

ARCHITECTURAL COMMITTEE RULES

In accordance with the Covenants, Conditions, and Restrictions ("CC&Rs") for Pinnacle Hill Owners Association the Architectural Committee ("AC") implements rules which shall apply to all Lots and Parcels located within Pinnacle Hill, given that the following rules are compliant with Arizona Revised Statutes.

A. Whenever any action by or approval of the AC is required, REQUESTS **shall be submitted to the AC 30 days prior** to planned work proceeding. REQUESTS shall be reviewed by the AC in accordance with these Rules and the CC&R's. All days listed refer to calendar days and shall include all Saturdays, Sundays or state or national holidays.

B. All communication with AC or Board is to be made via fax, email or USPS as follows:

Architectural Committee	
602-244-9214	(FAX)
<u>Barbara@cpihoa.com</u>	(EMAIL)
PO BOX 62073, PHOENIX, AZ 85040	(MAIL)

C. REQUEST Process shall follow:

- Member Sends REQUEST (timing starts date received by Management or Committee – whichever is first)
- Review Period for AC, up to 30 days to meet and decide APPROVE or DENIED Issued in writing and delivered to Member
- If REQUEST is APPROVED work can proceed and finish within 180 calendar days unless otherwise stated on REQUEST and/or approval
- IF REQUEST is DENIED - Member has the following options:
OPTION 1 – Provide additional information requested by AC
OPTION 2 - APPEAL rejection to the Board within 21 DAYS requesting an appeal meeting
OPTION 3 – RESUBMIT new application
OPTION 4 – MAKE NO CHANGES to lot or home
OPTION 5 – FILE WITH ADRE for an OAH hearing
- IN ACCORDANCE WITH CCR 3.1.5 – IF NO APPROVAL or DENIAL is issued in writing by AC within 60 days of request – application is considered APPROVED.

D. Members submit using attached REQUEST form (pg 4; pg 5&6 include Non-Compliance Notice & Response Form)

E. **FAILURE to submit REQUEST to AC prior to work proceeding, may subject the Member to fines, after notice and opportunity to be heard, as determined by the BOARD.**

F. Policy for Non-Compliance Notices, and Appeals:

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NOTICE - Pursuant to ARS 33-1803 a notice of violation must provide the provision of the community documents that has allegedly been violated, the date of the violation or the date the violation was observed, the first and last name of the person or persons who observed the violation, the process the member must follow to contest the notice.

WITHIN 21 days of the date of the NOTICE – member may appeal Notice to Board, remedy notice, or provide explanation for non-compliance. Any Member aggrieved by the decision of the AC may appeal the decision to the Board. Such appeal must be made within 21 days after the date the decision of the AC is made and must be accompanied by the written decision of the AC, a copy of the REQUEST, and all items submitted. Appeals may be made via mail, fax, or email.

If a Member fails to reply to the NOTICE or request an appeal, the Board shall send a SECOND Notice, again the Member has 21 days from the date of the Notice to remedy, reply or appeal.

If a Member fails to remedy, or reply to the SECOND NOTICE or request an appeal (again the Member has 21 days to remedy, reply or appeal); **the BOARD may FINE the MEMBER \$50 per occurrence** (pursuant to Arizona Revised Statutes). If situation of the lot or home is imminent harm to community (paint colors, weeds, parking violations, or other non-safety violations are not considered imminent) the AC may report violation to City of Phoenix.

- G. The AC shall meet in person or electronically conference (via phone or email) as needed to review all REQUESTS. The Chairman (a Board Member pursuant to Arizona Revised Statutes) of the AC may call meetings within 48 hours of receipt of a REQUEST and shall include all Board Members, as well as post meetings for members to attend. A quorum for each meeting shall consist of a majority of the AC. All meetings of the AC shall comply with all applicable Arizona laws, including the Arizona Open Meeting law.
- H. In determining whether to approve or deny a REQUEST, the AC shall reasonably determine if the request (i) is suitable to maintain the architectural design quality of Pinnacle Hill Owners Association; and (2) complies with the relevant provisions of the CC&Rs, these Rules and the AC Guidelines. In this regard, the AC shall reasonably take into consideration the aesthetics of the Request, and the harmony thereof with the surroundings, as well as the effect on the view from the adjacent property. Approval is for the purpose of ensuring consistency within Pinnacle Hill Owner Association and Architectural Guidelines.
- I. The AC shall review all applications submitted to it and shall furnish a written decision to the applicant and the Board, setting forth the reasons for its


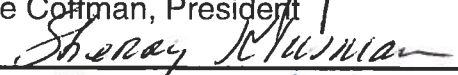
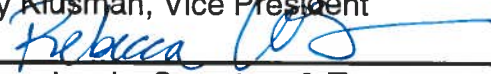

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decisions. A majority vote of the AC shall be necessary for any decision. In the event the AC fails to take any action within 60 days after a REQUEST has been submitted, then the REQUEST shall be deemed approved. The AC may DENY any application if there is not sufficient information submitted for the AC to exercise the judgment required by these Rules and the Architectural Guidelines. In all cases, the AC shall attempt to itemize the nature of its denial. In the event the applicant makes subsequent submissions after an initial disapproval, the REQUEST as resubmitted, shall be deemed approved if the AC fails to take any action on the resubmitted REQUEST within sixty (60) days after the new submission.

- J. The AC, by majority vote, has the authority to deviate from the Architectural Guidelines in extenuating circumstances if following the requirements would create an unreasonable hardship or burden for a Member..
- K. The AC shall keep and safeguard complete written records of all REQUESTS submitted (including one set of all preliminary sketches and plans), of all actions of approval or denial and of all other actions. All such records shall be maintained for a minimum of 7 years after REQUEST (electronically is acceptable).
- L. Any approval of plans, specifications or proposed construction given by the AC shall be only for the purpose of Association permission to construct. **SUCH APPROVAL SHALL NOT CONSTITUTE AN APPROVAL, RATIFICATION OR ENDORSEMENT OF THE QUALITY OR ARCHITECTURAL OR ENGINEERING SOUNDNESS OF THE PROPOSED IMPROVEMENT AND NEITHER THE ARCHITECTURAL COMMITTEE OR MEMBERS OR THE BOARD SHALL HAVE ANY LIABILITY IN CONNECTION WITH OR RELATED TO APPROVED PLANS, SPECIFICATIONS OR IMPROVEMENTS.**

These amended and restated Architectural Committee Rules shall become effective immediately by majority approval of the Board of Directors.

Approved by the Board of Directors on this 18th day of October, 2017 by a vote of all in favor and none opposed.

	10/18/17
Mike Coffman, President	
	10/18/17
Sherry Klusman, Vice President	
	10/18/17
Rebecca Lewis, Secretary & Treasurer	
	10/18/17
Walt Godbehere, Member at Large	

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