

NorthLake

Homeowners Association

RULES & REGULATIONS

ADOPTED MARCH 28, 2000
AND LAST AMENDED JUNE 1, 2004

POOL OPERATING HOURS

SUNDAY - THURSDAY

OPEN 6:00 A.M.
CLOSE 10:00 P.M.

FRIDAY - SATURDAY

6:00 A.M.
10:00 P.M.

RESTRICTIONS:

ALL ENTRANCES TO THE FACILITY WILL BE LOCKED TO EVERYONE BY OUR PRIVATE SECURITY PATROL AT THE DESIGNATED CLOSING HOURS.

----- No
HOMEOWNER, GUEST, OR OTHER PERSON(S), EXCEPT THOSE AUTHORIZED TO PATROL THE FACILITY BY THE BOARD OF DIRECTORS, ARE PERMITTED IN ANY FACILITY AFTER THE DESIGNATED OPERATING HOURS.

ANY HOMEOWNER, GUEST, OR OTHER UNAUTHORIZED PERSON IN A FACILITY DURING THE CLOSED NON-OPERATING HOURS WILL BE CONSIDERED TRESPASSING AND MAY BE SUBJECT TO ARREST BY THE SHERIFF'S DEPARTMENT, PLUS FINED BY THE ASSOCIATION BOARD OF DIRECTORS

GENERAL

ALL HOMEOWNERS AND GUESTS MUST SHOWER PRIOR TO ENTERING THE POOL OR JACUZZI.

NO RUNNING WITHIN THE FENCED AREA SURROUNDING THE POOL AND JACUZZI.

ALL TRASH MUST BE PLACED WITHIN THE SUPPLIED TRASH CONTAINERS

GUESTS

UP TO 6 INVITED GUESTS PER HOUSEHOLD ARE WELCOME; BUT MUST BE ACCOMPANIED BY A NORTHLAKE HOMEOWNERS ASSOCIATION MEMBER.

MINORS

MINOR CHILDREN BELOW THE AGE OF 14 YEARS ARE NOT PERMITTED AT ANY RECREATIONAL POOL FACILITY WITHOUT ADULT (18 YEARS OR OLDER) SUPERVISION. LIFE GUARDS ARE NOT PROVIDED.

ALCOHOL / GLASS CONTAINERS

NO ALCOHOL IS PERMITTED WITHIN THE POOL/JACUZZI FACILITY
NO GLASS CONTAINERS ARE PERMITTED IN OR AROUND THE POOL OR JACUZZI.

PETS

NO PETS ARE ALLOWED WITHIN THE FENCED POOL/PLAY AREA AT THE NORTHLAKE PARK, WITH THE EXCEPTION OF ASSISTANCE DOGS FOR THE PHYSICALLY CHALLENGED.

RADIOS/EXCESSIVE NOISE

EXCESSIVELY LOUD RADIOS OR OTHER ANNOYING SOUNDS DISTURBING OTHER MEMBERS IN OR NEAR EACH FACILITY IS PROHIBITED.

SKATEBOARDS /BICYCLES

SKATEBOARDS, BICYCLES, ROLLER BLADES AND SIMILAR TYPE VEHICLES ARE PROHIBITED IN ANY POOL OR RECREATION CENTER.

FURNITURE & POOL EQUIPMENT

POOL SAFETY EQUIPMENT IS NOT TO BE PLAYED WITH IN OR OUT OF THE POOL OR FACILITY AND MUST BE USED FOR LIFE SAVING PURPOSES ONLY. NO POOL FURNITURE, EQUIPMENT, OR STRUCTURE IS TO BE USED EXCEPT FOR ITS NORMAL INTENDED USE.

INFLATABLE TOYS, RAFTS, ETC.

ALL INFLATABLE OBJECTS ARE PROHIBITED IN THE SPAS
INFLATABLE BOATS, OVERSIZED RAFTS, OR OTHER INFLATABLE OBJECTS NOT SUITED FOR POOL USE ARE PROHIBITED.

POOL FACILITY KEYS

ANY HOMEOWNER LOSING THE POOL ENTRY KEY WILL BE CHARGED A FEE OF \$100.00 FOR A REPLACEMENT KEY. IF THE ORIGINAL KEY IS FOUND AND THE REPLACEMENT KEY IS RETURNED, THE HOMEOWNER WILL BE REIMBURSED \$90.00

DAMAGED KEYS WILL BE REPLACED AT THE COST OF \$10.00, PROVIDED THE DAMAGED KEY IS TRADED IN TO THE ASSOCIATION OFFICE AT THE TIME OF THE REPLACEMENT.

SWIMMING ATTIRE

PROPER SWIM ATTIRE MUST BE WORN BY ALL RESIDENTS AND THEIR INVITEES IN AND AROUND THE POOL AREA. UNDER NO CIRCUMSTANCES WILL ANY COVERING WHICH, WHEN WET, BECOMES TRANSPARENT OR SEMI-TRANSPARENT SUCH AS T-SHIRTS (ONLY), BRIEFS (I.E. FRUIT OF THE LOOM, ETC.) OR UNDERWEAR OF ANY KIND BE PERMITTED IN THE POOL AREA.

NO CHILDREN WITH DIAPERS ARE ALLOWED IN THE JACUZZI, HOWEVER, TODDLERS AND YOUNG CHILDREN ARE ALLOWED IN THE SWIMMING POOL PROVIDED SWIM DIAPERS ARE WORN.

SIGN RULES

UPON RECEIPT OF WRITTEN APPROVAL FROM THE ASSOCIATION, RESIDENTS MAY ALLOW THEIR CONTRACTORS TO ERECT TEMPORARY SIGNS, NO LARGER THAN 24" X 24" ON THEIR PROPERTY. IF MORE THAN ONE CONTRACTOR IS INVOLVED, A TOTAL OF TWO SIGNS MAY BE ERECTED. THE SIGN(S) MUST BE REMOVED AT THE COMPLETION OF THE JOB, OR WITHIN 90 DAYS, WHICHEVER COMES FIRST.

POLITICAL YARD SIGNS ARE ALLOWED WITHIN REASON BEGINNING SIXTY (60) DAYS BEFORE AN ELECTION, AND MUST BE REMOVED WITHIN 24 HOURS OF THE ELECTION.

PARKING

THE PARKING OR TRAVERSING WITH ANY TYPE OF VEHICLE IS LIMITED TO: THE ORIGINAL DRIVEWAYS AS SUPPLIED BY THE DEVELOPER AND OTHER HARDSCAPE ON EITHER SIDE OF THE HOME AS ORIGINALLY APPROVED BY THE ARCHITECTURAL COMMITTEE.

HOLIDAY DECORATIONS

ALL HOLIDAY DECORATIONS MUST BE REMOVED WITHIN TWO WEEKS FOLLOWING THE HOLIDAY.

TRASH/RUBBISH

TRASH CANS AND OTHER RUBBISH AND DEBRIS ARE TO BE STORED BEHIND EACH MEMBERS' SIDE FENCE/GATE WEDNESDAY THROUGH SATURDAY ALL DAY. HOWEVER, AS THE LOCAL SANITATION DEPARTMENT PICKS UP TRASH ON MONDAYS, TRASH CANS ARE PERMITTED TO BE IN MEMBERS' FRONT YARDS ON SUNDAY, NO EARLIER THAN 5:00 P.M., ALL DAY MONDAY, AND TUESDAY UNTIL 10:00 A.M.

REVIEW OF ASSOCIATION RECORDS

ALL REQUESTS TO VIEW ASSOCIATION RECORDS, THAT MEMBERS ARE ENTITLED TO SEE AS PER THE GOVERNING DOCUMENTS, CALIFORNIA CIVIL CODE, OR CORPORATIONS CODE, MUST BE IN WRITING, AND AN APPOINTMENT MUST BE SCHEDULED WITH THE MANAGEMENT FIRM DURING THE ASSOCIATIONS' BUSINESS HOURS, WHICH ARE HEREBY SET FROM 9:00 A.M. TO NOON AND 2:00 P.M. TO 4:00 P.M. MONDAY THROUGH FRIDAY OR BY APPOINTMENT, WITHIN 10 DAYS OF A REQUEST.

MEMBERS RIGHT TO SPEAK AT MEETINGS

A MEMBER COMMENT SESSION WILL BE HELD AT THE END OF EACH BOARD OF DIRECTORS AND MEMBERS MEETING. MEMBERS WISHING TO SPEAK WILL BE REQUIRED TO SIGN UP, PROVIDING THEIR NAME AND ADDRESS. EACH MEMBER WILL BE LIMITED TO 3 MINUTES.

QUALIFICATIONS FOR ELECTION AS A DIRECTOR

AS THE NORTHLAKE HOMEOWNERS ASSOCIATION BY-LAWS STIPULATE THAT ONLY AN OWNER IS A MEMBER OF THE ASSOCIATION, AND THAT MEMBERS OR REPRESENTATIVES OF THE DECLARANT MAY SERVE ON THE BOARD, THE FOLLOWING RULE IS HEREBY UNANIMOUSLY ADOPTED BY THE NORTHLAKE HOMEOWNERS ASSOCIATION BOARD OF DIRECTORS IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 6, SECTION 6.5 OF THE CC&R'S OF THE NORTHLAKE HOMEOWNERS ASSOCIATION:

MEMBERS SEEKING ELECTION TO THE BOARD OF DIRECTORS, MUST SUPPLY RECORDED PROOF OF OWNERSHIP OF A LOT IN THE NORTHLAKE HOMEOWNERS ASSOCIATION 90 DAYS PRIOR TO THE DATE OF THE ELECTION TO HAVE THEIR NAMES PLACED ON THE PROXIES MAILED TO ALL MEMBERS, AND 15 DAYS PRIOR TO THE DATE OF THE ELECTION TO HAVE THEIR NAMES PRINTED ON THE BALLOTS. MEMBERS SEEKING TO BE NOMINATED FROM THE FLOOR MUST BRING PROOF OF OWNERSHIP TO THE MEETING. WITHOUT SUPPLYING PROOF OF OWNERSHIP, A PERSON WILL NOT BE ALLOWED TO BE NOMINATED TO SERVE ON THE BOARD.

NORTHLAKE

Homeowners Association

RULES ENFORCEMENT POLICY

ADOPTED OCTOBER 21, 1999

WHEREAS, Article VI, Section 6.5 of the CC&R's and Article IV, Section 4.2 of the Bylaws grants the BOARD powers for the conduct of the affairs of the ASSOCIATION relating to the promulgation of rules and regulations and their enforcement; and

WHEREAS, for the benefit and protection of the ASSOCIATION and of the individual MEMBER, the BOARD deems it desirable to establish and operate by a procedure to assure due process in cases where there is a question of compliance by a MEMBER, his family, his guests or tenants with the provisions of the governing documents or adopted rules and regulations, thereby attempting to minimize the necessity of seeking action in or through a court of law; and

WHEREAS, it is the intent of the BOARD to establish procedures for the BOARD where they must take action relative to questions of compliance by an individual with the provisions of the governing documents or adopted rules and regulations;

NOW THEREFORE, BE IT RESOLVED THAT SPECIAL RESOLUTIONS shall be adopted in accordance with the following procedures:

1. VIOLATIONS OF THE DOCUMENTS OR ADOPTED RESOLUTIONS

Section 1. Actions prior to initiation of formal special resolution process. Any MEMBER or agent of the ASSOCIATION including a management company representative has the authority to request that a MEMBER or resident cease or correct any act or omission which appears to be in violation of the aforementioned documents. Such informal requests must be made before the final process is initiated.

Section 2. Written Complaint. If the actions described in Section 1 prove unsuccessful, the Special Resolutions Process shall be initiated upon the filing of a written complaint by any resident, by any officer or member of the BOARD or by a representative of the management company. The complaint shall constitute a written statement of charges which shall set forth in ordinary and concise language the acts or omissions with which the respondent is charged to the end that the respondent will be able to prepare his defense. The complaint shall specify the specific provisions of the governing documents or adopted rules and regulations which the respondent is alleged to have violated, but shall not consist merely of charges phrased in the language of such provisions without supporting facts. Further, the written complaint must contain as much specifics as are available as to time, date, location, persons involved, etc., so that the complaint may be investigated by the BOARD.

Section 3. Service of Complaint. Upon the filing of the complaint, the BOARD or management company representative shall serve a copy of the complaint on the respondent by any of the following means: (1) personal delivery or (2) by first class mail addressed to respondent, at the address appearing on the books of the ASSOCIATION. Service by mailing shall be deemed delivered and effective two (2) days after such mailing in a regular depository of the United States mail. The complaint shall be accompanied with a postcard or other written form entitled "Notice of Defense" which, when signed by the respondent, or on behalf of the respondent, will constitute a Notice of Defense hereunder. No order adversely affecting the rights of the respondent shall be made in any case, unless the respondent shall have been served as provided herein.

Section 4. Notice of Hearing. Along with service of the complaint, the BOARD or management company representative shall serve a notice of hearing, as provided herein, on all parties at least fifteen (15) days prior to the hearing. The notice to the respondent shall be substantially in the following form but may include other information:

"You are hereby notified that a hearing will be held before the BOARD at _____ on the ____ day of _____, 19 __, at the hour of _____, upon the charges made in the complaint served upon you. You may but need not be present at the hearing, may but need not be represented by counsel, may present any relevant evidence and you will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to compel the attendance of witnesses and the production of books, documents or other items by applying to the BOARD."

If any of the parties can, within seven days of receipt of the complaint, show good cause as to why they cannot attend the hearing on the set date and indicate times and dates on which they would be available, the BOARD may reset the time and date of hearing and promptly deliver notice of the new hearing date.

Section 5. Notice of Defense. Service of the complaint and notice of hearing shall be accompanied by a Notice of Defense. The Notice of Defense shall state that the respondent may:

- (1) Attend a hearing before the BOARD as hereinafter provided;
- (2) Object to a complaint upon the ground that it does not state the acts or omissions upon which the BOARD may proceed;
- (3) Object to the form of the complaint on the ground that it is so indefinite or uncertain that the respondent cannot identify the violating behavior or prepare his defense; or
- (4) Admit to the complaint in whole or in part. In such event, the BOARD may make a determination as to whether it will waive hearing and simply impose penalty, if any, or it will conduct a hearing to determine appropriate penalty.

Any objections to the form or substance of the complaint must be received by the BOARD within ten (10) days of their receipt. The BOARD shall make its determination and notify all parties within ten (10) days of receipt of an objection. If the complaint is insufficient, the complaining party shall have seven (7) days within which to amend the complaint to make it sufficient. The same procedure as set forth above shall be followed with respect to any amended or supplemental complaint. If it is determined by the BOARD that the complaint is still insufficient, then the matter shall be dismissed by the BOARD.

Section 6. Amended or Supplemental Complaint Before Submission. At any time prior to the hearing date, the BOARD may file or permit the filing of an amended or supplemental complaint. All parties shall be notified thereof in the manner herein provided. If the amended or supplemental complaint presents new charges, the BOARD shall afford the respondent a reasonable opportunity to prepare his defense thereto.

Section 7. Discovery. Upon written request to the other party, made prior to the hearing and within fifteen (15) days after service of the complaint by the BOARD or management company representative or within ten (10) days after service of any amended or supplemental complaint, either party is entitled to inspect and make a copy of any statements, writings and investigative reports relevant to the subject matter of the hearing. Nothing in this Section, however, shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product. Any party claiming his request of discovery has not been complied with shall submit a written petition to compel discovery with the BOARD. The BOARD shall make a determination and issue a written order setting forth the matters or parts thereof which the petitioner is entitled to discover.

Section 8. Constraints on the BOARD. It shall be incumbent upon each member of the BOARD to make a determination as to whether he or she is able to function in a disinterested and objective manner in consideration of the case before the BOARD. Any member incapable of objective consideration of the case shall disclose such to the BOARD and remove himself/herself from the proceedings, and have it so recorded in the minutes.

In any event, the respondent may challenge any member of the BOARD for cause, where a fair and impartial hearing cannot be afforded at any time prior to the taking of evidence and testimony at the hearing. In the event of such a challenge, the BOARD shall need to determine the sufficiency of the challenge. If a majority of the BOARD sustains the challenge, the challenged BOARD member may remain at the hearing but shall not cast a vote. All decisions of the BOARD in this regard shall be final.

Section 9. Hearing.

(a) Whenever the BOARD has commenced to hear the matter and a member of the BOARD is forced to withdraw prior to a final determination, the remaining members shall continue to hear the case.

(b) Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses; and to rebut the evidence against him. Even if respondent does not testify in his own behalf he may be called and examined as if under cross-examination.

(c) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Generally, any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence shall not be sufficient in itself to support a finding.

(d) The allegedly defaulting party (respondent) need not be in attendance at the hearing but the complaining party must appear at the hearing for purposes of examination. At the request of any party, or the BOARD, the hearing shall be conducted in executive session.

(e) At the beginning of the hearing a member of the BOARD shall explain the rules and procedures by which the hearing is to be conducted. Generally, each party is entitled to make an opening statement, starting with the complainant. Then each party is entitled to produce evidence, witnesses, and testimony and to cross-examine the witnesses and opposing party. Then each party is entitled to make a closing statement. Any party may waive the right to exercise any part of this process, and the BOARD is entitled to exercise its discretion as to the specific manner in which the hearing will be conducted.

(f) A separate hearing need not be held in the event of repeat violations in which it has been conclusively determined by the BOARD that a violation has occurred.

Section 10. Decision. After all testimony and documentary evidence has been presented to the BOARD, the BOARD shall vote upon the matter, with a majority of the entire BOARD controlling. The BOARD shall make its determination only in accordance with this resolution. The decision may be made at the conclusion of the hearing or may be postponed to no later than ten (10) days hence. The BOARD will prepare written findings of fact. A copy of the findings and recommendations of the BOARD, including majority and minority opinions, if any, shall be served by the BOARD on each party in the matter and his attorney, if any. Since the BOARD is conducting the hearing, the decision of the BOARD is final and conclusive and there is no right of appeal. A summary of the decision, excluding names of persons involved and addressing only the issue and the Board decision as regards the issue, shall be included in the Minute Book. Disciplinary action, if any, shall become effective ten (10) days after it is served upon the respondent, unless otherwise ordered in writing by the BOARD.

2. FINE STRUCTURE

The first offense-Warning

Second Offense-\$50.00 fine (after notice and opportunity to be heard)

Third Offense-\$100.00 fine

Fourth Offense and each additional occurrence will be a maximum of \$200.00.

Offenses for separate rules will each start at the warning stage.

NORTHLAKE

Homeowners Association

NOTICE OF HEARING

Date: _____

Dear Homeowner:

Attached you will find a written complaint which has been filed with the Board of Directors. You are hereby notified that a hearing will be held before the Board at _____ on the ____ day of _____, at the hour of _____, upon the charges made in the complaint served upon you. You may, but need not be present at the hearing, may, but need not be represented by counsel, may present any relevant evidence and you will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to compel the attendance of witnesses and the production of books, documents or other items by applying to the Board of Directors.

If you can show good cause as to why you cannot attend the hearing on the date and time set and indicate the time and date on which you would be available the Board may reset the time and date of the hearing and will promptly deliver notice of the new hearing date.

The Board may be contacted by writing:

Thank you.

Board of Directors of
NorthLake Homeowners Association

By: _____

NORTHLAKE

Homeowners Association

NOTICE OF DEFENSE

Date: _____

Dear Homeowner:

As part of the Rules Enforcement process approved by the Board of Directors, you are entitled to object to any written complaint which has been received by the Board of Directors. Following is an excerpt from RULES ENFORCEMENT POLICY, Article 1, Violations of the Documents or Adopted Resolutions, Section 5, Notice of Defense.

Section 5. Notice of Defense. Service of the complaint and notice of hearing shall be accompanied by a Notice of Defense. The Notice of Defense shall state that the respondent may:

- (1) Attend a hearing before the Board as hereinafter provided;
- (2) Object to a complaint upon the ground that it does not state the acts or omissions upon which the Board may proceed;
- (3) Object to the form of the complaint on the ground that it is so indefinite or uncertain that the respondent cannot identify the violating behavior or prepare his defense; or
- (4) Admit to the complaint in whole or in part. In such event, the Board may make a determination as to whether it will waive hearing and simply impose penalty, if any, or it will conduct a hearing to determine appropriate penalty.

Any objections to the form or substance of the complaint must be received by the BOARD within ten (10) days of their receipt. The BOARD shall make its determination and notify all parties within ten (10) days of receipt of an objection. If the complaint is insufficient, the complaining party shall have seven (7) days within which to amend the complaint to make it sufficient. The same procedure as set forth above shall be followed with respect to any amended or supplemental complaint. If it is determined by the BOARD that the complaint is still insufficient, then the matter shall be dismissed by the BOARD.

If you wish to object, you have ten (10) days. In any case, please sign this Notice of Defense and return it to the NorthLake's Board of Directors in care of its management company.

BOARD OF DIRECTORS OF
NORTHLAKE HOMEOWNERS ASSOCIATION

By: _____