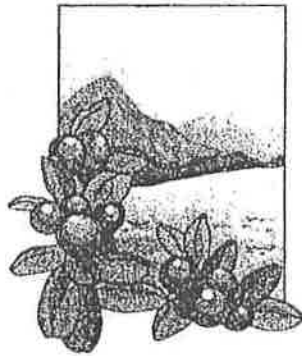


Welcome

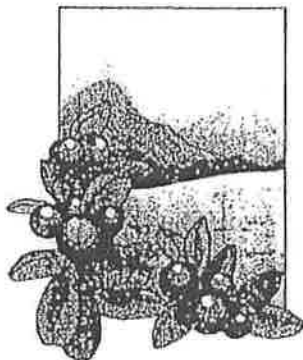
To

Montaire



MONTAIRE

Community Homeowners Association



Dear New Owner:

Welcome to the Montaire Community Homeowners Association. This community of 138 properties is complemented by integral open space, enhancing the lifestyle and convenience of living in this especially attractive area of the City of Simi Valley.

Our area, as you know, is a deed-restricted community in which thoughtfully developed CC&Rs complement the various City codes and procedures. Your Board of Directors, as well as its several active committees, has the responsibility for administering and implementing the various provisions of the CC&Rs and other statutory requirements. The day-to-day management of the property is performed by Executive Property Management.

We urge you to read through your copy of the Rules and Regulations as soon as you have the opportunity. Our feeling is that you will quickly recognize that they allow for substantial flexibility regarding residence architecture, landscaping and hardscape. In the overall, they serve to assure that the beauty and ambience of our area will be maintained over the long term. If you have any questions about terms, restrictions, procedures for plan filings, or other contents, please feel welcome to contact Linda Hofer at Executive Property Management.

As you know, written approval is required prior to starting any improvements to your property. We have enclosed an Architectural Modification form for your use in submitting your landscape plans.

Again, we welcome you the Montaire Community Homeowners Association.

Sincerely,

MONTAIRE COMMUNITY HOMEOWNERS ASSOCIATION

MONTAIRE COMMUNITY HOMEOWNERS ASSOCIATION

RULES & REGULATIONS

FOREWARD

These rules have been approved by your Board of Directors as provided in the By-Laws or Covenants, Conditions and Restrictions (CC&Rs) of the Association. These rules set forth certain rights and obligations that each resident has as a member of the homeowners association.

The rules do not in any way supersede the CC&Rs, the By-Laws or any other legal obligations of the members of the Montaire Community Homeowners Association. They do have the same status of law and enforceability.

These rules are not necessarily restrictive. In fact, they are no more so than legally required by public authority or than each homeowner may impose from another as a good neighbor.

Each homeowner **SHALL** make these rules available to all members of his/her family and see that his/her guests and/or lessees are furnished copies for their information.

In order to expedite rule enforcement, and as one of the few tools available for rule enforcement, your Association has established a fining system. Every attempt will be made to solve problems before fines are levied. If a fine is not paid, it becomes delinquent and could result in judicial proceedings.

All violations apply to owners, tenants and guests. After a homeowner has been warned, and before a fine is imposed, the homeowner has the right to appeal the impending fine to the Board of Directors at their next regularly scheduled meeting. This affords the homeowner due process.

OWNERS SHALL BE HELD RESPONSIBLE FOR THE ACTIONS OF THEIR CHILDREN AND/OR TENANTS AND THEIR CHILDREN AND GUESTS AT ALL TIMES.

A parking violation notice will be put on any vehicle violating the parking rules. The first violation will be a warning. The second violation will be a fine of \$50.00,

with subsequent violations resulting in the doubling of fines. The third violation will result in the vehicle being towed away pursuant to the vehicle code, at the expense of the vehicle owner.

Violation Penalty and Fine Schedule

Pursuant to Section 5.2 Penalties of the By-Laws of the Montaire Community Homeowners Association, the following Violation Penalty and Fine Schedule will become effective as of January 15, 2003 as adopted by the Board of Directors at a duly noticed meeting held on November 27, 2002:

ALL VIOLATIONS, EXCEPT ARCHITECTURAL/LANDSCAPE VIOLATIONS
After the issuance of a written warning notice, all violations, except architectural/landscape violations of the CC&R's and Rules and Regulations not corrected by the required date are subject to the issuance of monetary penalties. The initial penalty will commence at \$50.00 and double thereafter for each repeat or continuation of the same infraction within a one year period from the date of the last violation to a maximum of \$400.00 per individual penalty. (As shown in the schedule below:)

Initial Warning	Written Warning
First Notice	\$ 50.00 Fine
Second Notice	\$100.00 Fine
Third Notice	\$200.00 Fine
Fourth Notice & Subsequent Notices	\$400.00 Fine

ARCHITECTURAL/LANDSCAPE VIOLATIONS

Architectural and major landscape modifications are subject to prior approval by submission of plans and required application forms. Failure to comply with the approval process and commencement with unapproved architectural and landscape improvements and/or modifications will result in the issuance of an initial warning notice to immediately cease and desist activity and submit application and plans for approval within a ten day period.

Initial Warning	Written Warning
First Notice	\$ 250.00 Fine
Second Notice	\$ 500.00 Fine
Third Notice	\$1,000.00 Fine
Fourth Notice & Subsequent Notices	\$2,000.00 Fine

Prior to imposing any monetary penalties, a violation hearing will be scheduled with the Enforcement Committee. The member in violation will be given an opportunity to be heard before the committee.

All owners who rent their units must abide by the following rules:

1. Provide tenants with copies of the Rules and Regulations PRIOR TO MOVE IN.
2. Any lease or rental agreement shall include the following language:

"The terms of this agreement are subject in all aspects to the provisions of the Declaration of Covenants, Conditions & Restrictions (CC&Rs), By-Laws and Association rules. Any failure by Lessee to comply with the terms of such documents may result in a default under the lease. THE UNDERSIGNED, AS LESSEE OR TENANT, ACKNOWLEDGES THAT HE IS FAMILIAR WITH ALL SAID RESTRICTIONS AND RULES OF THE ASSOCIATION AND AGREES TO ABIDE BY THEM."

- 3. Forward a copy of the lease/rental agreement signed by both the homeowner and the tenants to:



**ROSS MORGAN
& COMPANY, INC., AAMC®**
*"An Accredited Association
Management Company"*

15315 Magnolia Boulevard, Suite 212
Sherman Oaks, CA 91403
(818) 907-6622 Ext. 247 • (323) 654-7978
Fax (818) 907-0749
Email: christina@rossmorganco.com

Christina Machiels
Community Manager

MONTAIRE COMMUNITY

HOMEOWNERS ASSOCIATION

RULES & REGULATIONS

DISPOSAL OF TRASH

1. Trash and trash recycling containers may be set out the evening before collection no sooner than 5:00 pm and must be removed no later than 12:00 midnight on the day of collection.
2. All trash and recycling containers must be stored out of view from the street and sidewalks.

NUISANCE

3. Actions which constitute a nuisance according to California Civil Code, Sections 3479 through 3481, are not allowed.
4. Obnoxious or offensive behavior or excessive noise is not permitted.
5. Homeowners are responsible for the behavior of their families, tenants, guests and pets. Homeowners will be billed for damages to any common area property or common maintenance area property that is vandalized, stolen, damaged or destroyed by their families, tenants, guests or pets.
6. Compliance with county and city codes is required. The Association will utilize the assistance of county and city personnel as necessary.
7. Damage to common area or common maintenance area landscape (hardscape or softscape including shrubs, trees, grass, flowers, sprinkler equipment, walls, etc.) whether willful or unintentional will be dealt with on an individual basis. Costs for repairs or replacement will be charged directly to the responsible homeowner as determined by the Board of Directors.

PETS

8. Dogs must be kept on a leash unless they are confined within the home or fenced yard.

9. The pet owner is responsible for any damage or nuisance created by the pet.
10. The pet owner is responsible for picking up and properly disposing of any animal waste immediately.
11. No pets are allowed tied in the common use areas.
12. Homeowners must comply with county and city codes pertaining to pets. The Association will utilize the assistance of Animal Control personnel as necessary.
13. The Association has the right to demand removal of any pet which, in the opinion of the Board of Directors, is a nuisance.

PERSONAL PROPERTY

14. Common areas and landscaped common maintenance areas are to be kept free of all unattended tools, toys, bicycles, skateboards, etc. at all times. Athletic equipment, including but not limited to basketball standards, hockey nets and skateboard ramps, shall be kept off streets and sidewalks when not in use, and be stored out of view from the street or common area after dark. Such equipment may be stored outside your side gate, provided it is kept behind the front of the house.
15. Driveways should be maintained and kept reasonably free of oil or other stains.
16. Holiday lights and other decorations may be put up no more than 30 days prior to the holiday and shall be taken down no later than 30 days after the holiday.
17. Garden hoses, when not in use, shall not remain across the driveways or sidewalks, but shall be stored discreetly.
18. The areas of all Lots that are visible from the street or sidewalks must be kept free of all debris, dirt, building materials and unsightly materials. No items, other than approved structures or landscaping, are to be visible over the fences or walls.
19. No inoperative automobiles shall be parked on any street or in any Lot. In order to be considered operable, a vehicle must have current license plates and registration and must be moved at least every 72 hours.

RECREATIONAL VEHICLES STORED ON LOTS

20. No Recreational Vehicle (boat, trailer, motor home, etc.) shall be permitted to remain upon the project unless placed and maintained entirely within the garage obscured from the view of the adjoining lots and street.

SAFETY

21. Use of roller skates, roller blades, skateboards, bicycles and powered vehicles on landscaped common areas or common maintenance areas is not allowed.
22. Climbing in or hanging from trees in the common areas or common maintenance areas is prohibited.

SIGNS

23. No sign, advertisement, poster, bill or notice of any kind (including, without limitation, political and commercial signs) shall be displayed to the public view on or from any lot or the common area without the prior consent of the Board, subject to the following exceptions:
 - a. Project identification signs maintained by Declarant;
 - b. A single plan of customary and reasonable dimensions advertising any lot for sale, lease or rent;
 - c. Security/Alarm signs of customary and reasonable dimensions;
 - d. Signs maintained by Declarant in connection with its sales activities.

Street Safety and Parking

24. All vehicles belonging to owners, residents, or anyone residing at the residence for more than 30 days, will be required to be registered with the Association using the Vehicle Information Sheet form. The Vehicle Information Sheet will be completed whenever any of the following events occur:
 - a. 30 Days after Escrow Closes
 - b. 30 Days after Receipts of Notification
 - c. 30 Days after the Purchase, Lease, or Sale of a vehicle
 - d. 30 Days after a Change in Occupancy

25. Five vehicles belonging to owners/resident or any one residing at the residence for more than 30 days are expected to be parked in the garage and/or on the driveway for plans 1 (M1), 2 (M2), 4 (VI), 5 (V2) and 6 (V3) or six cars for plan 3 (M3), unless a variance has been granted by the Architectural Committee to modify any garage (a garage is defined as any enclosed parking space) for purposes other than parking. A six-month grace period shall be granted from the close of escrow before residents are required to park in any garage.
28. No Parking on the sidewalk, and/or landscaping. Perpendicular parking is not permitted in Montaire. Vehicles shall be parked parallel to the curb and can be no more than 18" from the curb.
29. The speed limit within the Montaire Community shall not exceed 15 mph.
30. Vehicles shall not be parked within 15 feet of a fire hydrant.
31. Vehicles shall not be parked between the "No Parking Anytime" signs.
32. All vehicle code violations will be enforced in accordance with the California and City of Simi Valley Municipal Vehicle codes.

ARCHITECTURAL AND LANDSCAPING RULES

AMENDED: JUNE 3, 2020

Almost all exterior changes or additions to a Lot require prior written approval of the Board of Directors, as outlined in the CC&R's

1. Homeowner's and/or residents are prohibited from making any alteration, improvement, modification, repair or addition which would affect or alter the exterior appearance of the house or front yard without prior written approval of the proposed plans from the Board of Directors.
2. Any homeowner and/or resident who makes any such architectural or landscape alteration, improvement, modification, repair or addition without obtaining prior written approval from the Board of Directors can be required by the Board of Directors to return the property to its prior appearance and condition at the homeowner's expense, and the homeowner may be subject to additional monetary penalties.
3. It is the homeowner's responsibility to obtain all necessary building permits and conform with applicable government codes and requirements, such as those of the City of Simi Valley.
4. The Montaire homes were all designed and built in a Tuscan Architectural style utilizing earth tone colors for the exterior finishes. This style of architecture and color scheme shall be maintained for any proposed work. It should be noted that the common perimeter wrought iron fencing is black and is maintained regularly by the HOA. Any exterior wrought iron fencing proposed by a homeowner should follow this same color scheme.
5. Each homeowner is required to submit plans for any proposed architectural or landscape alteration, improvement, modification, repair or addition which would affect or alter the exterior appearance of any home or yard to the Board of Directors for review by the Architectural Committee. This submission by the homeowner may take place in two steps. First is a preliminary written description of the proposed improvement along with neighbor advisement approval signatures (Exhibit "B"). The second submission shall be the final completed plans along with both pages of Exhibit "C". One copy of the proposed plans must be sent to the Board of Directors in care of:

Ross Morgan & Company, Inc.
15315 Magnolia Blvd. Suite 212

Sherman Oaks, CA 91403
Attention: Christina Machiels

6. Architectural and landscape plans must include sufficient detail to show approximate scale, property setback measurements, colors to be used, and types of materials. Construction improvement plans must include both plan view and elevation, properly scaled and dimensioned. Please see the sample plans attached hereto as Exhibit "A".
7. If the Board of Directors has not acted on your plans within 30 days of posting (sent by certified mail), submission via email, or hand delivery to a Board meeting, the homeowner may consider the plans approved. Homeowner is responsible to verify receipt of the preliminary and final submissions by the Management Co. or Board of Directors. In some cases, a conditional approval may be warranted. For example, a homeowner has submitted final plans and all other materials which have been approved by the Architectural Committee, but their selected contractor or the homeowner themselves is in the process of obtaining a permit from the City of Simi Valley. The Architectural Committee approval, if granted, will be noted as conditional based on the homeowner submitting the permit to the Board of Directors once the permit is acquired from the City.
8. All plans will be rejected or approved based upon conformance with the CC&R's, rules and community standards, and the Board of Directors and Homeowners Association makes no representation that approval constitutes compliance with the city, county and state building and safety standards requirements. These requirements remain the responsibility of the homeowner.
9. Any damage caused to a common area or common maintenance area as a result of a homeowner's architectural or landscaping alteration, improvement, modification, repair or addition must be repaired immediately at the homeowner's expense.
10. All plans involving any architectural or landscaping alteration, improvement, modification, repair or addition that blocks or will block the view of another homeowner must include the written approval of the submitted plans by the affected neighbor(s). Please see sample preliminary form for neighbor approval attached hereto as Exhibit "B".

11. Changes in topography, tree, lawn, or planter placement as well as any additions or changes to fences, walls, railings, and gates. Installation of room additions, decks, windows, exterior doors, garage doors, roofing, gutters/downspouts, solar panels, exterior electrical panels, HVAC units (exterior), pools, jacuzzis, water features, decorative facades or features, concrete, pavers, bricks, masonry, gravel, and stone require architectural approval.
12. Landscaping modifications of a very minor nature do not need architectural submission or approval. Homeowner to contact the Management Co. for their review if they are unsure that their proposed work falls into this category. These include, but are not limited to, the following:
 - i. Replacement of similar size plant material (not visible from curb side).
 - ii. Replacement of curb side visible plants smaller than 4 square feet.
 - iii. Reseeding or replacement in kind of lawn areas.
 - iv. Annual planting inside flower beds, individual potted plants, or hanging potted plants.
13. Changes in front walkways, driveways, or the addition of new walkways or planters require architectural approval.
14. All plans for structures such as patio covers must be submitted for approval prior to installation. Once installation has begun, the project must be completed within 90 days.
15. All drains must be underground and continue to the street. Core drill through the curb. The homeowner is responsible for maintaining proper drainage.
16. Any destruction of common area or common maintenance area landscape will be dealt with on an individual basis and will be charged directly to the responsible party.
17. Landscape and other decorative lighting shall be low voltage or reduced wattage bulbs when using 100 volt or other high voltage fixtures. All light colors shall be in good taste, as determined by the Board of Directors Architectural Committee.

18. The general condition, repair and exterior paint of all homes, walls, fences, and trim is to be kept in good repair. All paint colors that differ from the original color scheme must have prior written approval from the Board of Directors. Any color proposed to be used must include a referenced RAL color number and sample.

EXHIBIT "A"



NOTE:
FOR MORE INFO ON SECURITY,
CAMERAS, AND LIGHT FIXTURES, REFER
TO SPECIFICATIONS SHEET.

LEGEND

- (E) - INDICATES EXISTING
- (N) - INDICATES NEW
- - INDICATES NEW LIGHT POLE
- - INDICATES CABLE/NETWORK BOX
- ▽ - INDICATES NEW ON GROUND LOW VOLTAGE LED LIGHTING
- - INDICATES NEW CAMERA TO LICENSE PLATE
- - INDICATES NEW CAMERA TO OVERVIEW-GENERAL
- ▲ - INDICATES NEW GATE MOTOR
- - INDICATES NEW HIGH VOLTAGE J BOX
- - INDICATES NEW LOW VOLTAGE J BOX & 120V POWER
- ⊕ - INDICATES ATT/CABLE J BOX
- ⊕ - INDICATES HIGH VOLTAGE
- ⊕ - INDICATES NEW LINE DUNDER POLES
- ⊕ - INDICATES EXISTING PULSTERS
- ⊕ - INDICATES HIGH VOLTAGE LINE
- ⊕ - INDICATES LOW VOLTAGE LINE
- ⊕ - INDICATES NEW ARM OPERATORS
- ⊕ - INDICATES NEW FENCE/GATE
- ⊕ - INDICATES NEW SHED
- ⊕ - INDICATES EXISTING SIGNAGE POST TO BE DEMOL'D.
- ⊕ - INDICATES NEW SINGLE SIGNAGE POST W/ 3 SIGNS
- ⊕ - INDICATES NEW CURB WALL
- ⊕ - INDICATES OPEN EXISTING PULSTER, PLASTER & CURB FOR NEW VEHICLE TURNAROUND
- ⊕ - INDICATES NEW CURB
- ⊕ - INDICATES NEW PAVEMENT WARNINGS
- ⊕ - INDICATES REQUIRED FIRE CLEARANCE

INDIAN TERRACE DRIVE - MAIN ENTRANCE 1

SCALE: 1/8"=1'-0"

PROJECT NO.: 2018048	DATE: 02/23/12	DATE: 02/23/12	
SHEET TITLE: INDIAN TERRACE DRIVE LAYOUT	ENGINEER: MK	DATE: 02/23/12	
PROJECT: PROPOSED NEW GATES	DESIGNED BY: MK	DATE: 02/23/12	
ADDRESS: MONTAIRE HOA SIMI VALLEY, CA	DRAWN BY: KP	DATE: 02/23/12	
	CHECKED BY:		
	APPROVED BY:		

KCE MATRIX

CONSULTING ENGINEERS STRUCTURAL
CIVIL & ENVIRONMENTAL

1151 Hamer Bay Blvd Suite 1210
Alhambra, CA 91802 Tel: (626) 274-4889

1112 W. Burton Blvd Suite 201
Burbank, CA 91504 Tel: (818) 555-8599 Fax: (818) 555-8511

A1.0.0

SCALE: 1/8"=1'-0"

EXHIBIT "B"

MONTAIRE COMMUNITY HOMEOWNERS ASSOCIATION
ARCHITECTURAL REQUEST FORM

OWNER NAME: _____ DATE SUBMITTED: _____

PROPERTY ADDRESS: _____ PHONE: _____

DESCRIPTION OF IMPROVEMENT: _____

NEIGHBOR ADVISEMENT (Adjacent Neighbors)

No Objections

Objections*

Signature

Address

Signature

Address

Signature

Address

*Neighbors objections do not in themselves cause denial. However, the Architectural Committee will contact the neighbors to determine their objections and their appropriateness.

SEND TO:

Ross Morgan & Company, Inc.
15315 Magnolia Blvd. Suite 212
Sherman Oaks, Ca. 91403
(818) 907-6622, Ext. 224
Email: christina@rossmorganco.com

EXHIBIT "C"

MONTAIRE COMMUNITY HOMEOWNERS ASSOCIATION
ARCHITECTURAL APPROVAL REQUEST FORM

OWNER NAME: _____ DATE SUBMITTED: _____

PROPERTY ADDRESS: _____ PHONE: _____

DESCRIPTION OF IMPROVEMENT (IF REVISED FROM PRELIMINARY REQUEST):

ESTIMATED STARTING DATE _____ COMPLETION DATE: _____

PLEASE RETURN THE FOLLOWING:

1. This completed request form.
2. Drawings, sketches and description of improvements (including dimensions, materials, indicate drainage, name of plants, scaled plans, elevations, product photos or brochures, and color (s).
3. Location of improvement and residence on plot plan with dimension to fence line identifying set back. Identify existing improvements.
4. Copies of required permits.

ANY REQUEST MISSING THE ABOVE INFORMATION, OR IF UNCLEAR, WILL BE RETURNED WITHOUT PROCESSING. MAIL ALL MATERIAL AND THIS FORM TO:

Ross Morgan & Company, Inc.
15315 Magnolia Blvd. Suite 212
Sherman Oaks, Ca. 91403
(818) 907-6622, Ext. 224
Email: christina@rossmorganco.com

EXHIBIT "C"

ACKNOWLEDGEMENT:

AS A HOMEOWNER, I UNDERSTAND AND AGREE THAT BUILDING PERMITS FOR CERTAIN TYPES OF HOME IMPROVEMENTS ARE REQUIRED AND THAT THE COST OF THE PERMITS AND RESPONSIBILITY OF OBTAINING PERMITS AND SUBSEQUENT INSPECTION WILL BE BORNE BY THE HOMEOWNER.

It is further understood that the undersigned homeowner does acknowledge that all approved changes in the original design will be at the homeowner's expense, and that any and all damage to or relocation of existing sprinkler systems, underground utilities, building structure and exterior landscape or other damage resulting from construction of the proposed improvement shall be at the homeowner's expense. Additionally, any maintenance of the permitted improvements shall be at the homeowner's expense.

I, _____, do agree to hold the Montaire Community Homeowner's Association harmless for the cost of maintenance of same and do agree to hold Montaire Community Homeowner's Association harmless from any liability, damage and/or loss resulting from the construction or performance of the above said proposed modification, whether or not constructed pursuant to approved plans, drawings, and/or specifications.

Signature of all Owners:

ARCHITECTURAL CONTROL COMMITTEE RECOMMENDATION

() RECOMMENDED APPROVAL SIGNATURE _____ DATE: _____

() RECOMMENDED APPROVAL SIGNATURE _____ DATE: _____

() RECOMMENDED APPROVAL SIGNATURE _____ DATE: _____

() DISAPPROVE: Condition for approval or reason for disapproval: _____

Sent to Committee for Review: _____ Returned to Owner: _____

Montaire Board of Directors Signature: _____ Date: _____

ARCHITECTURAL AND LANDSCAPING RULES

Almost all exterior changes or additions to a Lot require prior written approval of the Board of Directors, as outlined in the CC&Rs.

1. Homeowners and/or residents are prohibited from making any alteration, improvement, modification, repair or addition which would affect or alter the exterior appearance of the house or front yard without prior written approval of the proposed plans from the Board of Directors.
2. Any homeowner and/or resident who makes any such architectural or landscape alteration, improvement, modification, repair or addition without obtaining prior written approval from the Board of Directors can be required by the Board of Directors to return the property to its prior appearance and condition at the homeowner's own expense, and the homeowner may be subject to additional monetary penalties.
3. It is the homeowner's responsibility to obtain all necessary building permits and conform with all applicable government codes and requirements, such as those of the City of Simi Valley.
4. Each homeowner is required to submit plans for any proposed architectural or landscape alteration, improvement, modification, repair or addition which would affect or alter the exterior appearance of any home or yard to the Board of Directors for review by the Architectural Committee. Two copies of the proposed plans must be sent certified mail (return receipt requested) to the Board of Directors in care of:

*ROSS MORGAN PROPERTY MANAGEMENT
15315 MAGNOLIA BLVD, SUITE 212
SHERMAN OAKS, CA. 91403
(818) 907-6622 EXT: 247*

Include a self-addressed, stamped envelope for return of your plans.

5. Architectural and landscape plans must include sufficient detail to show approximate scale, property setback measurements, colors to be used, and types of materials. Construction improvement plans must include both plan view and elevation, properly dimensioned. Please see the sample plans attached hereto as Exhibit "A".
6. If the Board of Directors has not acted on your plans within 30 days of posting (sent by certified mail) or hand delivery to a Board meeting, the homeowner may consider the plans approved.

7. All plans will be rejected or approved based upon conformance with the CC&Rs, rules and community standards. The Board of Directors and Homeowners Association makes no representation that approval constitutes compliance with the city, county and state building and safety standards requirements. These requirements remain the responsibility of the homeowner.
8. Any damage caused to common area or common maintenance area as a result of a homeowner's architectural or landscaping alteration, improvement, modification, repair or addition must be repaired immediately at the homeowner's expense.
9. All plans involving any architectural or landscaping alteration, improvement, modification, repair or addition that blocks or will block the view of another homeowner must include the written approval of the submitted plans by the affected neighbor(s). Please see sample form for neighbor approval attached hereto as Exhibit "B".
10. Changes in topography, tree, lawn or planter placement as well as any additions or change to fences and walls, installation of bricks, masonry and stone require architectural approval.
11. Changes in front walkways or driveways, or the addition of new walks or planters must be approved in advance of construction.
12. All plans for structures such as patio covers must be submitted for approval prior to installation. Once installation has begun, the project must be completed within 90 days.
13. All drains must be underground and continue to the street. Such drains must be core drilled through the curb. The homeowner is responsible for maintaining proper drainage.
14. Any destruction of common area or common maintenance area landscape will be dealt with on an individual basis and will be charged directly to the responsible party.
15. Landscape and other decorative lighting shall be low voltage or reduced wattage bulbs when using 100 volt or other high voltage fixtures. All light colors shall be in good taste, as determined by the Board and the Architectural Committee.
16. The general condition, repair and exterior paint of all homes, walls, fences, and trim is to be kept in good repair. All paint colors that differ from the

original color scheme must have prior written approval from the Board of Directors.

ANTENNA INSTALLATION RULES

Definitions

- A. **Antenna:** Any device used for the receipt of video programming services, including direct broadcast satellite (DBS), television broadcast, and multipoint distribution service (MDS). A reception antenna that has limited transmission capability designed for the viewer to select or use video programming is a reception antenna provided that it meets FCC standards for radio frequency emission. A mast, cabling, supports, guy wires, conduits, wiring, fasteners, or other accessories necessary for the proper installation, maintenance, and use of a reception antenna shall be considered part of the antenna.
- B. **Mast:** Structure to which an antenna is attached that raises the antenna height.
- C. **Transmission-only antenna:** Any antenna used solely to transmit radio, television, cellular, or other signals.
- D. **Owner:** Any homeowner in the Association. For the purpose of this rule only, "owner" includes a tenant who has the written permission of the homeowner/landlord to install antennas.
- E. **Telecommunications signal:** Signals received by DBS, television broadcast, and MDS antennas.

Installation Rules

- A. **Antenna Size and Type**
 - 1. DBS antennas that are one meter or less in diameter may be installed. Antennas larger than one meter are prohibited.
 - 2. MDS antennas one meter or less in diameter may be installed. MDS antennas larger than one meter are prohibited.
 - 3. Antennas designed to receive television broadcast signals, regardless of size, may be installed.
 - 4. Installation of transmission-only antennas is prohibited unless approved by the Board of Directors.
 - 5. All antennas not covered by the FCC rule are prohibited.

B. Location

1. Antennas shall be installed solely on individual owned, separate interest, portion of his lot as designed in the CC&Rs of the Montaire Community Homeowners Association.
2. If acceptable quality signals may be received by placing antennas inside a dwelling, without unreasonable delay or unreasonable cost increase, then outdoor installation is prohibited.
3. Antennas shall not encroach upon common areas or any other owner's property.
4. Antennas shall be located in a place shielded from view from the street or from other lots to the maximum extent possible; provided, however, that nothing in this rule would require installation in a location from which an acceptable quality signal may not be received. This section does not permit installation on common property, even if an acceptable quality signal may not be received from an individually owned lot.

C. Installation

1. Antennas shall be no larger nor installed higher than is absolutely necessary for reception of an acceptable-quality signal.
2. All installations shall be completed so that they do not damage the common areas of the Association or the lot of any other resident, or void any warranties of the Association or other owners, or in any way impair the integrity of buildings on common area or lots.
3. Owners are responsible for all costs associated with the antenna, including but not limited to costs to:
 - a. Place (or replace), repair, maintain, and move or remove antennas;
 - b. Repair damages to the common property, other lots, and any other property damaged by antenna installation, maintenance or use;
 - c. Pay medical expenses incurred by persons injured by antenna maintenance, or use;
 - d. Reimburse residents or the Association for damages caused by antenna installation, maintenance, or use.
4. Antennas must be secured so that they do not jeopardize the soundness or safety of any other owner's structure or the safety of any person at or near antennas, including damage from wind velocity based upon a unique location.

D. Maintenance

1. Owners shall not permit their antennas to fall into disrepair or to become safety hazards.
2. Owners shall be responsible for antenna maintenance and repair.
3. Owners shall be responsible for repainting or replacement if the exterior surface of antennas deteriorates.

E. Safety

1. Antennas shall be installed and secured in a manner that complies with all applicable city and state laws and regulations, and manufacturer's instructions. The owners, prior to installation, shall provide the Association with a copy of any applicable governmental permit.
2. Unless the above-cited laws and regulations require a greater separation, antennas shall not be placed within 12 feet of power lines. The purpose of this requirement is to prevent injury or damage resulting from contact with power lines. Owners must consult the electric utility to determine the proper distance required.
3. All installations must comply with all applicable local and state codes.
4. In order to prevent electrical and fire damage, antennas shall be permanently and effectively grounded.
5. Antennas are required to withstand winds of 50 mph.

Antenna Camouflaging

- A. Antennas or masts may not extend beyond or above a railing or fence unless no acceptable quality signal may be received from this location.
- B. Antennas situated on the ground and visible from the street or from other lots must be camouflaged by existing landscaping or fencing. If no such existing landscaping or screening exists, the Association may require antennas to be screened by new landscaping or screening of reasonable cost.
- C. Antennas, masts, and any visible wiring must be painted to match the color of the structure to which it is installed. (Some manufacturers assert that painting may prevent the receipt of an acceptable quality signal. Association residents are advised to make sure that paint will not degrade the signal.)
- D. Antennas may not obstruct a driver's view of an intersection or street.
- E. *Camouflaging antennas may not be unreasonably expensive.*

Mast Installation

- A. Mast height may be no higher than absolutely necessary to receive acceptable quality signals.
- B. Masts that extend 12 feet or less beyond the roofline may be installed subject to the regular notification process. Masts that extend more than 12 feet above the roofline must be approved before installation due to safety concerns posed by wind loads and the risk of falling antennas and masts. Any application for a mast longer than 12 feet must include a detailed description of the structure and anchorage of the antenna and the mast, as well as an explanation of the necessity for a mast higher than 12 feet. If this installation will pose a safety hazard to Community residents and personnel, then the Association may prohibit such installation. The notice of rejection shall specify these safety risks.
- C. Masts must be installed by a licensed and insured contractor.
- D. Masts must be painted the appropriate color to match their surroundings.
- E. Masts installed on a roof shall not be installed nearer to the lot line than the total height of the mast and antenna structure above the roof. The purpose of this regulation is to protect persons and property that would be damaged if the mast were to fall during a storm or from other causes.
- F. Masts shall not be installed nearer to electric power lines than the total height of the mast and antenna structure above the roof. The purpose of this regulation is to avoid damage to electric power lines if the mast should fall in a storm.
- G. Masts shall not encroach upon another owner's lot or property.
- H. Masts installed on the ground must sustain a minimum of 50 mph winds.

Association Maintenance of Locations Upon Which Antennas are Installed

- A. If antennas are installed on property for which the Association has maintenance responsibility, owners retain responsibility for antennas maintenance. Owners must not install antennas in a manner that will result in increased maintenance costs for the Association or for other residents. If such damage occurs, owners are responsible for these costs.
- B. If maintenance requires antenna removal, the Association shall provide owners with 10 days written notice. Owners shall be responsible for removing antennas before maintenance begins. If owners do not remove antennas by the required time, then the Association may do so, at owners' expense. The Association is not liable for any resulting damage to antennas.

Notification Process

- A. Any owner desiring to install an antenna must complete a notification form and submit it to the Board of Directors and Architectural Committee of the Association. If installation is routine (conforms to all of the above rules and restrictions), the installation may begin immediately.
- B. If the installation is other than routine for any reason, owners and the Association must establish a mutually convenient time to meet to discuss installation methods.

Installation by Tenants

- A. Tenants may install antennas in accordance with these rules with written permission of the homeowner/landlord. A copy of this permission must be furnished with the notification statement.

Enforcement

- A. If these rules are violated, the Association may bring action for declaratory relief with the FCC or any court of competent jurisdiction after notice and an opportunity to be heard. If the court or FCC determines that the Association rule is enforceable, a fine of \$50 shall be imposed by the Association for each violation. If the violation is not corrected within a reasonable length of time, additional fines of \$10 per day will be imposed for each day that the violation continues. To the extent permitted by law, the Association shall be entitled to reasonable attorneys' fees, costs, and expenses incurred in the enforcement of this policy.
- B. If antenna installation poses a serious, immediate safety hazard, the Association may seek injunctive relief to prohibit or seek removal of the installation.

Severability

- A. If any provision is ruled invalid, the remainder of these rules shall remain in full force and effect.