



WHEN RECORDED RETURN TO:

James D. Atkinson
Carpenter, Hazlewood, Delgado & Bolen, LLP
1550 Plaza West Drive
Prescott, AZ 86303

CAPTION HEADING:

THE VILLAGE AT UNIVERSITY HEIGHTS HOMEOWNERS ASSOCIATION

LIMITED COMMON ELEMENT PATIO FENCE RULES

This instrument is being re-recorded for the sole purpose of referencing the **Amended and Restated Condominium Declaration for The Village at University Heights Condominium** recorded **October 28, 2008** in the official records of the **Coconino County Recorder** as **Instrument 3504314** pursuant to which the attached Rules have been adopted by the Board of Directors of the Village at University Heights Homeowners Association.

**DO NOT REMOVE
THIS IS PART OF THE OFFICIAL DOCUMENT**

Recorded at the request of:
James D. Atkinson

When recorded mail to:
James D. Atkinson
Carpenter Hazlewood Delgado & Bolen, PLC
1550 Plaza West Drive
Prescott, AZ 86303

THE VILLAGE AT UNIVERSITY HEIGHTS HOMEOWNERS ASSOCIATION
LIMITED COMMON ELEMENT PATIO FENCE RULES

Introduction. At a meeting held May 12, 2015, the Board of Directors of the Village of University Heights Homeowners Association (the "Association") adopted the following Rules as to the installation of fences around the outside edges of the rear patios of the lower Units in the Village of University Heights development. Each such lower Unit rear patio constitutes a Limited Common Element up to the outside edges of the concrete pad comprising the rear patio for the Unit (a "Limited Common Element Patio"). The area beyond the outside edges of the Limited Common Element Patio concrete constitutes a Common Element. The Board has determined that the Owner of a Unit having a Limited Common Element Patio shall be entitled to construct a fence around the outside edge of such Limited Common Element Patio subject to the following rules (the "Fence Rules").

Prior Approval. Any Owner of a Unit having a Limited Common Element Patio that desires to have a fence constructed around such Limited Common Element Patio must submit to the Association a written request for the approval of the fence. Such request shall include the plans and information necessary for the Association to determine whether the proposed fence will comply with these Fence Rules. The construction of the fence shall not commence until the Owner has received the written approval of the Association for the construction of the fence. In the event an Owner commences construction of the fence prior to obtaining such approval, in addition to any other remedies available to the Association, the Association shall be entitled to, but not obligated to, remove the fence and to assess the cost of doing so against the Owner and the Unit. Such removal and assessment remedy shall also be applicable to the Association as to any other violation by an Owner of these Fence Rules.

General Rules.

- The fence must be free standing. It cannot be attached to any Common Element, including, without limitation, the exterior wall of any Unit.
- The fence must not be more than of six (6) feet in height.
- The fence must be made of redwood or cedar wooden slats.
- The plane of the exterior sides of the fence cannot be more than sixteen (16) inches beyond the plane of the outside edges of the Limited Common Element Patio concrete.

- The fence must be installed on metal posts placed in the ground. Such posts must be installed on the inside of the fence facing the Limited Common Element Patio and must not be visible from outside the fence.
- The fence must have an access gate with a latch allowing it to be opened from inside and outside the Limited Common Element Patio. The gate may not be locked.
- The Association shall be entitled to enter the fenced-in Limited Common Element Patio area at any time to inspect and maintain the Common Elements, the Limited Common Elements and for any other purposes as set forth in the governing documents of the Association.
- The Owner of the Unit with a Limited Common Element Patio fence is obligated to maintain, repair and replace such fence in accordance with these Fence Rules and the provisions of the other governing documents of the Association. Such Owner responsibility for maintenance, repair and replacement includes, without limitation, maintaining the structural integrity of the fence, the repair and replacement of posts and slats and the staining the fence, in each case as determined necessary by the Association. Upon the completion of the construction of the fence, the Unit Owner must stain the interior and exterior of the fence a standard, solid color stain designated by the Association from time to time. In the event an Owner fails to meet any such maintenance, repair or replacement obligation, in addition to any other remedies available to the Association, the Association shall be entitled to, but not obligated to, at its option perform such maintenance, repair or replacement to the fence or to remove the fence and to assess the cost of taking any such action against the Owner and the Unit.
- The Owner of any Unit with a Limited Common Element Patio fence constructed on Common Elements by an Owner prior to the date these Fence Rules are recorded in the Office of the Coconino County Recorder's Office (the "Effective Date") shall bring such fence into compliance with these Fence Rules no later than the earlier of (i) six (6) months from the Effective Date or (ii) the date of the closing of the first sale of the Unit by such Owner. In the event an Owner fails to bring the Limited Common Element Patio fence into compliance by such date, in addition to any other remedies available to the Association, the Association shall be entitled to, but not obligated to, remove the fence and to assess the cost of doing so against the Owner and the Unit.

Declaration Prevails. These Fence Rules are in addition to the restrictions set forth in the Amended and Restated Condominium Declaration for Village at University Heights Condominium (the "Declaration"). In the event of a conflict between a provision hereof and a provision of the Declaration, the provision of the Declaration shall prevail. Nothing contained herein shall be deemed to limit the applicability of the provisions of the Declaration.

Changes to these Fence Rules. Pursuant to the Declaration, the Board may from time to time in its sole discretion amend, repeal, or augment these Fence Rules as it deems appropriate, subject, of course, to the terms of the Declaration and applicable law. It is the responsibility of each Unit Owner

to obtain and adhere to the stipulations of the most recent copy of these Fence Rules. The Board retains the right to grant variances from these Fence Rules as determined appropriate in its sole discretion.

Recording; Binding. The Board will record these Fence Rules in the Office of the Coconino County Recorder's Office. These Fence Rules are binding on all Unit Owners and their successors and assigns.

Board of Directors of Village of University Heights Homeowners Association

By: Shawn Winiiecki
Name: Shawn Winiiecki
Its: HOA President

THE VILLAGE @ UNIVERSITY HEIGHTS HOA

May 12, 2015

The Village at University Heights HOA
Unit Owners
3200 S Litzler Drive
Flagstaff, AZ 86005

RE: Limited Common Element Patio Fence Rules

Dear Owner,

The Association has implemented Limited Common Element Patio Fence Rules. A copy of the Limited Common Element Patio Fence Rules is also available for viewing on the Association website: www.thevillageatuniversityheights.com.

**The approved standard, solid color stain is:
Behr Brand Solid Stain: Taupe**

If you have questions please feel free to contact Adam Whitman at Sterling Real Estate Management at 928-773-0690 or adam@sterlingrem.com. Thank you.

Sincerely,



Adam Whitman, Community Manager
Adam@sterlingrem.com

On behalf of: The Village @ University Heights HOA Board of Directors
www.thevillageatuniversityheights.com