

MESA MADRID TOWNHOUSES HOMEOWNERS' ASSOCIATION

Information Rules and Regulations Amended 1.29.2020

NOTE: The following Rules and Regulations are a combination of established rules and regulation to be enforced by Mesa Madrid HOA and may also include components of Arizona State Statutes, Maricopa County Ordinances and the City of Mesa Zoning Ordinances and/or Codes.

**Printing and/or Posting of all other Rules and Regulations
and/or
Code of Conduct
prior to this date, are repealed.**

**Management Company: Heywood Management
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Phone: 480-820-1519
Property Manager: Steve Cheff
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Mesa Madrid Website: www.mesamadridhoa.com

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MESA MADRID TOWNHOUSES

RULES AND REGULATIONS

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MESA MADRID HOMEOWNERS ASSOCIATION

INFORMATION, RULES AND REGULATIONS

Mesa Madrid is a private community of 150 units. The complex represents a democracy with the Declaration of Covenants, Conditions and Restrictions (CC&R's) and By-Laws standing as its constitution. Purchasing a townhouse and the acceptance of a deed to the property obligates owners and their tenants, guests or residents to abide by the CC&R's and Bylaws recorded on the property as well as subsequent Rules and Regulations adopted by the Board of Directors. The elected Board of Directors are responsible for enforcing the CC&R's, By-Laws, Rules and Regulations and operating the Association in a financially accountable manner.

The CC&R's authorize the board to develop Rules and Regulations. The following Rules and Regulations summarize and clarify the CC&R's and By-Laws. The Rules and Regulations are not intended in any way to modify or waive the CC&R's and By-Laws. Copies of the CC&R's and By-Laws are available through the Management Company. Please be certain you have copies of these documents. We urge you to read both documents as they set forth in complete detail the rights, duties and obligations of each owner. If you lease or rent, be certain to supply copies of these documents to your tenants.

It is to everyone's advantage to use and care for our property in a proper manner and to respect the rights of other residents. These Rules and Regulations were compiled for the purpose of protecting our property, its value and for making Mesa Madrid Townhomes a pleasant place to live. **Your cooperation is essential.** We must always be considerate of our neighbors and use common sense in community dealings. The rules of good citizenship and morality shall apply at all times.

Please bear in mind, as you read these Rules and Regulations, that each and every rule is designed for a specific purpose. These purposes are intended to protect the rights of residents, protection of property and property values, safety of residents, enhancement of the appearance of the property and conformity to all federal, state and local laws.

BOARD OF DIRECTORS

The Board of Directors is a legal body duly elected to represent the Association and whose authority shall be absolute and final in all matters.

The Board of Directors is composed of (5) five members. Any owner is eligible to become a Board member provided all maintenance fees are paid and voting rights are not under suspension. Board members volunteer their time to Mesa Madrid Townhouses.

MEETINGS

The Annual meeting of the Association is held during the month of February each year. Notification will be sent in advance as to the time and location.

Regular meetings of the board are usually held every third Thursday of the month, with the exception of July and August, where there are no meetings held. Notice of the meeting is posted at the bulletin board. It is essential that owners present during the Board's business meeting observe silence to enable the Board to efficiently conduct the meeting.

VOTING

Owners will have voting rights at the Annual Meeting with one vote per unit. Voting rights will be suspended during any period in which any assessment, fee or fine is delinquent.

MANAGEMENT COMPANY

The business and financial affairs for the Association are handled by Heywood Management, 42 South Hamilton Place, Suite 101, Gilbert, Arizona 85233, 480.820.1519. Please direct questions and concerns to this office. It is vitally important, especially in emergency situations that the Management Company has on file all owners' names and telephone numbers. Also, if you lease your unit, the names and telephone numbers of your tenants should be on file at Heywood Management. In the event of an emergency, homeowners should call the Police first (if it applies) and then Heywood Management.

MAINTENANCE FEES

To provide funds for the maintenance of Mesa Madrid Townhouses, all properties are subject to monthly maintenance fees. The fees are due the first of each month. Late payments are subject to late charges and non-payment is subject to the cost of collections as a result of collection fees and attorney fees. All necessary steps are taken to collect on delinquent accounts. This may include, and is not limited to: water shut-off, lawsuits, garnishment, liens filed against the property and foreclosure of the property. Any legal fees and court costs incurred are also charged to the individual and collected in the judgment.

LATE PAYMENTS

There is a \$15.00 late fee for all payments not received by the Management Company by the 20th of the month. This charge is placed on the owner's account.

SPECIAL ASSESSMENTS

Generally, monthly maintenance fees are for the purpose of regular maintenance. Special assessments may be charged to owners for improvements and special projects. The assessments are voted upon by the homeowners. Special assessments are subject to the same collection rules and regular maintenance fees.

LEASING AND RENTING

If you intend to lease or rent your unit, it is your responsibility to ensure the resident or leasing agent has copies of and fully understands the CC&R's/Rules and Regulations for Mesa Madrid.

The owner shall be held financially responsible for any violation of the rules or damage to the property done by tenants, guests or guests of tenants.

In addition, all owners must notify the Management company whenever the owner leases or rents the home. A copy of the tenant registration form along with the applicable fee, must be remitted to the Management Company.

Any lease of any unit must be for a minimum of six (6) months (No short term rentals allowed, ie: VRBO, Airbnb and the like rental sites) and must contain a provision requiring the tenant to acknowledge that they will abide by the Rules and Regulations of Mesa Madrid Townhouses. The lease must also provide language that these Rules and Regulations are an addendum to any lease agreement.

SECURITY

Residents are ultimately responsible for their own security. Use care and awareness when in general common elements and/or common grounds at all times of the day or night. The Board of Directors may choose to have additional security on the property, if necessary.

INSURANCE

Residents are required to carry their own homeowners insurance covering their units and the contents of their unit.

FINING POLICY

Any and all violations of the CC&R's and Rules and Regulations are subject to the following fining policy. All fines assessed are against monthly maintenance fees of the owner of record.

ENFORCEMENT RULE:

In addition to any enforcement procedure permitted under the terms of the CC&R's, the By-Laws, or the Rules and Regulations the Board of Directors shall have the power to assess penalties against owner(s) of a unit/lot for violations of the CC&R's, By-Laws, or the Rules and Regulations committed by the Owner(s). Owner(s) shall be liable for any violation committed by a Tenant or other occupant of the unit/lot of the Owner(s). These penalties shall be established based on the nature of the offense, and the number of violations, and may range from \$25.00 to \$500.00. Any penalties assessed against the Owner(s) may be enforced in the same manner provided for delinquent assessments.

At 30 days:

if the account is not paid in full, a notice will be given to the unit owner notifying the unit/ lot owner: 1) of the delinquency and 2) \$15.00 late fee imposed for the delinquency each month.

At 45 days:

if the account is not paid in full, a second notice will be given to the unit/lot owner notifying the unit owner: 1) of the continuing delinquency 2) and a \$15.00 late fee imposed for the delinquency each month and 3) that water service to the unit will be shut off if the account is not paid in full by 60 days, including fees which will be charged to the unit/lot owner for water shut off and restoration of service.

At 60 days:

if the account is not paid in full, the water service to the unit/lot will be shut off and a final notice will be given to the unit/lot owner notifying the unit/lot owner: 1) of the continuing delinquency, 2) and a \$15.00 late fee imposed for the delinquency each month, 3) that water service to the unit/lot has been shut off because the account has not been paid in full, including applicable fees for termination, 4) that water service will not be restored under any circumstances until the account has been paid in full; and 5) that any questions regarding the delinquent account should be addressed directly to the Board of Directors at a regularly scheduled meeting of the Board of Directors.

The Board encourages owners receiving warning or fines to appear before the Board at any regular scheduled meeting to work out any special circumstances that may be required in order for owner(s) to be in full compliance of the CC&R's and Rules and Regulations.

GENERAL COMMON ELEMENTS AND/OR COMMON GROUNDS

General common elements and/or common grounds can be defined as any part of the property that is beyond front doors. Patios are considered restricted common elements.

- A. Any damage to general common elements and/or common grounds or restricted common elements by owners, their guests, tenants or family members is the full financial responsibility of the owner. The Association will hold the owner liable for all costs of repair or replacement including legal fees or costs incurred in collection.
- B. Please help keep all areas neat and clean by picking up after your pets and any debris in general common elements and/or common grounds.
- C. When in general common elements and/or common grounds and restricted common elements, people should be considerate of others by controlling noise, music, pets and obeying all rules.
- D. To protect our shrubbery and trees please stay out of these areas and ensure pets and people are kept out of these areas as well.
- E. No planting in general common elements and/or common grounds is permitted by individuals unless approved by the Board of Directors.
- F. Anyone riding bicycles, scooters, skating, skate boarding or using toys on sidewalks must give the right of way to pedestrians. Owners are responsible for behavior and adherence to all rules.
- G. Nothing should be left in any general common elements and/or common grounds.
- H. Climbing onto or over any fence, gate, wall or tree in the complex is prohibited.
- I. Plastic pools and toys requiring water are prohibited in the general common elements and/or common grounds.
- J. Bouncy Houses, Bouncy Slides, Slip and Slides are strictly prohibited, INCLUDING IN THE POOL AREA. A fine may be imposed if these are used in the common elements and/or common areas. Residents may not erect any structure on the grass or other common elements and/or common areas without first obtaining the written permission of the Board of Directors
- K. Playing in the parking areas is prohibited for your own safety. Riding bicycles, scooters or skateboards is highly discouraged for you own safety, in driveway and parking areas, due to the vehicle traffic and blind spots.

- L. Other grass areas are for the enjoyment of all and are not for football, baseball, or other athletic-type games; this includes all grass areas and driveways.
- M. Use of the grass areas is restricted when they are wet.
- N. Signs: Signs including, but not limited to commercial, advertising, or similar signs, shall be not erected or maintained on any property except, "For Rent" sign or "For Sale" sign provided by the selling agent, which are limited to one in the front and one in the back of the unit property. Political campaign signs are permitted to be erected 60 prior to an election, but must be taken down 15 days after the election. These signs must be placed within the unit property only. Unless approved by the Board of Directors, NO SIGNS are permitted in the common element and/or common areas or common parking area, with the exception of signs for patio sales, limited to the duration of the patio sale.
- O. Patio Sale commonly known as Garage Sale, means the sale of household items for non-commercial purposes by a resident. A resident may hold a patio sale no more than once within any six month period. A patio sale must be confined to the Resident's patio and carport area; no portion of any common element and/or common area may be used for the patio sale, which includes any common element and/or common area and or any common parking area.
- P. No person under eighteen years of age is allowed within the common elements and/or common area between the hours of 12:00 midnight and 5:00 am unless accompanied by an adult. Any person under eighteen years of age found in any common element and/or common area without the accompaniment of an adult resident may be considered a trespasser and may be subject to arrest or removal from the common element common area.

PATIOS

- A. BBQ's (grills, and propane alike) are restricted to patio areas and must be stored out of view when not in use.
- B. BBQ's are prohibited inside the pool area. Open fires are prohibited anywhere on the property grounds.
- C. Residents must keep items stored on patios concealed from view of neighboring townhouses. Patios are to be kept neat and clean, leaving a clear entry into the units. Accumulation or excessive storage of materials of any kind on patios that create a fire or health hazard is prohibited. Items may not be above the wall unless written approval from the Board of Directors.

- D. Clothing, bath towels, laundry, rugs, swimming suits, etc. are not to be hung on patio fence or wall. Clotheslines are to be confined to the patio area only and should be concealed from view of neighboring townhouses and streets.
- E. Vegetation is prohibited from climbing, growing or touching fences, walls, roofs, sheds or building structures. Trees are to be kept trimmed and maintained in a way that does not encroach neighboring units. If a tree is too large or overgrown for the area, it will need to be removed.

FIREWORKS

All fireworks are strictly prohibited on the Association's property. No bottle rockets, sparklers, smoke bombs or anything else that is deemed as a firework or that ignites shall be used on the Association's property. A fine of no less than \$500 shall be assessed for noncompliance.

Fines for any violation of the fireworks rule.

- **First offense \$500**
- **Second offense \$550**
- **Third and continuing offenses \$600 for each reoccurrence**

TRASH AND GARBAGE

- A. All garbage is to be placed in the dumpsters, preferably household trash should be bagged. Under no circumstances will residents leave garbage, trees, tree limbs, boxes, etc. outside of dumpsters. Garbage is not to be placed outside of front doors or back patio fence/wall areas for any reason. Dumpster scavenging is prohibited.
- B. For large useable household items such as furniture, appliances, carpets, clothes, etc. even small items; call Goodwill, Salvation Army or some charity of your choice. Most will be glad to arrange to pick up your donations. Items are not permitted to be left outside the dumpster area, either fit the item fully in the dumpster or arrange for removal of item. A fine will be assessed and the cost of disposal if you ignore this rule.

NUISANCES

- A. At all times be considerate of your neighbors. Keep noise levels down. Disturbing the peace is considered disruptive behavior or loud noises at any time of the day or night (24 hours a day). Keep in mind that the following items have great potential for causing disturbances:
Vehicles, stereos, TV's, radios, musical instruments, parties and pets.
- B. Residents may not use the general and restricted common elements and/or

common grounds for any purpose which may endanger the health of others or unreasonably disturb any resident of a unit.

- C. The use of dangerous items such as weapons, including but not limited to firearms and knives are prohibited in any common elements and/or common areas. This includes unlawfully brandishing or displaying a dangerous item or weapon.

ANIMALS

- A. Pets are not to run loose in general common elements and/or common grounds areas. When outside, pets are to be on a leash, in hand and under the control of a responsible individual/owner that is walking the pet. A strict policy must be enforced regarding pets due to health and safety considerations for all living in Mesa Madrid Townhouses. Breeding pets are not allowed. Any pet found unattended within the general common elements and/or common grounds could be impounded. Pets may not be tied or chained up in any common element and/or common area including but not limited to the porch areas.
- B. It is the pet owner's responsibility to immediately clean up after his/her pet.
- C. Patio areas are to be kept clean of animal waste as this can spread disease to other pets and humans.
- D. Only dogs, cats or other household pets may be kept so long as they are not bred or maintained for commercial purposes. No other animal or livestock may be kept.
- E. Animals displaying vicious behavior may be removed from the Mesa Madrid property immediately without notice. Vicious behavior may be decided at the sole discretion of the Mesa City Animal Control Officer (or equivalent personnel).

ARCHITECTURAL CONTROL

- A. Improvements, alteration, repairs, excavation or other work that in any way alters the exterior appearance of any unit, such as patio covers, fences and gates or the common exterior wall must request an architectural change form and have written approval of the Board. Owners are responsible to keep their fence slats in good condition.
- B. Only items specifically designed for window treatments may be used as window coverings. Blankets, sheets, foil, plastic sheeting and tablecloths are prohibited. Broken windows, including glass or frames are prohibited. Screens, if used, must be in good repair.
- C. All plant growth on patios is not to encroach upon any other unit or general and

restricted common elements and/or common grounds. All planting on patios are to be regularly maintained and trimmed by the owner at owner's expense. Vines are not to grow on the outside patio wall or building. After being warned, owners failing to trim and maintain plant growth will be billed by the Association for the removal or trimming of plant growth.

- D. Items are not permitted to be placed, stored, hung or erected outside front doors of any unit. This includes bikes, toys, boxes, BBQ grills or anything else determined by the Board of Directors. Holiday, seasonal or decorative items are allowable as long as they are conservative and in good taste.
- E. Cable or other wiring, including for cable television or internet access, is permitted only if the cables enter the unit at no more than one location no greater than eighteen inches above the ground. Cable or other wiring needs to be attached neatly to the unit and painted to match the building.
- E. Holiday decorations are permitted as long as they are conservative and in good taste. Decorations or fasteners are not to be attached to the building in any way that causes any visible damage or permanent damage. The Board has the right to disapprove of any decorations. Damages to decoration or display are the responsibility of the owner/occupant. **DECORATIONS MUST BE REMOVED WITHIN 15 DAYS AFTER THE HOLIDAY.**
- F. The roof of each building is considered common element and/or common grounds since it is maintained by the association. The owners and/or their contractors may, from time to time, need to access the roof for repairs to items that relate to their particular unit (i.e. Heating, Venting and Air Conditioning and Satellite Dishes, etc.). Whenever a homeowner has any vendor up on the roof for any reason, they must so inform the association, through its managing agent, of such access so the association can have an inspection performed to make certain that there is no damage to the roof. Upon inspection, if there was damage to the roof, the association at its option may have the roof repaired and then bill the owner for the expense of such without any other notice to the owner. Satellite Dish, Antennas, Solar Panels or other items of any sort are not to be adhered to the roof without prior written Board approval.

VEHICLES AND PARKING AREAS

Speed limit is 10 miles per hour, unless otherwise posted. Pedestrians have right of way at all times in PARKING AREAS. Riding bicycles, scooters skateboards, etc is highly discouraged for your own safety in driveway and parking areas, due to the vehicle traffic and blind spots.

- A. Parking is permitted only in designated areas. Each unit has designated parking

spaces. Guest are to park in the guest parking areas. Vehicles parked in any units designated parking space (without owner's approval) are subject to be towed at the vehicle owner's expense. Storage of anything in a carport area is not allowed. Parking in **NO PARKING, FIRE LANES (designated by painted RED CURBING) or double parking is prohibited and subject to being towed, at the owners expense without notice.**

- B. Abandoned vehicles are subject to towing at owner's expense. Vehicles are considered abandoned if: 1) license plates tags are expired or not properly displayed; 2) appear neglected, inoperable, immobilized or not moved in a reasonable time period; 3) determined by the Board to be abandoned. No vehicle is to be lived in, even temporarily. **This applies to parking in your own personal parking space. ALL VEHICLES, PARKED ANYWHERE ON THE MESA MADRID PROPERTY ARE SUBJECT TO BEING TOWED AT THE OWNERS EXPENSE, WITHOUT NOTICE, IF THEY DO NOT HAVE CURRENT REGISTRATION AND LICENSE PLATE TAGS. THE LICENSE PLATE TAG MUST MATCH AND BE REGISTERED TO THE VEHICLE THEY ARE ON.**
- C. Licensed, with current tags displayed, well muffled, smokeless, operating motorcycles, passenger vehicles and trucks are allowed on the property.
- D. Trailers, campers, camper shells, boats, personal watercraft and other recreational vehicles may not be parked or stored in parking spaces. There is limited space in the HOA recreational vehicle parking area. Cars and or trucks are not allowed to be parked in the recreational parking area.
- E. No vehicle, regardless of size, is to be repaired (within reason) serviced, constructed or restored in the parking or general common elements and/or common grounds. Minor repairs such as changing oil may be done as long as it is done within a few hours.
- F. Loud vehicle radio and stereo noise is prohibited.
- G. Use of any vehicle is strictly prohibited on grass areas or sidewalks. This causes waterline, plumbing and landscape damage and broken sprinkler heads and sidewalks.
- H. Owners will be responsible for the costs of cleaning and repairs for any damage to the streets or general common elements and/or common grounds caused by their automobiles or their tenants/guests automobile.
- I. No storage of vehicles with expired license tags, inoperable, etc. **All vehicles**

are subject to being towed, at the owner's expense, without notice.

- J. Two-wheeled vehicles such as scooters and bicycles, may be parked only in a designated parking space or patio area. Two-wheeled vehicles are prohibited from being used on sidewalks and any other common element and/or common area.

POOL RULES

MESA MADRID SWIMMING POOL RULES AND INFORMATION

ALL SAFETY RULES AND REGULATIONS ARE TO BE OBSERVED

GET OUT OF THE WATER IMMEDIATELY IF YOU SEE LIGHTNING OR HEAR THUNDER

The current Mesa Madrid Pool Rules are a combination of established rules enforced by Mesa Madrid HOA and may also include components of health codes that are also enforced the by Maricopa County Environmental Services for semi-public pools.

The Mesa Madrid swimming pool is intended for the use and enjoyment of all homeowners and tenants. General common sense and courtesy should prevail at the pool. Please note: Pool access is a **PRIVILEGE** for residents and may be revoked at any time.

POOL HOURS:

7AM to 10PM. Quiet hours must be observed in the pool area after 10PM and prior to 7AM daily.

The Mesa Madrid Homeowners Association is **NOT** liable for injury, property damage or any kind of loss in connection with the use of the pool. There is NOT a lifeguard on duty. Use of the pool is at the user's own risk. Solo swimming is discouraged for safety reasons.

Entry gates to the pool **MUST** be kept closed and locked at all times to prevent children and non-residents from gaining access to the pool area. This includes when you are inside the pool area. **DO NOT PROP OPEN THE POOL GATES UNDER ANY CIRCUMSTANCES.**

Providing or loaning your key to individuals, including other residents is strictly prohibited and will result in the loss of pool privileges. Mesa Madrid residents are allowed up to four (4) guests per unit, only when accompanied by an adult resident. Pool key must always accompany the resident. Pool keys may **NOT** be duplicated and are for use by residents only.

No drinks, candy, tobacco, popcorn, gum, alcohol, or food of any kind shall be permitted in the pool or within 4 feet of the edge of the water around the perimeter of the pool. And **ILLEGAL** drugs are prohibited

Persons with contagious diseases, open sores or wounds, inflamed eyes, colds, the flu, nasal or ear discharges, boils or other acute or obvious skin or body infections, or cuts shall be excluded from the pool.

All persons who are incontinent and/or all children that wear diapers **MUST** wear a swim diaper and/or tight fitting rubber or plastic pants when using the pool.

NO animals are allowed inside the fenced pool area, with the exception of service animals.

All residents should be respectful, and able to enjoy the pool area at the same time, while also being considerate to residents of units close to the pool area. Overcrowding the pool area with the use of oversize rafts or pool toys is discouraged, so that others can enjoy the use of the pool. When not in use, personal size rafts should be removed from water. Personal flotation equipment may be used if designed for pool use.

NO screaming, yelling, loud noises, or roughhousing in the pool area.

NO running, jumping, rough play, spitting or foul language is permitted. **NO** diving from the shallow area of pool (as posted). **NO** skateboards, scooters, roller blades or bicycles are allowed inside the pool area. **NO** hard plastic balls, styrofoam products or Frisbees are allowed in the pool; only soft, "nerf-style" or "blow-up" toys are allowed. Music is permitted at a low volume as to not disturb others at the pool or units close by.

Adult supervision is required for children under the age of 16 and to monitor inexperienced swimmers. The adult **MUST** remain inside the fenced pool area at all times while the child or inexperienced swimmer is in the water.

Enter the water with swim attire only. **NO** street clothes permitted.

Lifesaving equipment including, but not limited to, ring buoys and shepherd crooks, are **NOT** to be used as toys; lifesaving equipment is reserved strictly for lifesaving efforts.

Pool furniture must remain inside the fenced pool area, and only on the deck areas, do not put any furniture in the pool.

Any personal trash must be picked up and taken out of the pool area for you or your guests to properly dispose of. Mesa Madrid does not retain a maintenance person on the complex grounds to remove or clean up trash left in any area.

VIOLATION OF THE POOL RULES MAY RESULT IN A FINE AND/OR POOL PRIVILEGES BEING REVOKED FOR UP TO 90 DAYS.

POOL KEYS

One pool key will be issued for each unit. Pool keys can be retrieved from HOA Management office with the POOL KEY ACKNOWLEDGMENT FORM completed by the owner of the unit and a current ID that will match the name of the completed form.

Between the dates of August 1, 2019 and November 30, 2019, the original key will be at no charge. After this time, there will be a \$35.00 charge to pick up the original key from the Management office.

Replacement keys are available at a cost of \$35.00. The owner will have to purchase the replacement key for their tenant. Owners are responsible for providing keys to their respective tenants and also at close of sale to the new owners. New owners that were not provided a key at closing may get a new key for a one-time cost of \$35.00.

PLEASE LEAVE THE POOL AREA CLEAN AND NEAT. PLEASE ABIDE BY THE POSTED RULES SO WE ALL CAN ENJOY THE FACILITIES.

INTERPRETATION OF THESE RULES

THE FINAL DECISION AS TO THE INTERPRETATION OF THESE RULES IS THAT OF THE BOARD OF DIRECTORS OF MESA MADRID TOWNHOUSES. THIS IS PRIVATE PROPERTY. ANY PERSON OR PERSONS NOT ABIDING BY THE ABOVE RULES ARE TRESPASSING. IF THESE RULES ARE NOT OBSERVED, THE ASSOCIATION WILL HAVE NO ALTERNATIVE BUT TO CHARGE A FINE.