, but are limited to not more than one dog, twenty-five pounds or less, and/or a maximum of two house cats per unit. All pets must be leashed and attended to when outside the owner’s unit. Pet owners are responsible for the immediate removal of all pet feces in accordance with applicable City of Mesa ordinances, and for keeping pets off other lots”.

RULES:

1. All pets shall be registered at the HOA office.
 - A) All pets shall be registered within thirty (30) days of occupancy of a lot. Owners not in compliance shall be charged a \$10.00 fee per month.
 - B) Pets in the park prior to adoption of Resolution 99-10, December 1, 1999, shall be grand-fathered in and be allowed to reside with their owner as long as the pet shall live. Replacement pets shall be governed by “**Section 3.15**”.
2. All grass areas surrounding the clubhouse and along the south fence of the swimming pool/tennis court and other areas as posted are off limits to all pets.
3. Any person caring for another person’s pet shall be required to conform to the CC&Rs and Rules & Regulations set forth by the Board. The care shall be for a period not to exceed thirty (30) days at one time. Violations and fines will apply during the period of care.

ANTENNAS/SATELLITE DISHES

REGULATION:

CC&Rs, Article III, Section 3.21 –“ No outside antenna for television, radio, or other transmission or receiving equipment shall be constructed, erected or maintained on any lot except as set forth in the Rules and Regulations and in accordance with local, State and Federal laws”.

RULES:

1. The homeowner must receive permission from the ARC before commencing to install a dish/antenna.
2. The installation of a dish/antenna will not relieve the homeowner from the duty to pay full homeowner's dues which includes a discounted bulk rate for cable television for all homeowners (Resolution 98-6).

MAINTENANCE

REGULATION:

CC&Rs, Article VII, Section 7.4 – “Each owner shall be responsible for maintaining his lot and unit in a neat and clean condition at all times. Such maintenance shall include, but not be limited to, cleaning, painting, repair and general care. Pest control shall be the responsibility of the owner. An owner shall do no act or any work that will adversely affect the other units or their owners. Each owner is responsible for the underground cables on the owner’s lot”.

TRASH, CLOTHES DRYING FACILITIES

REGULATION:

CC&Rs, Article III, Section 3.18 – “All equipment, boxes, woodpiles, storage piles and other similar items shall be kept in a storage room or otherwise concealed from view of neighboring property and streets. No outside clothes drying facilities shall be permitted and no clothes may be dried outside a unit. Rubbish, trash and garbage shall not be burned or allowed to accumulate on any lot. No incinerators shall be permitted. All garbage and rubbish removed from a unit shall be placed in a dumpster and disposed of by other means as approved by the Board”.

RULE:

“Furniture that is not designed for outdoor use is not allowed outside

WALLS AND FENCES

REGULATION:

CC&Rs, Article III, Section 3.24 – “Except for the perimeter wall surrounding the property, no other fences or walls shall be constructed or placed on any lot. The perimeter wall and originally constructed improvements such as retaining and grade walls shall not exceed the height of original construction unless approved in writing by the Board”.

SIGNS

REGULATION:

CC&Rs, Article III, Section 3.13 – “No advertising signs (including “For Sale”, “For Lease”, or “For Rent”), billboards or unsightly objects shall be erected, placed or permitted to remain on any unit or lot except as otherwise specifically permitted by the Rules below”.

RULES:

The following rules, which are in accordance with the Arizona Revised Statutes (A.R.S), shall govern the display of residential “for sale signs:

1. Only residential “for sale” signs, no “combination” signs, may be displayed.
2. A “for sale” sign may be displayed only upon the owner’s property and shall not encroach upon another lot, or any common area sidewalks, roadways, etc.
3. Only one (1) “for sale” sign may be displayed upon the “for sale” property
4. The sign, as defined in the A.R.S., shall conform to the accepted industry standard and shall not exceed eighteen (18) inches high by twenty four (24) inches in width and may have in addition, a single industry standard “rider”

sign which may not exceed six (6) by twenty four (24) inches. This sign shall be mounted in an industry standard "H" frame which shall not exceed thirty six (36) inches in total height and twenty eight (28) inches in total width.

5. A "combination" sign, e.g. "for sale/lease", "for sale/rent" is not allowed. Signs which make any reference to leasing, renting, etc. are not allowed.
6. The "rider" sign must relate to a specific aspect of the sale of the residence.
7. Approved "for sale" signs are available at the HOA office. Applicable phone numbers may be added to the sign.
8. See the HOA office for guidelines for open houses.

ALTERATIONS TO ANY LOT

REGULATION:

CC&R's, Article VIII Section 8.1. "No improvement of any type including but not limited to, buildings, antennas, fences, awnings, skirting, storage rooms, or other structure shall be commenced, erected, or maintained upon a unit or lot...except in compliance with drawings and specifications which have been submitted to and approved in writing by the Board".

RULES:

Any modification outside of the home on any lot, including but not limited to, landscaping, painting, new construction, and/or alterations thereof must receive permission from the Architectural Review Committee (ARC). New construction may require a permit from the City of Mesa.

Permit applications are available at the HOA office. These are transmitted to the ARC which shall review that application and either approve or deny it within 30 days. A written decision is transmitted to the applicant forthwith. A denial decision shall include the reason for denial. The applicant may seek review of the ARC decision by the Board of Directors. An application-for-review form to the Board is available in the HOA office.

VIOLATIONS, FINES, GRIEVANCES

When a violation of the CC&Rs or Rules and Regulations occurs or a complaint of CC&Rs or Rules and Regulations is filed by a homeowner, the following procedures will be used to verify, contact, assess fines and give relief.

- 1.** The infraction will be verified by the manager, and two other persons through a visitation, (preferably a member of the ARC if the violation is related). An individual signed complaint will suffice with regard to pet or parking violations. A written document showing the infraction will be given to the violator as soon as possible in which he/she will also be informed of the time available to: 1) correct the violation, and 2) to inform the manager when the violation will be corrected.
- 2.** The violator will be informed that a letter covering all of the fines to be assessed will be forthcoming which will include his/her right to appeal the fine to the Board. In the event the violation is not taken care of, fines will be levied.
- 3.** Continued violation will result in a second offense and the doubling of the fine. This will repeat after each period of violation until fines reach a maximum of one thousand dollars (\$1000.00) plus all court cost.

Times to be used for various infractions are:

Violation Time to Correct and Resolve Violation

Weeds	10 days
Parking	3 days
Signs	3 days
Construction	10 days
Maintenance	10 days
Pets	3 days
Other CC&R violations/rules as established by the Board.	

Fines will be as follows based on the above timeline:

**First Offense
Offenses**

Continued

Weeds	\$ 25.00	\$ 35.00
Parking	\$ 25.00	see para. 3 above
Signs	\$ 50.00	see para. 3 above
Construction	\$100.00	\$100.00
Maintenance	\$ 50.00	\$ 75.00
Pets	\$ 25.00	see para 3 above

Violations, flagrant or repetitive, by renters, guests and visitors will be sufficient reason to ask them to leave the park.

Grievances arising from purported violations of rules by homeowners, or of assessments of fines or of denial by the Board of applications to modify any lot can be appealed by the aggrieved by requesting, in writing, within 10 days of the violation postmark or denial report date, a review before the Board of Directors. Decisions of the Board are final in all cases.

The request for review may be made by the person(s) aggrieved by filling a request form for same, available in the HOA office. The review will be conducted before a panel of three Board members at a time, place, and date requested by the appellant or another date set by the Board.

Reviews shall be conducted under the following guidelines:

1. Representation by legal counsel should not be necessary; however, if the appellant requests to be so represented, the Board has the option of like representation.
2. Any and all witnesses directly involved in the case being heard may be requested to give relevant factual testimony or evidence. Hearsay testimony shall not be allowed.
3. In the event the Review arises from a violation of the Architectural guidelines, a representative of the ARC may be requested by the Board to be present to give or produce relevant factual testimony or other appropriate evidence.
4. The appellant shall be requested to give his/her testimony and produce other relevant evidence before the panel. All pertinent information shall be reviewed by the panel for authenticity.
5. Any other witnesses having first-hand, factual information in reference to the issue under review may be requested to speak before the panel.
6. The Review shall at all times be conducted and controlled by the Review Chairperson.
7. There shall be no taping of the Review by either audio or video.
8. After all testimony has been heard and evidence produced, the chairperson shall call the Review closed.
9. The Board of Directors shall render a decision no later than the second Wednesday following the date of the hearing. A majority vote shall be final.

USE OF CLUBHOUSE AND RULES

No Smoking

The Clubhouse and the contiguous public areas are designated as NO SMOKING areas. Such designation is in accordance with the City of Mesa Code.

Homeowners of The Wells may reserve the clubhouse for functions such as family reunions and parties with a one hundred dollar (\$100) deposit for the main hall and a twenty-five dollar (\$25) deposit if the kitchen will be used. No private person or persons shall be given exclusive use of the common area of The Wells. The deposits shall be left with the property manager or his designee. The clubhouse committee shall be notified as to the date and hours of the reservation. A member of the clubhouse committee or their designee shall check the facilities before and after the function. If the facility is left in an orderly condition the deposit will be returned. If in a poor condition the amount to be withheld shall be determined by the property manager or his designee.

Pool parties shall be reserved with the property manager or his designee. Pool rules will be in effect and observed. The resident reserving shall be in attendance at all times. When the kitchen is used in conjunction with a pool party a twenty-five dollar (\$25) refundable deposit will be charged. If the kitchen is left in an unclean condition the fee will not be refunded. Residents who are not party guests shall not be excluded from the pool.

A resident who wishes to use the barbeque must make a reservation with the property manager before the barbeque may be used. A twenty-five dollar (\$25) deposit shall be required and the barbeque must be left clean to have the deposit returned. A fee for the propane gas used will be collected by the manager or his designee. The clubhouse television and speaker system shall not be used unless arranged for at the time the clubhouse is reserved or by special arrangements with the clubhouse committee. Use by children is prohibited.

The resident reserving the facility is responsible for all The Wells' property used. In conjunction with its use the following applies:

- a) Return all furniture to original location and appearance.
- b) Clubhouse decorations shall not be removed.
- c) Guests under eighteen (18) shall stay on the main floor.
- d) Running up and down the stairs is prohibited (safety factor).
- e) Tap dancing, clogging and similar dancing is not allowed on the wood parquet floor.
- f) The billiard room, exercise room, library, craft room, conference room and card room shall not be used. (Reservation is for the main hall and/or kitchen only.)

In accordance with Arizona law there will be no smoking in the clubhouse or pool areas.

SWIMMING POOL

No Smoking:

The Swimming pool and the contiguous public areas are designated as NO SMOKING areas. Such designation is in accordance with the City of Mesa Code.

POOL CONTROL:

1. The gate must be closed and latched upon entering or exiting.
2. Homeowners shall instruct their guests as to the pool rules and accompany them while they are in the pool area.
3. Children pool hours are 11:00 am to 1:00 pm and 3:00 pm to 6:00 pm.
4. Children 4 years to 15 years of age may swim in the pool under homeowner's supervision.
5. Only persons 15 years and older are allowed in the therapy pool, including sitting on the edge.
6. AT NO TIME ARE CHILDREN 3 YEARS AND YOUNGER ALLOWED IN THE POOLS.
7. Children's toys, plastic and/or Styrofoam are not allowed on the pool deck or in the pool. Adult floatation devices, such as noodles, are allowed.
8. Please be considerate of others when using the stereo system.

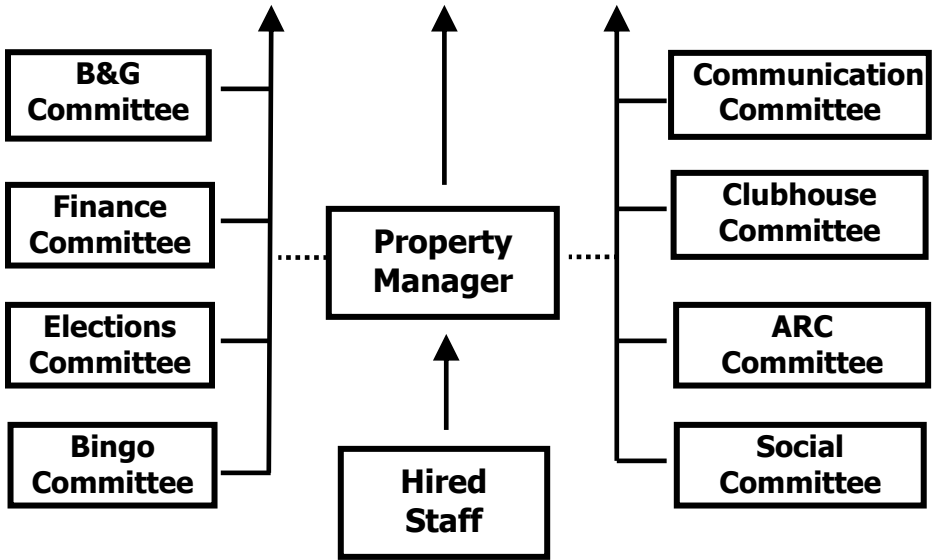
SANITARY CONFORMITY:

1. Everyone **MUST SHOWER** before entering either the pool or spa. Another shower is required later whenever lotions or oils are applied.
2. Oils, grease, and lotions must not be spilled in the pool area.
3. **SHAMPOO** and **SOAP** are permitted **ONLY** in the showers.
4. **SWIMWEAR:** Swimsuits are the only proper attire for entering the pools. Cutoffs, jeans, shorts etc. are not allowed in the pools.
5. **FOOTWEAR:** Only shoes designed for pool wear are permitted in the pools. Shoes **WORN** outside the pool area, e.g. walking to or from the pool are **NOT** to be worn into the pools. Grit from the soles will damage the pools.
6. Absolutely no diapers are allowed in the pool.
7. The cleaning of the pool and spa will only be done under direction of Property Manager.

SAFETY REQUIREMENTS:

1. Safety requirements are posted at each gate and in the pool area.
2. **ANYONE USING THE POOL DOES SO AT THEIR OWN RISK.**
3. Swimming pool lights may be turned on when using the pool, including sitting on the pool deck.
4. Persons using the therapy pool should use caution as to the time they remain in the hot water and the beverages they drink before entering the pool.
5. No person in the pool facility area shall commit any act that may be detrimental to the life and health of any person using the pool, e.g. NO running on the decks, rough play or games. Diving or jumping into the pool is prohibited. Likewise, throwing foreign objects in the pool or anything that could cause foot injuries or pool damage is prohibited.
6. NO glass containers of any kind are allowed in the pool area including the area of the covered veranda.
7. Individuals entering or leaving pools must hold on to the handrails.

THE WELLS HOA BOARD OF DIRECTORS



- ◆ The Property Manager reports to the Board of Directors
- ◆ The Property Manager is responsible for his/her staff who report directly to the Manager only
- ◆ The standing committees are created by the Board of Directors and, although, they work in harmony with the Manager, they report to the Board of Directors

STANDING COMMITTEES

There are eight standing committees established by the Board of Directors. They advise the Board on various matters and report to the Board. One Board member acts as liaison to a committee to afford a communications link.

1. ARCHITECTURAL REVIEW COMMITTEE (ARC)

The purpose of the ARC is to implement Section 8.1 of the Declaration of the Covenants, Conditions, and Restrictions (the CC&Rs) for the Board of Directors.

2. BINGO COMMITTEE

This Committee shall be responsible for holding The Wells weekly bingo games in accordance with State of Arizona statutes. These games shall provide recreational pursuits for residents of The Wells and for visitors from outside The Wells.

3. BUILDING AND GROUNDS COMMITTEE

The purpose of this Committee is to inspect, maintain, and enhance the common areas of The Wells. The common areas include the greenways, desert strip, landscaping adjacent to 56th St. and McDowell Rd., the recreation areas, i.e., the swimming pool, and the shuffleboard, tennis, and basketball courts, and all buildings.

4. CLUBHOUSE COMMITTEE

The purpose of this Committee is to (I) assure that the interior of the clubhouse at The Wells is kept in good repair and clean, neat, and inviting for residents, visitors, and potential residents, and (II) administer use of the clubhouse for parties.

5. COMMUNICATIONS COMMITTEE

The purpose of this Committee is to prepare and distribute information to residents as directed by the Board of Directors or otherwise, which will promote

community among the residents through their various interest and activities.

6. ELECTIONS COMMITTEE

It shall be the purpose of this Committee to establish rules for, administer, certify, and report results of elections of members to the Board of Directors. Further, the Committee shall maintain and periodically analyze the numbers of voting residents in The Wells and report these to the Board.

7. FINANCE COMMITTEE

The purpose of this Committee shall be to advise and recommend to the Board of Directors matters pertaining to establishment and monitoring of the annual budget.

8. SOCIAL COMMITTEE

The purpose of this committee is to plan, organize, and execute the major, all-community social events within The Wells. These shall include, but not necessarily be limited to, events in recognition of New Year's Day, Valentine's Day, St. Patrick's Day, July Fourth, Halloween and Christmas.