

Encore at Marina Hills Homeowners Association Rules and Regulations

Encore at Marina Hills is a planned community and there are standards in place to maintain that "community look," Just as the Association has responsibilities for maintaining the standards, so to do individual Encore at Marina Hills Homeowners, While the CC&Rs (Article VII, Sections 9.4 and 9.6) spell out the Owners responsibilities; the additions to the Rules and Regulations that the HOA board adopts in this document should clarify those responsibilities as they relate to Encore.

The Governing Documents (CC&R, By-Laws) give the Board of Directors the authority to create rules and regulations that promote fair and equal use of the amenities so that each member can enjoy the quiet use of his residence within Encore at Marina Hills. The documents also give the Board the authority to hold hearings and assess fines or Special Individual Assessments, suspend member privileges or any other legal action deemed necessary to gain compliance with the Rules so that all can enjoy their homes. Any infraction of any of the governing documents or the rules and regulations subjects the owner to the terms of the enforcement policy described at the end of this package.

POOL & SPA

Access is by a Key fob for owners who are current in their assessments and have no outstanding violations against their unit. The Pool Key fob is unique to each owner/unit and should not be loaned, copied or given to others, if a fob is inoperable, call Management during business hours. If at any time the gates cannot be closed and latched when entering or leaving the pool area, immediately call Management and report the problem. There could be children at risk or unauthorized use of the facilities if the gates don't close.

1. Pool hours are from 6 00 AM to 10 00 P M
2. The pool and spa are for the exclusive use of owners, their authorized guests and tenants. Guests are limited to four (4) per Unit and must be accompanied by the owner,
3. There is no lifeguard on duty. It is up to each member to see that their guests and tenants obey all posted rules and County/ Health Department regulations.
4. Parents are responsible for the safety and conduct of their children.
 - a. Children under eight years of age are not allowed in the spa.
 - b. Children under 14 years of age must be accompanied by an adult at all times, and are not authorized to bring other children into the pool area.

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5. Children who are not toilet trained or adults with incontinence issues must wear a diaper and a rubber garment cover when in the pool.
6. Suntan lotions or oils must be removed by showering before entering the pool or spa. Pool furniture is to be protected by a towel when such products are used.
7. Drinks must be in plastic or paper containers. All litter is to be disposed of properly.
8. Pool "noodles" for floatation and water exercise and children's inflatable wings are permitted (no larger than a 2'x4' size)
9. Wheel chairs and baby strollers are permitted.
10. For safety purposes, at least a three (3) foot walkway must be maintained around the edge of the pool.
11. Not permitted in the pool area:
 - a. Diving.
 - b. Smoking
 - c. Pets
 - d. Food, alcohol, glass containers or bottles
 - e. Boisterous, loud, or offensive conduct
 - f. Bobby pins and hairpins
 - g. Surfboards, rafts, water pistols or water balloons
 - h. Bicycles, skateboards, roller-skating, or similar activities
12. Spa
 - a. Please refer to the posted warnings for the use of the spa in accordance with County regulations.
 - b. The spa timer is to be turned off when leaving the spa.
13. Please close and latch the gates when leaving the pool area to protect the community's children.

Bathroom & Showers

1. Bathrooms are available for use by the owner/tenant's pool key fob. Bathroom doors are to remain closed I locked. Do not block or prop the doors open.
2. Showers are provided for bathers to rinse off suntan oil / lotion prior to entering the pool or spa.

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PARKING & TRAFFIC

Note: The Board has been working diligently for the past four months to amend the parking rules and regulations. Based upon owner input, the revisions are still being worked on. The Board is also in process of interviewing patrol companies to assist in the enforcement of the new rules.

Because of deadline to include the Rules package with the Budget mailer, the following parking rules are the existing rules as they have been since 1995. In the following months, there will be additional dialog with the community members on the subject of revised parking rules.

- 1 No mobile home, recreational vehicle, motor home, camper, mini home, boat, truck of size in excess of 3/4 ton, or trailer of any kind shall be kept, stored, parked, maintained, constructed, or repaired on any part of the project other than in specific designated parking areas as approved by the Board of Directors (CC & R's, Section 10.6).
2. All vehicles **MUST** be parked within the owner's garage. However, if the number of vehicles owned exceeds the number of vehicles for which your garage was designed to accommodate, the excess vehicles may be parked in the driveway subject to proper registration of the vehicles. Application can be obtained from the management company.
3. Garage doors must remain closed at all times, except when vehicles are entering or leaving the garage.
4. Parking in driveways "when permitted" is to be straight in, not crossed or parallel to the street, with no part of the vehicle extending over the street or walkway.
5. Parking on a neighboring driveway, whether the owner is in residence or not, and/or whether it is an unoccupied (unsold) home belonging to the developer is strictly prohibited.
6. Vehicles parked at any time in front of fire hydrants, curbs that are painted red or in fire lanes will be towed at the owner's expense.
7. All vehicles or other equipment parked or stored in violation of these rules and/or the applicable supplemental declaration of covenants, conditions, and restrictions are subject to towing or such other action as may be deemed necessary by the Board of Directors. All costs incurred in the removal of such vehicles will be charged to its owner.

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8. Vehicles that are inoperable, and left for periods in excess of ninety-six (96) hours shall be considered abandoned and may be subject to towing at the owner's expense.
9. The maximum speed limit on association streets is ten (10) miles per hour.
10. Unit owners are responsible to see that their guests and/or tenants obey parking rules.
11. Guests are permitted to park in the common area (guest spaces or driveways) for a maximum of ninety-six (96) hours. Management must be notified in advance of guest vehicles will remain in the common area (guest spaces or driveways) in excess of ninety-six (96) hours.

PETS

1. Pets are limited to a total of three (3) per unit. The three (3) animals shall not be the same species i.e. 2 dogs, 1 cat - not 3 dogs.
2. All owners are responsible to clean up after their pets. All dogs must be on a leash outside the confines of an owner's residence or enclosed yard area.
3. All pets must have owner's identification tags.
4. No pets are allowed at any time in the pool area.
5. In the event any pet creates a nuisance for community residents, the owner of such pet shall be subject to action by the Board of Directors. Continuously barking dogs should be reported to management in writing and to Animal Control as a second resort. (Be sure to include address, dates, times and frequency of barking. Without the address, management can do nothing.) Pet owners are responsible for training and/or taking care of their pets. Animal Control is most concerned about animal mistreatment, which may include leaving it at home alone or unsupervised in a backyard or patio during the day or overnight.
6. All pet ownership/livestock laws, requirements, ordinances, regulations, etcetera of applicable governmental agencies shall prevail.

COMMON AREA

1. All walkways are restricted to walking and jogging. No bicycles, tricycles, mopeds, skateboards, or any other type of recreational vehicle are permitted on any walkways.

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2. Walkways and steps leading to your doorway are considered 'Common Area'. Safety concerns require that you keep these areas clear of hoses, plants, toy, shoes, etc. Reasonable additions, such as one or two plants that ARE NOT a safety/trip hazard are acceptable. Common Areas are not personal space.
3. Potted plants or decorative items must be secured if placed on balcony and/or deck railing at the second floor level. Winds or earthquakes may cause them to fall and cause injury or damage. Any pots on balcony deck surfaces must be on a footed saucer to protect the deck surface from rotting due to standing water.
4. In the event any member or owner, or such owner's guest, tenant or family member is found destroying any portion of the Common Area landscaping facilities or properties, such owner shall be subject to a special assessment for the replacement and repair of such destruction.
5. Loud and disturbing noise of any kind shall be kept to a minimum. Please be courteous and think of your neighbors. Keep your stereo/TV volume low and don't rev your car motor.
6. Hoses, plants, barbecues, furniture, toys, and bicycles shall be allowed on exterior patios and shall be maintained in a neat and orderly condition. All other items placed on exterior patios shall require approval by the Architectural Committee.
7. No visible clotheslines, not even in backyards.
8. Hanging laundry, towels, and etcetera on fences or balconies is prohibited.

WINDOWS

- 1 No objects are to be placed on or affixed to the windows, which would be visible from the exterior. Such objects include, but are not necessarily limited to: posters, flags, signs, advertisements, with the exception of holiday decorations, one for sale/rent sign, security signs neighborhood watch signs and any other approved sign.
2. No window shall be covered by paint, foil, sheets, or similar items. All windows shall be covered by curtains, drapes, Venetian blinds, shades, or shutters within ninety (90) days of move-in.
3. Glass and window screens must be maintained in good condition. Broken windows or torn screens must be replaced within thirty (30) days.

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4. No reflection or metallic window covering of any kind will be allowed. Any tinting of windows shall require approval by the Architectural Committee.
5. No exterior surface of any window covering shall bear any design or any color other than white or beige (Master Declaration Section 8.7).

FRONT DOORS

1. The Encore community standard for front doors is to maintain the look as established when the community was developed. Replacement is a homeowner's expense, but should maintain the same style and color. Maintenance is an Association responsibility; exterior painting is done when required by the Association. Doors may be with or without 2 window panels at the top.
2. The standard for Front Door Locks as established when developed is a keyed dead bolt and keyed door lock in Antique Brass. Replacement is an owner's expense, but should continue to maintain the same look (style and finish). Encore Board approved exceptions are possible for those units where doors are not visible from the street or open into entry areas. Exceptions would be expected to "fit into" the look of the community.
3. Front Door Viewer & Door Chime Push Button exterior finish/surround should complement the door handles and dead bolts.

SIGNS

1. Banners, decorative flags or promotional paraphernalia will not be permitted on any lot, street corner, intersection, mailbox, or any portions of the common area grounds, etcetera with the exception of contractor/landscape signs that will be accepted during construction (maximum 14 days). Legitimate and established security service signs will be allowed as well as holiday decorations and neighborhood watch signs as previously indicated (see WINDOWS).
2. Real estate for sale signs, for rent signs, and open house signs are allowed on the common area of the Association provided they are the Association's "approved" customized signs installed on a stake in the ground. There shall be no more than one on the common area and property. Please contact the management company for information on where to purchase the approved signage.

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VIOLATION PROCEDURE

1. Notice shall be sent to the homeowner advising the nature of the violation and the time limit to rectify the violation.
2. If the violation is not rectified within the specified amount of time, a Hearing may be called. The homeowner will be advised of the nature of the violation and given a date for the Hearing, so that the Owner can discuss with the Board the reasons for noncompliance. Also included in the Notice will be the penalties that will be considered if the Owner does not comply. Such Notice shall be sent at least ten (10) day prior to the Hearing date. The Homeowner filing the complaint will be notified of the Board's action resulting from the Hearing.
3. If the Violation is sanctioned at the Hearing, the Board of Directors may take one or more of the following actions:
 - a. Suspension of privileges. such as revoking the privilege to vote in elections, deactivate the pool key fob for use of the recreational facility or invalidate a parking permit. These actions can also be done for non-payment of assessments. [CC&Rs, Article IX, Section 9.4(a)]
 - b. Assess an Individual Special Assessment for the purpose of seeking reimbursement of costs incurred by the Association for damages caused by a
 - c. Assess a monetary fine. [CC&Rs, Article IX, Section 9.4(a)]

Fines can be assessed for any violations or non-compliance with the CC&R's and Rules and Regulations per the fine schedule below:

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| \$50.00 | for the first infraction of a rule |
| \$100.00 | for the second infraction of the same rule within 3 months of the original offense |
| \$200.00 | for the third infraction of the same rule within 3 months of the second offense |
- d. Submit the enforcement action to legal counsel for legal action to gain compliance

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WHO TO CONTACT IF THIS HAPPENS:

Note, after hour calls must involve running water or damage to property. Emergencies only. A burnt out light bulb or a mouse in your house is not an emergency and does not cause damage to property. Call during business hours.

Water in your house on walls, floors, ceiling	Powerstone Property Management office - 24 Hour ER line - -	9:00 am to 5:00 pm 5:00 pm to 9:00 am	949-716-3998 800-408-2242
Toilet running non- stop, water dripping at shut-off valves under sinks, toilets, dishwasher, washing machine, refrigerator ice maker line	There are Owner responsibility. Call your personal plumber-or - <u>You may choose to</u> call one of the Association's plumbers as they will know what is owner vs association and bill accordingly	OC Plumbing Or Severson Plumbing	714-771-3988 949-429-3422
Sprinklers running non-stop or shooting gysers in the air	Powerstone PM Business Hours After hours ER line	9:00 am to 5:00 pm 5:00 pm to 9:00 am	949-716-3998 800-408-2242
Ants, spiders, roaches in your unit	Your own pest control company		

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Rats or mice in the common area or in your home	Powerstone, office pm hours only.	9:00 am to 5:00	949-716-3998
Termites on the exterior	Powerstone, office hours only	9:00 am to 5:00 pm	949-716-3998
In Escrow and you need a termite inspection	Dewey Pest Control	Give this number to your realtor. This is the Association's vendor	949-888-9221
Common area light out	Powerstone - office hours only	9:00 am to 5:00 pm	949-716-3998
Patio Light or front porch light of your home	Owner responsibility Change your bulbs		
Register a vehicle to park overnight	Courtesy Patrol	Any time day or night	714-669-2736
Landscape issues or concerns	Powerstone PM	Any time and it must be in writing	dkelley@powerstonepm.com
Complaints about neighbors or parking issues	Powerstone PM	Any time in writing only. Be very specific and detailed with dates, time,	dkelley@powerstonepm.com

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		frequency of occurrence. Send photos if possible	
Any abnormal item in your home or patio that your are not sure about but it is causing or may cause damage	Powerstone PM	Any time - in writing Or you may call during business hours	dkelley@powerstonepm.com 949-716-3998
Your Assessment Account	Powerstone – Accounting Dept	Via email only	billing@powerstonepm.com
Payment Drop off	Powerstone— business hours After Hours	9060 Irvine Center Drive, Ste 200, Irvine 92618	In the office lobby on the 2nd floor Payments can be dropped off inside the office building after business hours.