

PAVILIONS COUNCIL OF CO-OWNERS
RULES & STANDARDS

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THE PAVILIONS
APPROVED PAINT COLORS

<u>COLOR</u>	<u>PRODUCT #</u>	<u>APPLICATION</u>
SAHARA COLOR	SP513 – 100% Acrylic Exterior Flat (W704)	EXTERIOR BODY & ALL TRIM
CANDLE*	DE1040 – 100% Acrylic Exterior Flat (W704) Permasheen, Acrylic Semi-Gloss Enamel (W901) SunLustro High Performance Alkyd Gloss Enamel (10 Series)	ALL POP OUTS DOORS EXTERIOR METAL

Dunn Edwards, 8686 N. Frank Lloyd Wright Blvd., Scottsdale, AZ 85254, 480.483.3131
Frazee Paints, 15125 N. Hayden Rd., Scottsdale Airpark Design Center, 480.948.7829

*Exterior electrical boxes – 100% Acrylic Exterior Flat paint (W704)

PAVILIONS HOSE RULE

All hoses must be kept within a hose container when not in use; the container for the hose must closely match the exterior of the buildings. Hose and hose container may be placed adjacent to the garage doors when not in use or stored.

Revised & Approved: October 2011

HOLIDAY DECORATIONS

Article IV of the Pavilions Declaration and Section 3 of the Bylaws grant to the Association the right to regulate the use of the Common Areas and to adopt rules implementing such regulations. Pursuant to such authority, The Pavilions Board of Directors (the "Board" has adopted a rule governing holiday decorations. The rule so adopted by the Board follows:

No holiday decorations shall be installed or placed on any common property within the Pavilions Community. ALL decorations with exception to door wreaths may not be visible to neighboring properties. All door wreaths must be in keeping with the holiday season (November through December) and must be removed by the first week of January. The shape and size of the wreath must be in scale with and visually relate to the surrounding areas.

DUMPSTER RULE

Dumpsters have an impact on surrounding homeowners; therefore we need to make certain that we limit their impact while still facilitating landscaping and remodeling projects accordingly. The following rule has been created:

No dumpster can be at a property in The Pavilions for more than 2 weeks. Prior to having the dumpster dropped off, the homeowner or contractor must contact the Gainey Ranch Community Association Office to confirm the delivery date.

Dumpsters may only go in the driveway, and may not over hang the sidewalk. All dumpsters must be free of graffiti and must be covered when not in use.

Any request for a dumpster to be at a property longer than the 2 week maximum will require Pavilions Board approval.

THE PAVILIONS

APPROVED SUN CONTROL DEVICES

All sun control devices require Gainey Ranch Architectural Committee and Satellite Association Architectural Committee approval prior to any construction or installation. Additional information regarding submittals and approvals can be obtained at the Gainey Ranch Community Association office. No other sun control devices are approved.

I. **AWNINGS** are reviewed on an individual basis.

Approved Fabric: SUNBRELLA

Approved Color: BEIGE #4620

- A. **Fixed Awnings** must be the shape of the window and constructed of fabric stretched and wrapped over a painted metal frame permanently attached to the exterior of the wall.
- B. **Retractable Awnings** are reviewed on an individual basis and are constructed of fabric stretched over a painted metal frame of 1" square tubing, permanently fixed to the exterior wall of the unit by means of 4" lag bolts through the metal frame. Fabric edge must be straight with no fringe, scallops or rope ties. No conduit or junction boxes may be exposed on the building exterior.

II. **SUNSCREENS** are reviewed on an individual basis.

Approved Frames: Frames and hardware are to be constructed out of bronze finished anodized metal to match the window frame.

Approved Color: Black sunscreen fabric

- A. **Fixed Screens**
- B. **Retractable Screens**

III. **UMBRELLAS**, Deck and patio umbrellas must be kept in good condition; damaged, torn or faded umbrellas should be replaced as soon as possible and within no more than 28 days from the date of any written notice of non-compliance. Fabric may not display graphics of any kind, including logos, lettering, advertisements, designs, stripes, etc. Fabric colors which are highly contrasting (e.g. red, blue and yellow) to the Pavilions building colors or that involve contrasting multi-colors on the umbrella are not permitted. All colors are subject to Board approval. As a general rule, solid color umbrellas that involve earth tones such as beige, tan, sand and shades of brown, or which closely match the approved color (Beige #4620) of the building awnings will be approved.

IV. **RETRACTABLE ROLLING SHUTTERS** are reviewed and approved on an individual basis prior to installation. Shutters must be track-mounted and constructed of pre-painted (baked enamel) slats. Slats and hardware must be housed in a protective box installed directly above the window or door. Box and all other hardware must be painted to match the exterior color of the building. No conduit or junction boxes may be exposed on the building exterior.

Approved Materials: DOUBLE WALLED OR PVC VINYL
or ALUMINUM SLATS
Approved Colors: BEIGE
Location: WINDOWS SPECIFICALLY APPROVED

V. **GLASS TREATMENT**

- a. Stained/Colored Glass will be approved on an individual basis for design and location.
- b. Tinted Glass is installed in all units at the Pavilions. Insulated glass set in bronze aluminum frames is the standard for all windows and sliding glass doors.
- c. No Reflective Material including but not limited to aluminum foil, reflective screens or glass, mirrors or similar type items, are not permitted to be placed on the outside or inside of any windows.

PARKING

1. Pursuant to the Pavilions Council of Co-Owners By-Laws, Section 3 “Powers and Duties,” Number 1, the Pavilions Council of Co-Owners is granted the right to adopt rules and regulations. The adopted rules and regulations may cover any aspect of the Pavilions Council of Co-Owners rights, activities and duties provided said rules and regulations are not inconsistent with the provisions of the Pavilions Declaration.
2. The Pavilions Association Declaration, Article VIII, Section 7 “Vehicles” states that “All vehicles shall be parked only in spaces designated for parking.” This intention is hereby further defined as follows:
 - a. Operable vehicles of guests and invitees shall be allowed to temporarily park on the driveway and also on the street. However, no overnight parking on the street shall be allowed. Any exception however, must be approved by Gainey Ranch Security upon registration of vehicle with Gainey Ranch Security. No vehicle with advertising, or a vehicle weighting over 1 ton is permitted to park in the driveway overnight.
 - b. Any vehicle that is parked in the street overnight which has not been registered with Gainey Ranch Security will be tagged. After the vehicle has been tagged by Security two (2) times then the homeowner will be called regarding the violation and once the vehicle has been tagged three (3) times in a one month time period, then the homeowner of the unit will begin receiving fines.
 - c. When not in use, all motorcycles and motorbikes must be stored in the garage.
 - d. Enforcement will be by the Gainey Ranch Community Association in accordance with the Master Association Rule, “Vehicle Parking Restrictions.”

Amended April, 2012

THE INSTALLATION OF HARDWOOD OR TILE FLOORING

No owner of second story Units within the Pavilions Association may install hardwood, tile or similar floor within their unit unless noise deadening material is installed and approved by The Pavilions Association Board of Directors and the Master Architectural Committee to ensure sound penetration does not disturb the unit below.

Only carpet with padding may be used in second story units unless the above conditions are met.

Hardwood or tile flooring may be used in limited amounts in the entryways, bathroom and kitchens of second story units without noise deadening material if approved by The Pavilions Association Board of Directors and the Master Architectural Committee.

Any installation must fit within the guidelines of “equal to or better”, that is, the sound deadening infrastructure must produce audible results equivalent or better than the use of padding and carpet.

Any second story unit that currently has hardwood or tile flooring in violation of this rule as of the date of adoption will be grandfathered, with the following conditions:

Should the hardwood or tile floor in the future require repair or replacement of 50% or more of the grandfathered flooring, sound deadening material will be required.

No new installations of hardwood, tile or similar flooring may be installed in any second story Unit as of the date of adoption of this rule unless noise deadening flooring material is installed, regardless as to whether or not the owner had previously installed hardwood, tile and/or similar flooring in a portion or all of the second floor.

SECOND STORY DECK MAINTENANCE PROGRAM

Realizing the importance of maintaining the second story decks in a water tight condition, the Pavilions Council of Co-Owners is responsible for maintenance of the standard membrane surface of the patio in good condition and repair for both uses as a patio and first class roof. However, the homeowner shall be responsible for maintenance of any patio surface where any walking surface has been installed on top of the maintenance of any patio surface where any walking surface has been installed on top of the membrane surface (i.e.: tile, stone, etc.). Carpeting shall not be allowed to be installed on top of the membrane surface. Proper maintenance of any type of walking surface over the standard membrane deck is a concern and installing any such surface is discouraged as it is usually a problem to maintain in a water tight condition. Any type of walking surface installed over the membrane deck must also first be approved by the Pavilions Council of Co-Owners and the Master Association Architectural Committee. The following is the maintenance program for the second story decks:

- A. **MEMBRANE DECK SURFACE** (Decks without tile surface or any other added surface material – This is the standard Pavilions deck surface).

The Gainey Ranch Community Association (GRCA) maintenance staff will inspect each deck annually during years when not inspected by the consultant for breaks, tears, wear spots, rips or any conditions allowing water to migrate through the deck. Conditions of each deck will noted and appropriately documented. Any standard membrane decks that require repairs or replacement of the waterproofing material will be scheduled for repair and the owner will be notified. The cost of such repairs and inspection will be the responsibility the Pavilions Council of Co-Owners. However, the owners shall be responsible for the cost to repair if the damage was caused by the owner's negligence or such owner's family members, tenants, guests, or invitees. The owner is also responsible for the following good housekeeping practices which play a major role in preventing water penetration problems and failure of the deck:

1. The decks should be washed down on a regular basis using a mild detergent and warm water.
2. Windblown leaves, trash, etc., must be removed on a regular basis.
3. The drains must be kept cleaned and free of debris at all times and flushed on a regular basis.
4. Potted plants, trees, etc., should be moved occasionally to prevent deck damage. A raised dolly may be required to move any large pots.
5. All patio furniture must have rubber skids in order to prevent damage to the membrane.

B. TILE, STONE AND OTHER DECK SURFACES (Represents materials installed over the standard membrane surface at the homeowner's election).

Annually the GRCA maintenance staff will inspect each deck for cracked, broken or loose tile or stone and grout or any conditions allowing water to migrate through the deck. Conditions of the decks will be noted and appropriately documented and a copy of the inspection report will be mailed to each owner. The Association will put the affected owner on notice regarding any maintenance requirement and make immediate arrangements to have the appropriate repairs or replacements made. The work will be performed by a competent licensed contractor and each homeowner will be invoiced at the GRCA's cost.

It is important each owner of a tile or stone deck perform certain maintenance on a strict routine basis in order to prevent water penetration and failure of the deck. The following maintenance activity is intended to mitigate each such deck owner's exposure arising from his or her responsibility for any damage to the deck caused by water migrating through the surface:

1. Cracked, loose or broken tile or stone must be removed, the membrane surface checked for any penetration or pin holing and lastly reset the tile or stone in a waterproof bed and mortar system. No broken or cracked material can remain as part of the deck after repairs.
2. Since grout is porous material, it must be sealed periodically on an as needed basis, with a water resistant solution. There are a number of commercial products available for this process which can easily be applied with a brush, like paint.
3. Cracked, loose, porous grout must be repaired or replaced with a moisture resistant mortar. The water proof membrane should be checked for penetrations or pin holing and repaired prior to repairing or replacing tile, stone and/or grout and sealed with a water resistant solution.
4. The perimeter edges of the tile or stone deck floor where the surface interfaces with the stucco wall should be caulked on a regular basis with a HIGH GRADE urethane elastomer caulk.
5. Windblown leaves, trash, etc., must be removed and the deck swept and cleaned on a regular basis.
6. The drains must be cleaned and free of debris at all times and flushed on a regular basis.
7. Potted plants, trees, etc., should be moved occasionally to prevent eventual deck damage. A raised dolly may be required to move any large pots.

C. TILE, STONE AND MEMBRANE DECKS

1. All Pavilions second story decks will be inspected bi-annually by a qualified deck and water proofing consultant. The consultant will provide insight into any premature membrane failure, the cause of such failure and describe how to economically make repairs. The consultant will identify possible chemical or environmental changes that may affect the deck and provide imperative information in planning for repair and replacement budgets. The bi-annual deck inspection by the consultant will be at the cost of the Pavilions Council of Co-Owners.

Approved: Dec. 1997

GROUND LEVEL WOOD DECK/PATIO MAINTENANCE

PREFACE:

Article III, Section 1(a) of the Bylaws states that the homeowner is required to maintain and repair the common elements exclusively appurtenant to the unit. Article I, Section 3(d)(5) of the Declaration designates patios and decks appurtenant to the unit as exclusive use common elements. Thus, the maintenance of each wood deck/patio is the homeowner's responsibility.

Article VIII, Section 8(b) of the Declaration states that the Council of Co-Owners is required to maintain and repair all common elements. Common elements are defined in Article ii, Section 12 of the Declaration as all property not included in the dwellings. The definition of "dwellings" in Article II, Section 11 excludes among other things, structural parts of the building, columns, vertical supports and floors. Thus, maintenance and repair of these items are the responsibility of the Council of Co-Owners.

This Rule has been established by the Board of Directors to clarify the specific items that are considered a component of the patio and deck, as opposed to the structure of the building and thus are the homeowner's maintenance responsibility.

RULE:

The homeowners shall be responsible for the maintenance and repair of the following as items considered to be part of the ground level wood deck/patio:

1. Maintain the deck/patio in a neat, clean and safe condition.
2. Maintain the surface of the patio/deck in good condition and repair. Surface is defined as all existing materials above or upon the structural components of the patio/deck. The surface of the deck/patio shall include any paint, stain, oil, varnish or any other finish applied to the wood deck or other walking surfaces or carpeting located above or upon the wood deck.
3. Maintain any hot tubs, landscape materials or any other structures or elements located upon or cut into or through the wood deck.
4. Maintain the surface of the railings and post in good condition and repair. Surface is defined as all existing paint, stain, oil, varnish or any other finish applied to the railings and posts.
5. Any damage to the structural components of the deck/patio caused by improper maintenance of the deck/patio surface or any other damage caused by the homeowner, other resident or guest.

In accordance with Section 8(d) of the Declaration, the Council Co-Owners shall be authorized to correct any outstanding homeowner maintenance deficiencies including the prescribed right of entry upon all common elements and dwellings.

Pursuant to Article VIII, Section 3(b) of the Bylaws, each homeowner shall permit persons authorized by the Board, when so required, to enter his deck/patio for the purpose of performing any alterations or repairs that are the responsibility of the Council of Co-Owners.

PATIO/ROOF MAINTENANCE

The attached 11/19/90 opinion letter from the law offices of Snell & Wilmer states that the maintenance responsibility of second-story patios that form a portion of the roof of the corresponding first-story unit or garage is not definitively answered in the Pavilions documents. Therefore, this Rule has been adopted by the Board of Directors to clarify such second-story patio/roof maintenance responsibilities between the homeowner and the Pavilions Council of Co-Owners (Board).

A. Homeowner Maintenance Responsibility

1. Maintain patio in a neat, clean and safe condition.
2. Maintain the surface of the patio in a good condition and repair for both use as a patio and first class roof. Surface is defined as all existing materials above or upon the structural components of the patio. The surface of the patio shall include the water proofing membrane and any stone, tile or other walking surfaces or carpeting located above the plywood, concrete or other patio base. Structural components of the patio include, but are not limited to any plywood, concrete or other hard base materials of the patio.
3. Maintain the railings, posts and light fixtures in good condition and repair.
4. Any damage to the structural components of the patio caused by improper maintenance of the patio surface or negligence of the homeowners of the family or guests of the homeowner.

In accordance with the provisions of Section 8(d) of the Declaration, the Council of Co-Owners shall be authorized to correct any outstanding maintenance deficiencies including the prescribed right of entry upon all common elements and dwellings. The cost thereof shall be deemed to be an assessment to such homeowner.

B. Council of Co-Owners Maintenance Responsibility

1. Maintain all structural components of the patio/roof.
2. Maintain any flashings or other materials on patio/roof that were exclusively installed to function as a roof.
3. An annual inspection of each patio/roof shall be conducted at the expense of the Council.

Pursuant to Article VIII, Section 3(b) of The Pavilions Council of Co-Owners Bylaws, each Member shall permit persons authorized by the Board when so required, to enter his Dwelling for the purpose of performing alterations or repairs, provided that requests for entry are made in advance and at a time convenient to the Member.

Approved: 6/15/93

COMMON ELEMENT MAINTENANCE RESPONSIBILITY RULE

It has been determined that the maintenance responsibility of doors and windows is not definitively answered in the Pavilions documents. Therefore, this Rule has been adopted by the Board of Directors to clarify door, window and skylight responsibilities.

The Board has established that all windows, doors and skylights, appurtenant to the Dwelling, including adjacent storage room patio doors, shall be the homeowner's maintenance responsibility as follows:

A. Windows/Skylights:

1. Cleaning exterior and interior glass.
2. Replacing broken glass.
3. Caulking and sealing around windows/skylights.
4. Window frame repair and replacements including mullions.

B. Doors:

1. Repair and replacement of all above described doors with the exception of the exterior garage door surface including the lattice. The Pavilions Council of Co-Owners shall be responsible for the maintenance of the exterior garage door surface and lattice.
2. Repair and replacement of the threshold appurtenant to the door.
3. Repair and replacement of door jambs.

In accordance with Article XII of the Pavilions Declaration, the Council of Co-Owners shall have the right to enforce any outstanding homeowner maintenance deficiencies.

Pursuant to Article VIII, Sections 3(a) and 3 (b) of The Pavilions Council of Co-Owners Bylaws, an authorized individual shall have the right of entry into a Dwelling to perform repairs, if necessary, on behalf of the homeowner.

TERMITE CONTROL & CONTAINMENT

In order to properly protect the buildings at The Pavilions against termite invasion, the Board of Directors of The Pavilions Council of Co-Owners has adopted the following rules that apply to Pavilions homeowners (Members):

A. Annual Inspection

1. The Pavilions Council of Co-Owners shall contract with a pest control company for the annual inspection of all building exteriors for evidence of termite activity.
2. The results of such inspection shall be delivered to the Council in writing with recommendations for any treatment necessary.
3. The annual inspection shall be conducted, whenever possible, during the season of the year when termites are most active.
4. The cost of the annual inspection shall be paid by the Council and included in the monthly assessment amount.

B. Buildings Covered Under Pre-treatment Warranties

1. If termite activity is noted on a building still under the five year pre-treatment warranty, the pre-treatment supplier shall be notified immediately and appropriate treatment scheduled.

C. Buildings No Longer Under Pre-treatment Warranties

If termite activity is noted on a building no longer covered by a pre-treatment warranty, responsibility for costs of appropriate treatment shall be as follows:

1. All treatments to the exterior of a building shall be an expense of the Council.
2. If termite treatment to the interior of an individual home is necessary, the Member will be required to promptly arrange for treatment and shall be responsible for the cost of such treatment.
3. If a professional exterminator recommends treatment and the Council considers it to be in the best interest of building maintenance, the Member cannot refuse treatment of the interior surface of any unit. In the event the Member objects to the prescribed treatment, the Council may overrule the Member in order to cause the treatment to all required building interior surfaces. If the Member fails to pay their allocated

portion of the treatment, the Council may enforce collection of such amounts as provided in the Satellite Declaration for the collection of Individual Assessments.

4. In the event that an entire building is treated, the annual fee to renew the guarantee shall be paid by the Council.

D. Homeowner Negligence

1. The Member shall be personally liable for the cost of any treatment caused through the willful or negligent act of such Member or the agent or representative. Payment of such costs shall be subject to Article X, Section 2 & 3 of the Gainey Ranch Master Declaration.

Pursuant to Article VIII, Section 3 (b) of The Pavilions Council of Co-Owners Bylaws, each Member shall permit persons authorized by the Board when so required, to enter his Dwelling for the purpose of performing alterations or repairs provided that requests for entry are made in advance and at a time convenient to the Member.

THE PAVILIONS AT GAINNEY RANCH
DOOR REPLACEMENT STANDARD

The following custom wood doors have been approved as the replacement doors for the front and side entries for The Pavilions condominium community. Homeowners can choose the type of wood. The paint color will need to match the current approved color. All new hardware will need to be approved.

NEW ENTRY DOOR

Canyon Custom Contemporary Series
No. CC84



ENTRY DOOR WITH OPAQUE GLASS*

***FOR NON VISIBLE LOCATIONS ONLY**

Canyon Custom Traditional Series
No. CC77



Paint Color: Dunn Edwards Candle (DE1040) Permasheen Acrylic Semi-Gloss Enamel (W901)

Purchase Doors: Ken Schaeffer 602.525.9635
SCOTTSDALE CUSTOM BUILDING MATERIALS
7650 East Gelding Dr.
Scottsdale, AZ

Paint can be applied to the door prior to install if you provide paint color information to Ken Schaeffer with Scottsdale Custom Building Materials.

THE PAVILIONS SCREEN/SECURITY DOOR STANDARDS

1. Front Storm Door or Screen Door

Larson Manufacturing – Available at Lowe’s (special order) quality material, style, storm door converts to screen door; dead bolt lock, frame color must be compatible to building color and structure

Bring dimensions to store to be ordered, the door will be delivered to the Lowe’s store. Will need to be professionally installed.

2. Front Entry Sliding Door & Patio Doors

Two Manufacturers: Local Distributors in Cave Creek and Phoenix.

1. **Arizona Sun Screen LLC**, “Roll-Away” standard and custom doors and colors, aluminum parts, fiberglass screening, is self-installing.
2. **Phantom Screens/Arizona Screens**, Display at Lowe’s, aluminum parts, frame color to match structure, screening in black and grey, easy to use, needs to be professionally installed.

APPROVED ALTERNATIVE DECKING OPTIONS FOR PAVILIONS DECKS

Trex transcend decking product may be used to replace the wood deck floors at the Pavilions.
The Trex Decking is:

1. Protected on 3 sides that brave the elements for weather protection.
2. The underside breathes so as to avoid surface separation.
3. It is 2-3 times thicker than regular wood decking.
4. It produces a natural, low sheen, wood-like look.

The approved Trex decking colors for the Pavilions are Tree House and Saddle.

This product is available at:

- Ponderosa Lumber, 6425 E. Thomas Rd., Scottsdale, AZ 85251
Phone: (480) 947-7765
- Lowe's and Home Depot.