

# The Courts at Gainey Ranch

## Standards and Rules

*(Updated September 1, 2016)*

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# Maintenance Responsibilities

May 29, 1996  
Revised 2/12

Your Board of Directors has undertaken a review of all of The Courts Homeowners Association documents in order to clarify and delineate the respective maintenance responsibilities of The Courts and Gainey Ranch Homeowners Association ("Association") and its members ("Homeowners"). To this end, the Master Declaration (commonly referred to as the CC&R's) was reviewed. In addition, those statutes ("the Statute") pertaining to the creation and management of a condominium in the State of Arizona were reviewed for compliance.

The allocation of maintenance responsibilities has been organized according to the parts which make up the Condominium, namely, Units, Limited Common Elements and Common Elements. A summary of each part follows.

Unit: The Unit is the part of the condominium you independently own. Although defined in detail in the CC&R's, for the purposes of this memorandum it can be thought of as that which comprises your interior living space. Generally speaking, the structural components and exterior of the building in which your Unit is located are not part of the Unit, but are Common Elements.

Limited Common Element: Limited Common Elements are not owned by Unit owners (hence they are part of the Common Elements), but are appurtenant to and for the exclusive use of designated Unit owners (hence the Limited designation). The CC&R's and plat designate the following as Limited Common Elements: garages, stairways to second story units, driveways, entryways, patios, balconies, fireplaces (including firebox and flue) and any portion of the electrical, plumbing, mechanical and similar systems, within or without the Unit, serving only that Unit. In addition, the statute designates all exterior doors, windows and walls around patios as Limited Common Elements.

Common Elements: Common Elements consist of every element of the entire Condominium that is not included within the definition of a Unit. For purposes of this memorandum, however, references to Common Elements do not include Limited Common Elements since these are considered separately.

The allocation of maintenance responsibilities for the foregoing elements of the Condominium is as follows:

## I. Units

- A. Each homeowner is responsible for all of the maintenance, repairs and replacements within the homeowner's Unit. This includes but is not limited to the following:
  - a. All Perimeter walls, floors, ceilings, doors and windows and all other improvements within the Unit.
  - b. All appliances, fixtures and equipment within the Unit, including without limitation lighting fixtures, plumbing fixtures, stoves, refrigerators, hot water heaters, heating and air conditioning components as long as these

components exclusively service the Unit rather than being a part of a system serving more than one Unit.

## II. Limited Common Elements

The CC&R's state that each homeowner is responsible for maintaining in good order and repair and in a clean and sanitary condition of all exclusive Limited Common Elements (except the driveways, as to which the CC&R's state that the Association shall provide all maintenance). In some instances, the CC&R's are more specific in regards to the maintenance of certain Limited Common Elements. On the hand, the Tract Declaration states that the Association shall be responsible for the exterior of the dwelling units and other buildings which is broad enough to encompass certain Limited Common Elements, and specifically reference painting and maintenance of roofs. Your Board has reconciled these documents by drawing distinctions between (i) those Limited Common Elements that require exterior maintenance and those that do not, (ii) building and landscape maintenance and (iii) those items that have been added by the homeowner, either as an option at the time of purchase or independently after purchase, and those that were standard. In addition, whenever possible, specific language was given precedence over general language. Thus, the maintenance responsibility for Limited Common Elements is as follows:

- A. The Association is responsible for all driveway maintenance and parking areas exterior to garages and for maintaining garage doors and exterior lights except all lights, including building mounted lights within patios and balconies.
- B. Homeowners are responsible for routine cleaning and maintenance of entryways, stairways to second story units including railings and posts, patios and balconies, which includes railings and posts and keeping drains in an open and unobstructed condition. Except as otherwise provided in Paragraph II, H, below, the Homeowner is responsible for all other exterior maintenance of these elements.
- C. Homeowners are responsible for routine cleaning and maintenance of garages, storerooms not within the Unit and fireplaces (including firebox and flue). The Association has no responsibility with respect to these elements.
- D. Homeowners are responsible for maintenance, replacement and repair of any of the items described in Paragraph I, A2 above which qualify as Limited Common Elements because they are not located within the Unit, and for maintenance of all other portions of the electrical, plumbing, mechanical and similar systems which qualify as Limited Commons Elements. This includes the maintenance of, in an open and obstructed condition, all sewer and drainage pipes, water and other utility lines between the points at which the same enter the Unit and the points where the same join the utility line serving other units. The Association has no responsibility with respect to such items.
- E. Homeowners are responsible for maintenance of all exterior doors, including such door system components as jambs, weather stripping, thresholds, tracks, screens and hardware, excluding garage doors (see Paragraph II, A, above). This includes painting, repair and replacement and interior and exterior cleaning of all door glass. This also includes maintenance of the garage door opener and remote control



device. The Association's responsibility with respect to these elements is limited to caulking.

- F. Homeowners are responsible for maintenance of all windows and skylights, including such window system components as frames, weather stripping, tracks, screens and hardware. This includes repair and replacement interior and exterior cleaning of all window and skylight glass. The Association's responsibility with respect to these elements is limited to exterior caulking and maintenance of the flashing around skylights and windows.
- G. Homeowners are responsible for maintenance of any landscaping within a Limited Common Element. The Association has no responsibility with respect to this item.
- H. Maintenance responsibility for a second story patio or balcony is as follows:
  - a. The Association is responsible for maintaining the membrane surface because it is partially a roof element of a garage, any water penetration could also damage the building structure supporting the deck and water could also enter the interior of a Unit.
  - b. Homeowners are responsible for routine cleaning as set forth in Paragraph II, B, above and for negligent damage noted in Paragraph II below.
  - c. The enclosed deck maintenance program has been adopted by the Board.

### III. Common Elements

The Association is responsible for maintenance of the Common Elements. Homeowners have no responsibility to maintain any of the Common Elements. However, homeowners are liable for any damage to the Common Elements, including the Limited Common Elements that may be sustained by reason of the negligence of a homeowner's family members, tenants, guests or invitees.

## Second Story Deck Maintenance

Approved: 5/96

Revised: 2/12

Realizing the importance of maintaining the second story decks in a water tight condition, The Courts Homeowners Association has adopted a maintenance program covering the second story patio decks. These patios have the standard waterproofing membrane surface.

- A. The 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 be 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 of The Courts Homeowners Association. However, the owner shall be responsible for the cost 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.
  - a. The decks should be washed down on a regular basis using a mild detergent and warm water.
  - b. Wind-blown leaves, trash, etc., must be removed on a regular basis.
  - c. The drains must be kept clean and free of debris at all times and flushed on a regular basis.
  - d. Potted plants, trees, etc., should be moved occasionally to prevent deck damage. A raised dolly may be required to move any large pots.
  - e. All patio furniture must have rubber skids in order to prevent damage to the membrane.
- B. The 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 cost to The Courts Homeowners Association.

## Sun Control Devices & Screen/Security Doors

Originally Approved: 4/89  
Revised & Approved 10/04 & 2/12

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

- A. SUNSCREENS are reviewed on an individual basis.
  - a. FIXED SCREENS including the frame and hardware are constructed out of white finished anodized metal to match the window frame. The approved screen color is dark gray or black.
  - b. RETRACTABLE SCREENS must be dark gray or black. They are only allowed on the rear elevation. Retractable sunscreens will be track-mounted flush against the building within ½" of the window frame and all hardware will be concealed in a protective box matching the color/finish of the building exterior. No conduit or junction box may be exposed on the building exterior.
- B. COVERED TRELLISES Existing trellises may be covered for additional sun protection with fabric that is approved on a case by case basis by The Courts Board. The fabric must be stretched and attached to a metal framework which will be visible only from beneath the trellis. Fabric and framework will be concealed behind stuccoed parapets. The framework will be pitched to drain water.
- C. UMBRELLAS, etc., must be kept in good condition. Fabric may not display graphics of any kind, and fabric colors that are highly contrasting to adjacent building or highly contrasting multi-colors on the umbrella are not permitted.
- D. GLASS TREATMENT
  - a. STAINED/COLORED glass will be reviewed on an individual basis for color, design and location.
  - b. TINTED GLASS may only be installed on the interior of windows. The window tint may not alter the exterior appearance of the windows.

- c. NO REFLECTIVE MATERIALS including but not limited to aluminum foil, reflective screens or glass, mirrors or similar type items shall not be permitted to be installed or placed on the outside or inside of any window.

#### E. SCREEN DOORS AND SECURITY DOORS

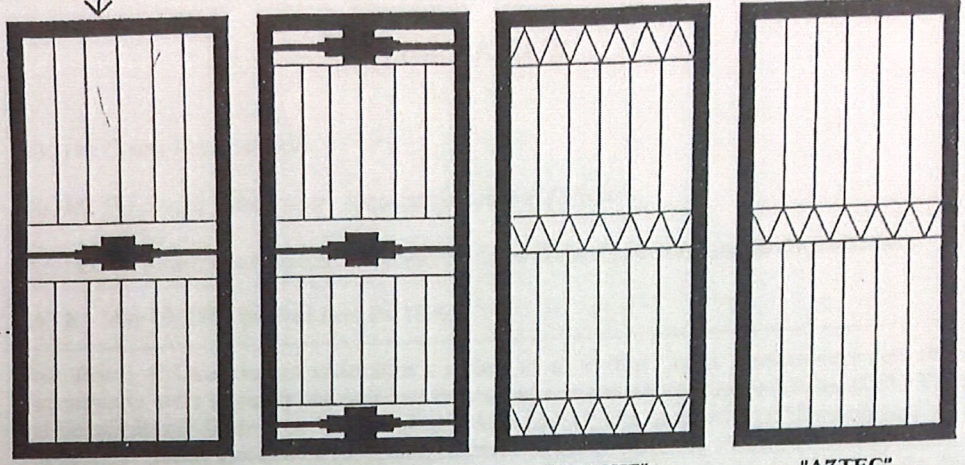
The approved screen door must have a white frame with dark gray or black screen material and the design should have mullions dividing the screen into 15 rectangles, 3 across and 5 down, similar to the approved Courts windows.

The approved security door must be a white metal frame door with a dark gray or black screen material with a "Zuni" design in the middle section of the door. Please see Exhibit A.



COURTS APPROVED  
SECURITY DOOR  
↓

Exhibit A

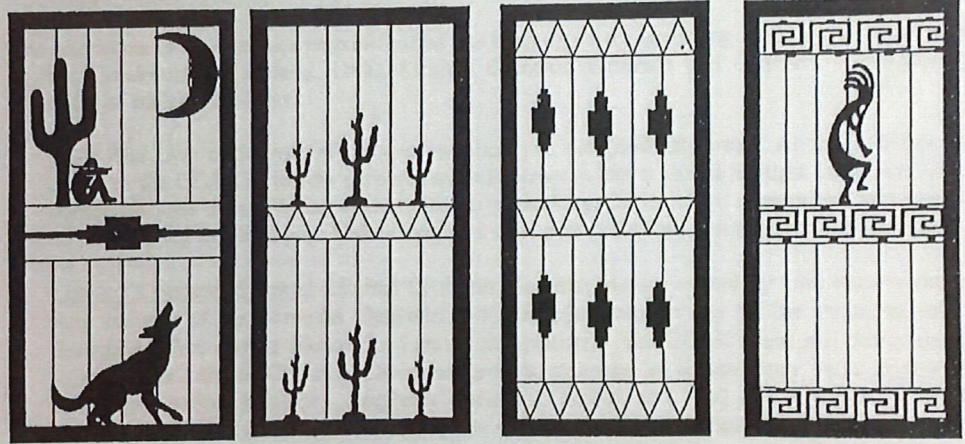


"ZUNI"

"ANASAZI"

"APACHE"

"AZTEC"

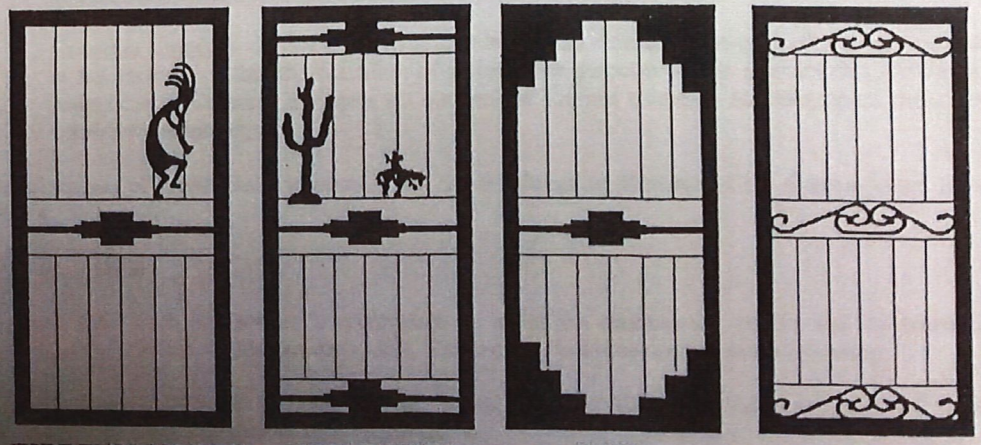


"SONORAN"

"SAGUARO"

"NAVAJO"

"COCOPELLI"



"ZUNI W/COCOPELLI"

"TRAILS END"

"HOPI"

"SANTA FE"



## Paint Colors

Revised: 4/04 & 2/12

### PAINT COLOR

### LOCATION

Dunn Edwards – Wandering Road (DE6076)

Accents & Chimney Caps

Dunn Edwards – Colorado Trail (DE6117)

Exterior Patio Color

Dunn Edwards – Custom (lightest color)

Pop Outs

Dunn Edwards – Colorado Trail (DE6117)  
Semi-Gloss

Front, Side Garage & Back Doors

Sherwin Williams – Quaker Bronze  
Industrial Urethane

Metal Railings