

**REGULATIONS FOR CONSTRUCTION OF
FRACCIONAMIENTO RESIDENCIAL MALANQUIN
AUGUST 2007**

Article 1: In order to receive authorization from the Architecture Committee of the Association of Residents of Residential Malanquin A.C. to commence construction of new houses or remodel or add on to existing houses in Residential Neighborhood Malanquin, a lot owner and/or homeowner must comply with the following:

- a. Be a member of the Association of Residents of Residential Malanquin A.C., herein after to be referred to as "the Association" and be current with all respective fees of affiliation
- b. Accept to follow the Rules and Regulations of the Association, herein after to be referred to as the "Rules and Regulations" with respect to construction.
- c. Comply with the prerequisites which follow.
- d. Be current in all fees on property or properties acquired in Residential Malanquin for community maintenance with the Administration of the Residential Neighborhood of Malanquin, herein after referred to as "the Administration". Projects that are not up to date on fees could be suspended.
- e. If the owner of a lot is building a house on speculation for later sale, he/she must agree in writing to follow all Rules and Regulations of the Association as they apply to the style of construction and the maintenance of the construction area during the work. He /she must also agree in writing to inform any prospective buyer of said property of their obligation to become members of the Association.

Article 2: Architectural requirements:

- a. The exterior architectural style of houses in Residential Malanquin is "Colonial San Miguel" and must include some of the following details:
 - i. Main windows vertically elongated with ornamental cantera or concrete trim
 - ii. Red tile roofs and/or parapets with traditional cantera or concrete molding
 - iii. Inclined roofs must be covered with natural red tiles.
 - iv. Stucco/plaster walls
 - v. Use of traditionally styled arches and columns,
 - vi. Copulas topped with tiles
 - vii. Use of decorative wrought iron gates
- b. Only one family houses are permitted and must be a minimum of 250 square meters.
- c. Each house must have a minimum of one bathroom for visitors or for service workers with at least a toilet and wash sink even when there is no bedroom for live-in help.
- d. Each project must include one parking area or one garage space for an automobile for every two bedrooms with a minimum of one parking area or one garage space. These must be located within the property.
- e. On the roofs of the houses, satellite dishes and TV and radio antennas must be hidden behind walls. Also, water storage tanks and other service items must be hidden behind walls. In all cases these installations cannot be visible from other houses or from the outside.
- f. Tanks for L.P. gas must be installed in well-ventilated areas and always hidden from view.
- g. Service patios and/or work areas and clotheslines must be hidden behind solid walls.
- h. All house walls and property walls must be finished and painted when they are visible from the street, or a vacant lot, or a house

Article 3: Specific architectural requirements for Section A and Section B:

- a. Section A: the streets of Malaga, Sotogrande, and Granada until Granada #8
 - i. All construction contiguous with the golf course or land dedicated by Club de Golf Malanquin for the future nine holes must not exceed one floor and be limited to 5 meters in maximum height above the adjacent sidewalk level. These 5 meters is to include all service and ornamental details such as but not limited to satellite dishes, antennas, and

water tanks. In this manner neighbors on the other side of the street will be able to enjoy a view of the Club de Golf Malanquin.

- ii. The height of all other houses must not exceed 8 meters above the level of the adjacent sidewalk and must have a maximum of two stories above street level.
- b. Section B: Sevilla Street
- i. For the exterior areas:
 - The following areas must be left free:
 - 2.00 meters in the front of the lot
 - 1.00 meter on a lateral side with adjacent properties
 - ii. For the houses:
 - Lateral boundary walls along the property line will not exceed 2.00 meters in height, measured from the grade line of the property.
 - Frontage walls adjacent to the sidewalk will not exceed 1.20 meters in height.
 - Walls built 2.00 meters in from the sidewalk will have a maximum height of 2.5 meters.
 - iii. Additionally, the following rule will apply specifically and only to houses being built on the golf course side. Single family homes of 2 stories with a maximum height of 6.00 meters including all decorative details, satellite dishes, antennas and water tanks will be permitted. The height will be measured from the highest point of the frontage sidewalk.

Article 4: Permits and Licenses: The procedure for giving permission to commence construction of new houses or remodel or add on to existing houses will consist in giving to the Architecture Committee the following:

- a. A signed copy of this form from the proprietor and chief supervisor of the construction so that the Architecture Committee of Residential Malanquin will open a file.
- b. Proof of professional certification and current registration of the supervisor with the Municipality of San Miguel de Allende, Guanajuato.
- c. Three sets of plans for the project that contain floor plans, cross-sections, 4 facades and elevations showing all measurements. The plans must include details applied to the facades as well as the design for the front wall if separate from the house, the colors and a reference to the fact that this construction will respect the Colonial San Miguel style.
- d. Having studied the project, the Architecture Committee will return to the proprietor the plans authorized, signed and sealed. One set of plans will be kept by the Architecture Committee for the files of Residential Malanquin
- e. The proprietor must obtain permits and municipal and state licenses for the plans approved by the Architecture Committee and must deliver to the Architecture Committee a copy of the approved plans for its file.
- f. The proprietor must deliver a security deposit of twenty thousand pesos (\$20,000NM) to insure compliance with the Rules and Regulations of construction. This security deposit will be used to repair damage to the common areas should such damage occur during construction and is not repaired by the property owner. At the end of construction, authorization in writing from the Administration of Residential Malanquin and from the Architecture Committee will be required before a refund of the security deposit can be made.

Article 5: Anyone who acquires property or properties is obligated to begin construction within a maximum of two years and to complete construction within four years. If for any reason, said project cannot be completed within the specified time period, the Association must be notified.

Article 6: Once construction begins, the following must be adhered to:

- a. Rental or construction of a temporary latrine for the workers that must be situated inside the property and no closer to the perimeter than 3 meters.
- b. Construction of temporary quarters for a watchman and/or of a shack for construction materials. Placement of this/these is to be set back at least 3 meters from the front property line.

- c. Respect for the existing fences and walls, as access for all workers is through the principal entrance to Residential Malanquin so that there can be control of all people entering and exiting the neighborhood.
- d. Delivery of all construction material when possible must be made over the access roads and not over the principal roads.
- e. Avoid putting material on the sidewalks and streets. All construction material, gravel, sand, dirt, rebar etc. must be placed inside the property and not in common areas. All debris must be disposed of outside the development. The responsibility for adequately getting rid of all debris rests with the proprietor.
- f. All construction sites must have proper identification of the worksite not only on the street side but also if the construction site is adjacent to the golf club on the golf course side. Construction sites adjacent to the Club de Golf Malanquin property must position a delimiting border between themselves and the Club property and respect this delineation by not placing material over that border.
- g. Maintain empty cement sacks and containers inside the property and ensure that they do not fly into the street or neighbors' lots. Also, the proprietor is obliged to have a garbage can or other receptacle for plastic bottles and other non biodegradable materials. As well there should be containers for glass and organic materials.
- h. The construction must follow the plans approved by the Architecture Committee of The Association. Any modifications to the approved project must be submitted to the Architecture Committee for re-approval. Failure to comply will result in suspension of the work until such time as the new plans are submitted and approved in writing by the Architecture Committee
- i. The proprietor of the construction assumes responsibility for repairing all damage done to the streets, streetlights, register grates, electric lines or any other installation in the service areas or common areas and to private property or neighbors' properties by his workers, contractors and/or suppliers. The security deposit will be used to make such repairs should the proprietor himself not make them.
- j. It is expressly forbidden to wash or discharge in common areas of Residential Malanquin (streets, gardens, etc.) and in private areas with and without construction, the following: trucks, concrete mixers, concrete pumps, or any other type of machinery. The proprietor and the supervisor of the construction site are obligated to clean whatever amount of material the aforementioned vehicles leave on the pavement of the streets or in the described areas.
- k. Neither the Administration of Residential Malanquin nor the Association will be responsible for loss of materials or damage incurred on any construction site.
- l. The hours of work, which will apply to all workers and suppliers, will be Monday through Friday from 7:00am to 6:00pm and Saturday from 7:00am to 2:00pm.
- m. Suppliers of jobsite materials will be allowed entrance into Residential Malanquin Monday through Saturday from 7:00am to 1:00pm.
- n. Only a watchman non-accompanied and without animals will be allowed to remain on the construction site after hours.
- o. Radios and other sound equipment will not be permitted on construction sites during working hours as these might affect the tranquility of the adjacent neighbors.
- p. Workers are not permitted to drink alcoholic beverages or to take drugs inside Residential Malanquin.
- q. All workers and suppliers who enter Residential Malanquin must be informed by the proprietor of the Rules and Regulations of the Association. It is the responsibility of the proprietor to ensure adherence to these by all his workers and suppliers. The Rules and Regulations must be posted at the construction site.
- r. The proprietor and/or supervisor of the construction site are responsible for the conduct of his workers and suppliers as long as they are present in Residential Malanquin. All workers must wear shirts and shoes while working. A washroom and/or changing area for the workers must be situated so that they/it are not visible from the outside.
- s. It is expressly forbidden for personal vehicles, supplier vehicles, concrete mixers and the like to be parked in the streets without adequate signage and these vehicles are only allowed to park

during the designated working hours. Vehicles of workers on a construction site may be parked in those areas of Residential Malanquin where security permits and where their presence will create the least disturbance but in no case will they be allowed to park on the sidewalks.

- t. It will be the responsibility of the proprietor and/or supervisor of the construction to properly maintain the site and not prejudice the neighbors' sanitation. The front of the construction site must be cleaned of all debris at least once a week.
- u. Those responsible for the construction have the obligation to inform themselves about how to separate and deliver to the Residential Malanquin garbage truck garbage and debris. Garbage must be separated in the customary manner and put in garbage cans.

We agree to conform and commit ourselves to comply with the above Regulations.

Name of Proprietor

Signature of Proprietor

Name of Supervisor

Signature of Supervisor

Name of Administration of Residential Malanquin

Signature of Administration of Residential Malanquin

Name of Chairman of the Architecture Committee

Signature of the Chairman of the Architecture Committee

Date: _____