

VILLA OAK HOMEOWNERS ASSOCIATION, INC.

RESOLUTION

ROOF PRESERVATION POLICY

(Effective June 1, 2019)

RECITALS

WHEREAS, the Declarant recorded an Amended Declaration of Horizontal Property Regime Together with Amended Covenants, Conditions and Restrictions, and Grant and Reservations of Easements for Villa Oak on April 19, 1983 in the Office of the Maricopa County Recorder at instrument number 1983-0143448 (“Declaration”);

WHEREAS, Article VI, Section 3 of the Declaration authorizes the Association, by a majority vote of the Board, to adopt and amend reasonable rules pertaining to: (a) the management, operation and use of the Common Areas including, but not limited to any the maintenance of the common areas as determined by the Board;

WHEREAS, Article V, Section 1(h)(2) of the Declaration provides, in part, that the Association shall maintain all roofs and all fascia of the buildings;

WHEREAS, Article V, Section (h)(4)(Repair Necessitated by Owner) of the Declaration expressly provides that Owners are responsible to repair Common Elements if an Owner causes the damage or if the Association makes necessary repairs, the responsible Owner(s) is/are ultimately financially obligated to reimburse the Association for any Common Expenses incurred to repair any damage caused to any of the Common Elements resulting therefrom;

WHEREAS, the Board of Directors is aware of a circumstance in which an Owner replaced an air conditioning unit and in doing so caused major damage to the roof;

WHEREAS, the Board has determined there is a need to prevent this type of scenario from occurring again;

WHEREAS, by adopting this Resolution the Board has determined there is a need to have a Roof Preservation Policy in which the Association obligates all Owners (i) to first request and obtain the written approval of the Association prior to the installation of any air-conditioning unit, and (ii) to notify the Association, in writing, of all inspections, maintenance and repairs of air conditioning units prior to allowing a vendor onto the roof;

THEREFORE, BE IT RESOLVED that the Board of Directors of the Villa Oak Homeowners Association, Inc., (“Association”), hereby approves and adopts this Resolution for Roof Preservation any incorporates the following rules relating to air conditioning units as part of its rules:

1. Owners may not permit vendors to enter onto the tiled roofs.
2. Relating to flat roofs, all Owners must notify the Association, in writing, prior to permitting a vendor to enter onto a roof for purposes of inspecting, maintaining or repairing any air conditioning unit. Owners must provide the Association with at least 48 hours-notice, if possible.
3. All Owners must request and obtain, in writing, the approval of the Association prior to replacing any air conditioning unit on the flat roofs.
4. All Owners are responsible to take and keep before and after photographs of the area. These photographs must be submitted to the Association upon request.
5. Written notice may be submitted to the Management Company.

VIOLATION PENALTY

Notice of Violation – The Association has determined that the fine for violating this policy will be **\$250.00**. If any Owner fails to notify the Association as required herein, or violates the prohibition against entering onto tiled roofs, the Association will notify the Owner of the violation and any levied fine.

Note: This type of activity is not a “condition of the property” as that term is used in A.R.S. § 33-1242(B). As such, the Association is authorized to levy a fine immediately. The Association will provide the Owner with notice and an opportunity to be heard before the Board of Directors.

If an Owner’s vendor causes damage to the roof, the Association will procure a vendor to restore the damage and the Association will pass those common expense costs through to the Unit Owner(s). Pursuant to Article V, Section 1(h)(3) of the Declaration, these costs are secured by the assessment lien.

The Board of Directors reserves the right to take any action permitted by law or the Declaration, in addition to levying a fine.

Procedures:

1. Homeowners will be notified by first class mail of all violations and notices relating to the reimbursement of all Common Expenses for the costs relating to restoring damage to roof(s).
2. The homeowner has the right to a hearing before the Board, where decisions of the Board are final.

The Board shall retain the right to amend or repeal this Resolution.

CERTIFICATION

I HEREBY CERTIFY that the foregoing is true and correct and the above Resolution was approved at a meeting duly called where a quorum of the Board was present. I further certify that all requirements for this Resolution as set forth in the Recitals was met.

DATED this 28th day of May, 2019.

Villa Oak Homeowners Association, Inc.

By: Laurel [Signature]
Its: