

**BELLASERA COMMUNITY ASSOCIATION
BOARD OF DIRECTORS MEETING
Bellasera Community Clubhouse
7350 E. Ponte Bella Drive, Scottsdale Arizona, 85266**

Approved
Date: 12-9-10

October 28, 2010

MINUTES

Members Present

- Dennis Carson, President; Susan Loiselle, Vice President; Anne Chernis, Secretary; Ted Dixon, Treasurer, Anna Ingram, Director and Bruce Martin, Director

Others Present

- Viola Lanam, Community Manager, AAM and Sharon Foxworth, Assistant
- Several homeowners were in attendance in addition to various committee members.

Call to Order

- Dennis Carson, President, called the meeting to order at 6:00 p.m. He reminded everyone present that it was a formal meeting and we would follow the Robert's Rules of Order.

Resident Questions

- There were no questions from the floor.

Approval of Minutes

- A motion was made to approve the minutes from the September 9, 2010, Board. Minutes were approved as submitted.

Treasurer's Report

- Ted Dixon stated that Bellasera has not had an increase in delinquencies since last spring.
- The Association is in very good shape financially.
- He encouraged that the Association move forward in revising the reserve plan.

Budget and Finance

- Clayton Loiselle stated that Bellasera did not owe the IRS this year that in fact they were over paid.
- Investment of another piece of Reserve Fund cash will present investment options in the future.
- Charles Schroeder reviewed the Budget and Finance report.

Modification Committee

- None

Building and Grounds Report

- None

Communications Report

- None

Social Committee Report

- None

Community Manager

- The report is attached.

President's Report

- Dennis Carson discussed the sink hole on Pontebella and stated that an estimate from Sunland was over \$11K. Other bids will be looked at.
- The water leak has been located.
- NewPath has completed the project and will clean the streets when they are done.

Old Business

- No update on the redecorating of the clubhouse was available.
- The bid from Sunland Asphalt to resurface the streets was discussed. Dennis made a motion to approve the bid of \$29,881.08 and an additional 15% change order. A motion to amend the resolution was made to add that any additional costs will be charged to the Reserve Fund. The following amended resolution was passed:

RESOLVED, the Board approves the contract to patch, crack seal and seal coat the Clubhouse parking lot, PonteBella from Scottsdale to Corva, Corva between E. Visao and 74th, 76th Street from the North gate to E.Visao, and the new patch area in the intersection by the North gate on 76th St. in the amount of \$29,881.08 as submitted by Sunland, as set forth on the attached schedule of bids, dated October 25th, 2010, to perform the work detailed in the Statement of Work as prepared by PAVEMENT MAINTENANCE INFORMATION SOURCE. The Board authorizes any officer to sign the contract on behalf of the Association. In addition, the Board authorizes any Officer to execute change orders in an amount not exceeding 15% of the original contract price for additional work that such officer deems necessary to complete the contract. Any additional charges will be charged to the Reserve Fund.

New Business

- The policy update involves putting the dates on all policies and associate each update with the minutes that adopted the policy.
- Susan Loiselle made a motion to adopt the following resolution:

Resolved, the board approves to adopt all policies listed as of October 28, 2010, copies of which are attached.

- Board Meeting Protocol Policy
- Policy to Access to Association Records
- Dumpster use Policy
- Policy on Open House/For Sale Signs
- Policy to Update Existing Policy/Resolution
- Newsletter Policy

The Resolution was approved and the policies were adopted effective October 28, 2010

Dennis Carson moved to adopt the **AMENDED AND RESTATED POLICY FOR THE USE OF THE BELLASERA ASSOCIATION RECREATIONAL FACILITIES**, including the **FACILITIES REERVATION REQUEST AND CONTRACT**, a copy of which are attached to these minutes, to be effective October 28, 2010.

The resolution was approved.

Dennis made a motion to approve the event sponsored by Anna Ingram to conduct a silent auction for the Women of Ethiopia. He noted that any event conducting sales must be approved by the board.

The motion was approved.

- Dennis Lamb presented his appeal regarding his Modification Application to install a trellis for his home. After much discussion the appeal was approved on the basis that the art work to be installed also constituted a trellis, it was to be installed on the side wall of the building (not facing the street), the colors, materials, and design conformed with the general architectural scheme within the community, the applicant warranted that he would plant some type of plant designed to climb the trellis, and the Design Guidelines and the CC&Rs do not prohibit artwork. The applicant also agreed that the Design Guidelines continued to apply regarding the ability of the Modification Committee to inspect to make sure the installation was completed.

Adjournment

- There being no further business, the meeting was adjourned at 7:58 p.m.

Due to the Thanksgiving holiday in November, the next regular Board meeting will be held in December 2010 at a date to be determined.

Respectfully submitted,

Sharon Foxworth

Sharon Foxworth
Recording Secretary

Approved by,

Anne Chernis
Board Secretary

Attachments:

Community Manager's Report
Board Meeting Protocol Policy
Policy to Access to Association Records
Dumpster use Policy
Policy on Open House/For Sale Signs
Policy to Update Existing Policy/Resolution
Newsletter Policy
Facilities Policy and Reservation Form

Bellasera Management Report
Board of Directors – Regular Session
Thursday October 28, 2010

FINANCIALS:

August and September Financials are attached. As of **08/31/2010** there was **\$101,749** in the Operating checking account, **\$667** in the Onsite checking account, totaling **\$102,416** in total working capital. A **Reserve Savings** balance of **\$920,419** is **62.82%** of the projected **\$1,465,120** Reserve Study goal for end of FYE 2010-11. The community was approximately **\$1,088 under** budget in operating expenses for August, and was **\$3,448 over** budget for FYTD.

As of **09/30/2010** there was **\$138,887** in the Operating checking account, **\$1,667** in the Onsite checking account, totaling **\$140,553** in total working capital. A **Reserve Savings** balance of **\$921,392** is **62.89%** of the projected **\$1,465,120** Reserve Study goal for end of FYE 2010-11. The community was approximately **\$1,514 over** budget in operating expenses for September, and was **\$4,963 over** budget FYTD.

MAJOR ITEMS COMPLETED SINCE LAST MEETING:

- Approved and coded invoices for AP processing
- Reviewed August and September financials and prepared MTD/YTD variance reports.
- Anne and I met with Wendi Cave of Creative Touch Interiors on September 1st and Susan joined us at the meeting on October 14. Anne and I met with Wendi on October 22nd to clarify some points after the Board of Directors' study session.
- Joe Carlon, Dennis and I met with Safeguard on October 26th.
- Acquired a written assessment from Raven Pool Service for the pool deck and heaters. I have contacted Shasta Pools and Arrowhead Chlorination Service for written assessments also.
- Due to unusual high water bills, Rainforest Plumbing was contacted to assess if there is a leak in the pool area and/or landscaping. (The meter in question is tied to both the pool and landscaping.)
- Holiday lights were installed by Holiday Lighting.
- Over seeding was completed by Four Peaks.
- Acquired a proposal for adding plants at the guard house where the bushes were removed.
- Sunstate Sweeping cleaned the roads after a heavy rain to remove sand and debris.
- DR Paint has been contacted as Sharon and I noticed that the parapet and chimney were not painted at the time the clubhouse was done.
- Please note that the storage room at the guard station was cleaned several months ago.
- Drain at the back gate was cleaned as requested. To prevent the standing water issue will require installing a larger pipe and drain.
- The outdoor pump room, compressor area outside of pump room and electrical room will be cleaned out on Wednesday October 20th.
- Outside shower head was repaired.
- Shower curtains have been ordered for both the men and women's locker rooms.
- See attached Maintenance Journal for all other items completed to date.
- The Resident Move-In report is attached for your review.
- Sharon and I continue to field telephone calls and e-mails.
- Community inspections have been completed

End

**BELLASERA COMMUNITY ASSOCIATION
POLICY FOR BOARD MEETING PROTOCOL
Amending and restating all prior policies/rules regarding the subject
matter.**

Adopted October 28, 2010

The following will be in effect during the open session of all regular and special Board meetings at which a quorum is present.

MEETING PROTOCOL

1. Any Owner or his or her designated representative may address the Board at meetings, subject to the following:
 - a. The Board may place reasonable restrictions on those persons speaking during the meeting, including limiting the amount of time to speak and limiting the number of persons speaking on each side of an issue.
 - b. At the beginning of each meeting during a "Homeowners Comments" period, Owners may speak on any item of interest not otherwise on the agenda. The meeting chair may respond to a question, refer the matter to staff as appropriate, defer the matter to later in the meeting if the issue raised is on the agenda for discussion and action, or move to place the matter on the agenda at a later meeting for discussion and action. The Board cannot take formal action on an issue that is raised during "Homeowner Comments" if not on the meeting agenda.
 - c. Before voting on each business action item on the agenda, Owners will be given an opportunity to speak on each agenda item within time limits that may be set from time to time by the meeting chair.
 - d. The meeting chair may permit other opportunities for Owner participation.
2. **OWNER CODE OF CONDUCT**
 - a. Owners must at all times behave with common courtesy and civility and refrain from the use of abusive, rude, threatening or crude language.
 - b. Owners must not interrupt anyone who has the floor or otherwise disrupt the meeting.

- c. When speaking, Owners must abide by any time limits set by the chair for comments.
- d. Personal verbal attacks on either Board members or fellow association Owners are prohibited and will not be tolerated.
- e. All comments should be addressed initially to the chair and not to other Owners or directors present at the meeting. The chair may recognize directors who wish to address the comment.
- f. Other than during the Homeowner Comments period, Owners must confine their comments to the agenda item at hand.
- g. Owners must obey all orders made by the meeting chair, including an order to stop speaking and to yield to the floor.

**BELLASERA COMMUNITY ASSOCIATION
POLICY FOR ACCESS TO ASSOCIATION RECORDS
Amending and restating all prior policies/rules regarding the subject matter**

Effective October 28, 2010

1. Arizona Law provides that all financial and other records of the Association shall be made reasonably available for inspection, without charge, to any Owner or any person designated in writing as the Owner's representative.
2. A notice of intent, which specifies which records are to be inspected, must be submitted, in writing, to the Board of Directors and/or the Community Manager. The Association shall have ten (10) business days to fulfill a request for inspection.
3. All records shall be inspected at the registered office of the Association, located at 7350 E. Ponte Bella Drive, Scottsdale, Arizona, between the hours of 8:30 a.m. and 12:30 p.m., Monday through Friday (except holidays).
4. The following records may only be inspected with written consent of the Board of Directors:
 - a) Meeting minutes or other records of a session of a Board meeting that is not required to be open to all members.
 - b) Privileged communication between an attorney for the Association and the Association
 - c) Pending litigation
 - d) Personal, health or financial records of an individual member of the Association, an individual employee of the Association or an individual employee of a contractor for the Association, including records of the Association directly related to the personal health or financial information about an individual Member of the Association, an individual employee of the Association or an individual employee of a contractor for the Association.
 - e) Records relating to the job performance of, compensation of, health records of or specific complaints against an individual employee of the Association or an individual employee of a contractor of the Association who works under the direction of the Association.
5. The Association is under no obligation to provide any information other than that which is required by law.
6. Person(s) requesting access shall not disrupt the ordinary business activities of the office during the course of inspection.

7. Owners or their representative may request photocopies of specific records which will be furnished by the Association to the requesting party at a cost of \$.15 per copy. No original records shall be removed from the office.

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**RESOLUTION OF THE BOARD OF DIRECTORS
BELLASERA COMMUNITY ASSOCIATION
Amending and Restating all prior policies/rules regarding the subject matter**

Effective October 28, 2010

WHEREAS, pursuant to Article III, Section 3.18 (f) of the Bylaws of the Bellasera Community Association Inc. (Bylaws), the duties of the Board shall include, without limitation: adopting rules and regulations, including the Use Restrictions, and amendments thereto and approving sanctions for infractions thereof, and

WHEREAS, residents of the Bellasera Community Association are depositing household garbage in Community trash cans and parking lot dumpster;

NOW, THEREFORE, IT IS RESOLVED:

The dumpster located in the clubhouse parking lot is reserved for Bellasera Clubhouse use only and shall bear a sign to that effect. The dumpster housing gate shall remain locked, however, Residents encountering a hardship situation may sign out and receive a key from the guard house for short-term use of the Dumpster.

The trash cans located outside the clubhouse shall not be used for household garbage.

**BELLASERA COMMUNITY ASSOCIATION
OPEN HOUSE/ FOR SALE POLICY**
Amending and Restating all prior policies/rules regarding the subject matter

Effective October 28, 2010

POLICIES AND INFORMATION

- An "Open House Day" is any day on which there are one or more Open Houses being conducted by Owners or Real Estate Agents, for the purpose of the lease or sale of a home, and shall be permitted each day of the week between the hours of 8:00AM and 6:00PM..
- On Open House Days guards will set one (1) general Community Open House sign at the Bellasera entrance located at Scottsdale Road, when advised by the Real Estate Agent or Owner that an Open House will be available to visit. The Community Open House sign will be provided by the Bellasera Community Association.
- Open House informational fliers may be distributed by the Guards to potential clients if provided/supplied to the Guard gate by the Real Estate Agent or Owner.
- One Realtor or Owner-provided Open House sign shall be permitted to be placed on or in the Owner's property only during the hours set forth above. Such sign shall not exceed eighteen by twenty-four inches (18" x 24") and a sign rider shall not exceed six by twenty four inches (6" x 24"). **OPEN HOUSE SIGNS OR DIRECTIONAL SIGNS OF ANY KIND ARE PROHIBITED ON COMMON AREA PROPERTY.**

FOR SALE OR FOR LEASE SIGNS

- For Sale or For Lease signs, including those indicating that a property is for sale by Owner, may be placed on or in an Owner's property. Such signs shall not exceed eighteen by twenty-four inches (18" x 24") and a sign rider shall not exceed six by twenty-four inches (6" x 24"). **FOR SALE SIGNS OR DIRECTIONAL SIGNS OF ANY KIND ARE PROHIBITED ON COMMON AREA PROPERTY.**

**RESOLUTION OF THE BOARD OF DIRECTORS
BELLASERA COMMUNITY ASSOCIATION
UP DATE EXISTING POLICY/RESOLUTION**

October 28, 2008

WHEREAS, pursuant to Article III, Section 3.18 (f) of the Bylaws of the Bellasera Community Association Inc. (Bylaws), the Board has the power to adopt rules and regulations, including the Use Restriction, and amendments thereto and approving sanctions for infractions thereof; and

WHEREAS, upon review of the Association's records it has been determined that certain policies and rules are either outdated or have been superseded, and the Board desires to maintain accurate records;

NOW THEREFORE, IT IS RESOLVED:

1. The Design Guidelines, adopted July 13, 2010, amend and restate in their entirety all prior policies/rules regarding Flags and Flag Poles, including those adopted July 29, 2002 and August 29, 2002.
2. The Design Guidelines, adopted July 13, 2010, amend and restate in their entirety all prior policies/rules regarding Gates, including those adopted June 28, 2007.

Bellasera Community Association

Newsletter Policy

**Amending and Restating all prior policies/rules regarding the subject matter
Effective October 28, 2010**

Purpose – The Bellasera monthly newsletter is for the benefit of the residents of Bellasera and is intended primarily to facilitate communications with members. As such, the newsletter will not contain any advertising aimed at promoting commercial activities. It may, however, contain information promoting activities of, or sponsored by, the Bellasera Community Association or its authorized committees. While the newsletter is an official publication of the Bellasera Community Association, which provides the means of production and distribution, newsletter content is the responsibility of its editorial staff.

Content - Newsletter content will be determined using journalistic guidelines generally considered appropriate for a balanced presentation of news and information. The editorial staff will use its best judgment, consistent with this policy, to make decisions regarding content, and is under no obligation to use all material submitted.

Articles in the publication may include subjects such as:

- Information on rules and regulations established by the Bellasera Board of Directors.
- Information on meetings of committees and the directors, and related news of these organizations' operations.
- Community events sponsored by the Bellasera Community Association through the various committees.
- Events or programs arranged exclusively for residents or homeowners, such as classes, with or without fees, where commercial solicitation is not the primary focus.
- Special features of interest to the community, such as gardening information, club and social group activities.
- A calendar of events.
- Notices of meetings, events and activities extending beyond the Bellasera community that may be of interest to residents, based on the experience and judgment of the editorial staff.
- Information about volunteer activities involving residents or applying to the community as a whole.

Advertising - The publication does not solicit or accept advertising. It is not intended to publicize corporate entities, commercial organizations, businesses or licensed salespeople. The publication will not accept notices or advertising of houses or real estate for sale. Announcements regarding Bellasera resident business ventures may be included in the newsletter once only, if newsworthy, and if they are not intended to advertise.

Accessibility – Copies of the monthly newsletter will be mailed, or e-mailed, to all members, and made available at the Bellasera Community Association office. While not intended for public use, content will be appropriate for public viewing through the Bellasera Community Association website.

Liability - The following disclaimer will appear in each edition of the newsletter:

Neither the Bellasera Community Association nor its Board of Directors provides any warranty, express or implied, as to the accuracy, timeliness, completeness, merchantability, or fitness for any particular purpose of any information contained in this newsletter in any form or manner whatsoever.

Oversight - The newsletter is an independent publication, with its editorial staff serving on a voluntary basis, under oversight of the Communications Committee. The editorial staff, the Board of Directors of the Association and its Committees will interact to reach agreement on editorial policy in situations where conflicts arise. The editorial staff may be removed only by a majority vote of the Communications Committee and the Board of Directors.

The Bellasera Community Manager will review the content of the newsletter each month prior to publication to determine whether it accurately represents official community actions, policies and regulations. Should there be a discrepancy, the Community Manager will discuss appropriate changes with the editorial staff. It will remain the responsibility of the editorial staff to either make the changes, or attempt resolution, first with the Communications Committee chairman and, if necessary, the Board of Directors.

Production - Production of the newsletter is the responsibility of the Bellasera Community Manager. The manager will arrange for printing, addressing, stamping and mailing the publication on a timely basis.

**AMENDED AND RESTATED POLICY AND CONTRACT FOR THE USE OF
THE BELLASERA ASSOCIATION RECREATIONAL FACILITIES**

EFFECTIVE OCTOBER 28, 2010

A. Definitions

1. Capitalized terms used in this Policy have the same meaning as used in the AMENDED & RESTATED DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR BELLASERA COMMUNITY ASSOCIATION.
2. **Recreational Facilities:** Those parts of the Common Area suitable for recreational use. These are the clubhouse (including patios and parking lot), the pool area (including Jacuzzi and deck), the grass area outside the clubhouse, the basketball court, the tennis courts, the massage room, the lounge area, the fitness area, and the activity room (the large room on the South side of the clubhouse, including both halves of the room and the kitchen) ("facilities"). The remainder of the Common Area is not considered recreational facilities.
3. **Guest/Invitee:** A Guest/Invitee is someone who is visiting an Owner.

B. General Policy

1. The Bellasera Recreational Facilities are generally limited to the common use and enjoyment of the Owners, their immediate family members, co-occupants, and lessees, except as expressly provided herein. Any use by a Guest/Invitee is intended to be infrequent and is subject to limitation by the Board of Directors. This policy is intended to establish rules and regulations for the use of the facilities and applies to all Owners and their Guests/Invitees.
2. The facilities are available to all Owners equally, except as follows:
 - a. An Owner whose account is delinquent is not permitted to use any of the Association's Recreational Facilities until his or her account is brought current.
 - b. An Owner whose right to use the Recreational Facilities has been suspended by the Board for a violation is not permitted to use any of the Association's Recreational Facilities, except the grass area, while so suspended.

- c. An Owner who has leased his or her Lot will be deemed to have abandoned all rights to use any Recreational Facility. For a lessee to have use of or access to a facility the Owner must have notified the Community Manager about the legal leasing of his or her lot. The Owner must also return his or her clubhouse access key tabs to the Community Manager. The Community Manager will issue tabs to the lessees.
3. Guests/Invitees are permitted on a limited basis, as provided herein. Other "invitees" such as religious groups, political groups, charities, and other such organizations may be granted use and access only upon express approval of the Board.
4. An Owner extending his or her right to use to a Guest/Invitee must be physically present at all times while the Guests/Invitees are using the facility, including preparation and cleanup. For use by family, co-occupants, or lessees the Owner's presence is not required.
5. An Owner is responsible for the behavior of all members of the Owner's family, co-occupants, lessees and Invitees/Guests using the facilities and is expected to control the behavior of the Guests/Invitees at all times. An Owner sponsoring an activity is responsible to ensure that no illegal activity (e.g., under-age drinking, vandalism, etc.) is committed by facility users on Bellasera property. The Owner has the prime responsibility to call law enforcement officials should it be necessary. The gate guard should also be notified. The Owner accepts all liability for property damage and/or personal injury when sponsoring an event and agrees to reimburse the Association for all damages to the facility and the Association's property during any activity sponsored by the Owner.
6. Use of Recreational Facilities other than as set forth in this policy may be authorized by the Board on a case-by-case basis.
7. Facilities are available for use during posted times only.
8. All residents using any of the Recreational Facilities shall conduct themselves with common courtesy and civility. They will refrain from the use of abusive, rude, threatening, and/or crude language and physical behaviors.
9. No Guest/Invitee who provides services as a trainer, teacher, massage therapist or any similar activity ("Trainer"), whether or not compensated for such services, may enter onto any of the Recreation Facility unless the Trainer agrees, on such forms as provided by the Association, to assume responsibility for any damage, accident or injury in connection with such services.

The Trainer must further agree to save harmless the Association, and, at Association's option, defend it, from any and all liabilities and action of whatsoever nature by any Invitee/Guest of the Owner growing out of the use of

the facilities, except where such loss, injury or damage can be clearly proven to have resulted from and been caused by the direct negligence of the Association, its agents, servants or employees in the operation, care or maintenance of the facility.

The Trainer must carry a policy of insurance to afford protection with limits, for each occurrence, of not less \$1,000,000 with respect to personal injury or death covering the Guest/Invitee against any losses arising out of liability for personal injuries or deaths of persons and property damage occurring in or about the facility. A copy of the declaration page of the policy must be provided to the Association prior to performing any activities.

10. All concerns and comments should be addressed in person or writing to the Community Manager.
11. IN CASE OF EMERGENCY, CALL 911 IMMEDIATELY. NOTIFY SECURITY AT MAIN GATE. OFFICERS ARE CPR CERTIFIED.

C. Enforcement

1. Any Owner who fails to abide by the terms of this Policy will be considered to be in violation of this policy and may by action of the Board be barred from using the Recreational Facilities for a period not to exceed 30 days for each violation. Continuing violations may result in revocation of use for longer periods. Any such Board action will be implemented after appropriate notice.
2. Owners violating this Policy may be assessed fines up to \$250 as approved by the Board. These fines may be in addition to charges assessed for cleaning charges or for damage to facilities as a result of use by an Owner or Guest/Invitees. These fines will be assessed after appropriate notice.
3. Fines and damages will be assessed to the Owner.

D. Specific Policies

1. Clubhouse Policy

- a. The clubhouse is open daily to the Owners and their Guests/Invitees from 5 a.m. until 12 midnight.
- b. No pets are permitted in the building at any time.
- c. No smoking is permitted within the building, pool area, exterior patios or courts at any time.

2. **Massage Room Policy**

The massage room may be used for personal services suitable to the room for the benefit of Owners and their Guests/Invitees. Owners may reserve the massage room with the Community Manager.

3. **Lounge/TV Area**

- a. The lounge/TV area is available to all Owners and their Guests/Invitees at all times during authorized hours.
- b. Wet clothing or towels are not allowed in this area.

4. **Activity Room Policy**

- a. USE PRIORITY:
 - (i). BCA BUSINESS USE: The Board of Directors and Committees shall have EXCLUSIVE use of the Activity Room for conducting Association business on the dates set forth on the annual calendar established by the Board at its annual organizational meeting.
 - (ii). SOCIAL COMMITTEE SPONSORED COMMUNITY EVENTS: Subject to paragraph (i) above, the Social Committee shall have the right to reserve the EXCLUSIVE use of the Activity Room and kitchen, and the NON-EXCLUSIVE use of the adjoining hallway that runs from the main building entrance to the door exiting to the pool, the lounge area niche, and outside areas of the building, for social events open to all BCA Owners and their guests. The Community Manager shall calendar such events.
 - (iii). NON-SOCIAL COMMITTEE SPONSORED COMMUNITY ACTIVITIES: Subject to paragraphs (i) and (ii) above, the Community Manager shall reserve the Activity Room for the EXCLUSIVE use of non-Social Committee events, programs, and activities (recurring and non-recurring) that are open to all BCA Owners and guests, such as poker, bridge, exercise classes, lectures, presentations, etc. The Community Manager shall calendar such events.
 - (iv). PRIVATE EVENTS: Provided there is no conflict with any event identified in paragraphs (i), (ii), and (iii) above, an Owner may rent the Activity Room and the adjoining kitchen for EXCLUSIVE use by the Owner and guests for a private event sponsored by the Owner, provided the Owner satisfies all the terms and conditions

set forth below and the event is permitted under the CC&Rs. The Community Manager may not calendar the private event until the Community Manager is satisfied the Owner has met all conditions set forth below.

An Owner may also rent for NON-EXCLUSIVE use during the private event the adjoining hallway that runs from the main building entrance to the door exiting to the pool, the lounge area niche, and outside areas of the building. These areas may not be roped off or otherwise modified to deny or restrict access and use by other Owners.

TERMS AND CONDITIONS: The rights granted in this paragraph a. (iv) are expressly conditioned on:

(A) Delivery to the Community Manager of a signed **FACILITIES RESERVATION REQUEST AND CONTRACT** form, a copy of which is attached and made a part hereof,

(B) Paying all fees as set forth on the form,

(C) Delivery of the required insurance binder as described on the form, and

(D) Compliance with the CC&R Rules for permitted activities.

THE USE OF THE FACILITIES BY AN OWNER FOR A PRIVATE EVENT IS SUBJECT TO THE RULES SET FORTH IN THE CC&RS, WHICH MAY BE WAIVED ONLY WITH THE CONSENT OF THE BOARD OF DIRECTORS.

- v. Provided there is no conflict with any use provided in any of the above paragraphs, Owners may use the Activity Room and the other areas of the facility on a NON-EXCLUSIVE basis (such as personal workouts, including with a trainer). An Owner may only reserve the Activity Room for exclusive use if the Owner rents the room and complies with all the terms and conditions set forth above.
- b. When the Activity Room is used for any approved activity in paragraphs a (ii) or a (iii) above, at least 75% of the participants must be Owners.
- c. If any of the users are under 18 years of age, an Owner 18 years or over must be present at all times.

- d. Use of the Activity Room by an Owner for private events must be requested no less than 14 days in advance from the Community Manager. Reservations may be made up to six months in advance. The intended use must be stated. The Community Manager will approve or disapprove the request based on this policy. The Owner may appeal the decision to the Board.
- e. The Activity Room must be used for the purpose stated in the request.
- f. The number of attendees must not exceed the maximum capacity of the facility. For social events, this is 70 persons. For Association authorized activities this number may be increased under the supervision of the Community Manager.
- g. Use of the Activity Room does not give the Owner or their Guests/Invitees any priority in any other part of the clubhouse or pool area.
- h. Keys to the facility and dumpster will be given by the gate guard to the Owner only, not any Guest/Invitee. The Owner must sign and legibly print his or her name, local phone number and address on the sign out sheet. The contract will include agreement regarding time keys are to be returned and fees for lost keys.
- i. There will be no charge for use of the Activity Room for Association authorized activities as set forth in paragraphs a (i), a (ii) or a (iii) above. The Board may change the fee charged for the use of the Activity Room for private events from time to time. Fees are listed on the attached FACILITIES RESERVATION REQUEST AND CONTRACT form that is required to reserve the room for private events.
- j. Facility fees are non-refundable.
- k. All catering and personal items must be removed at the end of the event and/or before 2 AM, unless other arrangements are approved. All chairs and tables that are used or removed must be returned to where they were originally stored. All trash must be double bagged, removed and placed in the dumpster located by the tennis courts. The kitchen and appliances must be cleaned and the refrigerator emptied. All decorations must be removed. The Association will provide for vacuuming and other cleaning of the contracted areas.

5. **Exercise Area Policy**

NOTE: THE ASSOCIATION MAKES NO REPRESENTATION, WARRANTY OR COVENANT, EXPRESSED OR IMPLIED, IN ANY RESPECT TO THE

EXERCISE EQUIPMENT, INCLUDING ITS FITNESS FOR ANY PURPOSE, CONDITION, QUALITY, DURABILITY OR SUITABILITY.

THE USER ACCEPTS ALL RISK ASSOCIATED WITH THE USE OF ALL EXERCISE EQUIPMENT and THE BELLASERA COMMUNITY ASSOCIATION IS NOT RESPONSIBLE FOR ACCIDENTS OR INJURIES INCURRED WHILE USING THE EQUIPMENT.

Use of exercise equipment while under the influence of alcohol or medication is strictly prohibited.

- a. This area is open to all owners and one (1) Guest/Invitee equally during authorized hours (Note: a Trainer will be considered one Guest/Invitee). No reservations are permitted.
- b. Use of any item of exercise equipment is limited to 30 minutes if other Owners are waiting to use the equipment. Guests/Invitees must defer use of all equipment to Owners. The use of a particular piece of equipment shall not exceed the time limits established for that equipment.
- c. Children under the age of sixteen (16) are permitted to use the exercise and workout equipment in the facility only under the close supervision of a parent or legal guardian.
- d. Please be sure the machine you are using is turned off when it is no longer in use.
- e. Athletic shoes are required at all times when working on or near the fitness equipment.
- f. The Exercise Area is intended to be a reasonably quiet area. Owners and their Guest/Invitees must refrain from speaking loudly, making loud noises or using loud audio devices.

6. Pool Area Policy

- a. This area is open to all Owners and their Guest/Invitees equally during authorized hours. No reservations are generally permitted. However, use of the pool for group participation activities of benefit to the community (e.g., aqua gym) is permitted. The activities must be approved and scheduled by the Community Manager.
- b. In addition, the Association, with specific Board approval, may sponsor a special event requiring use of the pool area.

- c. The swimming pool and spa are open daily from 5:00 A.M. until 12 midnight. Pool hours will be strictly enforced.
- d. The Community Manager may deny access to the pool at any time due to occupancy limits, weather, pool conditions or if maintenance is required.
- e. There will no lifeguard on duty at the Bellasera Clubhouse pool. The use of the pool facilities is at the Owner's or Guests/Invitees' own risk.
- f. Parents are responsible for their children at all times. An Owner who is eighteen (18) years of age or older must accompany all children under the age of fourteen (14) at all times in the pool area.
- g. Children under the age of ten (10) using the spa must be closely supervised by an Owner who is eighteen (18) years of age or older.
- h. Owners are responsible for cleaning up any mess or trash created by them, for closing the umbrellas used and straightening the patio furniture they used.
- i. Owners and their Guests/Invitees must refrain from any activity that is either a nuisance to other Owners or Guests/Invitees or in any manner damages Bellasera Community Association property.
- j. No running, roughhousing, general horseplay, or disorderly conduct that will endanger the safety of others is allowed.
- k. No diving, somersaults, back dives, cannonballs, preacher seats, can openers, or similar type entries from the edge of the pool are permit
- l. No personal audio devices without earphones are permitted in and around the pool area with the exception of Association authorized activities.
- m. No glass containers are allowed.
- n. No roller skates/blades, skateboards or bicycles are permitted in the pool area. Children's strollers are allowed.
- o. Aqua aerobics and swim classes have priority in the pool. Please consult the office for class schedules.
- p. Appropriate swimwear is required.
- q. Individuals who are not toilet-trained must wear appropriate swim diaper applications.
- r. No pets are permitted in the pool area at any time.

- s. No smoking is permitted in the pool area at any time.

7. **Grass Area Policy4b**

- a. This area is open to all Owners and their Guests/Invitees equally during authorized hours. No reservations are permitted except as noted below.
- b. Reservations may be made when the Association's Board approves the sponsorship of a special event requiring use of the grass area.

8. **Basketball and Tennis Courts Policy**

- a. The basketball and tennis courts are available to all Owners and their Guests/Invitees at all times during authorized hours on a first come, first served basis. A maximum of two (2) hours court time is allowed.
- b. Reservations are not generally permitted, but the Community Manager may approve reservations for special events.
- c. Tennis and basketball courts will be available from 5 A.M. until 10 P.M. daily.
- d. No glass containers of any kind are allowed in the court area.
- e. Bicycles, roller blades, skateboards and any similar equipment are strictly prohibited from the courts or the areas around the courts.
- f. Appropriate attire must be worn at all times when using the courts. Appropriate attire includes a shirt, shorts/pants and non-marking soled shoes.
- g. Appropriate attire must be worn at all times while playing basketball. Appropriate attire includes a shirt and non-marking soled shoes (running shoes are not allowed on the courts as they could damage the surface).
- h. No pets are permitted in the court area at any time.
- i. No smoking is permitted in the court area at any time.

BELLASERA COMMUNITY ASSOCIATION, INC.
FACILITIES RESERVATION REQUEST AND CONTRACT
EFFECTIVE OCTOBER 28, 2010

Please fill out this form and return to the Community Manager. The appropriate fees must accompany this written request. If your request can be accommodated, you will receive a signed, approved copy of this contract. Requests for reservations must be requested 72 hours in advance of the date needed. Reservations may be made up to 6 months in advance of scheduled event.

Name of Member: _____

Address: _____

Phone: _____ Email: _____

Date of Event: _____

Time of Day Needed: From (set up) _____ To (clean up) _____

Type of Event: _____

Number Attending: _____ (Room capacity is 70).

Keys can be picked up at the guard post when presenting a copy of this contract after _____ am /p.m. Date _____ and returned by _____ am/pm.
Date _____.

A fine of \$100.00 will be incurred for lost or late return of keys.

Facility fees are non-refundable. The Association will provide for cleaning of the contracted areas only. ALL CATERING AND PERSONAL ITEMS MUST BE REMOVED AT THE END OF THE EVENT and/or BEFORE 2AM, UNLESS OTHER ARRANGEMENTS ARE APPROVED.

FEE SCHEDULE

If there are previously scheduled events or ongoing club activities the recreational facilities cannot be booked.

I am requesting the use of the following facilities:

_____ Activity room and kitchen (Scheduled time of the event only): Fee: \$125.00

_____ Hallway from entrance to pool exit, including lounge area niche (Scheduled time of the event only. Exclusive use of this area is not guaranteed.) Fee: \$25.00

_____ Outside of building and grassy area (Scheduled time of the event only. Exclusive use of this area is not guaranteed.) Fee: \$75.00

Use of any of the above areas the day before or the day after the scheduled times of the event (i.e. cleanup or setup the previous afternoon or the next morning) have additional fees (SEE BELOW).

_____ Activity room and kitchen: Fee: \$50.00

_____ Hallway from entrance to pool exit: Fee: \$25.00

_____ Outside of building and grassy area: Fee: \$50.00

Any special requests must be outlined here in writing.

The Community Manager will inspect the contracted-for areas the following workday. Any costs incurred as a result of damage will be charged to the owner's Association account and will be subject to all of the collection rights of the Association as would apply to any regular Association assessment.

In consideration of the Association providing the facilities, the undersigned expressly agrees to assume responsibility for any damage, accident or injury in connection with such use. The undersigned agrees to assume all liabilities associated with use of the facilities and agrees to defend, indemnify and hold harmless the Association, its Board of Directors and its managing agent against all claims, actions, damages, injuries to person or property, losses, judgments, costs, expenses, obligations, liabilities, demands, suits, and threats of suit which may be incurred now or in the future, related to, arising out of, or resulting from use of the facilities. The Association shall not be liable for failure to operate the facilities in the Activity Room or in any other area and reserves the right to close these facilities at any time at its sole discretion.

Insurance is required for all events. The minimum policy limit shall be \$2,000,000 naming Bellasera Community Association, Inc. as an additional insured and a copy of the policy must be enclosed with this agreement.

I hereby certify that I will use the facilities for my personal party only and that I will be present throughout the party. I understand that failure to comply with the foregoing rules may result in withdrawal of facilities privileges for a period of time to be specified by the Board of Directors.

I have received and read the "Usage Policy for the Facilities" and agree to abide by all its conditions.

Member Signature: _____ Date: _____

Approved By: _____ Date: _____

cc: Lessee
File
Guard Post
Cleaning Service