

EMERSON ESTATES HOMEOWNERS ASSOCIATION RULES AND REGULATIONS

Revised 8.14.2006

As provided in the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (THE CC& R's) and in the Bylaws of the Association, the Board of Directors have the duty to establish and publish such rules and regulations governing the use of the Common Area and Facilities by Owners, Members and/or Renters, and their guests. The Board also has the authority to establish enforcement procedure, from reminders and warnings to fines and recommend legal action, for the infraction of the CC& R's and of the Rules and Regulations.

The following Rules and Regulations are intended to be in the best interest of the majority of the Homeowners, their Families and Guests:

1. **Dogs/Cats/Pets** must be kept on a physical leash or electronic leash and under the control of the owner at all times in accordance with the Clark County Pet laws. Animals must remain within a reasonable distance to the owner at all times. All owners are responsible for picking up after pets and disposing of any waste.
2. **Vehicles: The maximum speed limit within Emerson Estates is five (5) miles per hour.**
 - a. No trailer, motor home, camper, boat or similar equipment shall be permitted to be parked, stored or remain on any lot, street or driveway within Emerson Estates unless placed within an enclosed garage, enclosed yard. No commercial vehicles shall be parked upon any lot, street or driveway within Emerson Estates.

A commercial vehicle, as applied to this paragraph, is defined as any vehicle that exceeds ¾ ton, displaying commercial signage or any vehicle obviously designed for commercial work, *i.e.* plumbing trucks, flat beds, trucks with ladders, cleaning equipment or supplies.

3. **Landscaping:**
 - a. The owner of a residence must install and maintain appropriate landscaping in the back yard and those portions of the side yards, which are visible from a street.
 - b. TV SATELLITE DISHES must be at least 10'0" from the rear and side walls, and must extend more than 8'0" above the ground. An acceptable landscape plan to block their neighbors' view of the dish, with a commitment to plant prior to dish installation, must accompany the architectural change request.
 - c. BLOCK WALLS visible from the exterior and interior streets must remain reddish-brown in color, unless written the Board has granted approval of another color. Stucco or paint of an approved color complimenting the color of the house, may be accepted for some walls.
 - d. BASKETBALL HOOPS shall be limited to enclosed back yard only, and they must be at least 15' from the nearest wall.

- e. The erection of or placement of basketball poles/backboards or other obtrusive devices or ornaments in front of a home and/or on a driveway is strictly prohibited. Temporary fixtures such as basketball poles will be removed from the front of property daily.
6. **Each Owner** or shared Owners shall be responsible for maintenance and repair of his buildings, fences or walls.
7. **An Owner**, who rents or leases his property to others, shall provide to his Renter or Lessee a copy of the CC& R's, Bylaws, and Rules and Regulations. Such Owner shall be responsible to see that his Renters or Tenants abide by these documents. Any fine on the renter or tenant will be levied against the owner. As per the Emerson Estates Homeowners Association CC& R's, no dwelling in Emerson Estates, whether a primary residence or rental may be used for commercial business purposes.
8. **Each Owner** shall be responsible for family members, agents, guests and tenants who litter trash, damages or defaces the common area property. The use of the common area is intended for the members and their family, and is intended to be for their leisure and recreational use.
9. **Entrance Gate Telephone Directory:** The telephone directory at the gate is limited to one line identification per home.
10. **To further define Section 8.7 of the CC& R's, each owner shall:**
 - a. Within 6 months of close of escrow for the purchase of their home, install landscape improvements on the rear section of the lot. Prior to such installation, an application shall be submitted to the Architectural Review Committee, indicating the type, materials and manner of such landscape including a drawing.
 - b. "Good repair and maintenance" of other portions of the lot shall mean:
 1. Building exteriors including the wood trim and fascia must be painted to maintain the integrity of the exterior finishes.
 2. Rear landscape is to be maintained by cutting, pruning, maintaining weed control.
 3. No additional plants or shrubs are to be installed in the front landscape areas without prior written approval of the Architectural Review Committee.
 4. Owners must arrange access to the garage by the landscape contractor for the purpose of controlling the irrigation clocks for front landscape irrigation.
11. **Holiday Decorations:**

Owners may install "holiday decorations" no more than 30 days prior to the holiday and must be removed no later than 15 days after the holiday. This includes lighting.
12. **FINE SCHEDULE**

Violation of any of the governing documents can result in fines being assessed as per the attached schedule.

13. In case of any conflict between these "Rules and Regulations" and the "Declaration of Covenants, Conditions and restrictions", the Declaration shall control.

The Rules and Regulations were adopted by vote of the Board of Directors of the Emerson Estates Homeowners Association, Inc, this ___ day of _____, 2006.

Board of Directors
Emerson Estates Homeowners Association

**EMERSON ESTATES HOMEOWNERS' ASSOCIATION
VIOLATION FINE SCHEDULE**

Section 116.31031 of the Nevada Revised Statutes empowers the Board of Directors of a common-interest community to impose sanctions for violations of the governing documents. The statute requires that the fine is commensurate with the severity of the violation and does not exceed \$100.00 for each violation or a total of \$500.00.

In accordance with the Emerson Estates governing documents and NRS 116.31031, the Board of Directors has adopted the following fine schedule effective _____, 2006.

Any homeowner whom the Board deems to be in violation of the governing documents will receive a notice of violation to include a minimum of fourteen (14) days to comply and an opportunity to attend a hearing with the Board of Directors. Should the violation remain after the conclusion of the time frame, the Board may choose to assess a fine by the following schedule. Additional fines may then be assessed for each seven-day period that the violation is not cured. Additional fines may be posted without notice and an opportunity to be heard.

Dogs/Cats pets infractions	\$50.00
Vehicles	
- Speed limit	\$100.00
- Street parking	\$50.00
- Recreational vehicles	\$100.00
Back and side yard landscape maintenance	\$100.00
Failure to obtain approval for changes/additions	\$100.00
Damaging common areas/Vandalism	\$100.00 + cost of repair
Trash cans/recycle bins	\$50.00
Playground Equipment	\$50.00

**RESOLUTION OF THE BOARD OF DIRECTORS
FOR THE EMERSON ESTATES HOMEOWNERS ASSOCIATION**

**VIOLATION FINES AND
CONSTRUCTION PENALTIES POLICY**

Pursuant to the Emerson Estates Homeowners Association CC&Rs, the following policy will be formed:

WHEREAS, the Emerson Estates Homeowners Association is a Nevada corporation duly organized and existing under the laws of the State of Nevada;

WHEREAS, Article 12, Sections 12.1 of the Bylaws of the Emerson Estates Homeowners Association empowers the Board of Directors to administer the affairs of the Association and enforce the provisions of the Articles, Bylaws, and the Declaration, and,

WHEREAS, Article 7, Section 7.11 of the CC&R's maintains that upon providing proper notification of the alleged violation, the Board of Directors shall cause a hearing to be held in executive session affording the Member a reasonable opportunity to be heard prior to imposing any fines or sanctions to the Member.

WHEREAS, Article 12, Section 12.1 maintains that the amount of any fine imposed for a violation of the Documents and the remedies for failure to pay such fine shall be subject to any limitations imposed by the Act.

NOW, THEREFORE, BE IT RESOLVED THAT the Emerson Estates Homeowners Association establishes and adopts the following resolution in regards to establishing a violation fine and construction penalty policy.

Upon receipt of a written complaint alleging a violation of the CC&Rs, Rules, or Architectural Standards and Guidelines from a Member or resident, a report by a Member of the Board, or from the Manager (or designated agent), the following procedures will be adhered to:

Violation Procedures

The following is the Violation Policy and Procedure for non-compliance of the CC&Rs and Rules as adopted by the Board of Directors.

1. First Violation:
 - a. A Courtesy Notice and "Resolution" will be mailed to the offending Member stating the area of non-compliance and the necessary corrective action. The Member is encouraged to communicate with Management at this level of notification by returning the Resolution. This communication may, and usually does, prevent further action.
2. Second Violation: (Same offense)
 - a. If the violation is not corrected within 14 days or upon the next property inspection, a "Notice of Non-Compliance and Hearing" will be sent by first class mail to the Member. **The unit owner will be charged a fee of \$15.00 handling fee will be assessed to the owner's account.**
 - b. A hearing will be scheduled for the Member to appear before the Board

in Executive Session to discuss the violation.

- c. Upon completion of the hearing or default hearing (if the homeowner is absent), the Board will make a determination based on the facts presented regarding the situation. A "Hearing Results Letter" will be sent to the Member indicating the Board's decision. A **\$10.00 handling fee** will be assessed to the Member's account at this time along with the appropriate fine, if applicable.
3. Third Violation: (Same offense)
- a. A **violation fine and a \$15.00 handling fee** will continue to be assessed to the Member's account for each month until the violation is corrected. See fine schedule below:
4. Maximum Fine: (Same offense)

Fines for a single violation reaching \$500.00 will be referred to the Board for approval and forwarded to the Association's Attorney for additional action. These actions may include, but are not limited to: formal notice of intent, arbitration, court injunction, and/or any judicial action that may be prudent. All additional legal costs for these actions will become the responsibility of the Member as specified below.

5. Fine Schedule

Pursuant to NRS 116.31031, fines will be commensurate with the severity of the violation, but must not exceed \$50 for each violation. Then the owner will be given 14 days to correct the non-compliance; or the non-compliance will be considered "continuing violation". At that time the unit owner will be assessed a \$50 per week fine and with each notification letter, a **\$15 handling fee will be assessed to the owners account.** The limitations on the amount of the fine do not apply to any interest, charges, or costs that may be collected by the Association should the fine become past due nor do the limitations apply for continuing violations or health and welfare violations.

APPROVED AND ADOPTED by the Board of Directors on this 8th day of December, 2009.

IN WITNESS WHEREOF, we, J Pucci and P FRIAS, being the duly appointed President and Secretary of the Emerson Estates Homeowners Association, respectively, have hereto subscribed our names.

J Pucci
President

P FRIAS
Secretary