

**RESOLUTION NO. 2018-01**

**A Resolution of the Board of Directors for The Enclave in Flagstaff Homeowners Association, Inc. interpreting Section 1.13 of Article 1 and Section 7.2 of Article 7 of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for “The Enclave” (the “Amended and Restated Declaration”) and confirming the Association’s painting obligations relating to front and back doors of the Dwelling Units within The Enclave.**

**WHEREAS**, Section 1.13 of Article 1 of the Amended and Restated Declaration defines the term “Dwelling Unit” to mean, “any building or portion of a building situated upon a Lot designed and intended for use and occupancy as a residence by a Single Family”; and

**WHEREAS**, the Merriam-Webster dictionary defines the term “building” as “a usually roofed and walled structure built for permanent use (as for a dwelling)” and indicates that related words for “building” include a “house”; and

**WHEREAS**, the Merriam-Webster dictionary defines the term “door” as “a usually swinging or sliding barrier by which an entry is closed and opened.”

**NOW THEREFORE, BE IT RESOLVED**, that the Board of Directors concludes that the front and back entries to the Dwelling Units and the doors that comprise parts thereof are portions of the building that constitutes a “Dwelling Unit”; and

**RESOLVED FURTHER**, that the Board of Directors hereby interprets the word “building” as set forth in the definition of the “Dwelling Unit” in Section 1.13 of Article 1 of the Amended and Restated Declaration as including the front and back doors located in the entries to the Dwelling Unit.

**WHEREAS**, Section 7.2 of Article 7 of the Amended and Restated Declaration states, in part, that “The Association shall (i) paint the exterior of the Dwelling Units, ...”

**RESOLVED FURTHER**, that because the front and back doors of the Dwelling Units constitute portions of the Dwelling Units, the Board of Directors hereby determines that the exteriors of the front and back doors of the Dwelling Units are portions of the “exterior of the Dwelling Units” as such phrase is used in Section 7.2 of Article 7 of the Amended and Restated Declaration and therefore must be painted by the Association.

**WHEREAS**, Section 5.4 of the Amended and Restated Declaration grants to the Association an easement upon, over and across the Lots for the purpose of performing the Association’s duties and obligations under the Amended and Restated Declaration.

**RESOLVED FURTHER**, that the Owners and residents of the Dwelling Units must provide the Association and its agents access to the front and back doors of the Dwelling Units to enable the Association to perform its painting obligations as to the front and back doors of the Dwelling Units. In the event the Association is for any reason not reasonably able to gain access to a door of a Dwelling Unit at the time the doors of such Dwelling Unit are to be painted by the Association in accordance with this Resolution, the Association shall not paint such door and the Owner of the Dwelling Unit shall be responsible for painting such door in compliance with the Architectural Guidelines of the Association.

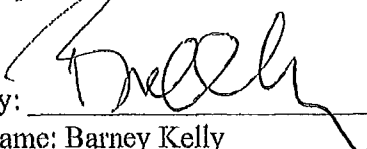
**WHEREAS**, pursuant to Section 10.19 of the Amended and Restated Declaration "Except for judicial construction, the Board of Directors shall have the exclusive right to construe and interpret the provisions of this Declaration. In the absence of any adjudication by a court of competent jurisdiction, the Board's construction or interpretation of the provision hereof shall be final, conclusive and binding as to all persons and property benefitted or bound by this Declaration."


**RESOLVED FURTHER**, that the interpretations by the Board of Directors of the above-mentioned provisions of the Amended and Restated Declaration and the related actions of the Board of Directors set forth in this Resolution No. 2018-01 shall be final, conclusive and binding as to all Owner and Lots until the earlier of (i) the amendment or revocation hereof by the Board of Directors or (ii) an adjudication by a court of competent jurisdiction contradicting or overruling such interpretations or such actions.

#### CERTIFICATION

The undersigned execute this Certification to Resolution No. 2018-01 for the purpose of certifying that on April 27, 2018 the members of the Board of Directors of The Enclave in Flagstaff Homeowners Association, Inc. voted unanimously to approve Resolution No. 2018-01 at a duly called and held meeting of the Board of Directors.

The Enclave in Flagstaff Homeowners Association, Inc., an Arizona nonprofit corporation

By:   
Name: Barney Kelly  
Its: President  
Dated: May 3, 2018

By:   
Name: Wulf Grote  
Its: Secretary/Treasurer  
Dated: May 6, 2018

ATTEST: