

The Orchards at APPLE HOLLOW HOA RULES AND REGULATIONS

The purpose of these Rules and Regulations is to secure a pleasant and safe environment for all residents of The Orchards at APPLE HOLLOW HOA and to protect and maintain the value and aesthetics of the HOA community for all owners.

The Orchards at APPLE HOLLOW HOA is managed by Advantage Management and Real Estate Services. They can be reached at 801-235-7368 or via email at hoahelp@amres.co.

PARKING

1.1 Parking in Roadways

Homeowners are required to use their garage for their vehicles at all times. Parking in the driveway or alley is prohibited at all times. **No parking on private roads is allowed at anytime.** All vehicles must be parked in designated parking stalls or garages. **VIOLATORS MAY BE TOWED WITHOUT NOTICE FOR VIOLATING THIS REGULATION.** *Municipal codes prohibit parking in the private roadways and alleys so that fire, police or other emergency equipment can have access to all homes and to comply with insurance.*

1.2 Number of Vehicles

Each owner / resident is allowed to park up to two (2) vehicles in alley load or shared driveway models. Single family homes with **private** driveway and garage, may park up to four (4) vehicles on their owned property.

1.3 Unmarked and Visitor Stalls

Stalls marked "Visitor" are for visitor use only. Residents who park in the visitor stalls may be towed at their own expense. Vehicles that are left unmoved in any parking stalls for more than 7 days are subject to being towed at the owner's expense.

1.4 Speed Limit

The speed limit for traffic in the common area is 10 mph.

1.5 Red Curb parking

Parking against a red curb or blocking a fire hydrant is prohibited. Towing may happen without warning in these areas.

1.6 Use of Garages

Garages are for vehicle parking only. Garages may not be used for storage or any other purpose, unless such storage will allow the garage to accommodate the parking of a car as well. Shared driveways are for owner access to their garage and is not for overflow parking at any time. **REMINDER: YOUR GARAGE IS FOR VEHICLES, NOT STORAGE.**

1.7 Damage to Parking Areas

Vehicles leaking gasoline, oil, or other fluids may, at the discretion of the Homeowners Association, be prohibited from parking in common areas or shared driveways and alleys. Any clean-up or damage expense caused by such leakage will be charged back to the owner. If the vehicle belongs to the guest of a homeowner, that homeowner may be held responsible. If the responsible party is a tenant, the homeowner of the unit being rented or leased will be held responsible. Vehicles in violation are subject to a fine or removal at the owner's expense.

1.8. Parking of Recreational and Commercial Vehicles

No trailer, camper, recreational vehicle, oversized commercial vehicle, boat or inoperative automobile shall be parked within the property.

1.09 Guest Parking

Guests are welcome to park in designated visitor parking areas and may stay in these areas up to 7 days. Overnight permit parking permits may be required if homeowners abuse the overflow parking stalls. Towing may take place in these areas without tagging or warning.

1.10 Repair Work

Major mechanical work on cars in the complex common areas is not permitted at any time except for short term emergency repair.

1.11 Statement of Responsibility

Neither the Homeowners Association, nor the Board of Directors, shall be responsible for the maintenance, insurance, liability, theft, vandalism or any damage which may come to any vehicle. **THE VEHICLE(S) OWNER SHALL BE TOTALLY RESPONSIBLE FOR ANY VEHICLE PARKED UPON THE HOMEOWNERS ASSOCIATION PROPERTY INCLUDING PERSONAL AND/OR PRIVATE PROPERTY IN THE VEHICLE.**

1.12 Appearance of Vehicles

The Association may, at its own discretion, prevent a vehicle from being parked on common areas for reason of deficient appearance of the vehicle. These vehicles are subject to removal at the vehicle owner's expense after the owner has been given written notice and been given the opportunity to appear before the Board of Directors of the Homeowners Association. **Vehicles must be legally registered and in working order to be on premises.**

1.13 Parking Violations

Owners of vehicles found to be in violation of the vehicle parking regulations or policies are to be notified of the Association's intent to assess fines or have the vehicle removed. This notification shall be posted prominently on the vehicle and be given one time only. Once the notice has been given, the Association will wait a minimum of twenty four (24) hours before issuing assessment or tow authorization. **THE WARNING NOTICE DESCRIBED HERE DOES NOT APPLY TO SECTION 1.3 (ON STREET OR RED CURB PARKING).**

PETS

2.1 Use of Leash

Pets, including but not limited to dogs and cats, must be attended to and under the control of a responsible person at all times. Dogs and cats must be on a leash whenever in a common area. Animals may not be leashed to stationary objects in the common areas.

2.2 Relief Trips and Exercise

Pet owners are not to allow their pets to create nuisances in common and limited common areas. To ensure the community environment remains pleasant for all, residents who walk their pets on the grounds must clean up after their pets immediately. Failure to do so will result in fines levied on the pet owner by the Association.

2.3 Pet Waste Disposal

Any used pet litter or other pet waste must be bagged and tied securely before being placed in the garbage receptacles.

2.4 Pet Liability

Unit occupants shall indemnify the Association and hold it harmless against any loss or liability in The Orchards at APPLE HOLLOW of any kind arising from an animal kept by unit occupants.

2.5 Pet Nuisance

For the purpose of these rules and regulations, the following shall be deemed a nuisance and subject to the procedures outlined in 5.8:

Any animal which:

- a) Causes damages to the property of anyone other than its owner,
- b) Causes unreasonable fouling of the air by odors,
- c) Causes unsanitary conditions in enclosures or surroundings,
- d) Defecates on any public sidewalk, park or building, grass, or on any private property unless the person owning, having a proprietary interest in, harboring, or having temporary charge of that animal immediately removes the waste to a proper trash receptacle,
- e) Barks, whines, howls or make other disturbing noises in an excessive, continuous, or untimely fashion,
- f) Molests passers by or chases passing vehicles,
- g) Attacks other domestic animals,
- h) Otherwise acts so as to constitute a nuisance or a public nuisance under the provisions of Chapter 10, Title 76, Utah Code Annotated (1953) or other applicable laws and ordinances.

2.6 Pet Complaints

Residents keeping pets in their units must take all care required to keep the pet from disturbing other residents. If the Board receives a written complaint concerning an animal, the Board will investigate. If a problem is identified, the Board will, at its sole discretion, take action to remedy it. The Board may require the pet to be permanently removed from the property upon two (2) written notices from the Board following the established grievance procedure. The Board may require the pet owner to remove the animal no matter when the animal was obtained, or whether other pet owners are permitted to retain their animals.

PEACE AND QUIET

3.1 Peace and Quiet

To comply with the City Noise Ordinance, special attention must be given to noise control during the hours between 10:00 p.m. and 7:00 a.m. Every resident, however, should always use consideration and common sense to keep noise at a reasonable level. No boisterous activity, loud talking, or loud music is permitted. Volume of radios, TV sets, stereos, and musical instruments must be kept at a reasonable level at all times to avoid disturbing other residents.

3.2 Obnoxious or Offensive Activity

Obnoxious or offensive activities are prohibited in any unit or common area, and nothing will be done therein which may be, or may become, an annoyance or nuisance to other residents. *The Board will determine what is 'obnoxious' or 'offensive' activity on a case by case basis.*

3.3 Private Parties

Residents holding private parties will comply with the following:

3.3.1 Conduct of Guests

The owner will be responsible for the proper behavior of all guests, and for insuring that other residents are in no way disturbed.

3.3.2 Clean up

Residents will clean all common areas used and will remove all debris. Future common structure facilities will have separate guidelines and costs to their use.

3.4 Conduct of Family, Guests, and Agents

Owners and lessees are responsible at all times for the reasonable conduct of their family members, guests, and representatives or agents. Parents are responsible for the conduct of their children at all times.

EXTERIOR APPEARANCE

4.1 Entrances and Patios

Entrances and patios to all units are to be kept clean and free of debris, and attractive in appearance. Nothing shall be stored that would affect the safety of community residents nor block access to the units. NO BBQ grills may be operated within 10 feet of any townhome (connected building) or on the front patio/porch area.

4.2 Landscaping

Owners will be responsible for any damage they, their tenants, guests, or pets cause to trees, shrubs, grass and other landscaped areas.

4.3 Signage

Signage is to comply with applicable city ordinances. Signs are not allowed in the grass, but may be displayed in windows facing outwards, fences, and planter areas next to the unit referenced by the sign.

4.4 Holiday Decorations

Holiday appropriate decorations may be placed up to 8 weeks before the Holiday and must be removed within 8 weeks of the holiday.

4.5 Exterior Modifications / Additions

Awnings, shutters, decorations of a permanent / semi permanent type, or devices of any type may not be attached to the exterior of the townhome buildings without written permission of the board.

4.6 Air-conditioners

Any air conditioning units visible from the common area must be approved by the HOA board.

4.7 Debris

Throwing debris on the common areas or in the roads is strictly prohibited. This includes cigarette butts.

4.8 Trash Can Storage

Refuse, garbage and trash shall be kept at all times in a covered, noiseless container and any such container shall be kept within your garage for townhome models or screened from view behind a fence for single family homes. Cans must be returned to garage within 24 hours of pickup service.

4.9 Satellites / Antennas

Satellite dishes and antennas are not allowed except as defined by FCC regulations, which can be found at <http://www.fcc.gov/mb/facts/otard.html>.

RENTAL OR SALE OF UNITS

5.1 Leasing or lending

Owners leasing or lending their units will provide a copy of these Rules and Regulations to the prospective occupants, and advise them of their duty to follow them. To protect all residents, a background check on all prospective renters should be done by the landlord or his agent. Proof of this must be supplied upon request. Any occupant deemed to be a hazard to the community may be required, by the HOA Board, to be evicted from the property at the rental owner's expense.

GRIEVANCES, FINES, AND HEARINGS

6.1 Grievance Procedure

Grievances by any homeowners may be submitted in writing to the Board. Attention will be given to these concerns at the Board's regularly scheduled meetings. Owners are encouraged to work out their differences among themselves before approaching the Board.

6.2 Registration of Complaints

The written communication should include all information pertinent to the complaint. The resident may mail or email the complaint to the property management company, to the attention of The Orchards at APPLE HOLLOW Board of Directors. The Board will respond in writing within thirty (30) days of receipt.

6.3 Fines

A courtesy letter may be sent for a first grievance or violation of the rules as a reminder. If an owner receives a second notice of a grievance or violation of the rules, the owner is subject to a fine based on the **FINE RESOLUTION published at the end of these Rules and Regulations** for reference. Fines and other financial penalties may be enforced by liens and/or other legal collections efforts.

6.4 Hearings

If a problem continues after all proper procedures have been taken, the Board may choose to call a hearing. The Board may take whatever actions necessary to rectify the problem. Alternatively, an owner has the right to request a hearing anytime he or she receives a notice of violation.

UPDATES OR CHANGES TO RULES

7.1 Changes in Rules

The Board may, from time to time, amend or remove one or more of these rules to facilitate management or operations, or to provide for new situations. Written notice of any changes will be furnished to all owners, and the changes may be rescinded by majority vote of the membership at any subsequent meeting of the Association.

**The Orchards at APPLE HOLLOW HOMEOWNERS ASSOCIATION
FINE RESOLUTION**

This resolution is made on the date set forth below by the Board of Directors for **THE ORCHARDS AT APPLE HOLLOW** Homeowners Association, Inc., a Utah non-profit corporation.

RECITALS

A. Certain real property in UTAH County, Utah, known as **THE ORCHARDS AT APPLE HOLLOW** Homeowners Association, was subjected to certain covenants, conditions, and restrictions pursuant to a Declaration of Codes Covenants and Restrictions (the "Declaration");

B. Pursuant to Utah Code Ann. § 57-8-37, the Association is authorized to levy fines as a means of enforcing the provisions of the Declaration, rules and regulations, and Bylaws of the Association;

C. The Board of Directors desires to set forth a schedule of fines, procedures for fining, and procedures for hearings to ensure that the fining process complies with Utah law and is fair to all parties involved;

D. This Resolution was properly adopted by the necessary vote of the Board of Directors in compliance with the provisions of the Bylaws of **THE ORCHARDS AT APPLE HOLLOW** Homeowners Association, Inc.

NOW BE IT RESOLVED:

That the following schedule of fines be adopted:

a. List of Violations: Any violation of the Declaration, rules and regulations, and Bylaws shall be subject to a fine.

b. Schedule of Fines:

(i) 1st notice of violation: WRITTEN WARNING;

(ii) 2nd notice of violation fine assessed up to \$50.00;

(iii) 3rd notice of violation fine assessed: up to \$100.00;

(iv) 4th violation and all other subsequent violations or failure to cure subsequent violations: additional fines or legal action as set by the Board of Directors, up to \$500.00 per month as allowed by Utah State Code.

Enforcement remedies are cumulative; accordingly, the Board of Directors reserves its right to pursue any enforcement action authorized by law of the Declaration at any time during the fining process.

2. That all following procedures will be followed prior to levying a fine:

a. Notice of Violation: All owners will be given a written notice of violation describing the violation and stating a time to cure the violation prior to a fine being levied.

b. Time to Cure: All owners will be given a minimum of forty-eight (48) hours to cure a violation before a fine will be levied. The Committee in its discretion may grant a cure period exceeding forty-eight (48) hours if the Committee determines that forty-eight (48) hours is an unreasonable time period to cure the violation in question.

c. Hearing: If a fine is levied, the offending Owner shall have the right to request an informal hearing with the Board of Directors to protest or dispute the fine. A request for hearing must be made in writing within thirty (30) days from the date the fine is levied. Notice shall be deemed to have been received three (3) days after mailing via USPS first-class mail, postage prepaid. If a request for hearing is not received by the Board of Directors, or their designated agent, within thirty-three (33) days from the date the fine is levied, the fine shall be deemed to be uncontested and the Owner forfeits their right to hearing. A request for hearing shall be delivered to ADVANTAGE MANAGEMENT - 460 EAST 800 NORTH, OREM, UT. The hearing shall be conducted in accordance with the procedures adopted by the Board of Directors. An Owner may also contest the fine by initiating a civil action within one hundred eighty (180) days after the expiration of the thirty (30) day period.

d. Collection of Fines: Pursuant to Utah Code Ann. § 57-8-37, fines shall be collected in the same manner as past due assessments. However, interest and late fees shall not accrue on fines until one hundred eighty (180) days after the time for hearing has passed, or, if a hearing is conducted, after a final decision has been rendered.

3. That the following procedures shall govern an informal hearing of the Board of Directors:

a. Scheduling a Hearing/Continuances/Failure to Appear: The hearing shall, within reason, be conducted at the next regularly scheduled Committee meeting. The Committee shall give notice of the date, time, and location of the hearing to the requesting Owner. Notice of the hearing shall be delivered to the requesting Owner by USPS first-class mail, postage prepaid, or by hand delivery. No other Owners or parties shall be entitled to notice of the hearing. If the hearing date is unacceptable to the requesting Owner, they shall be entitled to one (1) continuance of the hearing date. To receive a continuance, the requesting Owner shall deliver a written request for continuance to the Association. The request must be received by the Association prior to the original hearing date. The continued hearing shall, within reason, take place at the second Committee meeting after the receipt of the original request for hearing. Failure by a requesting Owner to appear at a hearing or continued hearing shall result in a waiver of the requesting Owner's right to hearing and the fine shall be deemed uncontested.

b. Hearing Procedures/Decision: The hearing shall be conducted by a minimum of three (3) Committee members. The requesting Owner shall be given fifteen (15) minutes to dispute the fine. The requesting Owner may present documentation or witnesses to dispute the fine. The Committee may question the requesting Owner or witnesses during the hearing. After hearing the requesting Owner's position and evidence, the Committee may either render its decision at the hearing or take the evidence and argument under advisement. If the Committee takes the evidence under advisement, they shall render a final decision within seven (7) days of the hearing. Once a decision is rendered, the Committee shall give written notice of their decision to the requesting owner. As part of the decision, the Committee shall state that payment of the fine is due within one hundred eighty (180) days or interest and late fees will accrue.