

Whispering Palms Homeowners Association Rules and Regulations

Preamble, from Article XVII of the CC&Rs:

The Association shall have the power to adopt, amend and repeal such rules and regulations, as it deems reasonable ("Association Rules"). The Association Rules shall govern such matters in furtherance of the purposes of the association, as the Board shall deem appropriate in its sole and absolute discretion, provided, however, that the Association Rules may not discriminate among the owners and their tenants and guests and shall not be inconsistent with this Declaration, the articles or the Bylaws. (Note – refer to Article XVIII of the CC&Rs for continuation of preamble).

ABSENCE FROM PARK (Recommendation noted by *)

While on vacation or extended absence, residents are encouraged to notify their neighbors of their departure, return dates and methods of contact while away.

AGE REQUIREMENTS

1. Occupants of the residences must conform to the age requirements defined in the CC&Rs. Each residential dwelling unit is intended for occupancy by at least one person 55 years of age or older ("Qualifying Resident"), and each other resident must be a "Qualifying Permanent Resident," meaning a person who meets the following requirements:
 - a. The person was residing with the Qualifying Resident or senior citizen prior to the death, hospitalization or other prolonged absence, or dissolution of marriage, with the Qualifying Resident or senior citizen; and
 - b. The person was 45 years of age or older, or was a spouse, co-habitant, or person providing primary physical or economic support to the Qualifying Resident or senior citizen; and
 - c. The person has an ownership interest, or is in expectation of an ownership interest in the dwelling unit.
2. Upon the death or dissolution of marriage, or upon hospitalization, or other prolonged absence of the Qualifying Resident, any Qualified Permanent Resident shall be entitled to continue his/her occupancy of the dwelling unit.

ALTERNATE DISPUTE RESOLUTION (ADR)

In the event of a dispute, members and tenants are urged to resolve their disputes via such means as mediation or arbitration as provided in California Civil Code 5930 and 5965.

ARCHITECTURAL / DECORATOR CHANGES

1. The ARC (Architectural Review Committee) has the responsibility to report violations of the CC&Rs, Bylaws and Rules and Regulations involving changes to the outside of ALL properties to the Board of Directors for enforcement.
2. All Homeowners are advised that ANY modification in architectural structure, color, or landscaping must be submitted to the ARC for approval PRIOR to making the changes.

3. The exterior color scheme of the site-built houses shall be as follows
 - a. The stucco shall remain a shade of white equivalent to the formula available in the WPHOA Decorative Design Book (DDB) in the clubhouse or on the whisperingpalmshoa.org website.
 - b. Garage doors, garage door frames, eaves, fascia boards, iron work, and "pop-outs" shall be chosen from color formula available in the WPHOA DDB in the clubhouse or the HOA website.
 - c. Color choices for shutters and exterior window treatments shall be selected from the WPHOA DDB available in the WPHOA DDB or HOA website.
 - d. Masonry approved by the ARC may be added to the exterior on approved exterior locations available in the WPHOA DDB or HOA website.
4. The exterior color scheme of manufactured homes shall be the color choices from the WPHOA DDB available in the WPHOA DDB or HOA website.
5. Members requesting a decorative change MUST submit an architectural approval form prior to the beginning of the work. The ARC committee must return the request for changes within 30 business days. When approved the work can proceed immediately. If disapproved then the member has the right to request an open meeting with the Board of Directors.
6. Requests for Solar Panels and the painting of pop-outs in the current brown should also receive approval within 30 business days.

ASSESSMENTS – MONTHLY

Each homeowner's HOA monthly assessment is due on the 1st day of each month to Ralston Management and are delinquent after the 15th day. Direct deposit to the WPHOA bank account is available and forms to enroll in this option are on the Association office bulletin board. Members preferring to pay their monthly assessment by check are to mail their payment to the management company. Any check mailed with a postmark no later than the 10th of the month will be listed as paid on time even if it is received after the 15th of the month. Payments postmarked after the 10th of the month will be delinquent if they are not received by the 15th of the month. The fine for a delinquent payment is 10% of the current monthly assessment. For the complete rules regarding failure to make payments in a timely manner, see CC&Rs, Articles VI and VII, and Bylaws, Article III. Rules for the collection of delinquent assessments were adopted by the Board on July 7, 1998. Automatic Bank Withdrawal forms are available on the Whisperingpalmshoa.org website.

CLUBHOUSE

1. The clubhouse is for the exclusive use of the association members and their guests. Members are responsible for the actions of their guests.
2. Smoking is not permitted in the clubhouse.
3. Moderate consumption of alcoholic beverages is permitted at parties and at social functions.
4. Tables, chairs, and kitchen equipment are for the use of homeowners in the Clubhouse. If a resident wishes to borrow any item, it must be signed out with the Board Clubhouse Manager and returned in good condition. Any damage will be the responsibility of the borrower.
5. Posted rules must be observed by members and their guests. Members are urged not to abuse the privilege of inviting guests to the recreational areas. They must use discretion in limiting the frequency and number of invitations.
6. Normal hours for use of the clubhouse are from 9:00 a.m. until 10:00 p.m. Hours may be extended for special events as approved by the Board Clubhouse Manager.

7. Appropriate attire includes pants, jeans, skirts, shirts, blouses, and footwear are required in the clubhouse. Bare feet, bare chests, and swimsuits are only permitted in the swimming pool area.
8. Visitors are not permitted in the billiard/card room and library unless accompanied by a resident. Please use good judgment before bringing children into those areas.

CLUBHOUSE - RESERVATION FOR PRIVATE USE

1. While the Clubhouse is intended for the use of all residents, no one may decide to use it for a private gathering without prior approval from the Board Clubhouse Manager.
2. Residents wishing to reserve the Clubhouse for their own use are expected to complete an application form available on the WPHOA website and in the clubhouse. The resident will submit a deposit of \$100 to the Board Clubhouse Manager prior to use.
3. The Clubhouse will be examined prior to use and following the activity. If all required clean-up has been done (according to the list provided) the deposit will be refunded. If not, whatever portion of the deposit is needed for clean-up will be used and the remainder will be refunded to the "user."
4. Any additional damage not covered by the deposit will be charged to the "user."
5. The swimming pool and game room are not included in rental privileges and furniture in the game room is NEVER to be moved or the pool table sat upon.
6. BBQ grill must be cleaned and inspected after each use, but no later than 24 hours, and must clean the drip pan.

COMMERCIAL PRESENTATIONS

No ongoing commercial activities are allowed in the Clubhouse. Residents may sponsor no more than two activities per calendar year that have a commercial purpose. Examples of such acceptable activities include Tupperware parties, craft sales, information presentations, etc. The proposed commercial activity must have Board approval.

COMPLAINTS OR SUGGESTIONS

Complaints or suggestions must be in writing, dated, signed, and addressed to the Board of Directors. The writer of the complaint may request that his/her name not be revealed.

* Matters affecting the association can be addressed via email, in writing using suggestion forms, mail to the management company or during open forum at board meetings.

ENFORCEMENT OF RULES AND REGULATIONS/FINES POLICY

1. A first notice of a violation of the Rules & Regulations or the C.C. & R.s, shall be sent by regular first-class mail granting thirty (30) days to an Owner to correct the violation, unless the Board considers that the violation is of such a serious nature that a lesser timeframe for correction is appropriate.

2. Except in urgent cases, should the violation not be corrected within said thirty (30) days, a certified letter will be sent granting the violator the right to appear before the Board of Directors to show cause why violator should not be fined or privileges suspended. Said notice shall set out the hearing date, time, location, and advise the Owner of the violation in question.
3. In the event that an Owner shall correct any violation prior to the hearing date, such Owner must notify the Association in writing prior to the hearing date in order that the correction may be verified by the Board. Upon verification that the violation has been corrected, the proceedings will be dismissed.
4. At said meeting, the Board of Directors may impose an initial fine of an amount suitable to the seriousness of the violation.
5. Should the violation not be corrected within thirty (30) days, the Board of Directors may impose a fine which it deems suitable for each subsequent violation of the same offense.
6. Depending upon the seriousness of the violation, whether the violation is a first violation or has occurred previously, the length of time during which the violation has continued, whether any mitigating factors exist, or any other facts or circumstances relevant to the issue reasonably considered to be material, an increased fine may be imposed, daily if deemed necessary, until the violation is cleared.

7.

PENALTY SCHEDULE

1 st Violation.....	warning or fine up to \$200
2 nd Violation.....	\$50 to \$200
3 rd Violation	\$100 to \$300
Additional Violations.....	up to \$300
Safety Violation.....	warning or fine up to \$300
Continuing Violation.....	\$25 to \$100 daily fines until cured
Suspension.....	common area privileges may also be suspended
Assessment.....	may be levied to reimburse HOA expenses
Abusive Conduct or Retaliation.....	\$500.00
2 nd and Subsequent Abusive or Retaliatory Conduct....	doubled w/ each violation

8. Failure to comply or to pay the fine within (30) days may result in:
 - a. Denial of the use of the Clubhouse and swimming pool.
 - b. Court or legal action.
9. If the Association is forced to file a lawsuit, seek judicial relief or retain an attorney to ensure compliance, collect fines, etc., the Owner shall be liable for all fees and related expenses in addition to the fines.

**Complete details of the Notice and Hearing Procedures are available on the WPHOA website and copies available in the Clubhouse.*

FIREWORKS

The use of fireworks of any kind is strictly prohibited within the Whispering Palms Community.

GUESTS

1. Any guest under the age of 45 is permitted to stay with a resident for a maximum of 60 nights in any 365-day period.
2. Guests are the responsibility of the member being visited. Residents are responsible for any damage caused by their guests.
3. Guests may attend Clubhouse functions and classes only when invited and accompanied by a homeowner or tenant.
4. Guests may park on the street during the day and in your garage or your driveway overnight. They may park at the Clubhouse for a total of 72 hours without obtaining a permit. If more time is needed, a permit must be obtained from a Board Member.
5. Clubhouse overnight parking is FOR GUESTS ONLY and more than 3 nights requires a permit from a Board Member at their discretion.

LANDSCAPING, FRONT YARD

1. WPHOA encourages homeowners to maintain living vegetation in the front yard. However, homeowners may renovate their front yard landscaping to include the use of living vegetation (grass, ground cover, shrubbery, trees, and plants), artificial turf, bark and rock within the following parameters:
 - a. Rock must be ½" or larger in diameter, of natural color, and be distributed in an attractive design.
 - b. Artificial turf must be of a quality approved by the ARC.
 - c. Drought tolerant plants should be used when replacing or adding living vegetation. Artificial plants should be UV tolerant or be replaced when plants start to fade significantly.
2. **REMINDER:** ARC APPROVAL IS REQUIRED PRIOR TO MAKING ANY CHANGES.

LIABILITY AND INSURANCE

1. No act or misdemeanor shall be committed which would place the Whispering Palms Homeowners Association in violation of any law or ordinance of the Federal, California, or Riverside County governments or the City of Hemet.
2. The Association is not responsible for any loss of owners' equipment, home or personal property due to fire or theft. Members must carry insurance needed for protection of their home and possessions. Adequate personal liability insurance coverage should be obtained.

LOT AND STRUCTURE REQUIREMENTS

1. All lots must be neatly maintained.
2. Owners/Residents are expected to provide suitable window coverings. Newspaper, aluminum foil, cardboard or similar materials may not be used.
3. Exterior holiday decorations, including lights, must be removed within thirty (30) days of the holiday.

NUISANCES

1. Owners and tenants shall not interfere with or disturb their neighbors' quiet enjoyment of their homes. Loud noises and other disturbances after 10:00 PM or before 7:00 AM must be avoided. Music should not be heard by anyone more than 2 houses away. California Penal Code section 415 makes it unlawful to disturb the peace of another with unreasonable loud noise, which could include music.
2. Playing loud music after 10 PM should be at a the level of conversation talk. Close your windows and doors after 10 PM to enjoy your music and conversations so as not to disturb your neighbors who go to bed early in our 55+ community.
3. Trespassing by members through other owners' property is prohibited.

PERSONAL CONDUCT WITHIN THE COMMUNITY:

1. All owners and residents of the Community are expected to behave in a respectful and courteous manner towards each other, including board members, staff, and contractors.
2. No owner or resident may direct any abusive language, threats, physical intimidation, vulgar hand gestures, or any other form of harassment or aggressive conduct ("Abusive Conduct") toward any other person within the Community.
3. No owner or resident may take any action in retaliation against another owner or resident for reporting alleged violations of the governing documents of the Association ("Retaliation").

PERSONAL PROPERTY SALES

1. One weekend (Fri./Sat.) in April and October will be designated for garage sales.
2. Estate Sales are only permitted when specifically authorized by a Board member.

PETS

1. Association members or their tenants are permitted a maximum of two pets and they must comply with all rules for pets.
2. Dogs may be walked on the community streets provided they are on a leash being held by someone capable of controlling the animal. Pets must not be allowed to run loose and no animals are permitted on the Common Area grass sections or the property of others without the owner's consent.
3. Owners must clean up after their pets while walking or be subject to a fine.
4. At their residence, homeowners are expected to keep pet areas clean.
5. There is no maximum weight limit for a dog.
6. Pets are not allowed in the clubhouse or pool area.
7. Pet nuisance of any kind is not acceptable. Pet owners are responsible for any inconvenience, noise or aggravation imposed upon other residents and are responsible for any damage caused by their pet. (See Nuisances)
8. Do not feed feral cats or wild animals.

RENTAL AND/OR SALE OF HOME

1. Members may rent their homes. They are responsible to see that their tenants abide by all Association CC&Rs, Bylaws, and Rules and Regulations.
2. Signs for home sales, rental and leasing may be placed at the Palm Dr. entrance.

SOLICITING

1. Signs prohibiting soliciting have been posted at the entrance. Residents are asked to inform anyone who comes to their door that soliciting is not permitted.
2. Sales personnel must make appointments with individual residents. Violations of this Rule should be reported to the Board.

RENTAL TENANT RIGHTS AND PRIVILEGES

1. Tenants have the right to use the pool, clubhouse and other amenities as long as they abide by the CC&Rs, Bylaws and Rules and Regulations. They should obtain their keys from their landlord who has the responsibility for their adherence to park regulations. Tenants must meet the age requirements outlined in the CC&Rs.
2. Tenants may reserve the clubhouse under the same conditions as members.
3. Tenants may attend all activity functions. They may attend all Board and Member Meetings and may address the Board/Members at the meetings.
4. Tenants do not have a vote on any issue.
5. Tenants may serve on committees, but not on the Board or as a Committee Chairperson.
6. Tenants may submit a complaint or suggestion to the Board.

TRASH AND REFUSE COLLECTION

1. Members and tenants are required to conform to the City of Hemet refuse and recyclable disposal regulations regarding containers and sorting of disposables. Refuse and recyclables must be at the curb on the scheduled (currently Monday) pick-up day or late in the day prior to pick up. Containers must be screened from view on the owner's property as soon as practical after pick-up.
2. Trash or trimmings must not be placed in recreation area containers by residents.

**If you need to replace your trash containers you need to call CR&R (1-800-755-8112) and give them Whispering Palms HOA at 711 Bahama Dr. as the account and then give them your address for the pick-up and exchange location.*

VEHICLE RULES

1. Speed limit in the Park is 15 miles per hour. Please advise your guests and service personnel of this limit.

2. REPAIRS of vehicles or oil change is not permitted in the park area except in the owner's garage area.
3. The operation of motorcycles or minibikes is prohibited in the park, except when traveling to and from the park entrance.
4. Overnight parking of vehicles on the street is not permitted at any time. Please request that your guests park in your driveway or garage, if there is room, or at the clubhouse by permit only (see Guest section). No owner or tenant may park any vehicle at the clubhouse overnight without authorization of the Board of Directors.
5. Bike riding is permitted in the park by residents, or by guests under 18 only if accompanied by the resident. All rules of bicycle safety must be followed.
6. Commercial vehicles, recreational vehicles, trailers, and boats are not permitted in the park unless in the oversized storage lot. A 24 hour waiver is granted for the purpose of cleaning, unloading or loading of recreational vehicles.

WATER USAGE

1. In the interest of water conservation, rising water rates and cost to the Association, individual homeowner and common area landscape watering systems should be shut off during rainy weather for 2-days.

**During hot, dry weather, sprinklers shall only be used before 6 AM or after 8 PM. Residents may purchase a SMART sprinkler control or Rain Sensor to automatically turn off sprinklers during rainy weather.*

2. The washing of vehicles and the hosing down of patios is limited to one time per month. No water of driveways should be done during a State Severe Water shortage. Every effort shall be made to keep the water from running into the street. Excessive water runoff shall not extend beyond one neighboring house.
3. Water usage may be limited by the city, county, or state authorities due to drought conditions or EMWD water stage mandates.
4. Watering of plants and shrubs during severe droughts should be done using a irrigation system and at other normal times any hand watering must be done using a hose nozzle.

**If you see water running down the street in front of your driveway please trace and notify the homeowner. If it continues then please file a complaint with the Board of Directors*

Adoption and Certification

The foregoing rules on pages 1 through 8 of this document were adopted by the Whispering Palms Homeowners Association Board of Directors on this 27th day of May in the year 2023.

Whispering Palms Homeowners Association
A California Nonprofit Mutual Benefit Corporation

By: _____ President
Jordan B. Smith, Jr.

By: _____ Treasurer
Jerri-Beth Scott.

Certificate of Secretary

I certify that I am the duly qualified Secretary of the Whispering Palms Homeowners Association, a California nonprofit Mutual Benefit Corporation. The foregoing is a true and correct copy of the Rules adopted by the Board of Directors at a meeting held on May 27, 2023 and entered in the minutes of such meeting in the Minute Book of the Corporation. The Board of Directors has the power to adopt these Rules as authorized in the governing documents of this Corporation.

Dated _____

Whispering Palms Homeowners Association
A California Nonprofit Mutual Benefit Corporation

By _____
Lynn White, Secretary