

MONTECIDO
AT
PORTOLA
HILLS
ASSOCIATION

Handbook of Rules and Regulations
For Owners and Residents

Revised December 21, 2017

MONTECIDO AT PORTOLA HILLS HOMEOWNERS ASSOCIATION

WELCOME TO OUR COMMUNITY!

Dear Montecido Resident:

Welcome! Your Homeowners Association (HOA) Board of Directors sends you its warmest greetings.

We hope you will be happy in your Montecido home and surroundings.

You should have received copies of the CC&R's (Covenants, Conditions, and Restrictions) and Bylaws as part of your Escrow package. If not, please contact our Property Manager. Enclosed is a copy of our handbook that contains Montecido's Rules & Regulations (Revised February 2013), and other useful information, such as frequently called numbers. Particular attention should be given to the Parking and Pool Rules. **If you have a tenant, that tenant must be provided with a copy of this Handbook.** Vehicles must be garaged, children under 14 must be accompanied by an adult during use of pool area. No one under 14 may use the spa/Jacuzzi.

The Montecido community would like to hear any comments, concerns, or suggestions you might care to make. Please submit them in writing to the Property Manager so that they may be brought to the attention of the Board. Also, we invite you to attend Board meetings. The date, time, and location for Board meetings are announced in our statement, website, Bulletin Board and quarterly newsletter.

Trash is to be placed in trash receptacles. Trash receptacles may be placed outside your residence Wednesday after dusk. Thursdays are trash days. Holidays occurring during the week will delay trash day to Friday. Hazardous waste must be disposed of properly.

The landscaping in the front of your property is a Common Maintenance Area. We have a landscape service that is responsible for its maintenance. Please do not remove, plant, or attempt to maintain anything in this area. You may, however, place decorative pots with plants or flowers on your front step. Please be aware not to block the entryway. ***Decorative pots or plants on your balcony ledge are prohibited.***

Thank you for choosing Montecido as your new residence. We hope it will be a long and enjoyable experience!

Best wishes,

The Montecido at Portola Hills Board of Directors

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COMMUNITY INFORMATION

Dear Homeowner,

For those new homeowners who may be unfamiliar with life in a common interest development like Montecido, your Board would like to explain a little about Montecido.

The Montecido at Portola Hills Homeowners Association (HOA) is a non-profit, mutual benefit corporation. The Corporation's purpose is to provide community services and facilities for the general use, benefit and welfare of the owners and/or occupants of Montecido. In fulfilling this purpose, your HOA is responsible for operating, maintaining, and regulating the operations and business affairs of the common areas and common interests.

The responsibility for ensuring that the HOA is fulfilling its obligation is given to its Board of Directors. Along with your fellow owners, you elect the Directors whose duty it is to make business decisions and establish policies consistent with the Corporation's purpose and governing documents-CC&R's (Covenants, Conditions, and Restrictions), Bylaws, and Articles of Incorporation-along with various Rules and Regulations, which the Board may pass from time to time. Together these materials comprise the HOA's "governing documents." Your Board has the duty to enforce the CC&R's and the Rules and Regulations when it is in the best interest of the community at large.

Under California Law, each Board member has a fiduciary duty to "act in good faith in a manner such Director believes to be in the best interest of the Corporation as an ordinary prudent person in a like position would under similar circumstances." The governing documents vest the Board with specific powers so it may carry out its purpose. The Board may not take any action for which it has not been vested the authority by the governing documents or statutory law.

In addition to the controls and restrictions governing the common areas, Montecido at Portola Hills HOA members are obligated to comply with certain Architectural/Landscape Regulations. These Regulations are included in your Handbook you have received with this letter.

As a homeowner, you have the right to the use and enjoyment of the common areas subject to control and management by the HOA. The use of common areas is controlled by the CC&R's, as well as by duly adopted Rules & Regulations. If it is your desire to make a change, alteration, or addition to your home or surrounding landscaping, and the change can be seen from any portion of a common area or an adjoining home, or the change would impair the structural integrity, mechanical systems or lessen the support of any portion of the project or restrict the view of any other owner, then you must submit plans and specifications and receive the written approval of the Board of Directors prior to the commencement of the change, alteration, or addition.

Examples of changes that require approval are: removal of walls, patio decks, patio enclosures, landscaping, satellite dishes, (when installed on fascia) etc. Non-approved installations are subject to removal. If you have any doubt as to whether or not a particular project requires Board approval, you should contact Management and submit your plans **prior** to beginning work.

Montecido at Portola Hills Homeowners Association Board of Directors

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A. TENANTS / NON-HOMEOWNERS

For the purpose of these Rules & Regulations and the CC&Rs, a tenant shall be defined as anyone in possession of an owner's residence, in exchange for any sort of consideration, or at the sufferance of the owner. In addition to the restrictions set forth in the CC&Rs, Section 9.15, the following rules shall apply:

Leases are required to provide that the terms of the lease are subject, in all respects, to the provisions of the CC&Rs and all other governing documents of the Association. Any failure by the lessee to comply with the terms of such documents shall be a default under the lease. All leases must be in writing.

Homeowners have the responsibility to acquaint their tenants, guests, and contractors with the Rules & Regulations. Owners are responsible for the conduct of their tenants, guests, and contractors. Fines will be assessed directly against the owner, even if the owner's tenant, guest, or contractor, not the owner, committed the infraction.

B. PARKING RULES

1. All residents' vehicles, including motorcycles, must be operational, and carry current registration.
2. The speed limit on Montecido property is 5 mph.
3. Parking or stopping temporarily in a "Red Zone" is prohibited and subject to towing at owner's expense. This is to ensure adequate emergency access. Parking is not permitted in the driveways leading to the garages. Vehicles parked in violation of this section are subject to immediate tow.
4. Each unit has a one (1) or two (2) car garage, which must be used solely for parking vehicles.
5. A portion of the City street, Fawn Ridge, may be used for parking vehicles per the City of Lake Forest.
6. Vehicles must fit within the parking space to permit access to vehicles in adjacent parking spaces, and to allow for free flow of traffic. Vehicles improperly parked are subject to fine and may be towed at the vehicle owner's expense.
7. No vehicle shall be repaired or serviced on Montecido property (except in an emergency). At no time may vehicles be put up on blocks. All oil slicks and debris of any type must be cleaned up. Excessive leakage will result in a Special Assessment to the Owner for clean up. Vehicles which are a nuisance because of excessive noise, odor, smoke, drainage, safety hazard, etc., shall not be permitted to be parked or driven within Montecido and are subject to tow.
8. No items are to be stored in parking spaces.
9. Commercial vehicles (consisting of trucks of greater than three-quarter (3/4) ton capacity) are not permitted to park on Montecido property, except for service calls and deliveries. Commercial logos and advertising on vehicles must not be visible within the community. Additionally, vehicles with permanently mounted commercial equipment, including, but not limited to: racks, ladders, pipes and toolboxes when mounted on the exterior of the

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vehicle and vehicles with commercial logos or commercial advertising, shall not be permitted to park on Montecido property, except for service calls and deliveries.

Parking shall be limited to the duration of service being provided, and placement of the vehicle shall not obstruct street travel lanes, access to driveways, or parking areas. Standard size pick-up trucks shall not be considered commercial vehicles.

10. Trucks and vans used as personal transportation are permitted to park, provided they do not exceed 7 ft. in height, 20 ft. in length, or 8 ft. in width. Vehicles that exceed any of these size limits are not permitted to park on Montecido property. All vehicles must be parked in a garage or in a Common Area parking stall with a valid Parking Permit displayed. Vehicle must fully fit into one (1) marked parking stall. Vehicles found in violation are subject to fines or towing or both at the owner's expense.

11. There is no parking at any time in any of the following areas:

- On any part of community landscaping
- In front of trash dumpsters
- In front of garages or in any of the driveways (except for motorcycles)
- In any fire lane

Vehicles found in violation are subject to fines or towing or both at vehicle owner's expense.

12. Recreational vehicles, trailer-mounted equipment, and non-motorized vehicles shall not be parked in the community, except within an enclosed garage.

- Motor homes
- Trailers
- Campers
- Boats
- Jet skis
- Any type of aircraft
- Any type of watercraft
- Dune buggies, ATVs or any other off-road vehicle

13. Disabled or immobile vehicles must be removed or repaired to operable condition within seventy-two (72) hours, or they will be towed at owner's expense.

14. It is not permissible to drive across or park on any grass area under any circumstances.

15. Vehicles parked on Red Bluff must be parked in direction of the traffic flow. ***Vehicles found in violation are subject to fines or towing or both at vehicle owner's expense.***

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C. RESIDENTIAL PARKING PROGRAM

All Common Area parking is considered temporary parking, limited to seventy-two (72) consecutive hours in the same location. Vehicles parked more than seventy-two (72) hours in the same location will be cited and towed at the vehicle owner's expense. Residents with special circumstances needing to park for longer than seventy-two (72) hours will need to contact the patrol company for temporary safelisting. A visible permit will still be required on the vehicle.

Residential Parking Permits

1. One (1) Resident Parking Permit is issued per household.
2. Owners and residents of Montecido at Portola Hills must utilize garage parking as their primary parking area.
3. All Common Area parking is considered temporary parking only.
4. Common Area parking is available on a first come, first serve basis; there is no "assigned parking."
5. You must have a valid Resident Parking Permit prominently displayed on your rearview mirror or on the dash board in order to park in any Common Area parking space. Parking Permit must be visible at all times.
6. Only motorcycles will be permitted to park, without a permit, on the concrete driveway apron between the garage door and the asphalt. The motorcycle has to be entirely contained within the concrete area and not protruding out onto the asphalt. The motorcycle must belong to the homeowner or his/her guest.
7. Additional Residential Parking Permits may be requested by an Owner. The additional permits will be called "Optional Permits." The following rules shall apply to that request and use of an Optional Permit:
 - a. The following qualifications apply to eligibility for an Optional Permit:
 - i. The Owner must contact management to request an Optional Permit.
 - ii. The Owner must be current on all outstanding special and regular assessments and may not have any levied or unpaid fines.
 - iii. The Owner must make the garage available for inspection to confirm that the garage is being used to house the maximum number of vehicles for which the garage was originally (without homeowner modifications) designed. For rental units, the tenant must make the garage available for inspection.
 - iv. Optional Permits will only be available for residents that have more vehicles registered to a unit and more licensed drivers than the number of parking spaces available to the unit. For example, residents that have a two-car garage, have two spaces in the garage and one Residential Parking Permit for use of a Common Area parking space. An Optional Permit will be available for these residents if there is a fourth licensed driver and a fourth vehicle registered to the unit.

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- v. No more than two (2) Optional Permits will be granted per Unit. The costs of the Optional Permits are Three Hundred Dollars (\$300.00) per permit.
 - vi. At the time of the garage inspection for an Optional Permit, the Owner must tender a cashier's check for Three Hundred Dollars (\$300.00) or Six Hundred Dollars (\$600.00), (depending on the number of permits being applied for), made out to Montecido at Portola Hills Association. There is a Twenty Five Dollar (\$25.00) non-refundable fee if the garage does not pass the inspection.
- b. The following rules apply to the use of the Optional Permits:
- i. Optional Permits expire twelve (12) months after being issued. Applicants must reapply every year for a new Optional Permit and are subject to all eligibility requirements listed herein.
 - ii. Optional Permit users are subject to periodic garage inspections to verify that the garage is being used to house the maximum number of vehicles.
 - iii. Optional Permits may be revoked in the event that the owner is delinquent in paying assessments and/or the Owner or tenant has committed any violation of the governing documents. Prior to revocation of an Optional Permit the owner shall be entitled to a due process hearing.
 - iv. If residents or an Owner no longer meet the eligibility requirements (e.g. a registered driver no longer resides in the Unit, owner is delinquent in payment of assessments, or committed an infraction of the governing documents), the Optional Permit may be revoked. Upon revocation, the cost of the Optional Permit shall not be refunded.
 - v. Optional Permits are not transferrable to other vehicles registered to the unit and may only be used by the residents set forth in the application. The Optional Permit decal must remain affixed to the registered vehicle. In the event that the residents relocate the Optional Permit shall be void.
 - vi. Optional Permits are also governed by the restrictions set forth herein regarding Residential Parking Permits.

Guest Parking Program

All Common Area parking is intended for temporary use with a Guest Parking Permit only. All Guest Marked stalls are available on a first-come, first-served basis only. Guest Permit(s) are for guests only. Residents may not park in Guest Parking at any time. Guest Parking is only allowed for three (3) overnight stays in thirty (30) days. Patrol Masters will inventory the open permits nightly.

1. One (1) Numbered Guest Parking Permit is issued per household.
2. Guest Parking Permits may only park in one of the sixteen (16) marked parking spaces within the community. The sixteen (16) marked spaces will be along Red Bluff Drive only.
3. Permits are issued at the discretion of the Board to all existing homeowners and to new homeowners upon move in.

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4. Color of Permits changes and new Permits are issued at the discretion of the Board.
5. If lost or misplaced, replacement Permits are One Hundred Dollars (\$100.00) each. Damaged Permit(s) may be replaced at no cost if returned to Patrol Masters. The old Permit will be placed on the towing list and is considered "Black-Listed."
6. If a Permit is "Black-Listed" and is used in any vehicle, that vehicle will be subject to tow.

Upon transferring ownership of a Unit, any issued Permits must be returned to the management company. Failure to return issued Permits may result in an assessment of One Hundred Dollars (\$100.00) per Permit. Please note the additional restrictions set forth in Section 9.01 of the CC&Rs.

D. TOWING POLICY

In addition to fining the Member, Montecido may authorize a vehicle to be towed if it is in violation of the California Vehicle Code, other applicable local ordinances, or any of the Parking Rules. Please see the bulletin board located at the clubhouse or contact management for name, location and phone number of the towing company. The owner of the vehicle towed is responsible for the costs associated with the tow, impound, storage and drop fees. The Association and its agents are not responsible for any damage that may be caused as a result of the tow or the impound.

Fine Policy: Fines for violating any of the Parking Rules are as follows: Fifty Dollars (\$50.00) for the first infraction, Seventy-Five Dollars (\$75.00) for the second infraction, and One Hundred Dollars (\$100.00) for the third infraction. This is in addition to other applicable sanctions or penalties that may be imposed per the CC&Rs. Vehicles are towed at the owner's expense.

E. ARCHITECTURAL & LANDSCAPE STANDARDS

1. Introduction

Living in a planned community such as Montecido offers many privileges and also comes with certain restrictions. Montecido has been developed for the mutual benefit of all members. In order to preserve the value, desirability, attractiveness and architectural integrity of Montecido, the Covenants, Conditions, and Restrictions (CC&Rs) authorize the formation of the Architectural Committee.

Montecido homeowners are not permitted to make any changes or improvements to the exterior or structural elements of their home, including exterior paint, without the prior approval of the Architectural Committee. Changes to the interior of the home, which are not visible from the outside, typically do not require Architectural Committee approval unless they would affect structural integrity or mechanical systems.

Please take the time to read this information and the CC&Rs. Note that although these Standards support the CC&Rs, they do not cover the entirety of the document. The CC&Rs should be read carefully. If there is any conflict between these Architectural & Landscape Standards and the CC&Rs, the provisions of the CC&Rs prevail.

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As set forth in the CC&Rs, the Board of Directors delegates the duties and responsibilities of full authority of architectural and landscape control to the Architectural Committee. The Committee is vested with the power to review, inspect, and approve (or disapprove) all changes covered by the Standards. In the event that an Architectural Committee is not appointed by the Board of Directors, the Board of Directors is vested with the power to review, inspect, approve or disapprove all changes covered by the Standards. **No work shall commence prior to final written approval by the Architectural Committee.** Upon completion of the authorized work, the Montecido Architectural Committee or its duly appointed representative shall be notified. Upon completion of the authorized work, the Montecido Architectural Committee, or its duly appointed representative shall be notified/

Neither the Architectural Committee nor the Board of Directors seeks to restrict individual creativity or personal preferences, but rather to help assure continuity in design, which will help preserve and improve the appearance of the community.

Prior to commencement of work to which these Standards apply, you must first file an application with the Architectural Committee. Failure to obtain the approval of the Architectural Committee may constitute a violation of the CC&Rs and shall require modification or removal of unauthorized improvements at your expense. In addition, the City or other governmental agencies may require a building permit prior to the commencement of any work. The Architectural Committee does not assume any responsibility for your failure to obtain such permits. Also, obtaining such permits does not waive the obligation to obtain Architectural Committee approval. If you have any doubt as to whether Committee approval is required for a particular work item, you should err on the side of submitting an application.

The following are the Architectural/Landscape Standards. Required forms should be obtained from the Property Manager. All Montecido residents are subject to the Architectural Standards,

2. Architectural Plan Submittal Procedures

- (a) **Purpose-** In order to maintain the architectural character of the Montecido community, Standards have been established to protect your investment and maintain Montecido's attractive appearance.
- (b) **Procedure-** The Architectural Committee will review and respond to all plan submittals within thirty (30) days from the date of receipt of a complete application by the Architectural Committee. Homeowners shall present drawings of any proposed improvements along with their Request for Architectural Approval from the Architectural Committee for study and recommendation to the Board. Please request the appropriate architectural forms from the Property Manager.

Once completed, the application form should be submitted to the Architectural Committee, via the management company, along with payment of a Twenty-Five Dollar(\$25.00) application fee.

- (c) **City Approval-** The Architectural Committee's approval of a request in no way circumvents the requirement for the City of Lake Forest to approve plans that may require building permits and inspection. Contact the City for further information about its requirements.

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3. Required Copies

Submit two (2) copies of the Request for Architectural Approval form to the Property Manager along with two (2) sets of plans/blueprints, sketches and/or description of work to be performed.

- (a) One copy shall be returned to the owner with status of the review.
- (b) One copy shall be retained by the Property Manager on behalf of the Association.

PLEASE DO NOT BEGIN ANY WORK PRIOR TO RECEIVING APPROVAL.

4. Plans/Blueprints

All plans/blueprints should:

- (a) Show all dimensions of work to be considered.
- (b) Identify all building materials to be used.

5. Construction Guidelines

- (a) All work must be performed in a manner consistent with the standards of general dwelling construction. All work considered being of an unsightly finished nature or of lesser quality than the prevailing community standard shall be reworked to an acceptable appearance.
- (b) All construction, alteration or other work shall be performed promptly and shall be completed as designated by the Architectural Committee with a **NOTICE OF COMPLETION** filed with the Architectural Committee via the Property Manager. Each homeowner is responsible for the cleanup of all construction debris as well as for any damage to the driveways, curbs, gutters, and/or the Common Area.

6. Notice of Completion

Upon completion of any work for which approval has been given, the owner shall submit written notice of completion to the Architectural Committee, via the Property Manager. Within forty-five (45) days thereafter, a representative of the Committee will inspect such improvement. If the Committee finds that such work was not done in substantial compliance with the approved plans and drawings, it shall notify the owner in writing of such noncompliance within thirty (30) days and require the owner to correct the deficiency.

If upon expiration of thirty (30) days from the date of the noncompliance letter, the owner has failed to remedy the noncompliance, the Architectural Committee shall notify the Board of Directors in writing of such failure. After affording such owner notice and Hearing, the Board shall determine whether there is a noncompliance of the CC&Rs and, if so, the nature thereof and the estimated cost of correction or removing the same. If a noncompliance exists, the owner shall remedy or remove the same within a period of not more than thirty (30) days from the date of announcement of the Board ruling of noncompliance.

All construction, alteration or other work shall be performed promptly and as diligently as possible and shall be completed within thirty (30) days after the date on which the work

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commenced, unless the Architectural Committee has provided an extension to the applicant in writing.

7. Appeal Procedure

If the Board of Directors is acting as the Architectural Committee, there is no right to an appeal. In the event plans and specifications submitted to the Architectural Committee are disapproved by the Architectural Committee, the owner filing such application may appeal in writing to the Board of Directors. The Board must receive the request no more than fifteen (15) days following the final decision of the Committee. Within forty-five (45) days following receipt of the request for appeal, the Board shall render its written decision. There is no appellate right from a decision made by the Board of Directors.

8. Variance

The Architectural Committee may authorize variances from the Standards contained herein provided that the variances are not detrimental to the community or impact neighbors. The Architectural Committee shall determine which neighbors may be impacted for any proposed variance and reserves the right to consider their input.

9. Additional Architectural Controls

No grading or excavating shall be made upon, nor shall any buildings, fences, walls, walks, or other permanent or temporary structures or improvements be erected, constructed, altered, or maintained upon any part of the Association Common Areas (including Restricted Common Areas), except as authorized by the Board of Directors.

The exterior appearance of surfaces surrounding individual units and Restricted Common Areas (including walls, the outside of doors, windows, fascia boards, roofs, etc.) may not be altered in any manner except as authorized by the Board of Directors.

Driving screws, nails, or other hangers into the exterior stucco is prohibited, as such penetrations may cause damage to the common area.

Fine Policy: Fines for beginning work prior to obtaining approval of an application, or for other violations of the Architectural and Landscape Standards, are as follows: One Hundred Dollars (\$100.00) for first infraction, One Hundred Fifty Dollars (\$150.00) for second infraction, and Two Hundred Dollars (\$200.00) for third infraction. This is in addition to other applicable sanctions or penalties, which may be imposed per the CC&Rs. Unapproved and/or non-permitted work must be restored/returned to original condition, at owner's expense, within thirty (30) days.

F. RESIDENTIAL COURTESY

All residents and their guests are entitled to the right of quiet enjoyment in their use of Association Common Areas. Any action (including excessive noise), which infringes on this right, shall be considered a violation of these Rules & Regulations.

Residents and their guests shall not cause damage to any part of Association Common Areas.

- 1. Guests:** Residents shall be held responsible for the actions of their guests while on Association property. Residents and their guests are reminded that they must have their

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Common Area key with them when using Common Areas. The host resident must accompany guests when using the pool or any Common Area facility.

2. **Tenants:** Tenants are bound by the Rules & Regulations, and are subject to enforcement of them. Tenants' actions are the responsibility of the Homeowner, who will be liable for payment of fines levied on the Tenant (or Tenant's guests).
3. **Renting and/or Leasing:** Owners are to:
 - (a) Provide tenant with a Common Area Key and Rules & Regulations handbook along with any amendments thereto.
 - (b) Complete the Tenant Information Sheet (Appendix #3) within thirty (30) days of move-in.

G. USE RESTRICTIONS

1. **Units:** Each unit shall be used for private, single-family residential purposes only.
2. **Business Use:** Operating a business, profession, or trade, employing active personnel in a home, are prohibited. Home offices, as an extension of one's workplace, are permitted provided that the workplace use is not apparent or detectable by sight, sound or smell from the exterior of the unit and such non-residential activity does not generate nuisance traffic or limit parking for other residents.
3. **Pets and Other Animals**
 - (a) Dogs must be kept on a leash at all times when outside the confines of the individual unit.
 - (b) No pets shall be fenced, housed, or tied in any area outside the confines of the individual unit.
 - (c) Domestic household pets (such as dogs, cats or birds), not to exceed two, may be kept in a unit, providing they are not kept or maintained for any commercial purposes.
 - (d) Pet owners shall be responsible for cleaning up any droppings left by their pets in Association Common Area. Pet owners are to ensure that their pets are not a nuisance, or cause damages to neighbor's property.
 - (e) When a dog or cat is in the Common Area it shall be controlled on a leash, not exceeding six (6') feet in length, or placed in an animal carrier. The pet handler must be capable of controlling the animal's behavior. For example, dogs on leash must be walked by a person mature enough and strong enough to control a dog.
 - (f) No livestock, poultry, or other animals (domestic or not), shall be raised, bred, or kept in any unit or elsewhere on Montecido property.
 - (g) All applicable pet licenses are required.
 - (h) The Board may prohibit any pet that is deemed to cause a nuisance to the community.

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- (i) Pet owners shall have sole liability for all damages claimed by any person harmed by such pet and shall indemnify, hold harmless and defend the Association from any and all liability whatsoever resulting from such claims and damages including, without limitation, damage awards, as well as costs and reasonable attorney fees incurred by the Association.
 - (j) Pets are never permitted in the pool area, play area, recreation center or weight room.
 - (k) Pets shall not be tied up in parking areas. Pets shall not be left alone in vehicles.
 - (l) No person may allow an animal, when unprovoked, to bite, attack, endanger, or inflict injury on another person or animal. No person may allow an animal to chase or approach an individual in a menacing fashion or apparent attitude of attack.
4. **Antennas:** No antennas or lead wire of any type will be placed, mounted, located on, or attached to any part of the Common Area, or Restricted Common Area, if visible from the outside. Satellite dishes in excess of 18” in diameter are not permitted. Free-standing satellite dishes, 18” in diameter or less, which are located on the patio or balcony do not require preapproval from Montecido. Satellite dishes, 18” in diameter or less, may be mounted to the building fascia board only **and require written Architectural Committee approval prior to installation.** Satellite dish installation shall not be made with penetrations to the stucco.
5. **Drying of Articles:** No clothes, sheets, rugs, blankets, towels, bathing suits, mops or any other items shall be hung out to dry, or for any other purpose, placed on any part of the Association Common Area or otherwise outside the confines of the unit. This includes Restricted Common Area, such as balcony railings.
6. **Storage of Personal Property:** Personal property generally is to be stored and/or housed within the confines of the unit.
- (a) **Utility Closets** are not to be used for storage of any kind. Items stored in the utility closets are subject to immediate removal and disposal.
 - (b) **Patios and Balconies-** excessive “clutter” on patios and balconies is not permitted. It is otherwise permissible to place patio furniture, umbrellas, decorative plants and flowers, on patios and balconies. Such uses, however, must not cause damage to the membrane surface of the balcony (second floor carriage units). ***No items are permitted on the balcony ledge.***
 - (c) **Barbeques and Fire Pits-** In conformance with the California Fire Code charcoal burners, portable fire pits and other open flame and cooking devices **may not** be used on the patios or balconies or within ten (10’) feet of combustible construction. Liquefied petroleum gas (otherwise known as LP Gas) cooking devices that have an LP Gas container with water capacity greater than 2.5 pounds (nominal one pound LP Gas capacity) cannot be located on combustible balconies or within ten (10’) feet of combustible construction.
 - (d) **Flammable Materials-** At no time may flammable/fuels, paints or oil be stored within a unit, in the spaces for the water heaters and electricity meters, or on patios and balconies.

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7. **Window Coverings:** Windows can be covered only by drapes, shades, blinds, or shutters, and cannot be painted or covered by aluminum foil, cardboard, or other similar materials.
8. **Window mounted air conditioning units are prohibited.**
9. **Signs**
 - (a) **Real Estate Signs and Commercial Signs-** One standard “For Sale”, or “For Rent” is permitted. All real estate signs must be removed within seven (7) days of a sale, lease, or rental of the unit. No more than three (3) “open house” signs are allowed for each unit. No other commercial signs shall be permitted.
 - (b) **Non-Commercial Signs-** Non-Commercial signs, posters, flags or banners may be made of paper, cardboard, cloth, plastic or fabric and may be posted or displayed from the patio, window, door, balcony or outside wall of the unit. Non-commercial signs may not be made of lights, roofing, siding, paving materials, flora or balloons, or any other similar building materials, landscaping, or decorative component, or include the painting of or damage to architectural surfaces.
9. **Safety:** No items of any type including without limitation to flower pots, etc, may be placed on balcony ledges. Falling objects could cause injury.
10. **Trash:** All refuse and trash shall be neatly contained and placed only in the trash receptacles.
 - (a) Trash receptacles may be placed out for pickup no earlier than dusk the day before pickup and must be stored appropriately out-of-sight by dusk on the same day the trash is picked up.
 - (b) No flammable material such as paints, oil, aerosol cans, and other hazardous items are allowed to be deposited into the trash receptacles. Should you require hazardous waste pick-up, please contact Waste Management at (714) 558-7761.
 - (c) Waste Management provides two (2) free pick-ups per calendar year for bulky or heavy items. Please contact Waste Management directly to schedule.
11. **Potted Plants**
 - (a) No potted plants of any kind may be affixed to the exterior stucco walls or placed on balcony ledges.
 - (b) All potted plants placed on balcony floors or landing must have a waterproof dish underneath the pots, in order to control water “run-off” and feet in order for air to circulate beneath the pot and preserve the integrity of the balcony floor.
 - (c) All hanging plants must have an attached waterproof dish underneath.
 - (d) Owners are responsible for any damage to the Common Area as a result of excessive moisture emanating from any potted plant or other source.
12. **Maintenance of Restricted Common Areas:** Patios, parking spaces, garage doors and balconies, must be maintained in a clean and attractive condition.

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- 13. Quiet Hours:** Sunday through Thursday, quiet hours are from 10:00 p.m. to 7:00 a.m. Friday and Saturday; quiet hours are from 11:00 p.m. to 8:00 a.m. This quiet time also applies to vehicles that are left running while they are being loaded/unloaded by residents.

Fine Policy: Fines for violating any of the foregoing use limitations are as follows: Fifty Dollars (\$50.00) for first infraction, Seventy-Five Dollars (\$75.00) for second infraction, and One Hundred Dollars (\$100.00) for third infraction. This is in addition to other applicable sanctions or penalties that may be imposed per the CC&Rs.

H. POOL COMPLEX RULES

The Montecido pool complex is privately owned property and is solely for the use of residents of Montecido and their guests. Non-residents who are not invited guests may be asked to leave.

ALL PERSONS WHO ENTER AND USE THE POOL COMPLEX AND FACILITIES DO SO AT THEIR OWN RISK.

1. Operating Schedule

Sunday through Thursday	7:00 am-10:00 pm
Friday and Saturday	7:00 am-11:00 pm

The pool is heated to 80 degrees from May through October. The spa is heated year-round.

2. Pool Rules

- (a) A resident host must accompany guests at all times. All persons using the pool must be able to show their pool area keys at all times.
- (b) Persons under the age of 14 are not allowed in the spa/jacuzzi at any time, even if accompanied by an adult.
- (c) Guests of residents are not entitled to have guests of their own in the Pool Complex.
- (d) Persons 14 years and under and non-swimmers must be accompanied by a resident adult, over the age of 18, while in the pool areas at all times.
- (e) The gates to the Pool Complex are to remain closed and locked except when in immediate use for entry/exit purposes. **The gates are never to be propped or left open (including slightly ajar) for any reason.**
- (f) No pets are permitted in the Pool Complex by order of the Orange Country Health Department.
- (g) No glassware or breakable bottles are permitted in the pool areas.
- (h) All posted rules must be followed.
- (i) Pool/Spa/Jacuzzi must not be used while being serviced.
- (j) The Homeowners Association and its agents reserve the right to restrict the number of people using the pool at any given time, and to refuse use of the pool at any time.

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- (k) Infants and non-toilet trained individuals must wear swim diapers while in pool. Those wearing swim diapers must exit the pool every 20 minutes to reduce the possibility of fecal contaminations.
- (l) Swimmers must shower prior to entering the pool and Jacuzzi.
- (m) Bobby pins and hairpins should be removed prior to entering the pool as they damage the bottom of the pool.
- (n) No running, horseplay, or boisterous conduct will be permitted at and around the pool area.
- (o) There is absolutely no diving into the pool or the spa.
- (p) There is to be no fighting, shouting, pushing, shoving, or other aggressive conduct by any person within the Pool Complex.
- (q) There is to be no climbing over the gates or fence at any time.
- (r) Use of soap in the spa is not permitted.
- (s) Equipment not designed for pool use will not be allowed in the pool area. This includes, but it not limited to, scuba gear, surfboards, skateboards, Frisbees, inner tubes, large rafts and boats, etc.
- (t) The segregation of washrooms by gender shall be strictly observed. A parent may accompany a child of either gender into restrooms.
- (u) Nudity is not permitted.
- (v) Residents and guests must keep volume of radios, CD players, etc. to a minimum, so as not to disturb other individuals in the area. Please use headphones.
- (w) **Smoking is not allowed inside the pool area.**

Fine Policy: Fines for violating any of the above Pool Rules are as follows: Fifty Dollars (\$50.00) for the first infraction, Seventy-Five Dollars (\$75.00) for second infraction, and One Hundred Dollars (\$100.00) for third infraction. This is in addition to other applicable sanctions or penalties that may be imposed per the CC&Rs.

I. PLAY AREA RULES

ALL PERSONS WHO ENTER AND USE THE PLAY AREA AND ITS EQUIPMENT DO SO AT THEIR OWN RISK.

- (a) Children should be accompanied by an adult at all times when using the play area.
- (b) The gate to the play area is **to remain closed** and locked, except when in immediate use for entry or exit use.
- (c) The gate is never to be left propped open for any reasons.
- (d) No pets are permitted in the Play Area.

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- (e) No glassware or breakable bottles are permitted in the Play Area.
- (f) All posted rules must be followed.
- (g) The Homeowners Association and its agents reserve the right to restrict the number of people using the Play Area at any given time and to refuse use of the Play Area at any time.
- (h) There is to be no fighting, shouting, pushing, shoving, or other aggressive conduct by any person within the Play Area.
- (i) There is to be no climbing over the gates or fence at any time.

Fine Policy: Fines for violating any of the above Play Area Rules are as follows: Fifty Dollars (\$50.00) for the first infraction, Seventy-Five Dollars (\$75.00) for second infraction, and One Hundred Dollars (\$100.00) for third infraction. This is in addition to other applicable sanctions or penalties that may be imposed per the CC&Rs.

J. USE OF WEIGHT ROOM

ALL PERSONS WHO ENTER AND USE THE WEIGHT ROOM AND ITS EQUIPMENT DO SO AT THEIR OWN RISK.

1. Weight Room Hours

Sunday through Thursday	7:00 am-10:00 pm
Friday and Saturday	7:00 am-11:00 pm

Minors: Guests must be 18 years of age. Residents using the weight room must supervise the children at all times. Young children should not use the weight room equipment. Should children entering their teens require to use the weight room involving weights or specific machines to aid performance, then this exercise must be carried out under the supervision of a suitable, qualified instructor to ensure that any routine is executed in complete safety.

Attire and Footwear: Proper attire is required to Weight room use. Shirts must be worn at all time and fitness shoes are mandatory. Fitness shoes only. No open toed shoes, thongs, sandals or socks are allowed. No street shoes, bare feet or slipper type footwear are allowed. Clean, un-torn clothing is mandatory for hygienic and safety reasons. Body odor can be offensive.

Equipment Use: All equipment must be used as designed. Members and their guests damaging weight room property will be responsible for any expense incurred. The Association reserves the right to suspend or terminate use of the weight room to anyone who refuses to observe the rules or abuses the equipment. Wipe down the equipment completely when finished. Use a disposable wipe to clean areas you have touched or perspired on. Use a towel while working out to avoid sweat dripping all over machines and floor. Clean any puddles of sweat from the floor with your towel. Clear machines of magazines, newspapers and pick up after yourself when you are done. If others are waiting there is a time limit of 30 minutes.

Cell Phones: Cell phones are prohibited from use in the weight room, as they are a distraction to others.

Guest Policy: Guests must be accompanied by a resident and both of them must be 18 years of age.

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Lost Articles: The Association assumes no responsibility for lost or stolen articles. Do not bring valuables to the weight room.

Smoking, Food and Drink: Smoking is not allowed inside the weight room or around the entry or windows of the weight room. Food should be eaten outside the weight room. Drinks and water can be taken into the weight room in non-breakable, spill-proof containers. **NO PETS ARE ALLOWED IN THE WEIGHT ROOM.**

Disclaimer: The weight room is used at the individual's own risk. Neither the Association nor its agents shall be liable for any loss or damage to property or death or personal injury arising from the use of weight room equipment.

Fine Policy: Fines for violating any of the above Weight Room Rules are as follows: Fifty Dollars (\$50.00) for the first infraction, Seventy-Five Dollars (\$75.00) for second infraction, and One Hundred Dollars (\$100.00) for third infraction. This is in addition to other applicable sanctions or penalties that may be imposed per the CC&Rs.

K. CLUBHOUSE RESERVATIONS

ALL PERSONS WHO ENTER AND USE THE CLUBHOUSE AND ITS FACILITIES AND FURNITURE DO SO AT THEIR OWN RISK.

- (a) The clubhouse is for the exclusive use of residents and their guests. Tenants must have the application signed by the owner of the unit. The owner of the unit shall be responsible for the damaged caused by the tenant's rental.
- (b) Rental of the Clubhouse does **NOT** include use of the pool/pool deck or spa/Jacuzzi.
- (c) Alcoholic beverages are not permitted.
- (d) No amplified music or live bands are allowed at any event held in the Clubhouse.
- (e) All activities are to conclude promptly at 10:00 p.m.
- (f) Children and teen parties **MUST** be chaperoned by a resident adult.
- (g) **NO** pets are permitted in the Clubhouse.
- (h) The Clubhouse Application/Agreement (Appendix 4) must be completed and submitted to Management with the Fifty Dollars (\$50.00) non-refundable rental fee and Two Hundred Fifty Dollars (\$250.00) security deposit.
- (i) Cancellation of the reservation ***seven (7) days or less*** prior to the reservation date will result in forfeiture of the Fifty Dollars (\$50.00) rental fee. The security deposit will be returned.
- (j) Loss of the clubhouse key will result in the clubhouse being re-keyed and the cost will be charged to the homeowner responsible. Cost not to exceed Two Hundred Fifty-Dollars (\$250.00).
- (k) The key must be returned to Management the next business day after the event, Failure to return the clubhouse key the next business day after the event will result in the forfeiture of the Two Hundred Fifty-Dollars (\$250.00) security deposit.

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- (l) Damage exceeding Two Hundred Fifty-Dollars (\$250.00) will be assessed to the homeowner (the homeowner will be responsible for damage caused by his or her tenant's rental).
- (m) A cleaning fee in the amount of One Hundred Dollars (\$100.00) or more may be taken from the Security Deposit if the Clubhouse is not cleaned after the event, in accordance with the Clubhouse Clean Up Requirements Check List (Appendix 5).
- (n) **No decorations are allowed on the walls, windows, light fixtures, furniture, etc. This includes any tacks, strings, or tape to hang them.**

Fine Policy: Fines for violating any of the above Clubhouse Rules are as follows: One Hundred Dollars (\$100.00) for the first infraction, One Hundred Fifty Dollars (\$150.00) for second infraction, and Two Hundred Dollars (\$200.00) for third infraction. This is in addition to other applicable sanctions or penalties that may be imposed per the CC&Rs.

L. KEYS/HANDBOOK

1. Each unit is entitled to one Common Area key, which opens the pool complex area, and the Rules & Regulations Handbook.
2. Owners are responsible for providing tenants with the above items.
3. Replacement costs of the above items are as follows:
 - (a) Common Area Key \$25.00
 - (b) Broken Common Area Key Replacement \$5.00
(If broken key returned)
 - (c) Rules & Regulations Handbook \$15.00

Fine Policy: Fines for violating any of the above Key/Handbook Rules are as follows: Fifty Dollars (\$50.00) for the first infraction, Seventy-Five Dollars (\$75.00) for second infraction, and One Hundred Dollars (\$100.00) for third infraction. This is in addition to other applicable sanctions or penalties that may be imposed per the CC&Rs.

M. COMMON AREA SAFETY RULES

1. **GAMES, STUNTING, AND OTHER SUCH NON-TRANSPORT ACTIVITIES ARE PROHIBITED ON RED BLUFF AND SLOPES WITHIN THE COMMUNITY.**
2. Skateboarding, skating, and scooters (such as "Razors") are prohibited on Red Bluff.
3. Tricycles and other child-operated vehicles are prohibited on Red Bluff.
4. Bicycling is permitted upon Association streets, but shall not be used for recreational purposes on Red Bluff. Bicycles may be used for transport purposes only on Red Bluff.
5. Air soft guns are not permitted in the Montecido community.

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Injuries or damage caused by the unauthorized use of Association's property may result in the Association seeking indemnification from the offender, or in the case of a juvenile, against the responsible parent or guardian.

Fine Policy: Fine Policy: Fines for violating any of the above Safety Rules are as follows: Fifty Dollars (\$50.00) for the first infraction, Seventy-Five Dollars (\$75.00) for second infraction, and One Hundred Dollars (\$100.00) for third infraction. This is in addition to other applicable sanctions or penalties that may be imposed per the CC&Rs.

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Appendix 1

FREQUENTLY CALLED NUMBERS

Emergency:

911

Police Non-Emergency:

(714) 647-7000

Orange County Fire:

(714) 744-0400

Hospitals:

Mission Hospital

Saddleback Hospital

(949) 837-4500

Animal Control:

(949) 647-7000

Cox Communications:

(949) 240-1212

Waste Management:

(714) 558-7761

So Cal Gas Co:

(714) 834-5200

So. Cal Edison:

(800) 684-8123

Irvine Ranch Water District:

(949) 453-5300

Vector Control:

(714) 971-2421

Post Offices:

30595 Trabuco Canyon

(949) 888-1533

29851 Aventura #K

Rancho Santa Margarita

(949) 888-1533

28251 Silverado Canyon

(714) 649-3076

Schools:

Portola Hills (Grades K-6)

(949) 459-9370

Serrano (Grades 7-8)

(949) 586-3221

El Toro High School (Grades 9-12)

(949) 586-6333

Laguna Hills High School (Grades 9-12)

(949) 770-5447

Mission Viejo High School (Grades 9-12)

(949) 837-7722

Newspapers:

Los Angeles Times, Orange County

(714) 641-1595

Orange County Register

(714) 972-9800

Colleges/Universities:

Irvine Valley Community College

(949) 451-5100

Saddleback Community College

(949) 582-4500

U.C. Irvine

(949) 856-5011

Management:

Total Property Management, Inc.

(949) 261-8282

Fax: (949) 261-6958

www.totalpm.com

Association Contractors:

Animal Pest Management

(909) 591-9551

Blair's Towing

(949) 837-8697

Certified Termite

(714) 996-9488

Patrol One

(714) 541-0999

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Appendix 2

SCHEDULE OF FINES

<u>Infraction</u>	<u>Fine 1st Infraction</u>	<u>2nd Infraction</u>	<u>3rd Infraction</u>
Parking Rules	\$50.00	\$75.00	\$100.00
Architectural & Landscape Standards	\$100.00	\$150.00	\$200.00
Common Area Usage	\$50.00	\$75.00	\$100.00
Pool Complex Rules	\$50.00	\$75.00	\$100.00
Play Area Rules	\$50.00	\$75.00	\$100.00
Weight Room Rules	\$50.00	\$75.00	\$100.00
Clubhouse Rules	\$100.00	\$150.00	\$200.00
Key/Handbook Rules	\$50.00	\$75.00	\$100.00
Safety Rules	\$50.00	\$75.00	\$100.00

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Appendix 3

TENANT AGREEMENT FORM

Homeowners who have Tenants are required to provide registration information to the Association for use in emergency situations

Re: _____ Trabuco Canyon, CA 92679
(Montecido Address)

A. EMERGENCY INFORMATION

The following information is confidential and for Association use during an emergency:

Owner: _____
Print Name

_____ Address

_____ Daytime Phone Home Phone Fax

Agent (if applicable): _____
Print Name

_____ Address

_____ Daytime Phone Home Phone Fax

Tenant: _____
Print Name

_____ Daytime Phone Home Phone Fax

I/we have provided a copy of the Montecido at Portola Hills Homeowners Association Guidelines to my/our Tenant.

_____ Homeowner Signature Date

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Appendix 4

**APPLICATION AND AGREEMENT
FOR PERMISSION TO USE CLUBHOUSE**

- 1) *Rental fee attached* \$50.00 (non-refundable)
- 2) *Security deposit attached* \$250.00

Note: Please send two (2) separate checks.

Applicant's Name: _____ Date: _____

Address: _____

Phone #: (Work) _____ (Home) _____

*****AGREEMENT*****

I (we) hereby apply for permission to use the Clubhouse on _____
During the hours of _____. Expected attendance: _____

I (we) hereby assume full responsibility for the conduct and behavior of guests using the Clubhouse and agree to pay the Association for any damages done to the Clubhouse or its furnishings by any guest.

I (we) hereby fully indemnify the Association, its Board of Directors, and its members and hold them harmless of any form any claim of any person for damages to person or property arising out of my (our) use of the Clubhouse.

I (we) agree to conform strictly to the RULES & REGULATIONS for the use of the Clubhouse and to instruct my (our) guests to do likewise.

I (we) agree that rental of the Clubhouse does NOT include use of the pool/pool deck or spa/Jacuzzi.

I (we) understand that this application shall not be deemed validly granted unless approved, in writing, by a representative of Management.

I (we) understand that no amplified music or live bands are allowed at an event held at the clubhouse.

I (we) understand that activities held in the Association's Clubhouse are to conclude promptly at 10:00 p.m.

I (we) understand that children and teen parties must be chaperoned by a resident adult.

I (we) agree that cancellation of the reservation seven (7) days or less prior to the scheduled reservation date will result in forfeiture of the \$50.00 rental fee. (Security deposit will be returned).

I (we) understand that:

- 1) Keys must be returned the next business day following the event,

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- 2) Loss of the Clubhouse key will result in the Clubhouse being re-keyed and that I (we) shall be charged for the re-keying cost (not to exceed \$250.00).
- 3) No decorations are allowed on the walls, windows, light fixtures, furniture, etc. This includes any tacks, strings, or tape to hang them.

I (we) understand that damage exceeding \$250.00 (or the portion of \$250.00 remaining after any applicable re-keying charge has been deducted) will be assessed to my (our) homeowner assessment account as a Repair Assessment.

I (we) agree that a cleaning fee in the amount of \$100.00 or more may be taken from the Security Deposit if the Clubhouse is not cleaned after the event.

Event debris/trash must not be disposed of at the clubhouse. It must be disposed in the unit.

I hereby agree to and accept the foregoing term and conditions of this Clubhouse Rental Agreement.

Homeowner's Signature

Date

Management Representative

Member, Board of Directors

Upon completion of this form, please send to: Property Management Office. You may obtain the Clubhouse key by visiting the Property Management Office. However, please note that you MUST call the office ahead of time at (949) 261-8282 and schedule an appointment to stop by and pick-up the key.

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Appendix 5

CLUBHOUSE CLEANUP REQUIREMENTS CHECKLIST

This form must be completed and returned with the Clubhouse key or the \$250.00 deposit will NOT be returned.

KITCHEN:

- _____ Empty all trash receptacles and take trash to renter’s unit. Do not use the trash receptacles outside the clubhouse. This includes all litter and debris.
- _____ Please provide own plastic trash bags and remove from premises all used napkins, paper plates, and all other disposable material or waste.
- _____ Please do not put coffee grounds in garbage disposal.
- _____ Clean counter tops, refrigerator, stove, etc.
- _____ Please be sure to turn off the oven and top burners.
- _____ Spot clean marks and/or smear on walls, doors and tables.
- _____ Sweep/mop kitchen floor (mop up any spills).
- _____ All Kitchen lights are to be turned off.

CLUBHOUSE:

- _____ No decorations are allowed on the walls, windows, light fixtures, etc. (this includes any tacks, strings, or tape used to hang them).
- _____ Clean/wipe down all tables.
- _____ Empty all trash receptacles and take trash to renter’s unit. Do not use the trash receptacles outside the clubhouse. This includes all litter and debris.
- _____ Furniture **NEATLY** returned to the original arrangement, as prescribed by the Association.
- _____ If other equipment is brought in, remove prior to leaving the Clubhouse.
- _____ Vacuum carpet.