

TRILOGY AT POWER RANCH COMMUNITY ASSOCIATION

EXCERPT FROM ASSOCIATION RULES

3.1 Membership and Renter Identification Cards.

3.1.1 Private Property. The facilities located on all Common Areas are private and not open to the general public.

3.1.2 Definitions.

- (i) The term “Owner” has the same meaning as set forth in Section 1.40 of the CC&Rs, and includes all persons owning any portion of the fee simple title to a Lot.
- (ii) The term “Resident,” as used in Articles 3 through 7 and Article 9 of these Rules, is defined as a “person, other than an Owner or a Guest, who occupies or is in rightful possession of a Lot, whether as a lessee under a lease or as a person who resides in a Dwelling Unit with an Owner.”
- (iii) The term “Occupant” also is used throughout this document and has the same meaning as set forth in Section 1.39 of the CC&Rs, a “person, other than an Owner, who occupies or is in rightful possession of a Lot or Parcel, or portion thereof, whether as a lessee under a lease or otherwise (Guest, tenant or otherwise).”
- (iv) The term “Guest” is defined as a person visiting (on an overnight basis or on a day-to-day basis) with an Owner or Resident who wishes to use the facilities located on the Common Areas. The term “Resident” does not include Guests, but the term “Occupant” does include Guests.

3.1.3 Membership Identification Cards. Membership identification cards will be distributed to Owners upon visiting the Association office after closing a Lot within Trilogy at Power Ranch. The Association will issue 2 membership identification cards to the Owner of each Lot at no cost. Additional membership identification cards will be issued to Residents permanently occupying a home with an Owner at a nominal cost per card. The membership identification cards give evidence to Association employees that a person is entitled to use the facilities on the Common Areas. Membership identification cards must be worn whenever using the facilities. Only those persons wearing membership identification cards and Guests of Residents wearing Guest identification cards are allowed to use the facilities on the Common Areas.

3.1.4 Renter Membership Identification Cards. If a Lot is being leased, the Residents of that Lot shall be entitled to use the facilities on the Common Areas upon issuance of renter membership identification cards. Renter membership identification

cards shall be issued for a fee to an Owner for the benefit of such Owner's renters upon completion of a rental policy form and the surrender of the Owner's membership identification cards. In accordance with Section 2.2 of the CC&Rs, an Owner has no right to use the Common Area if such Owner's Lot is leased.

3.2 Guests Using the Facilities on Common Areas. The facilities within the Common Areas of Trilogy at Power Ranch were designed and built for the benefit of the Residents. It was expected that on occasion Residents would entertain Guests and would like those Guests to be able to use the facilities. Section 3.2 is established to accomplish that expectation.

3.2.1 Restrictions, Terms and Conditions of Guest Usage.

- (i) Guests 3 years of age and older must be registered by the host Owner or Resident at the Association office and must wear Guest identification at all times when using the facilities. Guests not wearing their Guest identification or Facilities Pass may be asked to leave the facilities by Association staff. Lost identification or Facilities Pass may be replaced for a fee.
- (ii) The Residents of a Dwelling Unit shall limit the number of Guests using the facilities at any one time to 6. Use of the facilities by more than 6 Guests will require a reservation to be made with the Association's Activities Director and may be subject to rental fees applicable to group functions.
- (iii) Guest identification will not be issued to any person for more than a total of 30 days in any calendar year. Any Guest that is occupying a Dwelling Unit with a Resident and wishes to utilize the facilities for more than 30 days in any calendar year must purchase a "Facilities Pass" as described in Subsection 3.2.2 below.
- (iv) Guests under the age of 18 must be accompanied by the host Owner or Resident at all times while using any of the facilities unless special arrangements have been made with the management team.
- (v) Guests 18 years of age and older may use the facilities without being accompanied by the host Owner or Resident; however, Owners and Residents are encouraged to accompany their Guests.
- (vi) Guests must comply with all Association policies, rules and dress codes. The Association may revoke without notice the privileges of any Guest who elects not to comply with the Association policies, rules and dress codes.

3.2.2 Facilities Pass. Guests 3 years of age and older may not use the facilities for more than 30 days in any calendar year without a “Facilities Pass.” A Facilities Pass shall be issued by the Association to a Guest at the sole discretion of the Association. In order to obtain a Facilities Pass for a Guest, an Owner or Resident must (i) submit an application to the Board for a Facilities Pass on a form supplied by the Association, (ii) state on the form that the Guest is occupying the Owner’s/Resident’s Dwelling Unit during the proposed duration of the Facilities Pass, and if such application is approved, (iii) pay to the Association the sum of \$135.00 for a Facilities Pass valid for 90 consecutive days. Upon approval, a Facilities Pass with picture identification will be issued to the Guest. If a Facilities Pass is desired for a term longer than 90 days, an Owner/Resident must repeat the application and payment process after each 90 day period. The payment for a Facilities Pass shall be non-refundable. An Owner or Resident applying for a Facilities Pass for a Guest should allow at least 2 weeks for the Association to consider issuance of a Facilities Pass.

3.2.3 Responsibility for Guests. Owners and Residents are responsible for the actions of their Guests. A violation of any rule by a Guest will be deemed a violation by the host Owner or Resident.

3.3 General Rules Applicable to All Common Areas.

3.3.1 Release of Liability. Each person using the recreational facilities on the Common Areas does so at his or her own risk and hereby accepts and assumes any and all health and other risks as may now or hereafter be or become associated with such use, and agrees not to assert or make any claim against the Declarant, the Association, or any director, officer, employee, agent, representative or contractor of the Declarant or the Association.

3.3.2 Special Guests. To better foster community services, and as a courtesy to the Fire and Police Departments of Gilbert, the Board allows both the Fire and Police personnel, when presenting themselves at the Association office in uniform, to use the Common Area recreational facilities. By using the facilities, the Fire and Police personnel agree to comply with all the rules and regulations set forth herein.

3.3.3 Code of Conduct.

- (i) All persons must conduct themselves in a civil and courteous manner at all times and must not jeopardize or interfere with the rights and privileges of others.
- (ii) Loud, profane, indecent or abusive language is prohibited.
- (iii) Harassment or physical abuse of any person by another is prohibited.
- (iv) No person’s actions shall compromise the safety of another. All persons using the facilities on the Common Areas shall obey all

safety rules and shall cease unsafe activity when directed to do so by Association employees.

- (v) Abusive use of the equipment and facilities located on the Common Areas is prohibited.

3.3.4 Association Employees. All persons shall respect the duties and authority of Association employees. Any directives, verbal or written, from Association employees shall stand. If any person disputes an Association employee's actions, then that person shall be entitled to a hearing before the Board, or any committee or individual appointed by the Board for such purpose, to determine the validity or acceptability of any disputed action. Until the Board or its appointee decides otherwise, the action shall be deemed valid and acceptable. Any inattention to duty or lack of courtesy by an Association employee should be reported to the Manager or the Board. All Association employees must wear name tags when on duty. Association employees who are not Owners or Residents shall be permitted to use the facilities on the Common Areas during normal hours of operation.

3.3.5 No Smoking Policy. Smoking is prohibited in all indoor areas of Common Area and in the outdoor pool areas. Smoking is allowed only in the patio area behind the kitchen/ballroom. If no smoking receptacles are provided, persons shall dispose of smoking materials in a responsible manner.

3.3.6 Notices and Advertisements. Only notices or posters related to Association-approved activities or events will be placed or distributed on Common Area and must have the approval of the Manager. Such approval must be evident on the notice or advertisement.

3.3.7 Alcoholic Beverages. Except as set forth below, no alcoholic beverages may be brought to and/or consumed in or on any Common Area unless it is an Association-sponsored or approved event. For Association-approved events, Residents may bring to the clubhouse and other Common Areas and use in a responsible manner (**but may not sell**) certain alcoholic beverages so long as such Residents comply with the Code of Conduct set forth in Subsection 3.3.3 of these Rules and with Arizona law governing exemptions for use of liquor without a license (A.R.S. Title 4, Chapters 1, 2 and 3, and A.A.C. Title 19, Chapter 1). So that the Association can comply with Arizona law for use of liquor without a license, the following rules apply to Residents:

- (i) The possession or consumption of spirituous liquor on Common Areas is limited to wine and beer and is permitted as an incidental convenience to Members and Residents.
- (ii) Possession or consumption of wine or beer on Common Areas is limited to the hours between noon and 10 p.m.
- (iii) Members and Residents may possess no more than 24 ounces of beer per person, or 6 ounces of wine per person to be consumed on the Common Areas.

- (iv) The Association shall not permit the number of Members and Residents within any particular Common Area to exceed 300.

3.3.8 Pets. Pets (except for assistive animals) shall not be allowed inside the clubhouse (including classrooms), pool area or in any of the surrounding sports facilities.

3.3.9 Violations. Any person who refuses to comply with these Rules may be asked to leave a Common Area by Association employees. The Association shall take all actions available to it pursuant to the Project Documents with respect to chronic offenders.

3.3.10 Lost and Found. Lost and found items will be retained at the clubhouse for a 30-day period of time and then discarded if not claimed.