

AHWATUKEE BOARD OF MANAGEMENT, INC. (“ABM”)

RULES AND REGULATIONS (THE “RULES”) AMENDED AND RESTATED – November 16, 2022 Effective March 1, 2023

The following Rules are enacted in accordance with the By-Laws of ABM in order to promote the general welfare, safety, convenience and enjoyment of all Homeowners. As used in these Rules (unless otherwise specified) the term “Homeowner” shall include all homeowners, residents, tenants of homeowners or any other person authorized to reside at the property by a Homeowner. All other terms not defined in the Rules shall have the meaning ascribed to them in the By-Laws, Articles of Incorporation, and the Covenants, Conditions and Restrictions.

ARCHITECTURAL CONTROL

All alterations to the exterior of a home or lot shall be governed by the Architectural Review Committee Procedures and Guidelines. All requests for modifications to the exterior of the home or lot, including painting with same or different colors, must be submitted to the Architectural Review Committee (ARC) for approval at least three weeks prior to planned alterations. The existing ARC guidelines will be used in determining approval of the project.

NOTE: Homeowners who have a sub-association should direct the requests to that homeowner association.

HOME LANDSCAPING

A. Trees:

1. Dead trees shall be removed from all lots. Tree stumps shall be removed or ground down to below grade level.
2. Dead tree limbs shall be removed at the trunk to maintain a healthy appearance.
3. Trees shall be trimmed up a minimum of 7 ft. from ground to not encroach onto any foliage, trees, sidewalks, streets, structures (i.e., wall, roof, etc.) and in a balanced manner to maintain a uniform appearance. Immature trees shall be trimmed up proportionally as applies to the height of the tree. Tree branches shall not be allowed to grow to the ground.
4. Dead palm tree fronds shall be removed from all palm trees as necessary to maintain a neat appearance; seed pods shall be removed within two weeks of the formation of pods to prevent/minimize blooms. Trunks are not required to be peeled or skinned but it is encouraged to promote a neat and clean appearance.
5. Tree debris (leaves, seed pods, needles, fruit droppings, etc.) shall be removed from all lots. All suckers at base of tree shall be removed.

B. Weeds:

1. Weeds, stray or “volunteer” growth, Bermuda grass, in rock and granite ground cover (dead or alive) shall be removed from all lots.
2. Wildflowers shall be removed from all lots immediately upon going to seed, i.e., blooms dry out and die.

C. Grass:

1. Grass landscape shall be kept in a neat manner in order to maintain a healthy appearance.
2. Grass landscape shall be mowed, edged, trimmed and watered to keep a green appearance.
3. Grass landscape shall have a consistent appearance and bare spots within the landscape shall not be permitted. Winter over-seeding shall not be required provided the grass is maintained in a healthy dormant state.
4. Stray grass shall not be permitted to grow within, and shall be removed from, any and all planter or rock landscape areas.
5. Artificial grass and/or turf shall be kept in a neat manner.

D. Rock and Granite Materials:

1. All rock and granite materials shall be maintained in such a manner that they do not spread to the street, sidewalk, driveway or grass areas of the landscape or the neighboring lots.
2. Different types of inert material used in the landscape must be kept separated, i.e., granite color, sizing, wood chips.
3. Granite should be raked to maintain a uniform appearance. Thin or bare areas within the rock or granite landscape shall not be permitted.
4. Rock and granite landscape shall be kept in a neat manner.

E. Landscape Materials:

1. Yards visible from streets and neighboring lots must be covered by landscape materials, i.e. rock, granite, groundcover or grass. No dirt front or side yards are permitted.
2. Artificial landscape groundcover, i.e., fabric or plastic materials, shall be maintained so that they are not visible from the streets or neighboring lots.
3. Irrigation pipe (or tubing) and soaker hoses shall be buried so that they are not visible from the streets or neighboring lots. Unused irrigation pipe (or tubing) and soaker hoses shall be removed from the lot.
4. Commencing June 2008, new installation of railroad ties is prohibited and existing railroad ties must be removed upon deterioration.

F. Shrubs:

1. Shrubs shall not encroach upon the streets, sidewalks, adjoining properties, homes or other areas thereby impeding pedestrian traffic, and must keep a healthy appearance.
2. Plant debris must be removed from view.

G. Hedges:

1. All hedges shall be maintained in a healthy condition.
2. All hedges shall be trimmed in order to maintain a uniform appearance on all sides.
3. Hedges from the front plane of the house to the sidewalk must not exceed 4 feet in height. Hedges along sidewalks must not exceed 3 feet in height.

H. Other

1. Planters, pots, landscape borders and other accent pieces shall be maintained in good repair at all times.

HOME EXTERIOR

A. Holiday Decor:

1. Holiday or traditional event décor may not be displayed so as to be visible from the street or neighboring lots more than thirty (30) days prior to the holiday or event.
2. Holiday or traditional event décor may be limited as to size and quantity by ABM.
3. Holiday and traditional décor shall be removed from view within thirty (30) days after the holiday or traditional event.

B. Roofs:

1. Roof replacement requires prior written approval from the Architectural Review Committee.
2. Roofs shall be maintained in good condition and appearance so as to prevent deterioration, curling or gravel loss.
 - a. Missing shingles shall be replaced with shingles matching to the existing roof.
 - b. Broken/missing tiles shall be replaced with tiles matching to the existing roof
 - c. Missing shakes shall be replaced with shakes matching to the existing roof.

C. Painting:

1. Exterior surfaces shall be painted in such a manner as to maintain a uniform appearance.
2. Exterior surfaces shall be maintained so as to prevent chipping, staining, peeling, fading or exposed raw material
3. With the exception of brick, stone, facades, and block fencing, the body of the exterior surface shall be painted a uniform color.
4. Homeowners shall obtain prior written approval from the Architectural Review Committee for the

type and color of the paint selected for the body and trim of the exterior surface prior to painting said surface.

D. Gates:

1. Gates shall be maintained in a manner consistent with the original condition of the gate.
2. Broken slats shall be replaced with slats matching the existing gate.
3. Gates shall be stained a natural wood color or painted a color to match the exterior of the home, so as to achieve a uniform appearance.
4. Homeowners shall obtain prior written approval from the Architectural Review Committee for the type and color (other than the body color) of the paint selected for the gate.

E. Walls & Fences

1. Walls or fences damaged as a result of corrosion or excess water shall be replaced in a manner consistent with the original condition of the wall or fence or, in the alternative, stuccoed and painted an approved color to match the exterior of the home, so as to achieve a uniform appearance.
 - a. Cracked cement blocks shall be replaced to match the existing block,
 - b. Wood slats shall be replaced to match the existing slats.
 - c. Partial stucco is not permitted, as the repair must achieve a uniform appearance.
 - d. Pilasters and block that cannot be repaired by stucco shall be replaced prior to stucco.
2. Except as otherwise provided for in the Declaration of Covenants, Conditions and Restrictions for each individual subdivision, if stucco is used as a remedy to repair any wall abutting a drainage channel or a golf course, excluding Center Court, RST, RM-2, RS-9 and ATV-2, the wall shall be "Spanish Lace" in texture and painted "Ahwatukee Tan". Aluminum and wrought iron fences must be painted off-white.
3. Walls and fences located throughout Center Court, RST, RM-2, RS-9 and ATV-2 shall be replaced to the developer's original condition of the wall or fence and not repaired.
4. Except as otherwise provided for in the Declaration of Covenants, Conditions and Restrictions for each individual subdivision, disputes between Homeowners regarding damage to a party wall shall be resolved by the Homeowners without the involvement of ABM.

F. Windows

1. Internal window coverings are required for all homes and shall be maintained in good repair at all times. Drapes, shutters, shades and blinds are acceptable forms of internal window coverings. Decals, sheets, blankets, newspaper, foil and the like are not acceptable forms of internal window coverings.
2. External window coverings, i.e. ARC approved shades, screens and awnings, shall be maintained in good repair at all times.
3. Glass shall be maintained in a like new condition. Internal pickets shall be maintained in good repair at all times and shall not be permitted to deteriorate due to corrosion or excess water.

VEHICLES

A. Inoperable Vehicles/Inoperable Appearance

1. Inoperable or inoperable appearing vehicles shall not be permitted to be parked at a lot (unless parked in an enclosed garage) or stored at a lot in view of the streets or neighboring lots. Inoperable or inoperable appearing vehicles include, but are not limited to, neglect, vehicles with flat tires, broken windows, expired plates and other indications that the vehicle is inoperable.
2. Vehicles leaking oil or fluids shall not be stored at a lot in view of streets or neighboring lots. Vehicles leaking oil or fluids shall be permitted to be parked at a lot; provided, however, the vehicle is parked in an enclosed garage or the Homeowner utilizes (and maintains) an appropriate oil pan, which is not in view of the streets or neighboring lots when the vehicle is not parked at the lot. Cat litter, carpet, paper, garbage bags, rags, etc. are not appropriate oil collectors.

B. Parking

1. Parking surfaces must be maintained in a neat manner at all times.
2. Vehicles shall be parked on an approved parking surface only and shall not be parked on the common areas, landscaped areas or vacant lots. Approved parking surfaces are poured concrete, concrete pavers or brick. Prepared parking surface additions are allowed in side yards only and ARC prior approval is required.

C. Recreational Vehicles/Units, Utility Vehicles and Utility Trailers

1. Except as otherwise provided for in the Declaration of Covenants, Condition and Restrictions for each individual subdivision, recreational vehicles/units and/or utility vehicles shall not be parked at a lot in view of the streets or neighboring lots. Notwithstanding the foregoing, a recreational vehicle may be temporarily stored in view of the streets and neighboring lots no more than 48 hours for purposes of loading and unloading only. Recreational vehicles/units include, but are not limited to, expandable campers, pull campers, travel trailers, boats, motor homes, that are used for recreational or non-recreational purposes.
2. A recreational vehicle/unit temporarily stored at a lot for purposes of loading or unloading shall not be parked in such a way as to block or infringe the public right-of-way.
3. Homeowners shall not be permitted to perform any maintenance, i.e. general repairs, oil changes, restoration or improvements on or to a recreational vehicle/unit or utility vehicle temporarily stored at a lot.
4. Utility vehicles shall not be parked at a lot in view of the streets or neighboring lots. Utility vehicles are designed to perform tasks beyond passenger transportation and with more efficacy than a standard passenger vehicle. Utility vehicles include, but are not limited to cargo vans, vehicles that require specialized drivers' licenses to operate (but do not include motorcycles), vehicles that are designed to transport more than 10 persons, vehicles equipped with storage tool compartments along the sides or means of attaching parts and assemblies, tools, racks or caging to the exterior. A vehicle is a utility vehicle regardless of whether it is marked with logos or other signage advertising, is equipped with emergency or specialty lighting, or is a box truck or a vehicle with a flat bed. Parking of utility vehicles is in accordance with the appropriate, applicable Covenant, Conditions and Restrictions (CCRs).

MISCELLANEOUS

A. Other

1. Mailboxes, addresses, doors, planters, antennae, driveways, garage doors, satellite dishes, yard ornamentation, landscape borders, solar equipment, etc. shall be kept in good repair at all times. Yard ornamentation must not be excessive in quantity or size and must be harmonious to the neighborhood.

B. Pool Backwash:

1. All pool backwash water shall be maintained on the lot and/or disposed of through other acceptable methods.
2. Pool backwash water shall not be discharged into the public streets or drainage channels per the City of Phoenix Ordinance or as otherwise provided by the law.
3. Homes abutting ABM drainage channels or property must submit for prior approval and appropriate means to drain onto ABM property.

NON-OWNER OCCUPIED PROPERTIES

All non-owner occupied properties must register the occupants of the property with ABM on an annual basis. Registration forms are due, along with an \$85 annual registration fee, by March 1 of each year. Forms are available at the ABM office.

ATTORNEY FEES AND COSTS

The Ahwatukee Board of Management shall have the right to enforce, by any proceeding at law or in equity, the Rules and Regulations set forth herein. In the event legal action is filed hereunder, the Homeowner shall pay reasonable attorney fees in addition to any other relief or judgment ordered by the court.

THE SECTION HEADINGS AND TITLES CONTAINED IN THESE RULES ARE FOR PURPOSES OF CONVENIENCE AND REFERENCE ONLY AND DO NOT LIMIT OR DEFINE THE SCOPE OF COVERAGE UNDER THESE RULES.