

TAHOE ESTATES
PROPERTY OWNER'S ASSOCIATION

Rules
&
Regulations

ADOPTED SEPTEMBER 1995

TAHOE ESTATES PROPERTY OWNERS ASSOCIATION

Rules & Regulations

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TAHOE ESTATES PROPERTY OWNER'S ASSOCIATION

Rules and Regulations

These Rules & Regulations are intended as a supplement to the Covenants, Conditions and Restrictions (CC&Rs) of the Tahoe Estates Property Owner's Association. They do not cover the entirety of the legal documents.

- I. **PRIVATE VEHICLES (Refer to Article X, Sec 10.5 of the CC&Rs)**
All illegally parked vehicles will be towed at owner's expense.
 - A. **Recreational Vehicles**
No inoperable vehicles or commercial type vehicles, as defined in Section 10.5, are allowed to be parked, stored or kept on any private or public street. Recreational vehicles shall be parked in enclosed garages.
 - B. Repairs and restoration of vehicles are allowed within the owner's closed garage only.
 - C. Garages shall remain closed at all times, except as reasonably required for ingress to and egress there from.
- II. **ASSESSMENT FEES AND DELINQUENCY POLICY (Refer to Article VI, Section 6.1 and Article VII, Section 7.1 of the CC&R's).**
 - A. By acceptance of a deed to a lot, each owner has agreed to pay the Association:
 - Annual assessments for common expenses
 - Special assessments
 - Capital Improvement assessments

RESALES - NRS 116.4109

Upon resale of a lot, the Owner must make any request for a statement regarding unpaid assessments of any kind currently due from the selling unit's owner, in writing to the management company, by hand delivery or certified mail.

Annual assessments are determined by the annual budget prepared by the developer or management company. Assessments, interest, costs and attorney's fees for the collection thereof shall be the obligation of the owner and cannot be avoided by abandonment or by an offer to waive use of the common areas.

B. Delinquency Policy

1. Payments are due on the first (1st) day of the calendar month.
2. A \$10.00 late fee will be automatically applied toward the account if management has not received payment by the tenth (10th) day of the calendar month.
3. On the thirtieth (30th) day of the month, interest at 10% per annum will be automatically applied towards the delinquent account. A thirty (30) day delinquent notice, stating the fees and late payment currently due to the association will be sent when assessments are not paid by the end of each month.
4. On the thirtieth (30th) day of the following month, a sixty (60) day delinquent notice will be sent with an itemized statement indicating all delinquencies.
5. On the thirtieth (30th) day of the month following the sixty (60) days notice, an "Intent to Lien" letter shall be mailed informing the members that their property will be liened in fourteen (14) days if the account is not paid in full. An additional \$15.00 lien letter fee is applied to the account in addition to accumulated late charges and interest.
6. One hundred, four (104) days after the initial due date, a lien will be placed on the property. Additional lien fees will be applied towards the account.
7. The Board retains all rights and options contained in Article VII, Section 7.3 of the CC&R's for foreclosure proceedings and any other proceeding at law or equity to which it may be entitled.

III. IMPROVEMENTS - SEE ARCHITECTURAL REVIEW GUIDELINES

All improvements, including antennas, sports apparatus pools, gazebos, etc. must be approved by the **TAHOE ESTATES ARCHITECTURAL REVIEW COMMITTEE** prior to installation.

- B. All property owners are required to landscape their front yards within ninety (90) days after closing and their rear yards within one hundred eighty (180) days after closing.**

- IV. SIGNAGE (Refer to Article X, Section 10.4 of the CC&Rs) *See Acc. legal opinion*
- A. "For Sale" and "For Rent" signs are allowed, providing they meet the following requirements:
 - 1. Signs can be no larger than 18" by 30"
 - 2. One sign per property
 - B. All other signage including subcontractor signs, must be approved by the Architectural Review Committee. *NO Political Signs Give to HO on Request*
 - C. No signage may be installed on common property without Board approval.
- V. ANIMAL RESTRICTIONS (Refer to Article X, Section 10.6 of the CC&Rs)
- A. No more than two (2) pets per household are allowed unless approved by the Board of Directors.
 - B. No pets may be bred or maintained for any commercial purpose.
 - C. Animals which are found to be an annoyance or are found to be dangerous to owners within the vicinity will not be permitted, if deemed so by the Board of Directors.
 - D. All pets must be kept within an enclosure, an enclosed yard or on a leash at all times.
 - E. Owners are liable for unreasonable noise or damages caused by their pet.
 - F. Owners are responsible for removing their pets debree from private property, as well as on common areas, immediately upon occurrence.
- VI. UNSIGHTLY ARTICLES (Refer to Article X, Section 10.7 of the CC&Rs).
- A. All trash must be kept within enclosed containers and concealed from public view except for trash pick up days, in which time is limited to a period of twelve (12) hours.
 - B. No clothing or household fabric shall be hung, dried or aired in such a way as to be visible from public view.
- VII. VIOLATION AND PENALTY POLICY (Refer to Article III, Section 3.2 and Article XVI, Section 16.1 of the CC&Rs).

POLICY

- A. Violation of the CC&Rs and/or Rules are subject to the following fines:
1. First notice of violation ("Complaint") - \$100.00 penalty Imposed after notice and hearing.
 2. After the Complaint, the offending member is requested to appear before the Association's Board of Directors or a forum of members appointed by the Board. The Board shall have the power to levy a fine against the member and act as it deems reasonable as outlined herein. The Board may elect not to impose any fines, if no violation has occurred in their judgment.
 3. The Board may appoint a forum of Members ("Designee") to give notice, hold the hearing, and/or recommend appropriate sanctions.

PROCEDURES

Prior to the Imposition of any penalty for violation of the CC&Rs or Rules, the Association shall provide the offending member with notice of the violation, and an opportunity to be heard in person or through a representative at a Board meeting or called for such purpose, as hereinafter outlined.

(A) NOTICE

1. Upon receipt of a written complaint from an Association Member or a report to the Association alleging a violation of the CC&Rs or Rules by a Member, or Member's guest or minor children, the Association will cause an investigation to be conducted and if it appears to the Association that the violation does exist, then the Association will issue a Complaint, which shall serve as notice of the violation. The Association member is required to respond in writing to the Complaint by returning the "Notice of Defense" which is sent with the Complaint. The Notice of Defense must be delivered or mailed to the Association within the time period set forth in the Complaint.
2. If the violating Member fails to file or mail the Notice of Defense to the Association within fifteen (15) days of the date of the Complaint, the Member has waived his right to attend the hearing, and the Association may proceed with a meeting on the Member's violation, consider all relevant evidence, and render a decision on the violation without hearing from the Member.

(B) HEARING

1. If the Member files or mails the Notice of Defense within fifteen (15) days of the date of the Complaint, hearing shall be set and notice of the date and time of the hearing shall be served on the offending Member. Such Notice of Hearing shall be served at least ten (10) days prior to the hearing, and the hearing shall be held no sooner than thirty (30) days from the date the Complaint is mailed or delivered to the offending Member.
2. At the hearing, and within the time limits set by the Board, the accused member may present any evidence or make any statement relating to the violation, either in person or in writing.
3. Upon hearing all of the evidence, the Board may, by a majority vote:
 - (a) Find that no violation exists, or
 - (b) Find that the member is in violation and impose the penalty as set forth hereinafter.
4. In the event it is determined that a violation exists or was committed, the Board of Directors may order any or all of the following penalties:
 - a) Require the offending member to sign an agreement to correct the violation within a specific time frame and to post a cash bond, not to exceed \$1,000.00 guaranteeing performance.
 - (b) Specially assess the Member in an amount to be determined by the Board and collect such assessment as provided in the CC&Rs.
 - (c) Suspend or condition the right of the Member to use any facilities owned, operated or maintained by the Master Association, as provided in the CC&Rs.
 - (d) Suspend the member's voting privileges as provided in the CC&Rs.
 - (e) Enter upon a Lot or Condominium to make necessary repairs or to perform maintenance, and specially assess the Member for any amounts expended.
 - (f) Record with the Clark County Recorder's Office a Notice of Non-Compliance encumbering the Lot or Condominium of the Member.

5. If, after the hearing, the offending member refuses to abide by the decision imposed by the Board, the Association may, without further notice, elect to compel compliance with such decision as provided for in the Declaration, including, but not limited to, placing a lien against the Member's Lot or Condominium in the Association.
6. If any member accused of a violation of the Declaration or Rules, after notice as provided herein, shall fail to appear for a hearing, the Board or its designee shall proceed in their absence, and make a determination based on the facts presented.
7. Any action taken by the Association shall not deprive either party of any remedies otherwise available by law. The remedies provided herein are cumulative and none shall be exclusive. Association Members shall be required to exhaust all internal remedies of the Association before resorting to a court of law.

TAHOE ESTATES
PROPERTY OWNER'S ASSOCIATION

Architectural

Review

Guidelines

TAHOE ESTATES PROPERTY OWNER'S ASSOCIATION
ARCHITECTURAL REVIEW GUIDELINES

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TAHOE ESTATES PROPERTY OWNER'S ASSOCIATION
Architectural Review Guidelines

INTRODUCTION

These guidelines are intended as a supplement to the Covenants, Conditions, and Restrictions (CC&Rs) of the Tahoe Estates Property Owner's Association. They do not cover the entirety of the legal documents.

IT IS TO YOUR ADVANTAGE TO READ THE CC&RS THOROUGHLY.

The Architectural Review Committee ("Committee") does not seek to restrict individual creativity or personal preferences, but rather to assure the continuity in design which will preserve and improve the appearance of the Community and the property values therein.

The Committee reviews all plans for exterior improvements and additions to residential lots and dwellings in Tahoe Estates. These improvements include without limitation, additions, modifications and alterations to residential dwellings such as room additions, patio covers, gazebos, pools and spas; planting of trees as well as landscaping.

Failure to submit plans to the Committee or to complete improvements according to approved plans is a violation.

The Committee meets on specific days of each month. A \$10.00 fee must accompany all submittals. Submittals should be mailed directly to Tahoe Estate's management company. PLEASE ALLOW ENOUGH TIME FOR THE TAHOE ESTATE'S ARCHITECTURAL REVIEW COMMITTEE TO REVIEW.

Additional submittal forms can be obtained at the Management office.

Upon completion of the work, a representative of the Architectural Review Committee will inspect improvements for adherence to approved plans.

The Management staff will be happy to assist with the submittal process and interpretation of the CC&Rs and these Guidelines.

THANK YOU IN ADVANCE FOR YOUR COOPERATION IN THIS MATTER.

TAHOE ESTATES PROPERTY OWNER'S ASSOCIATION

GENERAL CONDITIONS

1. CONDITIONS NOT DEFINED: Any condition or material not specifically authorized by these Guidelines must be submitted for approval of the Committee and must be approved before any construction commences.
2. Committee approval of plans does not constitute acceptance of any technical or engineering specifications, or requirements of the City of Las Vegas and the Tahoe Estates Property Owner's Association assumes no responsibility for such. The function of the Committee is to review submittal forms for conformity to the master plan for the community. All technical and engineering matters as well as applicable permits are the responsibility of the owner. APPROVALS OR VARIANCES GRANTED BY THE CITY OF LAS VEGAS DO NOT SUPERSEDE THE CC&RS OR THESE GUIDELINES.
3. Approval of plans is not authorization to proceed with improvements on any property other than the Owners.
4. An oversight by the Committee regarding the CC&Rs or Policies & Guidelines does not constitute a waiver; therefore, any violation must be corrected upon notice to the Owner.
5. Access for the equipment used in construction must be through the property of the Owner. NO ACCESS THROUGH COMMON PROPERTY WILL BE ALLOWED. Building equipment and materials must be contained on the Owner's property. Streets may not be obstructed with equipment or building materials that are hazardous to people or property.
6. When construction requires use of adjoining property, the applicant must obtain written permission from the adjoining property owner and submit it with the plan submittal.
7. All work must be performed in a manner consistent with the standards of the original dwelling construction and with the appearance of the community. All work considered to be of an unsightly finished nature or of lesser quality than the prevailing community standards shall be reworked to an acceptable appearance at the Owner's expense.
8. Submittal of color samples of any paint or stain are required when they deviate from the original color of the existing dwelling.

9. NEIGHBOR NOTIFICATION: The required Impacted Neighbor Statement (Exhibit C) is intended as input from neighbors regarding any improvement which may impact their use and enjoyment of their property. It is intended for advisory use only. "Facing" refers to most directly across the street. "Adjacent" refers to adjoining properties. "Impacted" refers to immediate surround areas affected by the construction.
10. Any alterations to ceilings or common walls within the units must be approved by the City of Las Vegas due to building code requirements and fire protection.

ARCHITECTURAL AND MATERIAL STANDARDS

This section of the Guidelines delineates appropriate materials for use in modifications.

I. LANDSCAPING - General

- A. All landscaping work, plantings and installations of irrigation systems by an owner shall remain aesthetically consistent with the design and plan of the community and climatically and culturally appropriate to Southern Nevada.
- B. No owner shall further landscape or otherwise improve any property owned by the Tahoe Estates Property Owner's Association.
- C. Decorative rock and gravel are permitted upon approval of the Architectural Review Committee. Green, black and white colors are prohibited.
- D. No grading, excavation, removing of any tree or existing landscape modification shall be commenced until the plans showing the nature, kind, shape, height, and location of the same shall have been approved by the Architectural Review Committee.

Specifics - (Refer to Article VIII, of the CC&Rs)

II. PATIO SLABS, PATIO COVERS AND GAZEBOS

- A. DUE TO CONCERN WITH PROPER DRAINAGE, COMMITTEE REVIEW AND APPROVAL IS REQUIRED PRIOR TO POURING OF ANY CONCRETE.
- B. Setbacks must be clearly indicated on the site plan, meet all city code requirements and approved by the Architectural Review Committee.
- C. Complete submittal forms including the Patio Cover Checklist are required for prior approval of any patio cover or gazebo.
- D. Structures may be of wood or stucco construction with exception of vertical supports which may include other materials, as permitted by governing codes. All natural wood surfaces must be finished.

- E. Acceptable roofing materials requiring Committee approval are:
 - a. wood slat
 - b. fiber felt with tile border
 - c. match the roof of existing dwelling
- F. Exposed surfaces shall match or harmonize with the existing colors and materials of the main dwelling.
- G. Exposed gutters and downspouts shall be painted to match adjacent roof and/or wall material.
- H. Thin posts, such as 4x4 wood or metal pipe supports are prohibited. Minimum size for wood or stucco posts is 6x6.
- I. Unacceptable construction materials for patio and awning structures shall be:
 - a. Metal structures
 - b. Corrugated plastic and fiberglass
 - c. Plastic webbing, reed or straw like materials
 - d. Composition shingles

III. POOLS, SPAS AND RELATED EQUIPMENT

- A. Submittal of complete construction plans showing placement of pool and equipment on property is required. Each will be considered on an individual basis.
- B. Setbacks must be clearly indicated on the site plan, meet all code requirements and approved by the Architectural Review Committee.
- C. Pool equipment shall not be permitted in the ten (10) foot view restriction zone.

IV. WALLS (Refer to Article IX, Section 9.5 of the CC&Rs).

A. PARTY WALLS

- 1. All walls which are constructed on an owner's lot must be maintained, repaired, restored and replaced at the owner's expense. Each member is responsible for his portion of the wall abutting his property.
- 2. No fence or wall shall be erected or altered without prior written consent of the Architectural Review Committee.

VI. OTHER STRUCTURES AND ADDITIONAL MODIFICATIONS

- A. Garage Conversions will not be permitted. The purpose of garages are to store vehicles. Garages may not be converted into living space or incur any structural changes.
- B. Screen Door installations do not require prior approval. This exception does not apply to security bar doors and storm doors, which require prior approval of the committee. Any other door cover, other than a basic screen door, requires approval of the committee.
- C. Solar Screens: Grey solar screens may be installed without the Architectural Review Committee approval.
- D. Playground Equipment: Manufactured metal swing sets which cannot be seen above any surrounding fence do not require approval. All other playground equipment must be approved by the Committee.
- E. Basketball Hoops: No stationary basketball hoops may be affixed to any structure. (Article X, Section 10.10 of the CC&Rs)
- F. Window Awnings: Require prior approval of the Committee. They must be of canvas or approved fabric and of solid accent colors complimenting the architecture. Awnings must be properly maintained to the satisfaction of the Committee and may not be kept when frayed, split, torn or faded.
- G. Window Coverings: Permanent window coverings must be installed within 90 days after close of escrow. Sheets shall not be considered a permanent window covering. Aluminum foil, newspaper and similar material are prohibited.
- H. Exterior radio antenna, "C.B." antenna, television antenna, satellite dish or other antenna of any type shall not be erected or maintained on the properties. (Article X, Section 10.10 of the CC&Rs)

EXHIBIT A
TAHOE ESTATES PROPERTY OWNER'S ASSOCIATION
ARCHITECTURAL SUBMITTAL CHECKLIST

Below is a listing of items that are required to accompany the application prior to review by the Architectural Review Committee.

ORIGINAL PLUS TWO COPIES OF ITEMS 1 - 5 BELOW ARE REQUIRED.

1. Application
 - A. Complete Home Owner information (name, address, telephone.
 - B. Home owner signature
 - C. Approximate start and completion dates
 - D. Projects being submitted
2. Signed Neighbor Impact Statement
Please refer to item #9 of the General Conditions for information on required signatures.
3. Plans Showing the Work to be Done
Detailed drawings showing the height, length, width, color and what the improvement will look like when it is completed.
4. Landscape Plans
These plans show a diagram of your house and where the landscaping improvements will be. Indication of plant and tree types and location are required.
5. Material Samples
Example: type of rock to be used, color chip of paint, pictures of gazebo, pool, patio cover and spa should accompany the plans for the same. A detailed drawing or picture must be submitted.
6. Application Fee of \$10.00
The architectural review fee of \$10.00 is required on all submittals prior to presentation before the committee.
7. Send Application, checklist, application fee to:
Heritage Group of Nevada
2770 South Maryland Parkway, Suite 202
Las Vegas, Nevada 89109

Failure to follow these requirements and procedures may cause your request to be delayed pending submission of additional information and documentation to the Architectural Review Committee. An incomplete application may affect the time limits for approval.

TAHOE ESTATES PROPERTY OWNERS ASSOCIATION

BOARD OF DIRECTORS RESOLUTION

COMMITTEE CHARTERS

Resolution TE 99-3

AUTHORITY AND PURPOSE FOR THE RESOLUTION:

WHEREAS, the TAHOE Estates Property Owners Association is a Nevada Non-Profit Corporation duly organized and existing under the laws of the State of Nevada; and CC&R Article 5, Section (h), gives the Board rule making authority;

AND WHEREAS, the Board of Directors deemed it in the best interest of the membership that Committee Charters should be established for all committees for the purpose of providing direction and functioning roles to volunteers.

NOW THEREFORE, BE IT RESOLVED that the Board of Directors deemed it necessary that the following Committee Charters be adopted:

Architectural Committee

Compliance Committee

This resolution was adopted by the TAHOE Estates Board of Directors on

BY: *Lee B. Thomas II*
President

ATTESTED: *Paul W. Miller*
Secretary

**TAHOE ESTATES
PROPERTY OWNERS ASSOCIATION**

BOARD OF DIRECTORS RESOLUTION

SIGNAGE

Resolution TE99-2

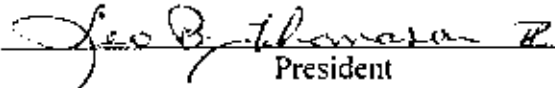
AUTHORITY AND PURPOSE FOR THE RESOLUTION:

WHEREAS, the TAHOE Estates Property Owners Association is a Nevada Non-Profit Corporation duly organized and existing under the laws of the State of Nevada; and CC&R's Article 2, Section 2.1(b) and Article 3, Section 3.1, which gives the Board rule making authority;


AND WHEREAS, For Sale and For Rent signs are allowed in Article 10, section 10.4 of the CC&R's the Board of Directors deemed it necessary to establish policy pertaining to displaying of Security Alarm and Political Signs within the community;

NOW THEREFORE, BE IT RESOLVED: That after a survey of the TAHOE Estates Property Owners, there will be no displaying of Political Signs within the community. Security Alarm Signs will be allowed subject to the same requirements of signage in Article 10, section 10.4 of the CC&R's. Request for other signs must be submitted on an Architectural Application through the Architectural Review Committee with their recommendation to the Board of Directors for approval.

This resolution was adopted by the Board of Directors on February 18, 1999. Ratification is not required in policy matters. Effective upon receipt.

BY: 
President

ATTESTED BY: 
Vice President


Secretary

**TAHOE ESTATES
PROPERTY OWNERS ASSOCIATION**

BOARD OF DIRECTORS RESOLUTION

GARAGE SALE POLICY

Resolution TE99-1


AUTHORITY AND PURPOSE FOR THE RESOLUTION:

WHEREAS, the TAIHOE Estates Property Owners Association is a Nevada Non-Profit Corporation duly organized and existing under the laws of the State of Nevada; and CC&R Article 2, Section 2.1(b) and Article 3, Section 3.1, which gives the Board rule making authority;

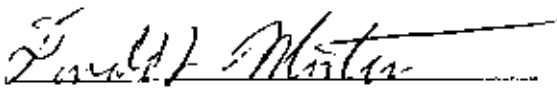
AND WHEREAS, that after a survey of the TAIHOE Estates Property Owners, and receiving 67% replies, the majority of which do not want Garage Sales in the community. The Board of Directors deemed it necessary to establish a policy pertaining to Garage Sales in the community.

NOW THEREFORE, BE IT RESOLVED: That Garage Sales are hereby prohibited from taking place within TAHOE Estates.

This resolution was adopted by the Board of Directors on February 18, 1999. Ratification is not required in policy matters. Effective upon receipt.

BY: 
President

ATTESTED BY: 
Vice President


Secretary



LAW OFFICES
WOLF, RIFKIN, SHAPIRO & SCHULMAN, LLP

Los Angeles
Las Vegas

Gregory P. Kerr
gkerr@nevadahoa.com

File No.
LV0654-001

January 31, 2008

VIA EMAIL: cneuhauser@terrawest.com
AND U.S. MAIL

Board of Directors
Tahoe Property Owners Association
c/o Terra West Property Management
P.O. Box 80900
Las Vegas, Nevada 89180

Attention: Christopher Neuhauser

Re: **Tahoe Property Owners Association (the "Association")**
Towing on Private Streets

Dear Members of the Board:

We have been asked to render an opinion as to whether or not the Board has the right to tow vehicles in violation of the CC&Rs and other governing documents and/or impose fines for such violations. In particular, it was conveyed to me and confirmed by me that the streets within the community do in fact exist on the private lots of the owners. That is, the streets are not common area. The below sets forth the Board's power to regulate these streets.

First, the term "Streets" is defined under Article I, Section 1.47 of the CC&Rs, in part, as follows:

"Streets shall mean the privately owned streets, located within this Common Interest Community, portions of which are separately owned by each Owner as part of his respective Unit, the obligation for maintenance and repair of which streets, as Common Expenses, is the sole responsibility of the Association, . . ."

As the above states, the streets are actually located on the individual lots of the owners. However, as shown on the final subdivision maps recorded for the Association and under Article II, Section 2.3 of the CC&Rs, there is an easement over all of the lots which corresponds to the location of the private streets. Section 2.3 reads, in part, as follows:

"In addition to the general easements for use of the Common Area and Streets reserved herein, there shall be, and Declarant hereby reserves and covenants for itself and all future Owners within the Properties, nonexclusive easements appurtenant for vehicular and pedestrian traffic over the Streets, subject to the parking provisions set forth in Sections 2.2 and 10.5 hereof. . . ."

The implication of the above easement is that although the owners own a portion of the street that may run across their lot, that portion of their lot is subject to easement rights held by others to travel over that portion of the lot. Furthermore, that portion of the lot is subject to the parking and vehicular restrictions stated in the CC&Rs and subject to the Board's exclusive duty to maintain, repair and insure that portion of the lot that is the street.

Also, the Board has the right to not only tow and fine vehicles from the streets (the easement areas), but also has the right to adopt other rules and regulations regulating the use of the streets. For example, the right to tow a vehicle is found in Article II, Section 2.2 of the CC&Rs, which reads, in part, as follows:

". . . The Association, through its officers, committees and agents is hereby empowered to establish "parking," "guest parking" and additional "no parking" areas, as well as enforce these parking limitations by all other means lawful for such enforcement on City or County streets, including the removal of any violating vehicle by those so empowered at the expense of the Owner of such violating vehicle."

This specifically sets forth the Board's power to tow from the streets if a vehicle is parked in violation of the CC&Rs or other governing documents, even though the streets are on private lots. The power to enforce parking restrictions on the streets is reserved in the easements discussed above.

Furthermore, under Article V, Section 5(h), the Board has the right to adopt rules and regulations that further restrict or control parking beyond just those restrictions stated in Section 2.2 and Section 10.5 of the CC&Rs, Article V, Section 5(h) reads as follows:

"(h) The power but not the duty to establish uniform Rules and Regulations for the use and enjoyment of the Common Area and/or Streets, as provided in this Declaration."

In the event the Board wishes to impose additional restrictions or other parking and vehicular requirements, the above provision gives the Board the express power to do so.

In the event that the Board decides it wants to begin towing for violations, there are certain statutory requirements that must be met before doing so. Further, it is highly advisable that the Board adopt a towing and parking policy to be sent to the owners before taking such enforcement measures. First, NRS 116.3102(s) gives the Board the authority to tow so long as the requirements stated therein are met. It reads as follows:

"Except as otherwise provided in subsection 2, and subject to the provisions of the declaration, the association may do any or all of the following:

...

(s) Direct the removal of vehicles improperly parked on property owned or leased by the association, as authorized pursuant to NRS 487.038, or improperly parked on any road, street, alley or other thoroughfare within the common-interest community in violation of the governing documents. In addition to complying with the requirements of NRS 487.038 and any requirements in the governing documents, if a vehicle is improperly parked as described in this paragraph, the association must post written notice in a conspicuous place on the vehicle or provide oral or written notice to the owner or operator of the vehicle at least 48 hours before the association may direct the removal of the vehicle, unless the vehicle:

- (1) Is blocking a fire hydrant, fire lane or parking space designated for the handicapped; or
- (2) Poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community."

Under NRS 487.038, it reads as follows:

"1. Except as otherwise provided in subsections 3 and 4, the owner or person in lawful possession of any real property may,

after giving notice pursuant to subsection 2, utilize the services of any tow car operator subject to the jurisdiction of the Nevada Transportation Authority to remove any vehicle parked in an unauthorized manner on that property to the nearest public garage or storage yard if:

- (a) A sign is displayed in plain view on the property declaring public parking to be prohibited or restricted in a certain manner; and
 - (b) The sign shows the telephone number of the police department or sheriff's office.
2. Oral notice must be given to the police department or sheriff's office, whichever is appropriate, indicating:
- (a) The time the vehicle was removed;
 - (b) The location from which the vehicle was removed; and
 - (c) The location to which the vehicle was taken."

Summarizing both of the above statutes, if the Board wants to tow any vehicle in violation from its private streets, it must first maintain signs posted in the community (typically at the entrances of the community) stating that parking restrictions shall be enforced; the sign must contain the telephone number of the local police or sheriff's office; the Board must post 48 hour notice on the vehicle prior to towing unless the vehicle is parked in a manner that blocks a fire lane, fire hydrant or handicapped space or poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community, at which time the Board can tow immediately; when the vehicle is towed, notice must be given to the police or sheriff's office of the time the vehicle was towed and from what location and to where the vehicle is taken.

Typically, if an association is under contract with a tow company, the tow company will install its own signs that will contain the proper information and will notify the police or sheriff's office when a vehicle is towed. Upon meeting the above statutory requirements, the Board can tow violating vehicles.

In the event the Board wants to fine owners for parking and vehicle violations, it can do so in addition to, not alternatively from, towing. However, any time the Board levies fines, it must always provide a hearing to the owner in accordance with the Association's fine and hearing policy.

If the Board wants to implement a towing and parking policy that outlines the rules and regulations for parking and vehicles and set forth a towing and fine procedure, please let us know

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and we can prepare a draft for the Board to review. Please let me know if you have any questions or comments regarding the above. I thank the Board for the opportunity to be of assistance in this matter. I extend my regards to each Member.

Very truly yours,

WOLF, RIFKIN, SHAPIRO & SCHULMAN, LLP

GREGORY P. KERR, ESQ.

GPK/bjj

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