

MT. PARK HEIGHTS HOMEOWNERS ASSOCIATION RULES AND REGULATIONS

RESTATED BYLAWS 7.8: The Board is empowered to pass, amend or revoke detailed administrative Rules and Regulations necessary or convenient from time to time to insure compliance with the general guidelines of this section and the other provisions of these Restated Bylaws. Such Rules and Regulations shall be binding upon all Owners upon adoption by the Board.

These Rules and Regulations, as well as the Restated Bylaws, are derived from experience and common sense. They are based on cost, safety, or equity considerations while trying to protect the rights of all Owners.

1. PETS

Pets are allowed but they are limited to a maximum weight of 30 lb., must be kept on a leash when outside the confines of the owner's unit, cannot disturb other owners with loud or excessive barking or other noises, and the "poop scoop" law applies within our complex just as it does throughout Mt. Park and Lake Oswego. Any charges incurred by the HOA for cleanup will be assessed to the responsible Owner. Additionally, should the problem persist, the HOA will exercise the authority granted in Restated Bylaws 7.10 which states that "The Board may at any time require the removal of any animal which it finds is disturbing other Owners unreasonably, in the Board's determination, and may exercise this authority for specific animals even though other animals are permitted to remain." Pet owners need to be responsible for their pets and insure that they are at no time infringing on the rights of other homeowners.

2. PARKING

Please utilize your garage for parking your vehicles. This will help protect your property by reducing the attraction for thieves and vandals. Parking in front of your garage is only allowed for short periods of time, such as loading, unloading and washing vehicles. Overnight parking or extended parking in these areas is not allowed and the regular parking spaces should be utilized. This is a safety issue that can result in the complex incurring fines from the Fire Department. Additionally, it is not consistent with an upscale complex to have numerous cars parked on the street. Thunder Vista and Golden Lane are private streets and are in many locations no wider than the minimum 22-foot clearance required.

Vehicles parked in the outside-designated parking spaces for more than seventy-two (72) hours are subject to tow at owner's expense. All owners have space in their unit for two vehicles as per the governing documents. Utilization of garage parking spaces is required. The outside-designated parking spaces are not for storage of vehicles that are not used on a daily basis.

All vehicles must be operable and currently licensed. Disabled vehicles cannot be parked anywhere on the premises. These vehicles will be towed at owner's expense. The definition for disabled vehicles is: Any vehicle non-operational, due to and not limited to: mechanical malfunction, tires off, sitting on blocks, offensive to the residents and / or a safety hazard.

Vehicles cannot be "stored" in the outside parking areas without PRIOR WRITTEN BOARD approval. The board will not approve extended parking of a vehicle except for specific circumstances, which will be reviewed on a case-by-case basis. The definition of stored is: Any vehicle left in outside-designated parking areas for more than seventy-two (72) hours. Moving from one parking space to another does not constitute a new seventy-two (72) hour period. For

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security reasons owners are to notify the Board if guest vehicles are left longer than seventy-two (72) hours.

The designated open parking areas are for the guests of all homeowners in the community and are not for the purpose of extended parking for the residents of Mt. Park Heights.

Vehicles parked in any non-designated areas are subject to tow without prior warning.

The Board may also choose to fine the offending party. The penalty for this infraction is stated in the Financial Penalty Policy.

3. GARAGE DOORS

Garage doors should be kept closed unless an Owner is washing a car or engaged in some other activity that would reasonably require an open door. Closed doors help deter crime and mischief and show consideration for your neighbors. In some cases, the garages are part of the view for residents of other units.

4. GATE ENTRANCE AREAS

Areas between the gates and the main entrance door of the unit must be kept clear and unobstructed to provide access in case of fire or other emergency.

5. ACTIVITIES NOT PERMITTED IN COMMON ELEMENTS

Certain activities are not consistent with the condominium style of community living. Restated Bylaw 7.6 states *"No noxious or offensive activity shall be carried on in any Unit or Common Elements, nor shall anything be done therein which may be or become an annoyance or nuisance to other Owners."* The following activities are not permitted in the common elements:

- Speeding – The limit is 15 mph within the complex. We have multiple vehicles, narrow streets, hills, blind corners, and safety is of paramount concern.
- Games or playing on Thunder Vista or Golden Lanes
- Car work (confine to owner's garage)
- Dumping of trash
- Use of air or pellet guns
- Running, climbing through or rough play in landscaping, this includes the rare occasion in the winter when snow is on the ground. Significant damage has been done in the past to complex landscaping by climbing on top of snow covered shrubs and plantings.

Note: The above list is not all inclusive or intended to cover every possible application of the guidelines. They are areas where we have had problems in the past.

6. ITEMS NOT PERMITTED IN COMMON ELEMENTS

6a. GENERAL COMMON ELEMENTS

The exteriors of the buildings which include siding, metal railings, building trim and drywall in all alcoves, all structural elements, and all landscaping, driveways and walkways are

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General Common Elements as defined in the Declaration and as such are stringently controlled by Statute, Declaration, and Bylaws.

In general, *no personal items may be kept in these areas.*

6b. LIMITED COMMON ELEMENTS

Balconies, decks and patios are common elements but are for the sole and exclusive *use* of the Units for which they are reserved or assigned. The exterior appearance of our complex must be kept in a manner appropriate to maintain and preserve its status as a first class residential condominium and certain items can not be kept in the small sole use areas:

- Fencing or screening of any sort
- Jungle gyms, swings, children's toys
- Basketball hoops or other sports apparatus
- Flammable or toxic materials
- Garbage cans or storage containers
- Debris, garbage
- Tools, equipment or building materials not owned by HOA
- Artificial plants or flowers
- Statuary, gazing balls, etc.
- Furniture not designed for outdoor use
- Hoses (outside faucets are general common elements with 3 per 5 unit bldg., 1 per 3 unit bldg., so remove and store hoses after use.)
- Signs, plaques, etc.
- Bird feeders, bird baths, bird houses
- Planters or containers with dead plants

Please Note: The above list is not all inclusive or intended to cover every possible application of the guidelines. They are areas where we have had problems in the past.

Two heavy duty hooks have been installed on each balcony deck for use by homeowners to display properly maintained plants and other appropriate items. No other hooks, hangers or brackets may be added (see item 9).

Owners must use care to keep personal property from damaging the Limited Common Elements. Balcony railings are common elements maintained by the HOA and to preserve the surface for their projected lifetime between paintings, as scheduled in the HOA's Reserve Study, must be kept clear of all items. Balcony surfaces are durable but can be cut or punctured, so no sharp objects may be placed on them. Any pots, planters or other solid based objects used on balconies or wooden decks must be raised above the surface with a plant stand or saucers designed for that purpose so that water does not accumulate under them. Balcony decks and wooden decks will be inspected on an annual schedule and any damage found, will be repaired and billed to the homeowner for which they serve as a limited common element.

No alterations are permitted to these limited common elements or any common element. The only way a common element can be changed is to follow the specific methods outlined in the bylaws. For the specific list of common elements listed in the Declaration, they also must be

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approved by a super-majority vote of the homeowners and for any change which would impact the appearance of the complex, approval by the Mt. Park Master HOA Architect Committee is required (see item 7). The Board of Directors does not have the authority to grant requests to enlarge decks, resurface balcony or wooden decks or otherwise change any Common Element.

7. REPAIRS OR CHANGES TO COMMON ELEMENTS

The Association has responsibility for all Common Elements, including balconies, decks and patios, and Owners may not make any changes to the Common Elements or maintain, decorate, alter or repair any part of the Common Elements ***without the prior consent in writing of the Board and any other Owners affected.*** This means that even though Owners can make improvements and changes to their units (as defined in the Declaration), if those changes involve any wiring, plumbing, structural elements, etc. specific procedures as outlined in Restated Bylaws 8.2 must be carefully followed. For the most part, Owners cannot make any repairs on or changes to exteriors of the buildings, landscaping or to Limited Common Elements. Strict compliance with the proper process is essential so that the Board can ensure that rules are followed and safety and structural standards are maintained. These issues may directly affect maintenance costs as well as the Association's liability and other insurance.

8. CHANGES TO EXTERIOR APPEARANCE OF A UNIT

The Oregon Revised Statute 100.535(3) provides that a unit owner *may not* change the exterior appearance of a unit without permission of the Board of Directors. This primarily would apply to changes in windows and doors, including screens, which an owner may want to make. Proposed changes must be submitted to the Board in writing so they can insure that standards are maintained and property values are upheld.

9. ATTACHMENTS TO SIDING OR OTHER EXTERIOR SURFACES

No Owner is allowed to alter, fasten or attach anything to any exterior surface (Common Elements) to include the drywall in all alcoves, railings, roof, gutters, any concrete or asphalt surface, trim, and the exterior siding or lean anything against any Common element or take any action which could lead to the deterioration of it and thus raise costs to all Owners.

10. HOLIDAY AND/OR SEASONAL DECORATIONS

Seasonal decorations are subject to the same restrictions that normally exist. Nothing may be attached to siding or other Common Elements or places within the General Common Elements. You may decorate within your Unit as long as visible elements are not objectionable to your neighbors. Free standing decorations may be placed on decks, balconies and patios, but for the Christmas season, may not be displayed prior to November 15th and are to be removed by January 15th. The Board policy is to not object to wreaths and lighting displayed on entrance gates if non-damaging fasteners are used. An Association Committee may be formed to oversee the use of miniature lights on trees and shrubs in the Common Elements if enough interest exists for a community effort.

11. TRASH

All trash must be contained in a garbage can and is not to be placed out for pick up prior to Monday night and the container must be back inside by Tuesday evening. If you are going to be out of town, please make plans to insure your trash is properly handled and any newspapers are placed inside. This does not mean placing the trash out prior to Monday night is an option.

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12. NOISE

Noise within the complex must be kept to a considerate and appropriate level. There is a neighborhood quiet time of 10 pm – 8 am that is enforced by Mt. Park and Lake Oswego.

13. GUEST BEHAVIOR

You are responsible for your dependents as well as any guests visiting or staying with you. Any actions that disrupt the homeowners of this complex will not be tolerated.

14. NOTIFICATION OF CHANGE IN OCCUPANTS

Section 6.6 of the Restated Bylaws requires the immediate notification of the HOA of the name(s) and address of any purchaser, Mortgagee, lessee or tenant upon closing. Any changes or additions to the occupants of a unit shall also be communicated to the Board. Additionally, Owners are required by Section 8 of the Declaration to notify the Board of Directors of any intended sale of a unit two weeks before closing.

15. REAL ESTATE SIGNS

One approved Mountain Park sign is allowed in front of the unit that is for sale. **The large 4 x 4 post signs are not permitted in front of any unit or on Thunder Vista or Golden Lanes.** No other signs may be displayed in the common area or visible in the interior of any unit. Directional signs for open houses are permitted only during hours of the open house and must be displayed in a manner that does not harm the common area. Any damage done to landscaping or common elements by anyone who disregards this rule will be repaired and charged to the homeowner of that unit.

16. MOVING VANS

No moving vans over 30 feet are permitted to drive in the complex. On several occasions, significant damage has been done to the landscaping and light fixtures as the result of careless large delivery trucks. Any moving company needs to insure that their delivery trucks meet this standard, even if they have to shuttle from a larger vehicle. Damage caused by violating this rule will be assessed to the homeowner responsible.

17. BARBECUE GRILLS

Per recent guidance by the Lake Oswego Fire Department, barbecue grills are permitted on balconies. Homeowners must insure they are properly stored, covered and maintained. Please note blue or silver tarps are not permitted in Mt. Park per the Master HOA. Any damage done to balcony surface or siding will be charged to the homeowner. Turkey fryers, open flame pits or containers and any other unsafe cooking surface are not permitted. Dumping spent charcoal or other items of debris in the common area is expressly forbidden.

FINANCIAL PENALTY POLICY

When adherence with HOA documents and rules is not achieved, and all authorized attempts by the Board of Directors to bring compliance have failed, a financial penalty will be applied to that unit.

The adopted policy by the Board of Directors of this Homeowners Association is as follows:

- After a final date is established for completion of corrective action, and that deadline has passed without the required actions being taken, a financial penalty will be assessed against the unit.
- The penalty shall be \$15 per calendar day until full compliance with the Documents is reached and the violation passes the inspection outlined below.
- At such time that the total fines owed reaches \$500, a lien shall be placed against the unit. The fines shall continue until the violation passes the required inspection.

Following is the method required to obtain approval for correction of a violation, and end the accrual of the fines:

- The violating owner must contact the Board's Agent, Excelsior Property Management, 4 SW Monroe Parkway, Suite G, Lake Oswego, OR 97035 or email them at office@excelsiorpm.com, in order to set up an inspection. Contact is defined as speaking directly with the Agent's representative designated in the notification correspondence.
- Contact with the Agent must be made at least 24 hours in advance of inspection.
- Inspections will be done only between the hours of 10am to 4pm Monday through Thursday.
- The Agent is authorized to make a decision at the time of the inspection as to the continuation of the fines.

Any and all costs associated with the collection of these fines, and the costs associated with collecting these fines, including the recording of a lien, shall be the sole cost of the unit owner in violation, in accordance with section 5.9 and 5.10 of the bylaws.

If they continue unpaid, these costs will be added to the next assessment invoice. Interest and late charges will accrue if not paid when billed.