

UNANIMOUS CONSENT TO ACTION

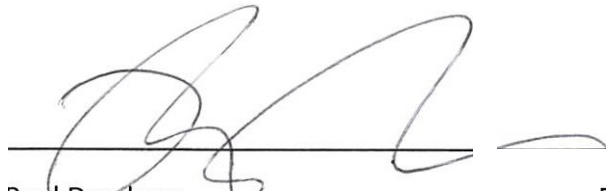
BY THE BOARD OF DIRECTORS

Merrill Cantatierra Homeowners Association
c/o Arizona Community Management Services, LLC
17787 N Perimeter Drive, Suite A-111
Scottsdale, AZ 85255


The undersigned, constituting a majority of the members of the Board of Directors of Merrill Cantatierra Homeowners Association, an Arizona nonprofit corporation, hereby take the following actions by written consent and without a meeting pursuant to A.R.S 10-3821, which action shall have the same force and effect as if taken at a meeting.

RESOLVED, that the attached Architectural Committee Rules, dated February 6, 2020, are hereby adopted by the Board of Directors

INWITNESS WHEREOF, the undersigned has executed this consent as of this 5th day of February 2020.



Paul Dembow President



James Anton Director



Chris Teffner Director

***MERRILL CANTATIERRA
HOMEOWNERS ASSOCIATION.***



Architectural Committee Rules

Adopted: February 6, 2020

MERRILL CANTATIERRA HOMEOWNERS ASSOCIATION

ARCHITECTURAL COMMITTEE RULES

Adopted February 6, 2020

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MERRILL CANTATIERRA HOMEOWNERS ASSOCIATION.

ARCHITECTURAL COMMITTEE RULES

Adopted February 6, 2020

ARTICLE I - INTRODUCTION

The Architectural Committee ("AC") was established pursuant to Article VI of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Merrill Cantatierra, dated June 3, 2008, recording number 2008-0491550 (the "Declaration"). These Architectural Committee Rules ("Rules") have been adopted and approved by the Board of Directors of Merrill Cantatierra Homeowners Association. (the "Board") and apply to all Lots in the Community. The chairperson of the AC shall be a Member of the Board, per A.R.S. § 33-1817(1). Unless otherwise stated, all words shall have the same meaning as in the Declaration. The Rules are promulgated pursuant to the Declaration and have the authority of the Declaration. Any inconsistency between these Rules and the Declaration shall be resolved in favor of the Declaration.

It is the purpose of these Rules to maintain the feeling of open space and privacy that have been a hallmark of the Community since its inception in 1974 and to preserve and promote harmony and high standards of development and architectural efforts while allowing reasonable and tasteful personal expression within the Rules. These Rules, as interpreted by the AC and eventually the Board, often require subjective determinations.

The Declaration requires that all Improvements (which are very broadly defined - see Article I, Section 12) Visible from Neighboring Property ("Visible"), before being commenced, be submitted in the appropriate format to the AC, which will then submit (with recommendation) to the Board which has final approval authority. Final approval from the Board must be in writing. The Board shall have the right to refuse to approve any Plans which are not suitable or desirable, in its opinion, for aesthetic or other reasons and in so passing upon such Plans, and without limitation of the foregoing, shall have the right to take into consideration the suitability of the proposed building, structure or other Improvement and of the colors and materials to be used, the site, the harmony thereof with the surroundings and the effect of the Improvements on the view from surrounding properties. All subsequent additions, changes or alterations to any

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Improvement, including elevation(s), materials or exterior colors, shall be subject to the same submission of Plans to the AC for review and recommendation to the Board and the prior written approval of the Board. No changes or deviations from approved Plans shall be made without written Board approval. Construction of or on any Improvement shall commence within 6 months of Board approval or such approval shall be deemed to have expired and the Owner must recommence the process.

These Rules may be amended by the Board and it is the duty of each Owner to obtain the most current version. Owners must contact the Association and confirm that they have the most recent version of the Rules prior to commencing any Improvements.

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ARTICLE II - ARCHITECTURAL RULES

Merrill Cantatierra is a master planned community. As such, written approval for architectural and landscape Improvements is critical to each Owner's conformance with the Declaration and the proper execution of the duties of the Association. The AC has been established to provide guidance in the design process of all proposed Improvements regardless of scale, and to lead the applicant through the process. The goal is to create a community of neighbors and to preserve property values.

Important guidelines to be considered when planning for an Improvement of any kind as well as new construction are as follows.

1. There is no single architectural style predominant within the community however the Improvements on each Lot shall be of a high quality and feature a consistent and cohesive architectural style on that Lot. All Improvements shall be residential in scale and features.
2. Transition is the most important feature of design in an established community and the most visible element of compatibility and respect between neighbors, including transition between Lots or the blending of one Lot with its neighbors and transition from the Lot line or street to the house. In the case of a two story house the transition between ground level and the upper story is very important. A structure which overwhelms its neighbors or alters the use and enjoyment of a neighboring property is not a proper transition. Multiple masses are required on all one and two story homes. The two story massing should be apparent between the first and second floor.
3. Building and wall setbacks are dictated by Town Code but they can also be suggested by uses on neighboring property. This is particularly significant for the side or sides of a Lot with street frontage. If an Owner wants to request a variance from the Town the Owner must first obtain approval from the Board.
4. The primary entrance or front door to a home in Merrill Cantatierra should get special emphasis. It is the most distinctive and inviting feature of the front elevation of the home. It may be distinctive by inviting entrance architecturally or by inviting attention by its grander scale, welcoming courtyard or other features.
5. The quality of design and construction supports strong property values. Must have a licensed and bonded contractor working on site.
6. All Visible home elevations shall be of the same quality of design and construction as the entryway elevation. All second story elevations visible from neighboring properties or the street shall demonstrate a similar quality of design and construction.

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These Rules do not supersede the authority of the Town or other governmental entities and compliance with the Rules, codes, ordinances and/or requirements of those authorities is required as a condition of Merrill Cantatierra approval.

Some specific expectations for Improvements are set forth in these Rules.

COMMUNITY LIVING RULES

Section 1. Compliance with Local Codes. All additions, alterations, renovations, repairs, demolition, excavations or Improvements and uses shall comply with the zoning and code requirements of the Town of Paradise Valley ("Town") as well as these Rules. Plans for all Improvements or other items regulated by the Declaration or these Rules, must be submitted to the AC and Board before submittal to the Town if a Town permit is required or before work commences if a Town permit is not required. The AC shall not have the responsibility and does not have the authority to enforce zoning and/or code requirements. However, in the performance of its duties, it may find cause to report zoning and/or code violations.

Section 2. Building Height. No Improvement or attachment to an Improvement may be taller than 24' at its highest point unless approved by the Board.

Section 3. Building Size. No residential unit and guest house shall have livable above grade space. This shall not include the square footage of breezeways, ramadas, porches, terraces, patios or garages. When building on a Lot that was formed by the combination of 2 or more Lots. Combining Lots requires Board approval.

Section 4. Exterior Colors and Materials. All exterior colors and materials must be submitted for approval. This includes (without limitation) walls, fences, walks, columns, monumentation, gates and doors. For all painted colors or staining, the name of the manufacturer, color name, manufacturer's color number and color samples must be submitted for both principal and accent colors on an 8-1/2" x 11" color draw down provided by the paint supplier. Any color must be appropriate to the architecture of the Improvements and the Community in general and should not draw negative attention from the surrounding properties.

Paints shall be flat, not gloss or semi-gloss. The number of separate colors and materials should not be excessive. A maximum of two primary paint colors may be used on the body of the home. This does not preclude the use of accent colors and materials such as stone or accent colors on doors, shutters, fascia trim, etc. The AC may approve a third color if it is deemed appropriate to the architectural style of the house.

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Section 5. Communications Devices. Unless governed by 47 C.F.R Sec. 1.400 (Over the Air Reception Devices Rule) as amended, repealed or codified, no antenna or other device for the transmission or reception of television, internet or radio signals or any other form of electromagnetic radiation or any associated equipment shall be erected, used or maintained outdoors on any Lot or Common Area, whether attached to a building or structure or otherwise, so as to be Visible unless approved in writing by the Board. Any device governed by 47 C.F.R Sec. 1.400 shall be mounted, to the extent reasonably possible, so as not to be Visible. See the Declaration at Article IV, Section 1. (C) for more detail about this issue.

Section 6. Solar. Solar panels may be installed with prior Board Approval and in accordance with HB2593 as it may be amended. Homeowners are to consider the following:

- A. Design should be low profile and flush mounted so to appear to be a replacement of existing roofing.
- B. Systems should be placed to minimize direct eye-level view of the panels and the nuisance of sun reflection upon neighboring properties.
- C. Systems may be mounted only on the building structure; no free-standing, tower, fence or yard mounted systems will be allowed.
- D. All Visible vertical conduits and wire are to be enclosed within the walls of the structure or painted to match the surface to which it is attached
- E. All horizontal conduits shall be attached to the wall of the structure and at the point the conduit turns vertical, can be surface mounted only to the height of the existing APS main electric panel.
- F. All Visible conduit and electrical boxes are to be painted to match the home/structure.
- G. Any roof mounted conduit or wire is prohibited if Visible. All wires must penetrate the roof directly below the solar panel.
- H. Junction boxes, inverters, distribution boxes, etc may not be roof mounted if Visible.
- I. The placement of any system component shall not create a potential nuisance or hazard to neighbors or common areas.

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Section 7. Walls. Walls of unit masonry, brick or stone, with or without stucco, may be used to enclose private areas such as courtyards and patios and as screening for cars and service areas of the Improvements. Block walls for enclosures or screening shall be a minimum of 8" thick and a maximum of 8' high. Walls should be a visible extension of the architecture of the Improvement with conforming colors, textures and materials. All Plans for such walls shall be submitted to the AC as above with proof of Lot line verification by a surveyor or civil engineer. No walls or fences erected or maintained by the Association may be altered, removed or painted without AC and Board approvals.

Section 8. Guest Houses, Greenhouses and Awnings. These are Improvements and may be allowed if permitted by the Town and these Rules and Declaration. Any such Improvement shall match the design, character, color, finishes and materials including doors, windows, roof materials and roof pitch. No Guesthouse or Guest Suite or Casita may be leased or rented separately from the main house. All awnings shall match the architectural character of the home and should be a subtle complementary material and color. Awnings shall be kept in good, clean appearance and repair.

Section 9. Ancillary Structures. Any other structures or attachments (whether temporary or permanent), including but not limited to porches, patios, ramadas, porte cocheres, window screens, security screens, gazebos, shade structures, storage units and pool pavilions should be of an architectural style that complements the main residence, including colors and materials. Storage units must be behind walls and if higher than the wall, must be screened with mature landscaping to be unnoticeable from the street.

Section 10. Recreational Facilities. Basketball hoops, backboards, sport courts, tennis courts, batting cages, playground equipment, trampolines and all above ground equipment incident thereto, may be installed on a Lot, subject to any stipulations imposed by the AC and/or Board including but not limited to fencing, screening, height restriction, lighting restrictions, hours of use and the visual and acoustic impact on neighboring properties. The following guidelines should be noted:

A. Portable can't be ground or structure mounted.

B. Architectural Lighting shall be shielded and directed downward, shall not flash, blink or be tinted, shall not be of unusually high intensity or brightness and not used between 10 pm and sunrise. Light fixtures shall not exceed a height of 12' (from natural grade) at the setback line and no more than 6 light poles for tennis or 2 for sport courts shall be allowed.

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C. Courts/Cages shall be fenced or otherwise enclosed to a height not to exceed 10', to prevent balls from landing on neighboring properties or Common Areas.

Section 11. Garage and Parking Spaces. Garage doors must be integrated with the material, design and color scheme of the Improvements. Attached garages are strongly encouraged. Detached garages may be approved. Garage bays should be oriented away from the street or additional setback required. No more than 4 Visible garage bays will be permitted. Each main residence shall have an enclosed garage for at least 2 cars and parking outside the enclosed garage space must be on concrete, brick, stone, pavers or other non-granular surface. Stabilized decomposed granite may be introduced for driveways or guest parking to reduce the visible amount of hard surface.

Garage conversions to living space are not permitted.

Section 12. Screening of Mechanical Equipment and Containers. Heating, cooling, water filtration, pool and spa equipment as well as trash and other storage containers must be properly screened so as to not be Visible from the street or any neighboring property and so as to mitigate any noise which may be created

Section 13. Utility Meters and Devices. Above-ground service pedestals, splice boxes, switch cabinets, transformers, hydrants and utility meters will be permitted where required for public utilities or landscaping, operating and maintaining the Common Areas. The placement and screening (if any) of such devices should be on Plans submitted under these Rules.

Section 14. Flagpoles.

- A. An Owner may install a single flagpole and/or display a flag or flags on the Owner's Lot in the front or rear yard of the Lot. Flags may be flown or displayed in any manner permitted by, and consistent with, the Federal Flag Code.
- B. For national flags only the American flag or the flag of a sovereign American Indian Nation may be displayed.
- C. Only one flag of the United States of America, plus one flag of the State of Arizona may be flown at a time on the single permitted flagpole , except on Memorial Day, Flag Day, July 4th, Labor Day, Veteran's Day or on a special day of remembrance for a family member or friend. Flags flown on the excepted days shall be removed no later than sunset of the following day. This shall not prohibit the display of the flag of a sovereign American Indian Nation alone on the permitted flagpole.

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- D. Seasonal flags or other such informal or casual flags may be flown, however, not when the flag of the United States or the State of Arizona is being flown or displayed. Seasonal or other flags may only be flown from house mounted brackets.
- E. Flagpoles are limited to a single flagpole, not to exceed 20 feet in height as measured from the lowest ground floor finished floor elevation of the house; or a height not to exceed the distance of the base of the flagpole from the nearest property line; whichever height is less. Height of the flagpole includes any ornamentation or feature at the top of the pole. Flagpoles must be of an appropriate diameter to be rigid, stable, safe and reasonably proportioned to the height.
- F. The maximum size of a flag shall be no greater than 4 feet by 6 feet.
- G. Flags and flagpoles must be maintained in good and safe conditions.

Section 15. Gutters. Gutters shall not be permitted unless integrated into the architectural design of the house and installed in a manner that does not add to the drainage to neighboring property.

Section 16. Rear Yard Hardscape Design.

- A. No structure or Improvement of any kind, whether referenced by these Rules or not, may be attached to the yard walls.
- B. Minimum setback from all yard walls is 2 feet for all structures.
- C. Where applicable all structures or Improvements shall be textured and colored to match or compliment the texture, color and character of the house, including the sides or backs of structures visible from neighboring property.
- D. Maximum height of any Improvement at the 2 foot setback shall be 18 inches above the top of the nearest yard wall. Heights greater than 18 inches above the yard wall are permitted. However, for each additional foot of elevation over 18 inches above the yard wall, an additional one-foot setback is required. Maximum allowable height under any circumstances is 12 feet above the existing finished pad.
- E. The quality of design and construction of any structure or Improvement shall meet or exceed that of the house.

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- F. The massing and scale of any Improvement subject to these Rules shall be consistent with the design and structure of the associated residence, other rear yard Improvements and the neighborhood. The design of the Improvement shall include architectural features on all elevations Visible from neighboring property.
- G. Floodlights, or any broad-beamed lights which are intended to illuminate a general area for other than temporary security purposes, are prohibited. Security lighting and discreet area lighting is permitted if architecturally integrated with the residence, shielded in a manner which casts light only onto a private area and used in a way which absolutely hides the source of the light from view from any surrounding property. Architectural integration means that the lights are part of the design of the house or installed under eaves or in other recesses – not added randomly after construction of the residence is complete or substantially complete.
- H. No elevations, drainage changes, water retention changes are allowable without approval from the Town.

Section 17. Play Structures.

- A. Height. Maximum total height is 12 feet. No part of any structure shall exceed 12 feet in height. Raised decks or platforms shall not exceed 6 feet above ground.
- B. Color. The colors shall be compatible with the colors of the house.
- C. Location. All structures shall be a minimum of 15 feet from yard walls. The AC and Board may approve variances based on specific circumstances, however, application and approval is required.
- D. Maintenance. All structures shall be maintained so as to present a neat and clean appearance.
- E. Screening of such structures with appropriate landscaping and thorough consideration for all neighbors is strongly encouraged.
- F. These guidelines apply to residential rear yards only and do not apply to community parks, pocket parks or any locations other than residential rear yards.

Section 18. Pools.

- A. Swimming pools must be screened and conform to Town regulations.

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- B. Pool decks should be no closer than 3 or 4 feet from property walls with landscaping between the decks and walls.
- C. All pool equipment should be screened from view from streets and/or adjoining properties. Pool equipment screening should also be designed to mitigate noise.
- D. Slides and diving boards or other accessories in public view are prohibited.
- E. No draining of pools onto adjacent property, washes or open space is permitted.

Section 19. Art, Sculpture and Ornamentation. All artwork clearly visible from neighboring properties shall be approved by the Architectural Committee.

Section 20. Exterior Fireplaces, Fire Pits and Barbecues. Barbecues, fire pits and exterior fireplaces should minimize noise, smoke or other undesirable impacts on their neighbor's enjoyment of their property.

Permanent built-in barbecues, fire pits or fireplaces are allowed if located within the rear or side yard of any Lot (in private areas only) and must be contained within a patio or courtyard. Chimney elements must be located and sized so as not to obstruct views from adjacent properties. Barbecues, fire pits or fireplaces must be located inside the building setback line and must otherwise conform with Rear Yard Hardscape Design requirements.

Section 21. Fountains and Water Features. Fountains should not convey a wasteful use of water in the desert environment and should be compatible with the architectural style of the home.

- A. Fountains and other water features must be designed in a manner that screens the water from view from outside of the Lot. Water features that are screened with courtyard walls or other means must be approved by the AC and the decibel sound level of the feature or fountain shall be presented to the AC as part of the approval process.
- B. Fountains and other water features must conform to all Town and county regulations.
- C. All fountain equipment must be appropriately screened visually and audibly from adjacent neighbors or common areas.
- D. Fountains and water features may not be affixed to the wall of the home or any property line wall or fence.

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Section 22. Security Treatments. Security treatments should not detract from the architectural character of the home and must be approved by the AC

- A. Gates at driveways are not permitted.
- B. Bars and/or security grilles on windows are not permitted.
- C. Security screen doors at the main entry to a residence shall compliment the architectural character of the residence.

Section 23. Skylights. AC must approve skylights that are visible night or day from any property in the HOA.

Section 24. For Sale Signs.

- A. Must comply with State Law.

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ARTICLE III - LANDSCAPE RULES

Merrill Cantatierra is mature community with a varied landscape appearance which features large shade trees, turf yards and generous street setbacks. Through the course of time, numerous landscapes in Merrill Cantatierra have been upgraded and modernized to incorporate colorful, low-water use desert plants including trees native to the Sonoran desert. Neither aesthetic is inappropriate for this unique neighborhood.

When upgrading the Visible landscape within Merrill Cantatierra, whether as a standalone landscape remodel or part of a larger construction project such as a home tear-down or home remodel, there are certain design principles that should be considered as a part of the design process:

General. In general terms, the Association desires to maintain the diversity of planting and color, the wide, shady streetscape and to be considerate of neighboring homes, common areas and the environment where appropriate. As such, these guidelines include a “Recommended Plant List” based on plants that are common to the neighborhood in an effort to maintain continuity, plants that are appropriate for our desert environment and plants that do not possess undesirable characteristics. These guidelines also include a “Not Recommended Plant List” based on plants that have certain undesirable growth characteristics such as heavy pollen production, heavy litter production or maintenance requirements, high water use, invasive, or otherwise not consistent with the neighborhood character.

Trees. Merrill Cantatierra features numerous mature shade trees which are staple of the neighborhood. When replacing or supplementing trees in the landscape the variety, size and placement of the trees should consider solar exposure (create shade for south and west exposures), setbacks from the street or home (avoid long term maintenance or liability issues) and the location of other trees in the area (avoid overgrowth). Please refer to the Recommended Plant List for suggestions of suitable trees for the neighborhood.

Minimum Requirement: A MINIMUM of three (3) mature trees (see note below) are required per street elevation (i.e.: standard lot requires three mature trees, a corner lot on two streets requires a minimum of six mature trees, etc.). More trees may be required based on the actual site conditions to provide screening, buffering of two-story elevations, continuity with the adjacent streetscapes, etc.

Note that mature trees are a fundamental part of the neighborhood and the Board will expect large trees as replacement or as a part of a remodel. A minimum of 50% of trees

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on any new planting project shall be 42" box in size. Minimum size of any tree in the Visible yard shall be 24" box unless approved in advance by the AC and the Board.

Shrubs, Ground Covers and Accent Plants. Shrubs and ground covers create transitioning and scaling of the home to the ground plane and street. Large shrubs should be used to create a foundation planting against the home or walls while transitioning to smaller shrubs and ground covers near the street, driveway, etc. Accent plants such as cactus and succulents add texture and interest to the overall composition of the yard. Massing and composition shrubs and ground covers are very important to the look of the neighborhood (see Appendix). Please refer to the Recommended Plant List for suggestions of suitable shrubs and ground covers.

Minimum Requirement: A MINIMUM mix of three shrubs, ground covers and accent plants per 100 square feet (3:100 s.f.) are required for all non-turf, non-paved areas of the front yard.

Fewer plants may be approved by the AC if the quality of the design and composition demonstrate compliance with the goals of these Rules and continuity with the neighborhood. Additional plants may be required based on the actual site conditions to provide screening, buffering, continuity with the neighborhood, etc.

NOTE: In order to maintain continuity with the neighborhood no "all cactus gardens" are permitted within Visible front yards.

Turf Grass and Synthetic Turf. Turf grass is a prevalent plant in Merrill Cantatierra and is significant character element of the neighborhood. Live turf may be used in Visible landscape areas subject to the following:

A maximum of 75% of the Visible, unpaved yard may be turf (live or synthetic) in order to accommodate transitional planting adjacent to the home and street.

A minimum 3-foot planting area must be provided between the street curb and the turf. This will help minimize wasteful overspray onto the street which accelerates the deterioration of the HOA maintained streets. Existing homes are not subject to this requirement until such time as a landscape revision is proposed on the Lot. Any applications to change landscaping to create a three-foot barrier shall be approved by the AC with no fees.

Synthetic turf may be used in new projects or as a replacement of existing live turf. Synthetic turf must be of the highest quality and have the appearance of real grass. A sample of the actual synthetic turf must be submitted to the AC prior to installation. See Appendix for additional synthetic turf requirements.

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All turf, synthetic or live, must be contained by a border of concrete, brick, pavers or other permanent edge.

Granite and Boulders. Granite and boulders in the landscape should have a natural appearance and color. Decomposed granite should be earth tone in color (browns and beiges) and not locally inappropriate colors such as white, red, green, etc.

Decomposed granite adjacent to street curbs should be inset approximately 1" below the curb to avoid granite running into the street.

Boulders should also be locally appropriate in color and size. Boulders should be integrated into the landscape to have a natural appearance.

The Board strongly encourages residents to hire a professional landscape architect or landscape designer to assist in the design process. Use of a design professional can significantly reduce the time required for AC and Board approval.

Some specific expectations for Improvements are set forth as the Rules which follow.

Section 1. Landscape and Plantings. Except for the replacement of existing landscaping with the same materials or the extension of an existing area (extending rock or desert scape to a grassy area for example), all landscaping which is or will be with the passage of time, Visible, must be installed in accordance with a Plan submitted to the AC and Board. In the case of new construction or a remodel or addition, these Plans should be submitted at the same time and must be installed within 60 days after a certificate of occupancy or similar permit is issued by the Town. Prior to landscaping, Lots must be maintained in a neat, clean and dust-free condition in accordance with Maricopa County dust control procedures. The AC will focus its review on Visible areas both at inception and as the landscaping matures.

Section 2. Landscape Walls, Fences and Gates. All walls, fences and gates shall be designed, constructed and painted in harmony with the materials and colors (primary or accent) of the main residence and unless to delineate the property line, must be entirely within the boundaries of the Lot. The use of plantings to soften the visual impact of any wall is encouraged. Fences may be used to enclose pools, recreational areas, courtyards or patios and shall not exceed 5' in height without approval of the AC and Board. Security gates may be installed but no drive gate may encroach into a setback. Color, material and the ability to see through the gate are important. The design, materials, colors and layout all need AC and Board approval.

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Section 3. Landscape Lighting. The intent of the lighting rules is to minimize excessive glare and other adverse visual effects on surrounding properties to be consistent with Town Exterior and Site Lighting Design Guidelines.

A. Exterior landscape lighting is a light source located outside the home, serving purposes of safety and/or security or highlighting landscape or architectural features. Low voltage lighting mounted in a low profile manner may be used to illuminate vehicular and pedestrian circulation. Light sources should be screened from view and all landscape lights should be controlled with an automatic timer or photo cell device.

B. Upward directed lights will be limited to illumination of only trees, shrubs, boulder or rock features and building and architectural features as approved.

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ARTICLE IV - CONSTRUCTION REGULATIONS

Each Owner shall include the construction regulations set forth in these Rules and in the Declaration in any construction contract for any Improvement on a Lot and each Owner is responsible for ensuring compliance by the builder, agent or other employee(s). Each Owner shall be held responsible for any violation of the Rules by any builder, contractor, subcontractor, worker, supplier, agent, employee or other party with whom the Owner has directly or indirectly contracted. To assure compliance with the Declaration and these Rules, Members of the AC or Board may make periodic inspections of building sites during construction. If a violation is found, the Owner will be given written notice by the AC or Board and if the issue is not promptly corrected, monetary damages may be imposed and/or the work suspended.

Section 1. Pre-Construction Conference. Prior to any demolition of existing buildings or landscaping (except for routine maintenance such as removing dead or dying items or replacing with similar items), the Owner shall meet with a representative of the AC to review procedures and coordinate construction activities including access times, noise and dust abatement, road damage and other matters. The Owner shall have prepared and presented an approximate construction schedule with start and finish dates of segments, utility hook up data, and the anticipated occupancy date. Any significant deviation from the schedule must be reviewed by the AC for evaluation and resolution. Significant delay may result in monetary sanctions and/or other required responses by the Owner.

Section 2. Plant Conservation. In order to preserve the mature nature of the landscaping throughout the Community and the resulting strong property values, each Owner is requested to have a plan for the preservation and protection of ANY MATURE landscaping ON THEIR LOT and to make such protection a condition of the work performed for any Improvements.

Section 3. Trash and Construction Materials. A plan for the containment of trash and storage of on-site building materials must be delivered to and approved by the AC prior to the commencement of construction.

Section 4. Construction Fences. Construction fences may be required around the entire perimeter of the property prior to any demolition or construction. Fencing must be at least 5' high and must be fully screened and maintained.

Section 5. Construction Trailers, Portable Field Offices, Etc. Not allowed.

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Section 6. Debris and Trash Removal. Each Owner shall clean up all trash and debris on the construction site and adjacent streets or Lots at the end of each day. Trash and debris shall be removed from each construction site. Dumpster shall not be malodorous. Lightweight material, packaging and other items shall be placed in a closed container, covered or weighted down to prevent wind from blowing such materials off the construction site. An Owner is prohibited from dumping, burying or burning trash anywhere on the Lot or in the Community. Disposal of any type of chemical, cleaner, fuels, oils or toxic or environmentally harmful materials is prohibited in the Community.

During the construction period, each construction site shall be kept neat and shall be properly policed to prevent it from becoming an eyesore or affecting other Lots or Common Area. Any clean-up cost incurred by the Association in enforcing these requirements will be billed to the Owner. Dirt, mud or debris resulting from activity on each construction site shall be promptly removed from the streets, Common Area and driveways or other portions of the Community.

No cleaning of equipment is permitted on site except for concrete trucks which must be in a designated area on the Lot with lining and enclosed in accordance with Town ordinances.

Section 7. Sanitary Facilities. Each Owner shall be responsible for providing adequate sanitary facilities for their construction workers. Portable toilets or similar temporary facilities shall be located only on the Lot and in specific areas approved by the AC. Facilities shall be emptied as necessary and the contents removed for the Community.

Section 8. Vehicles and Parking Areas. A parking plan must be submitted at the initial meeting with the AC. Construction vehicles, employee vehicles and/or machinery may be parked only in the area designated by the AC. Dumpsters and building material must be contained on the Lot, behind the construction fence. All construction and property related vehicles for site shall be parked according to a plan approved by the AC. It shall not be acceptable for vehicles to park impeding traffic.

Section 9. Excavation Materials. Excess materials must be removed from the Community as soon as reasonably possible after excavation.

Section 10. Restoration or Repair of Other Lot Damage. Damage and scarring to property outside the boundary lines of the Lot, including but not limited to Common Area, other Lots, roads, driveways and/or other Improvements, will not be permitted. If any such damage occurs, the Owner of the Lot shall repair and/or restore such damage

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promptly. Upon completion of construction, each Owner shall clean the construction site and repair those portions of the Lot which were damaged, including but not limited to restoring grades, plantings, shrubs and trees as approved or required by the AC and cleaning/repairing streets, curbs, gutters, driveways, pathways, drains, culverts, ditches, signs, lighting, mailboxes and fences. This requirement shall not diminish in any way, any claims by a damaged Owner against the Owner or any contractor performing or having the construction work performed. Before construction may commence, the AC may assess a fee to the Owner having the work performed, to offset stress to the roads because of construction activities. This fee is non refundable and not an offset against the Owner's responsibility to make repairs or cure any damage.

Section 11. Miscellaneous. Owners are responsible for the conduct and behavior of their agents, representatives, builders, contractors, sub-contractors, workers, suppliers, employees or any other related parties within the Community. During the construction phase, the following practices are prohibited in the Community and will subject the Owner to fines and/or work stoppage:

- A. Changing oil on any vehicle or equipment.
- B. Using disposal methods other than those approved by the AC.
- C. Fire Safety. At least one 10 pound ABC rated dry chemical fire extinguisher shall be present and available in a conspicuous place on the construction site at all times. Smoking is restricted to paved or cleared areas only with all cigarette butts to be disposed of in a receptacle designated specifically for that purpose or in a vehicle ashtray. If workers are taking advantage of the privilege to smoke on the property, smoking will be prohibited. All personnel engaging in activities that produce sparks: welding, metal cutting, grinding, etc., are required to keep a minimum of two five-gallon buckets of water and one charged, working fire extinguisher within ten feet at all times. Absolutely no fires for the purpose of construction activities are permitted.
- D. Consumption of alcoholic beverages or any illegal drug.
- E. Restrictions. Absolutely no pets, children, alcoholic beverages, illegal drugs, firearms or other weapons are permitted on any construction site at any time. Violators will be subject to permanent eviction from the project and possible legal prosecution.
- F. Catering trucks.
- G. Trash must be contained and disposed of properly in trash receptacles.

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- H. Music from other than the interior of a Residential Unit and/or audible from any other Lot or street. Radios, audio equipment, horns, fireworks etc. are prohibited and are subject to confiscation. Violators may be subject to eviction from the site and loss of construction privileges.
- I. Job Site Restriction. Workers are not to use common amenities and facilities for their lunch or break periods.

Section 12. Dust and Noise. The contractor and Owner shall be responsible for controlling dust and noise from the construction site in compliance with applicable government regulations.

Section 13. Signage. A single, non-illuminated construction sign of not larger than 18" x 24" inches with a face area of not more than 3' s.f. will be allowed. The sign may have attachments for plans and permits. The sign may state the name of the general contractor, its phone number and license number. No information such as "for sale" or "available" or descriptive phrases such as "4 bedroom" may appear. The sign must be removed at the time the Improvement is substantially complete or upon direction of the AC.

Section 14. Daily Operation and Access.

- A. Shall comply with Town Code.
- B. Construction or maintenance activity is not permitted on Sundays or recognized holidays without prior written approval of the AC and subject to compliance with the Town codes. Access rules apply to all aspects of the job including delivery of items such as sod. Contractors and delivery vehicles will be denied access to the Community at the gate during unapproved hours. Any exceptions to this provision must be in writing from the AC or Board.
- C. No exterior or sound generating noise work to be performed on the weekends. No exceptions.

Section 15. Insurance. The Owner, either independently or through its qualified contractor, shall provide insurance in such amounts and coverage as may be determined acceptable from time to time by the AC.

ARTICLE V - DESIGN REVIEW PROCEDURES & PLAN APPROVAL PROCESS

Section 1. Introduction. Whenever any action requiring approval of the AC or Board under these Rules or the Declaration is contemplated, the Owner must first submit an application for same to the AC as provided herein. When the application is approved and the necessary building permits obtained from the Town, the Owner shall proceed in a timely manner and complete the work as scheduled. For construction of a new main residential structure or reconstruction of an existing home (more than 50% of square footage under roof of the main residential structure), the Supplemental Design Review Procedures set forth in Article VII, herein, shall apply.

Section 2. Security Deposits and Design Review Fees. For construction of a new main residential structure or reconstruction of an existing home (more than 50% of square footage under roof of the main residential structure), a security deposit in the amount established by the AC shall be due and submitted with the Improvement Application. The check shall be made payable to: Merrill Cantatierra Homeowners Association. – Construction Security Deposit. The Owner also may be required to submit a non-refundable design review fee to compensate the Association for the cost of consulting any architectural, construction or other professionals the Association deems appropriate to review the Plans.

Section 3. Time Periods for Approval. Unless otherwise provided herein, all periods of time refer to calendar days and include Saturdays, Sundays and holidays, provided that an act will be deemed to have been timely performed if done on the next day which is not a Saturday, Sunday or holiday.

The AC shall provide the Owner a response to a full and complete application (every form, Plans, specifications, time lines, landscape plan, etc.) within 30 days after receipt unless receipt is in June, July or August. If an application is submitted during June, July and August, a special Board meeting may (at the discretion of the Board) be called for the purpose of reviewing a recommendation of the AC. Pursuant to Article VI, Section 6 of the Declaration, in the event the Board fails to approve Plans within ninety (90) days after full and complete Plans have been submitted to the AC, the Plans will be deemed approved. Re-submittals and/or modifications of any portion of the application shall provide the AC an additional 30 days from receipt each time there is a change. The response from the AC may be its approval and referral to the Board for final approval, a request for additional information or otherwise. If the application is sent to the Board, the Board shall act at its next regularly scheduled meeting. If an Owner chooses to

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appeal a decision by the AC or Board, such shall be done in writing. No Owner may proceed with any project until it receives written approval from the Board.

Section 4. PLAN APPROVAL STEP ONE: Pre-Design Meeting. Prior to preparing preliminary plans for any proposed Improvement, an Owner must meet with an AC representative to discuss the project and try to resolve any issues. This informal review is to offer guidance prior to preliminary design. This meeting shall be by appointment and the AC shall not be obligated to review any proposals unless Owner has satisfied this requirement.

Section 5. PLAN APPROVAL STEP TWO: Confirmation of receipt of Architectural Rules. Owners must contact the AC prior to commencing construction and confirm that they have a current copy of the Rules.

Section 6. PLAN APPROVAL STEP THREE: Submission of Schematic Design. The Owner shall prepare a preliminary design package ("Schematic Design") and submit it to the AC along with an Application for Architectural and Landscape Improvement Review ("Improvement Application") in the form attached hereto as Exhibit A. The Improvement Application must include 2 copies of all the exhibits specified below. The AC may but is not required to review partial submittals.

- A. Site Plan (scale at 1"=20' minimum) showing the entire Lot, location of the building setbacks, the Improvements and all fences, walls, landscape items, lighting, pools, spas, guesthouse, garages, storage facilities, structures, recreational facilities, driveway, parking area, existing and proposed topography with drainage and proposed finished floor elevations.
- B. Roof plans and floor plans (scale 3/16"=1') showing proposed finished floor configurations.
- C. All exterior elevations (scale 3/16"=1') showing both existing and proposed grade lines, elevation heights, roof pitch and an indication of all exterior materials and colors.
- D. Color rendering of the front elevation.

To assist the AC in its evaluation of the preliminary plans, the Owner may be asked to provide preliminary staking at the corners of the Improvements and at such other locations and at such heights as the AC requires.

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The AC will advise the appropriate neighbors of requests by a neighbor for permission to make Improvements needing Board approval. The AC will use its best efforts to manage any objections or concerns and report to the Board if action is needed.

Section 7. PLAN APPROVAL STEP FOUR: Submission of Final Plan. After written approval of the Schematic Design is obtained from the AC, the Owner shall prepare the final plan ("Final Plan") and submit it to the AC along with the Application for Final Plan Review in the form attached hereto as Exhibit B. The Application for Final Plan Review must include all of the exhibits and fees below and no review will commence until the submittal is complete. Two (2) sets of Final Plans are required.

- A. Application Form indicating, among other things, an address for written notification.
- B. Site Plan (scale at 1"=20' minimum) showing the entire Lot, location of the building setbacks, the Improvements and all buildings, driveways, parking areas, existing and proposed topography, finished floor elevations, all utility sources and connections, site walls and fences.
- C. Floor and Roof Plans (scale 3/16"=1') showing finished floor elevations and all roof pitches.
- D. Building section (scale 1/8"=1' minimum) indicating existing and proposed grade lines.
- E. All existing elevations (scale 3/16"=1') showing both existing and proposed grade lines, fences, walls, landscape, lighting, pools, spas, patios, porches, guesthouse, garages, structures, storage facilities, driveways, parking area, roof type and pitch and an indication of exterior materials and colors.
- F. Detailed list of exterior materials and colors, depicting and describing same.
- G. Complete landscape plan (1"=20' minimum) showing size, quantity and type of all plants, irrigation systems, decorative materials and borders plus materials and debris confinement area. Trees shall be drawn to reflect mature growth. The complete landscape plan submittal must also include a completed Landscape Compliance Worksheet in the form attached as an Appendix to these Rules.
- H. Exterior lighting plan showing location and manner of installation for each light as well as a cut sheet for each light to be used.

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- I. On site staking of all building corners and perimeters as well as other Improvements as required by the AC.
- J. Grading and drainage plan.
- K. Color rendering of the front elevation.
- L. Security Deposit.
- M. Review Fee.

Section 8. PLAN APPROVAL STEP FIVE: Final Design Approval Meetings. The AC shall meet to consider Final approval of Plans and forward its recommendation to the Board.

- A. Application must be received by the Committee 72 hours prior to noticed meeting times in order for an item to be placed on the required Agenda for such meetings.
- B. AC meetings are open to all who wish to attend.
- C. The 72 hour minimum for submittals is the Committee's policy consistent with Notice and Agenda requirements for open meetings. Change in open meeting requirements may necessitate changes in the Committee's requirements.
- D. Association Board Meetings to consider AC recommendations. The Board requires the Committee's submittal at least 72 hours in advance of noticed meeting times in order for an item to be placed on the Agenda required for such meetings.

Section 9. PLAN APPROVAL STEP SIX: Written Approval. The Board of the Association shall notify the applicant of its determination in writing. The Board shall also give all notices regarding security deposits in writing.

Section 10. Commencement and Completion of Construction. After commencement, construction must proceed in a continuous manner through the completion of the Improvements. If construction ceases for a period greater than 45 days, subject to labor strikes, fires, national emergencies or natural calamities, the Association may require that construction immediately resume or that the Lot be returned to the condition existing prior to construction. The Owner shall complete construction of the approved Improvements within 18 months after commencement thereof or such other period of time set forth in the approval, subject to any or all design review procedures set forth below, including, without limitation, the payment of fees.

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Section 11. Inspection of Work in Progress. The AC may inspect all work in progress and give notice of compliance or noncompliance. Absence of such inspection or notification during the construction period does not constitute an approval by the AC of work in progress or compliance with these Rules. Inspections and notices are required for all work for which security deposits are required. Notice of the results of such inspection shall be given within 5 days or as otherwise required by Statute.

Section 12. Final Inspection. Upon completion of any Improvement, the Owner shall give written notice of completion to the AC in the form attached as Exhibit C (the "Application for Improvement Inspection"). Within 10 days after receipt by the AC of the Application for Improvement Inspection, a representative of the AC shall inspect the Improvements for compliance with the Final Plans approved by the AC. If all Improvements are not in strict compliance with the Final Plans, the Owner will be notified by the AC in writing within 10 days after the inspection specifying those areas of non-compliance. The Owner shall be required to correct the non-compliance items within a time period deemed reasonable by the AC and set forth in writing by the AC. If the Owner fails to complete the corrections required within the time specified, the AC may take any action available under these Rules or the Declaration to accomplish corrections including, without limitation, recording a notice of violation with the Maricopa County Recorder's office, making the corrections at the cost of the Owner, assessment of fines and injunctive relief.

Two inspections are required for all work requiring a security deposit. The final inspection in addition to the inspections referenced in Section 10 of this document may constitute the second inspection or be in addition to it. Notice of the second inspection determinations shall be within 30 days or as otherwise required by Statute.

Section 13. Release of Security Deposit. Along with its Final Approval the Board shall release any refundable portion or all of any security deposits.

Section 14. Right of Waiver. The AC reserves the right at its sole discretion to waive or vary any of the procedures, fees or standards set forth herein, including without limitation, waiving pre-design meetings and certain submittal requirements for minor alterations which do not require a building permit from the governing authority or for Improvements which do not require a security deposit.

Section 15. Waiver Requests. The Committee may accept written requests for the waiver of any of its Architectural Committee Rules, whether for Improvements existing in violation of its Rules or for proposed construction. Such requests shall be accompanied by Plans or photographs clearly depicting the nature of the Improvements and

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referencing the specific reasons why the Improvements should be exempted from the Rules.

Section 16. Waiver of Liability. The Owner shall have no claim or cause of action, in law or equity for any error, omission or any act or failure to act under these Rules or the Declaration and no Owner may pursue or commence any construction activity or work on an Improvement except in accordance with these Rules.

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ADDENDUM A

OWNERS ACKNOWLEDGEMENT OF SUPPLEMENTAL DESIGN REVIEW PROCEDURES FOR NEW CONSTRUCTION AND REBUILDS OF THE MAIN RESIDENTIAL STRUCTURE

The following Supplemental Design Guidelines were adopted by the Board of Directors to implement A.R.S. § 33-1817. These Supplemental Design Review Procedures supersede any conflicting provisions of the Association's Declaration, Articles, Bylaws, Architectural Guidelines or other community documents (collectively, the "Governing Documents"). To the extent consistent herewith, all other provisions of the Governing Documents not set forth herein shall remain in full force and effect.

For purposes of complying with A.R.S. § 33-1817(2), "new construction of the main residence" ("New Construction") means and refers to construction of a principal dwelling structure for occupancy on a Lot ("Dwelling Unit").

For purposes complying with A.R.S. § 33-1817(2), "rebuids of the main residential structure" ("Rebuilds") means and refers to reconstruction resulting from the demolition or destruction of 50% or more of the existing principal Dwelling Unit, as measured by square footage under the roof of the Dwelling Unit, as well as issuance of a permit from the Town of Paradise Valley.

The following rules apply to all New Construction and Rebuilds of a Dwelling Unit:

1. Security Deposits

A. A security deposit in the amount of \$5,000.00 is required for New Construction and Rebuilds. The Association shall place the security deposit in a trust account, in an FDIC insured financial institution, with the following instructions:

- (i) The cost of the trust account shall be the owners responsibility.
- (ii) If the construction project is abandoned, the Board of Directors may determine the appropriate use of any deposit monies.
- (iii) Any interest earned on the refundable security deposit shall become part of the security deposit.

B. The Association is not required to use an interest-bearing trust account.

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- C. The Association shall not be required to open a separate trust account for each security deposit.
- D. In addition to a security deposit, a non-refundable design review fee may also be required to defer the costs of the Association in considering any requests for approvals.

2. Design Approval Meetings and Formal Reviews

- A. Final Design Approval Meeting. The Association will hold a final design approval meeting for the purpose of issuing approval of the Plans, and the Owner or Owner's agent must have the opportunity to attend the meeting.
 - (i) If the Plans are approved, the Association's AC representative shall provide written acknowledgement that the approved Plans, including any approved amendments, are in compliance with all Governing Documents in effect at the time of the approval and that the refund of the deposit requires that the construction be completed in accordance with the approved Plans.
- B. On-Site Formal Reviews. At least two (2) on-site reviews during construction shall occur for the purpose of determining compliance with the approved Plans. The Owner or Owner's agent may attend both reviews.
 - (i) Within five (5) business days after the formal reviews, the Association will provide a written report to the Owner or Owner's agent specifying any deficiencies, violations or unapproved variations from the approved Plans, as amended, that have come to the attention of the Association.
 - (ii) Within thirty (30) days after the second formal review, the Association will provide the Owner a copy of the written report specifying any deficiencies, violations or unapproved variations from the approved Plans, as amended, that have come to the attention of the Association.
 - a. If the written report does not specify any deficiencies, violations or unapproved variations from the approved Plans, as amended, that have come to the attention of the Association, the

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Association shall promptly release the deposit monies due to the Owner.

- b. If the written report identifies any deficiencies, violations or unapproved variations from the approved Plans, as amended, the Association may hold the deposit for one hundred eighty (180) days or until receipt of a subsequent report of construction compliance, whichever is less (unless the deposit has been forfeited by non-compliance).
 - c. If a report of construction compliance is received before the 180th day, the Association will promptly release the deposit monies to the Owner.
 - d. If a compliance report is not received within 180 days, the Association shall release the deposit monies from the trust account to the Association.
3. Neither the approval of the Plans nor the approval of the actual construction by the Association or the AC shall constitute a representation or warranty that the Plans or construction comply with applicable governmental requirements or applicable engineering, design or safety standards. The Association in its discretion may release all or part of the deposit to the Owner before receiving a compliance report. Release of the deposit to the Owner does not constitute a representation or warranty from the Association that the construction complies with the approved Plans.
4. Nothing contained herein shall otherwise limit the Association's rights and remedies at law or in equity with respect to noncompliance of the Governing Documents, including the ability to fine.

By submitting Plans for review and approval, Owner is representing to the Association that the Plans are in compliance with the Governing Documents, and that subsequent construction is likewise in compliance with the Governing Documents.

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ADDENDUM B

MERRILL CANTATIERRA HOMEOWNERS ASSOCIATION. ENFORCEMENT POLICY

Merrill Cantatierra Homeowners Association. has established the following Enforcement Policy for violations of the Governing Documents including, without limitation, violations of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Merrill Cantatierra, dated June 3, 2008, recording number 2008-0491550 (the “Declaration”); and the Rules. This Enforcement Policy also includes a Schedule of Monetary Penalties, including penalties for continuing violations. This Enforcement Policy shall be deemed part of the Association Rules and is subject to amendment or modification at any time by majority vote of the Board. This Enforcement Policy is adopted in accordance with Article IV, Section 5 and Article VIII, Section 1 of the Declaration.

SCHEDULE OF MONETARY PENALTIES

Violation Letter and Fine Schedule:

1. A letter will be sent to the Homeowner of the property outlining the violation. The Homeowner will be given at least (10) calendar days to bring the violation into compliance. The notification letter will offer an opportunity for a Hearing with the Board of Directors.
2. If after (10) calendar days the violation has not been corrected, a second letter will be sent out again outlining the violation, a minimum \$250.00 fine will be assessed to their account. The notification letter will offer an opportunity for a Hearing with the Board of Directors.
3. If after (20) calendar days the violation has not been corrected, a third letter will be sent notifying the Homeowner that the violation has continued and a minimum \$500.00 fine has been assessed against them. The notification letter will offer an opportunity for a Hearing with the Board of Directors.
4. If after (30) calendar days the violation has not been corrected, a fourth letter will be sent notifying the Homeowner that the violation has continued and a \$1,000.00 fine has been assessed against them. The notification letter will offer an opportunity for a Hearing with the Board of Directors.
5. If a violation is referring to improper maintenance of landscaping on the Lot including overgrown landscape, dead plants, or weeds, the Board may, by

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resolution, make a finding to such effect. After providing the Owner with written notice of such finding and an opportunity for a hearing, and if, after fifteen (15) calendar days, the violation has not been corrected, the Association shall be empowered to have its landscaping contractor bring the property back into compliance pursuant to Article IV, Section I(A) of the Declaration. The cost to do so is set at \$600.00 and will be assessed to the homeowners account.

6. The homeowner will be responsible for any attorney fees and costs that were incurred by the Association that are related to bringing the property into compliance with the Declaration, Rules or other Association Governing Documents.

Notwithstanding the foregoing, immediate action will be required for any nuisance or any violation that the Association determines, in its sole discretion, affects the health, safety and welfare of the Association or Association Members. In such instances, the Board shall be entitled to take whatever action it may believe is necessary to guard against or prevent such injuries without providing the Owner notice and an opportunity to be heard.

Grievances (Statement of Defenses) arising from, or an appeal of, any enforcement Action must be addressed in writing to the Board of Directors of the Association, dated and signed by the Owner, and forwarded to the Association within (14) calendar days of the date the formal notice of violations was sent. Upon receipt of a request for a hearing, the Board shall set a date and time to hear the Owner's grievance, and the Board will provide notice to the Owner at least (7) calendar days prior to the date of the hearing.

The hearing requirement is satisfied by allowing an opportunity for the Owner to be heard at the hearing date. Failure to attend said hearing will constitute a waiver of the right to a hearing by the Owner. Decisions of the Board are final in all cases.

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APPENDIX A - RECOMMENDED PLANT LIST

Please visit the **Town** of Paradise Valley's Website (www.paradisevalleyaz.gov) for plants are recommended based on their desirable characteristics such as compatibility with the neighborhood, low water use, hardy, vigorous growth, color and appropriateness for this microclimate. Other plants may be approved by the AC upon specific request.

APPENDIX B - “NOT RECOMMENDED” PLANT LIST

The AC recommends against the use of the following materials based on their undesirable characteristics including: high water use, heavy pollen production, excessive litter production, frost sensitivity, etc.

Plants	Remarks
• Pine Species.....	Pollen, litter and water use
• Ficus Trees	Litter and very frost sensitive
• Eucalyptus species	Litter and storm damage
• Olive Trees	Pollen and litter
• Mexican Palo Verde.....	Invasive and litter
• Cottonwood Tree	Water use
• Fountain Grass	Invasive
• Desert Broom.....	Invasive
• Common Bermuda grass	Invasive and pollen (Hybrid varieties such as Midiron and Bob Sod are acceptable).

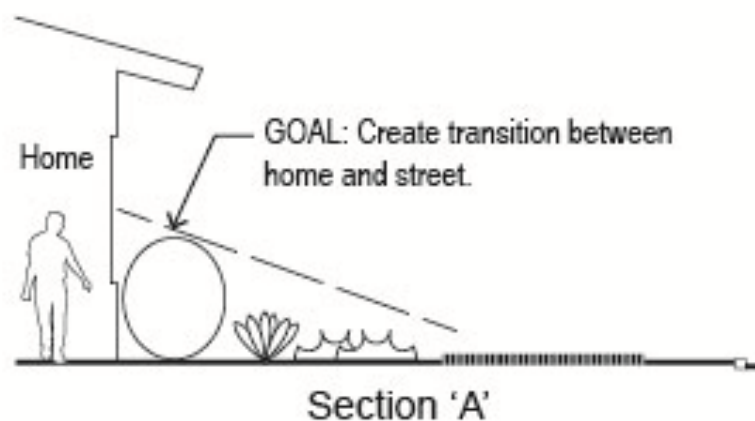
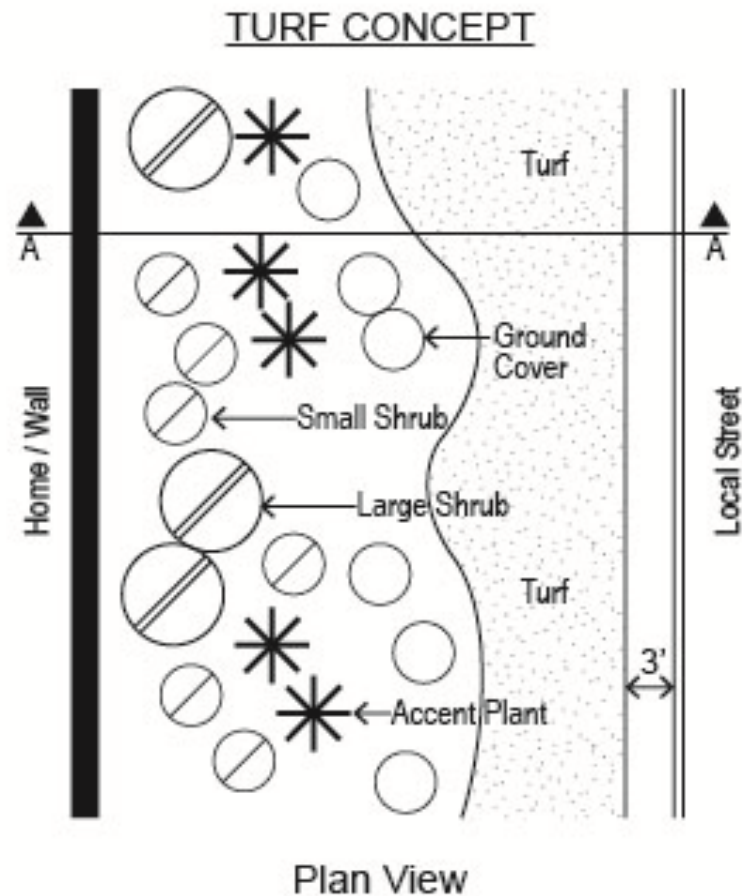
While many of these plants exist in the neighborhood, future use of these materials is not recommended. There is no requirement for residents to remove existing plants on this list.

APPENDIX C - SYNTHETIC TURF REQUIREMENTS

- Synthetic turf must be professionally installed by a licensed representative of the manufacturer and covered by a manufacturer's warranty of at least seven years.
- The installation contractor must be licensed, bonded and insured.
- Any request for installation of synthetic turf must include a 1-foot square sample including infill of the exact product proposed.
- Synthetic turf must be installed in such a way as to appear seamless and uniform.
- All seams must be glued
- Synthetic turf must look natural and mimic locally appropriate live grass.
- The blade length of the turf shall be a minimum of 1.5" and may not exceed 2.5".
- Synthetic turf must be maintained. Any fading, or deterioration of uniformity, etc. will require replacement.

APPENDIX D - ILLUSTRATIVE CONCEPTS

Planting Composition Exhibit - Turf



Planting

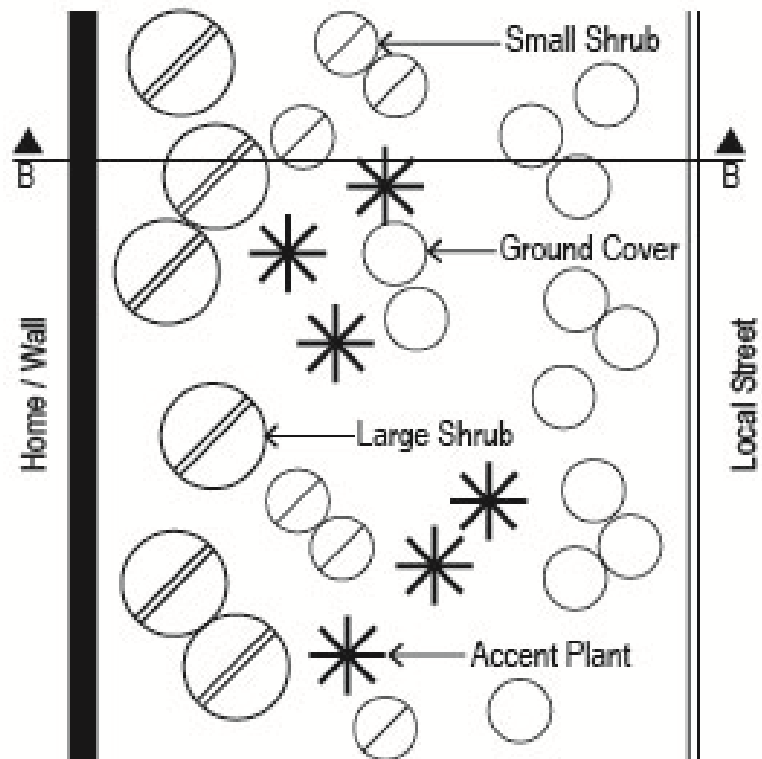
Composition

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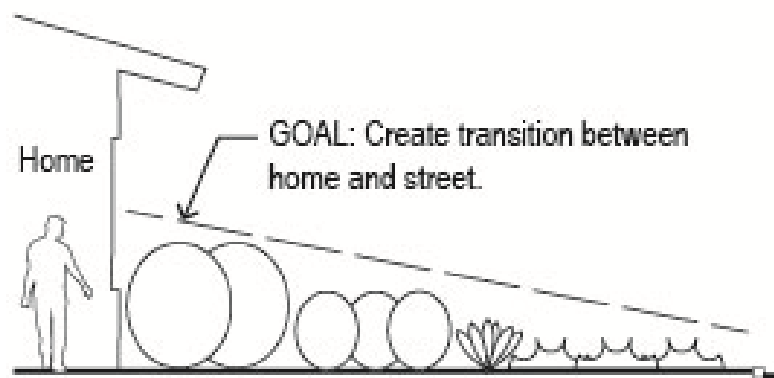
Adopted: February 6, 2020

Planting Composition Exhibit – Non-Turf

NON-TURF CONCEPT



Plan View



Section 'B'

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Adopted: February 6, 2020

APPENDIX E - LANDSCAPE COMPLIANCE WORKSHEET

Any renovation to the front yard must comply with the minimum requirements of these guidelines. The owner or designer must complete the following worksheet and submit with applicable plans.

Owner Information

Date Lot No.....
Owner Name
Address
Town /State/Zip
Phone
E Mail
Designer Name

Plans Required:

Front yard landscape plans must be submitted with this application form. All drawings must be drawn to scale and indicate existing / proposed topography as well as any improvements (existing and proposed) on the subject lot. Plans should also include appropriate notes, symbols and legends to clearly identify all existing and proposed materials including paving, lighting, plants or other design elements.

Landscape Compliance. Please fill in the following information:

- Total non-paved area (square feet) of front yards.f.
- Maximum Turf Allowed (75% of non-paved yard):s.f.
- Turf Area Proposeds.f.
- Shrubs, Ground Covers & Accent Plants Required (3:100 s.f.**)
- Shrubs, Ground Covers & Accent Plants Provided
- Trees Required (3 per street frontage)
- Trees Provided

**Calculations are based on non-paved and non-turf areas of the yard.

All unpaved areas shall be covered with 2-inch minimum thickness of decomposed granite per the requirements herein.

Plant quantities required are MINIMUMS. Additional plants are encouraged and may be required by the AC upon review of the submittal.

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EXHIBIT A & EXHIBIT B



MERRILL CANTATIERRA HOMEOWNERS ASSOCIATION ARCHITECTURAL CHANGE REQUEST APPLICATION

Homeowner Name: _____ Lot: _____
Property Address: _____
Phone: _____ Email: _____

Provide a description of the request in detail and use additional pages and drawings as necessary.
Include type of materials to be used, color(s), dimensions of structure and location on lot, if applicable.

Work to be performed by: _____ Work to be completed by: _____

Submit to: Merrill Cantatierra Homeowners Association
c/o Arizona Community Management Services, LLC
17787 N. Perimeter Drive, Suite A111, Scottsdale, AZ 85255

The Homeowner agrees to maintain the improvement if approved by the Board of Directors or their duly appointed representative. If, in the view of the Board of Directors, the improvement is not being maintained, the Association has the right to remove or maintain the improvement with the Homeowner bearing all costs. The Homeowner agrees to comply with all city, county and state laws and to obtain all necessary permits.

Signature of Homeowner _____ Date _____

The above described architectural change is: ☐ Pending – Request more Information
☐ Approved ☐ Disapproved ☐ Approved subject to the following conditions:

THE CHANGE IS TO BE COMPLETED BY: _____

Name of Association Representative _____ Signature _____ Date _____

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