

**DESERT VIEW AT FOUR PEAKS HOMEOWNERS ASSOCIATION
POLICY RESOLUTION**

MAINTENANCE OF PERIMETER WALLS

WHEREAS, Parcel "D" at Troon Village Homeowners Association, dba Desert View Four Peaks Homeowners Association ("Association"), is bound by the Final Plat recorded in the Office of the Maricopa County Recorder in Book 384, Page 40 ("Final Plat") and the Declaration of Covenants, Conditions and Restrictions for Parcel "D" at Troon Village recorded in the Office of the Maricopa County Recorder at Instrument No. 1998-0105587 ("Declaration") and any amendments thereto;

WHEREAS, the Final Plat states the perimeter walls will be maintained by the Association as outlined in the Declaration;

WHEREAS, Article IX of the Declaration states, in relevant part, the Association "may, without any approval of the Owners being required, do any of the following: (G) Do all such other and further acts which the Board deems necessary to preserve and protect the Common Area and the appearance thereof, in accordance with the general purposes specified in this Declaration...";

WHEREAS, the Final Plat and Declaration do not distinguish between "perimeter wall" and the attached metal "view fence" and the term "view fence" is not a term used in the documents governing documents (i.e., "Project Documents");

WHEREAS, the City of Scottsdale holds the Association responsible for the maintenance of the perimeter walls (and attached view fences) because maintenance of these components is necessary to preserve and protect the Natural Area Open Space ("NAOS") and Common Area;

WHEREAS, the perimeter walls were not maintained on any consistent or routine schedule for about 15 years and were in very poor condition and need of repair for many years prior to 2020;

WHEREAS, maintenance of the perimeter walls by individual owners is impractical and more expensive;

WHEREAS, maintenance of the perimeter walls by the Association will help maintain or increase property values and is in the best interest of the Association and its members;

NOW THEREFORE, BE IT RESOLVED THAT the Board of Directors hereby passes this Policy Resolution as additional Rules and Regulations, which supplement the Declaration and any Rules and Regulations previously adopted:

A. The metal view fences are a component of the perimeter walls and use of the term "perimeter wall" shall include the view fence unless separately referenced.

B. The Association shall maintain the perimeter walls because this maintenance is necessary to preserve and protect the Common Area in accordance with Article IX(G) of the Declaration.

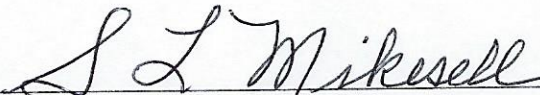
C. The Association shall give reasonable notice, not less than 48 hours, to owners for accessing perimeter walls for maintenance.

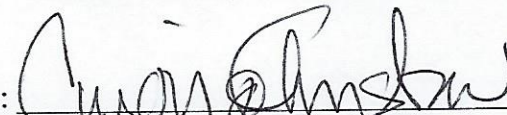
D. Owners shall not unreasonably deny access to perimeter walls for maintenance.

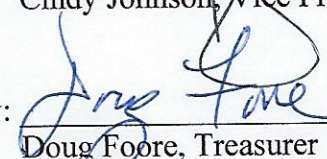
E. Owners shall be responsible for trimming and/or pruning vines, shrubs, bushes, cacti, tree limbs, or other vegetation that protrudes through the view fence. In no event, shall vegetation protrude into the five-foot section on the outside of the perimeter walls.

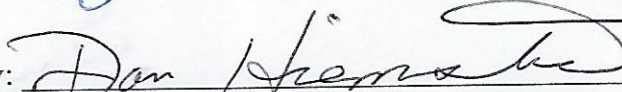
F. Any homeowner that denies access to the perimeter walls to the Association and its contractors for maintenance violates Article IX, Section 10.2 of the Declaration. Any expenses incurred by the Association by reason of any such act of an Owner shall be paid by said Owner upon demand and to the extent that the Owner is liable under Arizona law; such amounts shall also be a lien on any Lots owned by said Owner and the Association may enforce collection of such amounts.

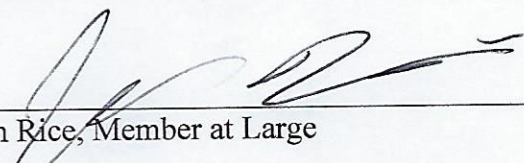
This resolution was passed this 27th day of SEPTEMBER, 2021, by at least a majority of the vote of the board of directors for Parcel "D" at Troon Village Homeowners Association, dba Desert View Four Peaks HOA.

By: 
Sharell Mikesell, President

By: 
Cindy Johnson, Vice President

By: 
Doug Foore, Treasurer

By: 
Don Heimstra, Secretary

By: 
Jim Rice, Member at Large