

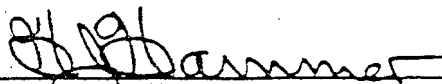


Red Mountain Ranch Owners Association

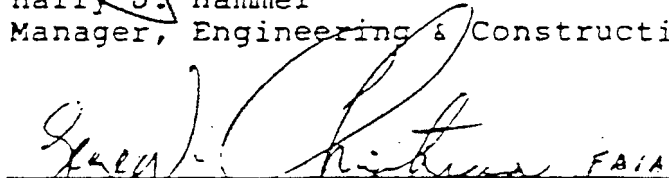
Design Application
And
Review Procedures
of
The New Construction Committee

MEMORANDUM OF ADOPTION
NEW CONSTRUCTION COMMITTEE
DESIGN APPLICATION AND REVIEW PROCEDURES


The undersigned members of the New Construction Committee of the Red Mountain Ranch Owners Association, constituting all of the members thereof, hereby adopt as of April 1, 1986, the DESIGN APPLICATION AND REVIEW PROCEDURES OF THE NEW CONSTRUCTION COMMITTEE OF THE RED MOUNTAIN RANCH OWNERS ASSOCIATION ("Procedures") dated January 1, 1986, pursuant to Article XI, Section 1 of the Declaration of Covenants, Conditions, and Restrictions for Red Mountain Ranch Owners Association dated May 30, 1985, and recorded on June 21, 1985 as Document No. 85-286511 in the Official Records of Maricopa County, State of Arizona (as amended). A copy of the Procedures is attached hereto and incorporated herein by reference.



Harry J. Hammer
Manager, Engineering & Construction MLDC



George W. Christensen, F.A.I.A.
Christensen, Miller Associates



Daniel A. Brodsky, A.I.A.
Daniel Brodsky Architects & Associates

DESIGN APPLICATION AND REVIEW PROCEDURES OF THE
NEW CONSTRUCTION COMMITTEE OF THE
RED MOUNTAIN RANCH OWNERS ASSOCIATION

Date: January 1, 1986

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1. DEFINITIONS

- 1.1 "Association" (as defined in Article I, Section 2 of the Declaration) shall mean and refer to the Red Mountain Ranch Owners Association, an Arizona non-profit corporation.
- 1.2 "Building Project" shall mean the total scheme of improvements constructed or proposed to be constructed upon any Site by a Developer.
- 1.3 "Declarant" shall mean and refer to Game Creek Properties Inc., a corporation, and to any of its successors and assignees which are designated "Declarant" by the previous Declarant, in a recorded amendment to the Declaration.
- 1.4 "Declaration" shall mean and refer to the Declaration of Covenants, Conditions, and Restrictions for Red Mountain Ranch Owners Association dated May 30, 1985, and recorded on June 21, 1985, as Document No. 85-286511 in the Official Records of Maricopa County, State of Arizona, together with all amendments thereto.
- 1.5 "Developer" shall mean any person who has or will become an "Owner" (as Owner is defined in Article I, Section 11, of the Declaration), or any person acting as an agent of an Owner or a prospective Owner, seeking approvals pursuant to and required by the Guidelines, these Procedures, or Article of the Declaration.
- 1.6 "Development Guidelines" shall mean and refer to the Design and Development Guidelines of the New Construction Committee of the Red Mountain Ranch Owners Association which are the design guidelines and standards prepared by the NCC pursuant to Article XI, Section 1, of the Declaration.
- 1.7 "Guidelines" shall mean the same as Development Guidelines defined in Section 1.7 hereof.
- 1.8 "New Construction Committee" or "NCC" shall mean and refer to the New Construction Committee described in Article XI of the Declaration.
- 1.9 "Person" (as defined in Article I, Section 14, of the Declaration) shall mean a natural person, a corporation, a partnership, trustee or other legal entity.

- 1.10 "Procedures" shall mean the Design Application and Review Procedures contained herein which are the application procedures prepared by the NCC pursuant to Article, Section 1, of the Declaration.
- 1.11 "Project" shall mean the same as Building Project defined in Section 1.2 hereof.
- 1.12 "Secretary" shall mean the person designated by the NCC to assist the NCC in the administration and documentation of the NCC's functions as provided for in the Declaration, the Guidelines or these Procedures, which person may be a member of the NCC or someone who is not a member of the NCC.
- 1.13 "Site" shall mean and refer to each of the lots described upon any recorded plat of the property encumbered by the Declaration or any portion thereof, except the Common Area (as defined in Article I, Section 3, of the Declaration), and excluding lots dedicated to any municipality or any other governmental entity. If such Site is further subdivided or resubdivided, each of the lots resulting from such subdivision or resubdivision shall be considered as a Site as that term is used herein and the restrictions of the Declaration shall apply to Sites so created.
- 1.14 "Stage" shall mean any of the district sequences as specified in Section 3 of these Procedures related to approval or action upon any development plans submitted by a Developer.
- 1.15 "Take Action" by the NCC (or by the Secretary as the NCC's agent) means approving, approving with conditions, deferring or continuing the submission (with or without a request for resubmission) or rejecting a specific submission by a Developer. The NCC may Take Action with or without a formal meeting, and written notice of any such action shall be sent by the Secretary to the Developer.
- 1.16 "Development Zone" shall mean and refer to any of the areas delineated on the graphic plan included in the Guidelines as Figure 1 entitled Development Zones. A development zone has no relationship to the City Zoning Ordinance.
- 1.17 "Ranch Master Development Plan" shall mean or refer to the master land use plan which forms part of the planned area development submission to the City of Mesa, Arizona, and any subsequent amendments adopted as refinements to the original PAD Plan.

2. AUTHORITY AND COMPOSITION OF THE NCC

2.1 Authority of the NCC

These Procedures are subject to amendment by the NCC as provided in Article XI, Section 1, of the Declaration and in Section 4.2 hereof and are subject to all laws, ordinances and regulations of any local, state or federal authority having jurisdiction thereof. Final judgement or disposition of any submission remains at the sole discretion of the NCC. The NCC will be guided in its decision by these Procedures and by the Guidelines, either of which may be amended by the NCC from time to time.

2.2 Composition of the NCC

The NCC consists of three (3) individuals. The NCC members are appointed in accordance with the provisions of Article XI of the Declaration. The NCC may appoint a Secretary to the NCC who shall be responsible for receiving and analyzing submissions to the NCC.

(See First Amendment)

3. APPROVAL PROCEDURE: SEQUENCE OF APPROVALS

~~3.1 General.~~

~~The review and approval of each proposed single dwelling unit Building Project shall take place in a one (1) Stage process. The review and approval of each proposed multiple dwelling unit Building Project consisting of multiple dwelling units in attached or detached configuration shall take place in a five (5) consecutive stage process. A three (3) consecutive stage process shall apply to single dwelling unit building projects within a designated development zone.~~

3.2 Single Dwelling Unit Building Project Approval Process - One (1) Stage.

3.2.1 Purpose and Submittals.

The purpose of this one (1) Stage review and approval process is for the Developer to communicate to the NCC through drawings and related materials the Developer's design for a single dwelling unit Building Project. The review should be attended by the Developer and his architect or designer. The submittals required for this review shall include, but not be limited to, the following, each of which shall be submitted to the NCC in duplicate:

A. Site Plan:

to show to a suitable scale north arrow, property lines, building pad, placement of all structures, fencing, services, walks, driveway location, topography and proposed grading, drainage, existing trees and trees to be removed, creeks, outcroppings and other natural features, and landscape plans.

B. Floor Plan:

(1/4" = 1') to include balconies, decks, patios, atriums, utility meter location, trash can locations, garages, storage buildings, square footage of total living area of residence, and a roof plan to show pitch, valley, hips, material, etc.

C. Exterior Elevations:

(1/4" = 1') to include a building section, all exterior elevation of main walls, etc. with heights, colors and materials clearly indicated. Exterior elevations to show finished floor elevation above grade.

D. Such other information or materials which are deemed necessary in the judgment of the NCC.

3.2.2 Approval

All submittals required pursuant to Section 3.2.1 of these Procedures shall be sent to the attention of the Secretary at least twelve (12) calendar days prior to filing for the building permit. Approval of all such submittals must be obtained prior to commencement of construction. The NCC shall Take Action on all such submissions by Developers pursuant to this Section 3.2 within ten (10) calendar days following such submission. Failure of the NCC to Take Action within such ten (10) calendar day period shall constitute an automatic approval of all such submissions.

3.3 Multiple Dwelling Unit Building Project Approval Process

The multiple dwelling unit building project approval process is a five stage approval of which the developer must complete stage three prior to submitting the project to any other agency for an approval related to land use of development. Approvals will be given by the NCC through the secretary in writing to the developer.

3.3.1 Stage One - Briefing Session(s)

The Secretary of the NCC will meet with the Developer and his design team to identify and discuss planning and design concepts for the project, architectural design criteria and site planning constraints. The Developer should present his initial ideas concerning the program including unit type, density, Height, siting and other generalities. The Secretary will present criteria, guidelines and informational material for the Site.

~~The Secretary will propose the Specific Site Requirements to the NCC for review and adoption and will make recommendations to both the Developer and the NCC as to when the design of the Building Project has reached the point where review by the NCC should begin.~~

3.3.2 Stage Two - Concept Design Review

The purpose of the Stage Two review is for the Developer to communicate to the NCC through drawings, the major concepts of the design, such as siting, massing, elevational character, finish materials, circulation and site development. This review should be attended by the Developer and his architect. Discussion at this meeting may cover possible alternatives as well as the proposed design itself. The submittals required for this review shall include, but not be limited to:

- A. Site plan to include unit arrangement or clustering, site development, adjacent roads and uses, site amenity features and landscaping concept (minimum scale: 1"=40').
- B. Schematic elevations of each building and the site as a whole. If buildings are similar, typical elevations will suffice (scale: 1"=16').
- C. Schematic floor plans of each unit type (scale: 1/8"=1').
- D. Numerical tabulation of unit types, building coverage, density, parking ratio and landscape area.
- E. Such other information or materials which are deemed necessary in the judgment of the NCC.

3.3.3 Stage Three - Preliminary Design Review.

The purpose of Stage Three is to review the Building Project design in significant detail, prior to the commencement of working drawings. The review should be attended by the architect of the Building Project and by the Developer if he so chooses. The content of the submittal information shall include, but not be limited to, the following.

A. ~~Site Plan: (1"=40')~~ to show north arrow, property lines, grade elevations, building footprints, parking and vehicular circulation, plazas, patios, walks, services, site amenities, site appurtenances (such as mechanical, trash, gates, lighting, signs, etc.), adjacent roadways and uses and setbacks.

B. Floor Plans: (1/4"=1') for each unit type, common interior areas, garages and community or recreation buildings. Smaller scale plans showing unit arrangements within clusters or buildings shall also be submitted. Floor plans shall indicate square footage, and number of bedrooms and baths for each unit type.

C. Exterior Elevations: (1/8"=1') to include views of all building surfaces of units, recreation buildings and garages or carports. Only one set of elevations need to be submitted for typical buildings. Colors shall be indicated on one set of the elevation drawings.

D. Building Section(s): if necessary to show arrangement of unusual spaces or common areas.

E. Roof Plan: to show pitches, ridges, valleys, materials, chimneys, skylights and all roof mounted equipment.

F. Landscape Plan: indicating common and botanical names and sizes for all material.

G. Color and Materials Board: to include samples of all proposed exterior finish materials and colors.

H. A numerical tabulation of unit types, density, ground coverage of building and parking areas, landscape area and parking ratio.

I. If the Building Project is to be phase, a site/landscape plan(s) indicating the finished appearance of the Project at the end of each phase.

J. Signage program showing locations and design of all signs and graphics visible from the edges of the Site.

FIRST AMENDMENT
TO NEW CONSTRUCTION DESIGN APPLICATION AND REVIEW PROCEDURES
AND DESIGN AND DEVELOPMENT GUIDELINES

3. APPROVAL PROCEDURE: SEQUENCE OF APPROVALS

3.1 General.

The review and approval of each proposed single dwelling unit Building Project shall take place in a one (1) Stage process. The review and approval of each proposed multiple dwelling unit Building Project consisting of multiple dwelling units in attached or detached configuration shall take place in a five (5) consecutive stage process. A three (3) consecutive stage process shall apply to single dwelling unit building projects within a designated development zone.

3.2 Single Dwelling Unit Building Project Approval Process - One (1) Stage.

3.2.1 Purpose and Submittals.

The purpose of this one (1) Stage review and approval process is for the Developer to communicate to the NCC through drawings and related materials the Developer's design for a single dwelling unit Building Project. The review should be attended by the Developer and his architect or designer. The submittals required for this review shall include, but not be limited to, the following, each of which shall be submitted to the NCC in duplicate:

A. Site Plan:

to show to a suitable scale north arrow, property lines, building pad, placement of all structures, fencing, services, walks, driveway location, topography and proposed grading, drainage, existing trees and trees to be removed, creeks, outcroppings and other natural features, and landscape plans. All landscaping plans must be submitted prior to construction. (Min. Scale: 1" = 20') Plans must indicate all plant materials by coded identification and include size and color specifications for all rock & gravel treatments.

B. Floor Plan:

(1/4" = 1') to include balconies, decks, patios, atriums, utility meter location, trash can locations, garages, storage buildings, square footage of total living area of residence, and a roof plan to show pitch, valley, hips, material, etc..

C. Exterior Elevations:

(1/4" = 1') to include a building section, all exterior elevation of main walls, etc. with heights, colors and materials clearly indicated. Exterior elevations to show finished floor elevation above grade.

D. Such other information or materials which are deemed necessary in the judgment of the NCC.

3.2.2 Approval

All submittals required pursuant to Section 3.2.1 of these Procedures shall be sent to the attention of the Secretary at least twelve (12) calendar days prior to filing for the building permit. Approval of all such submittals must be obtained prior to commencement of construction. The NCC shall Take Action on all such submissions by Developers pursuant to this Section 3.2 within ten (10) calendar days following such submission. Failure of the NCC to Take Action within such ten (10) calendar day period shall constitute an automatic approval of all such submissions.

3.3 Multiple Dwelling Unit Building Project Approval Process

The multiple dwelling unit building project approval process is a five stage approval of which the developer must complete Stage Three prior to submitting the project to any other agency for an approval related to land use of development. Stages 2, 3 and 4 will require formal approval by the N. C. C. and a developer cannot proceed to a subsequent stage without having received approval for the prior stage. Approvals will be given by the NCC through the secretary in writing to the developer.

3.3.1 Stage One - Briefing Session(s)

The Secretary of the NCC will meet with the Developer and his design team to identify and discuss planning and design concepts for the project, architectural design criteria and

site planning constraints. The Developer should present his initial ideas concerning the program including unit type, density, Height, siting and other generalities. The Secretary will present criteria, guidelines and informational material for the Site.

The Secretary will propose the Specific Site Requirements to the NCC for review and adoption and will make recommendations to both the Developer and the NCC as to when the design of the Building Project has reached the point where review by the NCC should begin.

3.3.2 Stage Two - Concept Design Review

The purpose of the Stage Two review is for the Developer to communicate to the NCC through drawings, the major concepts of the design, such as siting, massing, elevational character, finish materials, circulation and site development. This review must be attended by the Developer and his architect. Discussion at this meeting may cover possible alternatives as well as the proposed design itself. The submittals required for this review shall include, but not be limited to:

A. Site plan to include unit arrangement or clustering, site development, adjacent roads and uses, site amenity features and landscaping concept (minimum scale: 1"=20').

B. Schematic elevations of each building and the site as a whole. If buildings are similar, typical elevations will suffice (scale: 1"=16').

C. Schematic floor plans of each unit type (scale: 1/8"=1').

D. Numerical tabulation of unit types, building coverage, density, parking ratio and landscape area.

E. Such other information or materials which are deemed necessary in the judgment of the NCC.

3.3.3 Stage Three - Preliminary Design Review.

The purpose of Stage Three is to review the Building Project design in significant detail, prior to the commencement of working drawings.

The review must be attended by the architect of the Building Project and by the Developer if he so chooses. The content of the submittal information shall include, but not be limited to, the following:

A. Site Plan: (1"=40') to show north arrow, property lines, grade elevations, building footprints, parking and vehicular circulation, plazas, patios, walks, services, site amenities, site appurtenances (such as mechanical, trash, gates, lighting, signs, etc.), adjacent roadways and uses and setbacks.

B. Floor Plans: (1/4"=1') for each unit type, common interior areas, garages and community or recreation buildings. Smaller scale plans showing unit arrangements within clusters or buildings shall also be submitted. Floor plans shall indicate square footage, and number of bedrooms and baths for each unit type.

C. Exterior Elevations: (1/8"=1') to include views of all building surfaces of units, recreation buildings and garages or carports. Only one set of elevations need to be submitted for typical buildings. Colors shall be indicated on one set of the elevation drawings.

D. Building Section(s): if necessary to show arrangement of unusual spaces or common areas.

E. Roof Plan: to show pitches, ridges, valleys, materials, chimneys, skylights and all roof mounted equipment.

F. Landscape Plan: (Min. Scale 1"=20') indicating common and botanical names and sizes for all material. Size & color specifications for all rock and gravel treatments. All landscape plans must be submitted prior to construction.

C. Schematic floor plans of each unit type (Scale 1/8"=1'0").

D. Numerical tabulation of unit types, building coverage, density, parking ratio and landscaped area

F. Such other information and materials which are deemed necessary in the judgment of the NCC.

Stage two approval by the NCC must be obtained prior to close of escrow on any bulk sales parcel within a Development Zone. The NCC shall take action on submissions by Developers pursuant to this section 3.1.2 within fourteen (14) calendar days following such submission.

3.4.3 Stage Three - Preliminary Design Review

The purpose of this preliminary design review Stage and approval process is for the Developer to communicate to the NCC through drawings and related materials the developer's design for a single dwelling unit Building Project. Procedures and submittals under sub-section 3.2 hereof will apply.

4. MISCELLANEOUS

4.1 Enforcement

These Procedures may be enforced in the same manner as the Declaration is enforced, or by any other method available at law or equity.

4.2 Waiver, Amendment and Third Party Benefit

The NCC maintains the right from time to time, at the NCC's sole discretion, to waive, amend or modify these Procedures. Neither the NCC nor its agents or employees shall be liable for failure to follow these Procedures and the Guidelines as herein defined. These Procedures and Guidelines confer no third party benefit or rights upon any entity, Person or Developer.

4.3 Non-liability of the NCC

Neither the NCC nor its respective members, Secretary, successors, assigns, agents or employees shall be liable for damages or otherwise to anyone submitting plans to it for approval, or to any Developer by reason of mistake in judgement, negligence or non-feasance, arising out of any action of the NCC with respect to any submission, or to otherwise follow these Procedures. The role of the NCC is directed toward review and approval of site planning, appearance, architectural vocabulary and aesthetics. The NCC assumes no responsibility with regard to Building Project design or construction, including, without limitation, the structural, mechanical or electrical design, methods of construction, or technical suitability of materials.

4.4 Accuracy of Information

Any person submitting plans to the NCC shall be responsible for verification and accuracy of all components of such submission, including, without limitation, all site dimensions, grades, elevations, utility locations and other pertinent features of the site or plans.

4.5 Developer Representation

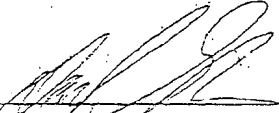
The Developer represents by the act of entering into the review process with the NCC that all representatives of Developer, including, but not limited to, Developer's architect, engineer, contractors, subcontractors, and their agents and employees, shall be made aware by the Developer of all applicable requirements of the NCC and shall abide by these Procedures, the Guidelines and the Declaration with respect to approval of development plans and specifications.

New Construction Committee
Amended and Restated First Amendment to
New Construction Design Application and Review Procedures and
Design and Development Guidelines

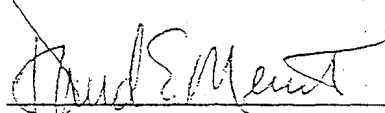
The undersigned members of the New Construction Committee of the Red Mountain Ranch Owners Association, constituting all of the members thereof, hereby adopt as of May 28, 1999, an Amendment and Restatement of the First Amendment to New Construction Design Applications and Review Procedures and Design and Development Guidelines 3.2.2 Approval, previously adopted pursuant to Article XI, Section 1, of the Declaration of Covenants, Conditions and Restrictions for Red Mountain Ranch Owners Association, dated May 30, 1985, and recorded on June 21, 1985 as document 85-286511 in the official records of Maricopa County, State of Arizona, (as amended). Said amendment is as follows:

3.2.2. Approvals

All submittals required pursuant to Section 3.2.1 of these procedures shall be sent to the attention of the Secretary at least thirty (30) calendar days prior to filing for the building permit. Approval of all such submittals must be obtained prior to commencement of construction. The NCC shall take action on all such submissions by Developers pursuant to this Section 3.2 within thirty (30) calendar days following such a submission. Failure of the NCC to take action within such thirty (30) calendar day period shall constitute an automatic approval of such submissions.



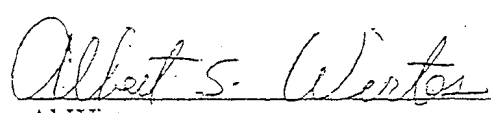
David Gibson



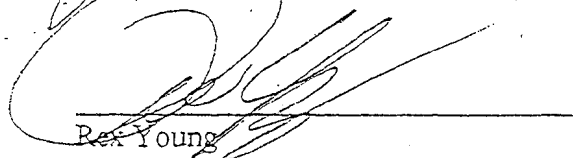
David Merritt



Paul Vecchia



Al Wirtes



Rex Young

**RED MOUNTAIN RANCH OWNERS ASSOCIATION
NEW CONSTRUCTION PROCEDURES AND GUIDELINES**

As of September 1, 1999 (Revised September 19, 2003)

Pursuant to Article XI of the Declaration of Covenants, Conditions, and Restrictions for Red Mountain Ranch Owners Association, the New Construction Committee (NCC) has jurisdiction over all original construction on any portion of the Properties, further has sole and full authority to prepare and to amend Guidelines and Procedures, and the Board of Directors has the authority to enforce decisions of the Committee.

The New Construction Committee as of April 1, 1996, adopted the Design and Development Guidelines of the New Construction Committee of the Red Mountain Ranch Owners Association dated January 1, 1986. (See Development Handbook.)

As an aid to the lot owners, builders, developers, architects and designers, the following synopsis of the salient points contained in the Development Handbook have been compiled. It in no way replaces the Development Handbook issued to each buyer of property at Red Mountain Ranch nor should it be considered a complete list of requirements. **For a complete list of requirements, please refer to the Handbook.**

**THE FOLLOWING GUIDELINES APPLY TO ALL NEW HOME DEVELOPMENT AT
RED MOUNTAIN RANCH AND SHOULD BE THOROUGHLY READ AND
UNDERSTOOD**

- NCC Guidelines (as modified by Specific Site Requirements)
- Specific Site Requirements
- Land Use Standards (Exhibit D to the CC&R's)
- Modification Guidelines

NEW CONSTRUCTION COMMITTEE (NCC) MEETING INFORMATION

The NCC meetings are held on designated Fridays at 7:30 a.m. **Contact the Association office at (480) 981-6480 for current meeting dates.** Plans must be submitted to staff by noon the Tuesday prior to the meeting to be included on the agenda, no exceptions. **Owner, Architect and/or Contractor are strongly encouraged to be present.**

**SUBMIT A COMPLETE SET OF PLANS AS NO APPROVALS WILL BE GRANTED
ON THE BASIS OF AN INCOMPLETE SUBMISSION**

Initial Plan Submission/Concept Review

The New Construction Committee will review a concept or preliminary submittal to assist in the design process for difficult sites, first time builders, etc. to help make sure the design is suitable and on track.

**RED MOUNTAIN RANCH OWNERS ASSOCIATION
NEW CONSTRUCTION PROCEDURES AND GUIDELINES
As of September 1, 1999 (Revised September 19, 2003)**

Submission Must Include

1. Compliance Deposit (currently \$3,500, of which \$1,000 is non-refundable as a Design Review Fee). The NCC may grant a preliminary review on a no charge basis for potential lot owners.
2. Site Plan - show all grades, drainage, building envelope, finished floor elevations, A/C locations and screening. Site plans must be fully detailed.
3. Floor Plan
4. Elevations

In Order to Obtain Approval to Begin Construction, Final Plan Submission Must Include, In Addition to the Above

1. Roof framing plan
2. Construction elements to include standard scupper details, spark arrester cover details, pop-outs or recessed window details, RMR bollard light fixture where applicable, and all other architectural features, where applicable or required by specific site requirements.
3. Materials and color sample board (maximum 8 1/2" x 11"), sample of roof tile, garage door specs, lighting fixtures, fence/wall details, gates, color concrete driveway sample etc..
4. Building Sections
5. Landscaping Plans
*Effective September 1, 1999, the landscaping plan **MUST** include the following information for a new plan or a remodel of current landscaping:
 1. Plan must be drawn to scale and show a NORTH arrow
 2. Plan drawn to a minimum scale of 1" = 20'
 3. Identify species, size and quantity of plant material being used
 4. Identify size and color or any inorganic ground cover; i.e. decomposed granite.
 5. Spec sheets and pictures for low voltage lighting (if applicable)
 6. Burming or mounding to be identified on plan with corresponding elevations
 7. Identify any existing landscape material

Construction Regulations

1. A commercial trash bin must be placed on site after slab is poured. Trash cleanup is imperative with twice per week clean up; always on Fridays. Overflowing dumpsters are a violation.

RED MOUNTAIN RANCH OWNERS ASSOCIATION
NEW CONSTRUCTION PROCEDURES AND GUIDELINES
As of September 1, 1999 (Revised September 19, 2003)

2. **Sky Mountain Estates, Club View Estates, Red Rock Pass and Sonoran Estates** require a chain link construction fence which must be erected on or within building envelope lines after slab is poured. The fence shall enclose the entire area of the building envelope and be continuous to include the driveway access which shall be the sole access to the site. In cases where building is on the envelope line, a 5'0" area beyond can be considered for construction access. Owner shall be responsible for any failure to install and maintain said fence or the premature removal of same.
Owner agrees to be responsible for any and all damages or injuries on the lot or caused by construction thereon and to carry adequate insurance therefor. By commencing construction on the lot, owner agrees to indemnify and hold harmless the Association from and against any and all damages, injuries, costs or expenses suffered or incurred by the Association as a result of the owner's lot or any construction thereon.
3. Existing vegetation worthy of retention inside the building envelope must be relocated to the natural desert areas of the lot or stored for re-use in the building envelope area.
4. No dumping, burying or burning trash. No dumping or disposal of construction debris on desert areas, lots, undeveloped area in Red Mountain Ranch, desert preserve, or common areas permitted.
5. All construction materials will be stored inside the building envelope and not on any portion of the desert areas outside the building envelope or on adjacent lots, sidewalks, streets, or common areas.
6. A portable toilet is required on lot being constructed as soon as any work commences; it is not to be placed on street, sidewalk, other lot, or common areas.
7. **At Sky Mountain Estates, Sonoran Estates and Red Rock Pass**, owner is responsible for alterations in established drainage flow patterns.
8. Adjacent lots shall not be used for parking, staging, storage, etc. Parking permitted only on driveway, building envelope within fence, or on road as long as doing so does not obstruct flow of traffic.
9. Excess excavation to be hauled away.
10. No blasting without approval.
11. Any damage to adjoining property must be restored at the contractor's/owner's expense.
12. The only construction access allowed is over the approved driveway location.
13. Control of dust and noise is imperative. No radios before 8:00 a.m.
14. Construction restricted to one-half hour before sunrise to one-half hour after sunset Monday through Saturday.
15. Signage requirements must be adhered to as set forth in the Design and Development Guidelines of the New Construction Committee 3.7, however pool, landscaping or any other subcontractor signs are not permitted. Developers, Designers, Lenders, Major Contractors, or Realtors may post their sign, providing there are never more than **two signs posted at any time**.

**RED MOUNTAIN RANCH OWNERS ASSOCIATION
NEW CONSTRUCTION PROCEDURES AND GUIDELINES
As of September 1, 1999 (Revised September 19, 2003)**

16. After trenching, the finished floor height, setback, and building envelope will be professionally surveyed, at the discretion of the Association, per the approved plan. If there are deviations from the plan, a written report will be ordered from the surveyor; otherwise, a phone call from the surveyor that no defects exist will suffice. The contractor will be notified.

FOR THE PURPOSE OF ORDERING THE SURVEY, IT IS THE RESPONSIBILITY OF THE OWNER AND/OR CONTRACTOR TO NOTIFY THE ASSOCIATION TWO WORKING DAYS PRIOR TO THE FORMS BEING SET. OWNER AND/OR CONTRACTOR IS AWARE THAT A DELAY OF UP TO TWO WORKING DAYS AFTER FORMS ARE SET MAY OCCUR TO COMPLETE THE SURVEY.

Offsets to Compliance Deposit

Fines/penalties will be deducted from the Compliance Deposit for the below listed infractions. Fines/penalties are not in lieu of correction nor are fines/penalties in lieu of any and all other remedies available to the Association in law or in equity. Additionally, the City of Mesa, at the option of the Association, will be kept apprised of deviations.

1. The following fines/penalties will be imposed without further notice:
- | | |
|---|----------|
| 1. Failure to install construction fencing at Sky Mountain Estates, Club View Estates, Red Rock Pass and Sonoran Estates after slab is poured | \$500.00 |
| 2. Failure to provide a commercial trash bin after slab is poured | \$500.00 |
| 3. Failure to notify Association prior to forms being set | \$500.00 |

Continuing failure to comply, \$100.00 every 7 (seven) days.

2. Compliance required within 48 (forty-eight) hours of US Postal Service Certificate of Mailing for:
- | | |
|--|--------------------------------------|
| 1. Failure to adhere to construction hours | \$100.00 each occurrence |
| 2. Parking on other lots | \$100.00 each occurrence plus repair |
| 3. Control of dust and noise | \$100.00 each occurrence |
| 4. No radios before 8:00 a.m. | \$100.00 each occurrence |
| 5. Failure to contain trash | \$100.00 each occurrence |
| 6. Other Regulations as listed above | \$100.00 each occurrence |

Two notices for any combination of the above constitutes a fineable offense. Unpaid penalties/fines are treated in the same manner as unpaid assessments and may include late charges, a property lien, a court action for personal judgment, and/or foreclosure action.

- C. Correction of deviation from approved plan. Actual cost

**RED MOUNTAIN RANCH OWNERS ASSOCIATION
NEW CONSTRUCTION PROCEDURES AND GUIDELINES
As of September 1, 1999 (Revised September 19, 2003)**

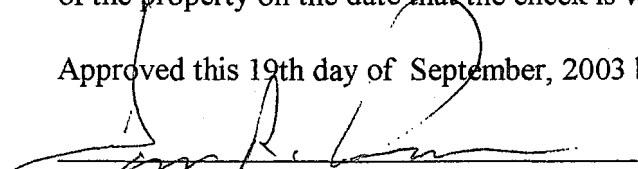
APPEAL PROCESS

Effective September 1, 1999, an applicant may submit an appeal, in writing, regarding any decision of the NCC to the Board of Directors within 10 days of said decision.

RETURN OF COMPLIANCE DEPOSIT

The \$3,500.00 compliance deposit is required to be paid at time of initial submittal; \$1,000.00 of this is not refundable. The compliance deposit will be returned only upon written request. This request will be placed upon the agenda for the next NCC meeting, as an on site inspection is required to ascertain that there are no visible exterior deviations from the approved plans, all colors conform to those approved, all debris is removed, fencing, where applicable, is removed, landscape installed, and that the cover around the spark arrester is of the approved type. Once all aspects of construction and landscape are in compliance, the check request will be forwarded to the home office for processing, which may take up to 3 weeks. Any unpaid fines, liens, clean up, or other costs will be deducted therefrom. The deposit refund will be mde to the owner of record of the property on the date that the check is written.

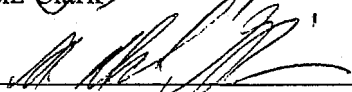
Approved this 19th day of September, 2003 by the New Construction Committee.



Jim Person, Chairman



Liz Clark



A. David Gibson



Paul Vecchia

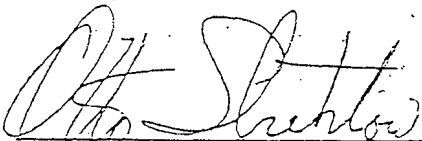


Chuck Holland

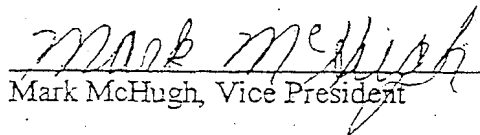
Resolution of the Board of Directors

At its August 19, 1998 meeting, the Board of Directors approved the following resolution:

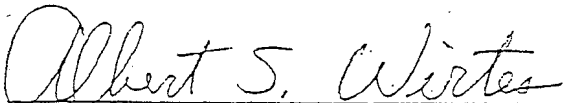
RESOLVED: The New Construction Procedures and Guidelines as of July 1, 1997 (Revised November 19, 1997) is hereby modified in that Construction Regulation No. 16 does not apply to Country Club Estates effective August 19, 1998.



Otto Strehlow, President



Mark McHugh, Vice President



Al Wirtes, Secretary

AMENDMENT TO THE RED MOUNTAIN RANCH OWNERS ASSOCIATION NEW
CONSTRUCTION PROCEDURES AND GUIDELINES

As of July 1, 1997 (Revised November 19, 1997)

Pursuant to Article XI of the Declaration of Covenants, Conditions, and Restrictions for Red Mountain Ranch Owners Association, the New Construction Committee (NCC) has jurisdiction over all original construction on any portion of the Properties, further has sole and full authority to prepare and to amend Guidelines and Procedures, and the Board of Directors has the authority to enforce decisions of the Committee.

The undersigned members of the New Construction Committee of the Red Mountain Ranch Owners Association, constituting all of the members thereof, hereby adopt as of May 28, 1999 an amendment as stated below:

Construction Regulation Number 2

Sky Mountain Estates, Club View Estates, Sonoran Estates, and Red Rock Pass require a chain link construction fence which must be erected on or within building envelope lines after slab is poured. The fence shall enclose the entire area of the building envelope and be continuous to include the driveway access which shall be the sole access to the site. In cases where building is on the envelope line, a 5'0" area beyond can be considered for construction access. Owner shall be responsible for any failure to install and maintain said fence or the premature removal of same.

Owner agrees to be responsible for any and all damages or injuries on the lot or caused by construction thereon and to carry adequate insurance therefor. By commencing construction on the lot, owner agrees to indemnify and hold harmless the Association from and against any and all damages, injuries, costs or expenses suffered or incurred by the Association as a result of the owner's lot or any construction thereon.

Construction Regulation Number 7

At Sky Mountain Estates, Sonoran Estates, and Red Rock Pass owner is responsible for alterations in established drainage flow patterns.

Offset to Compliance Deposit "A"

The following fines/penalties will be imposed without further notice:

1. Failure to install construction fencing at Sky Mountain Estates Club View Estates, Sonoran Estates, and Red Rock Pass within five working days after slab is poured. \$500.00



David Gibson




David Merritt



Paul Vecchia



Al Wirtes



Rex Young