

DESIGN GUIDELINES

Casas del Cielo
56th Street & Dove Valley
Homeowners Association

September, 2001

SECTION 1

INTRODUCTION

These Design Guidelines have been adopted by the Architectural Committee for the 56th & Dove Valley Homeowners Association (DVHA) established pursuant to the Declaration of Covenants, Conditions and Restrictions for the DVHA (the "Declaration") No. 00-recorded at Maricopa County, Arizona. As provided in the Declaration, no residence, building, structure, landscaping, walks, fences or other improvement of any kind may be constructed or installed on any Lot without the prior written approval of the Architectural Committee. Also, no addition, alteration, repair, change or other work which in any way alters the exterior appearance of any residence, building, structure or other improvement of any kind, situated on a Lot (as defined in the Declaration) can be made or done without the prior written approval of the Architectural Committee.

The Declaration gives the Architectural Committee the authority to charge a fee for reviewing requests for approval of any construction, installation, alteration, addition, repair, change or other work for which approval of the Architectural Committee is required under the Declaration. Any such fee must be payable at the time the application for approval is submitted to the Architectural Committee. See Sec.2.2 (h & i)

Any approval of plans, specifications or proposed construction given by the Architectural Committee shall not constitute any representation or warranty by the Architectural Committee that the approved construction or modification complies with applicable federal, state and local laws, or ordinances. Each Owner must comply with all applicable federal, state and local laws, rules and ordinances and obtain such permits as may be required for the construction or modification of the improvement. In addition, the construction or modification of any Residence or other Improvement must comply with all design guidelines, which are part of the zoning approval for DVHA granted by the City of Phoenix.

Unless otherwise defined in these Guidelines, each capitalized term used in these guidelines shall have the meaning given to such term in Appendix "A" of these guidelines.

Neither the Architectural Committee, any member thereof, the Association or any director, officer, employee or agent of the Association shall be liable to any Owner or other person for any damage, loss or prejudice claimed on account of; (a) the approval or disapproval of any plans, drawings and specification; (b) the construction or performance of any work, whether or not pursuant to approved plans, drawings or specifications; (c) the development or manner or development of any property within DVHA; or (d) the exercise of any of the powers, duties or responsibilities of the Architectural Committee.

SECTION 2

REVIEW AND APPROVAL PROCESS

In general, the design review process is divided into three (3) phases for building construction:

1. Preliminary Submittal
2. Final Submittal
3. Construction Approval

It is strongly recommended that an Owner retain competent professional services for planning and design. The service can provide a thorough analysis through understanding a particular Lot and the Owner's special needs. They have the skill and ability to translate Lot and Owner requirements into building form, as well as convey to the committee the concept and design of a proposed Residence or other Improvements, which are all important elements of the design review process. If an Owner elects to do his own design or to retain nonprofessional services, and the result in either case is not approved by the Committee, the Committee has the right to require that an Owner thereafter utilize qualified professional design services.

The design review process was developed to provide adequate checkpoints along the way, in an effort to minimize time and money spent on designs which do not adhere to these Guidelines, the Declaration, or to the overall philosophy of DVHA. An attempt has been made to streamline this process to eliminate excessive time delays. Nevertheless, each Owner is directly responsible for complying with these Guidelines and all other applicable provisions of the Declaration, as well as all rules and regulations of the City of Phoenix and any other governmental authority, in order to bring the design review process to a speedy satisfactory conclusion.

The Committee will conduct reviews of projects during their regular meetings or at such other times, as it deems appropriate. Owners, Architects, or Builders may attend meetings of the committee by invitation of the committee only. The Committee will respond in writing to the Applicant no later than forty-five days (45) days after the Committee has received a submittal. Results of reviews will not typically be discussed over the telephone with an Owner or his Architect or Builder by the Committee or any of its members. Any responses an Owner may wish to make in reference to issues contained in the Committee's notice following review of submittals should be addressed to the Committee in writing.

Preliminary Submittals must be made a minimum of ten (10) business days prior to the review meeting at which time they will be discussed. Final Submittals and any revised submittals must be made a minimum of six (6) days prior to the review meeting at which time they will be discussed. Dates of regularly scheduled Committee meetings are available from the Committee through the Management Company.

Although the Committee will enforce all provisions of the Guidelines, the following will be of particular concern:

- (a) Siting of the Residence on the Lot.

- (b) Architectural character as viewed from all sides. The massing, texture and materials of the design are critical
- (c) Building heights and masses. No building may exceed a single story.
- (d) Exterior elevations of the Residence, including a high level of aesthetic quality and use of multiple materials.
- (e) Setbacks to maintain visual and safety separation.
- (f) Exterior paint and material colors, as well as color usage and distribution.
- (g) Landscape character and plant materials. All plants must be native to and reflect the character of the natural Arizona desert. No grass area will be allowed. The Committee must approve all plants/vegetation.
- (h) Drainage and retention (must comply with engineering drawings/ plans).
- (i) No exterior walls outside the building envelope.
- (j) All walls (including retention walls) must be stucco/painted to match home.
- (k) No carports.

2.1 Pre-Design Meeting (Elective, not Required)

To initiate the review and approval process prior to preparing any drawings for a proposed Residence or Improvement, the Owner and/or her/his Architect may meet with the Committee. The purpose would be to discuss the proposed Residence to explore and resolve any questions regarding building requirements in DVHA or the interpretation of these Guidelines or the Declaration. Any amendments to these Guidelines, as well as the current policies and procedures, may be obtained at this time.

This informal review is to offer guidance prior to the initiation of preliminary design. An appointment for the Pre-Design Meeting should be made through the management company at least one week in advance.

2.2 Preliminary Submittal

Preliminary Submittals shall include:

- (a) The **Application Form** attached hereto as Appendix "C" with all information completed.

- (b) **Site Plan** showing the Residence and all other building or major structures, driveway, general parking areas, patios, pools, walls, site grading elevations (datum's) of all building floors and patios, shown in relation to site elevations.
- (c) A **Roof Plan** should show areas and heights of flat and sloped roofs, location of crickets, and skylights. No roof-mounted equipment is allowed.
- (d) **Floor Plans** (at a scale of no less than 1/8" = 1'-0") shall show vertical elevations, including garages.
- (e) **Exterior Elevations** of all sides of the Residence at the same scale as the floor plans, identifying all structure heights, and designating all exterior materials and general colors. Color selection may be general and not specific for the Preliminary Submittal.
- (f) **Landscape Plan** showing all planting areas (front, back and sides).
- (g) Any other drawings, materials or samples requested by the Committee or necessary to explain the design.
- (h) A non-refundable **Design Review Fee (DRF)** of \$300.00 must accompany the Preliminary Submittal. In the case of an addition to an existing home, the DRF will be \$50.00. Checks should be made payable to DVHA Architectural Control Authority. Plans received without the DRF will not be reviewed.

All accessory Improvements contemplated on the Lot must be shown on the Preliminary Submittal.

After a complete Preliminary Submittal has been submitted, the Committee will then review the submittal for conformance to the Declaration and these Guidelines and will provide a written response to the Applicant.

2.3 Final Submittal

After preliminary approval is obtained, the following documents, which clearly comply with, or satisfactorily resolve, the stipulations for preliminary approval, are to be submitted to the Committee for final approval. Final Submittals must be made to the management company a minimum of six (6) business days prior to a regularly scheduled meeting at which time they will be discussed.

Final Submittals shall include:

- (a) The **Application Form** attached hereto as Appendix "C" with all information completed.

(b) **Complete Construction Documents** for the Residence including:

- All data noted in Section 2.2, Paragraphs (d) and (e), and building sections as required to illustrate the Residence and Improvements.
- All utility locations, electric meter, transformer and exterior mechanical equipment locations.
- Any adjustments to locations of the Residence or other Improvements.
- Height of the top of all skylights and parapets shown on the roof plan.
- Locations and manufacturer's catalog cuts of all exterior lighting fixtures.

(c) Samples of all exterior materials and colors, and window and glass specifications mounted on 8 ½ x 11" (maximum size) heavy stock cardboard identified with manufacturer's name, color, and/or number. Sample boards shall include Owner's, Architect and Builder's name, and the Lot. Samples of exterior materials, such as stone, should be submitted via the use of photographs that show color and coursing patterns.

(d) A complete **Landscape Plan** at the same scale as the site plan, showing:

- Proposed contours and grading (if finished grading is different than that on the Final Site Plan).
- Areas to be irrigated, if any, including location of backflow preventor.
- Locations and sizes of all proposed plants.
- Decorative features such as pools or imported rocks.
- Specifications as to color and size of mineral landscape elements including approximate size of any boulders proposed.
- A list of all proposed plants, including both the common and the botanical plant name and the plant size. Proposed plants not included on the Approved Plant List must be listed on the Landscape Plan with an asterisk before the plant name. A photograph and description of any non-approved plant must be submitted to be considered for approval.
- Location of all exterior lighting, including cut sheets for all fixtures and list of proposed bulb types and wattages.
- All utility locations, electric meter, transformer and exterior mechanical equipment locations.
- Any adjustments to locations of the Residence or other Improvements.

(e) An approximate milestone **Construction Schedule** indicating approximate dates for the start of construction and the completion of construction.

2.4 Final Submittal Approval

Upon receipt of the complete Final Submittal, the Committee will review the submittal for conformance to the Declaration and these Guidelines, and to any stipulations by the Committee from the Preliminary Submittal and will provide through the management company a written response to the Applicant.

2.5 Construction Approval

Obtaining the plan check approval from the City of Phoenix and securing a building permit is the responsibility of the Owner and/or Builder. Construction shall be in accordance with the Final Submittal approved by the Committee.

2.6 Additional Construction and/or Exterior Changes

Any changes to the approved drawings before, during, or after the construction of an Improvement, must ***first*** be submitted for review to and be approved by the Committee.

2.7 Re-submittal of Drawings

In the event of a disapproved Preliminary or Final Submittal by the Committee, any resubmission of drawings must follow the same procedure as the original submittal. Re-submittals of a Preliminary Submittal must be made to the management company at least six (6) business days in advance of a regularly scheduled meeting, at which time it will be discussed.

2.8 Commencement of Construction

Upon receipt of approval from the Committee, the Owner shall commence the construction pursuant to the approved Final Submittal within one (1) year from the date of the approval. If the Owner fails to comply with this Section 2.8, any approval given shall be deemed revoked unless, upon the written request of the Owner made to the Committee prior to the expiration of the one-year period and upon a finding by the Committee that there has been no change in circumstances, the time for commencement is extended in writing by the Committee. The Owner shall, in any event, complete the construction within one (1) year after commencing construction except when such completion is impossible or would result in great hardship to the Owner due to strikes, fires, national emergencies, or natural calamities. If the Owner fails to comply with this Section, the Committee may notify the Association of such failure and the Association, at its option, may complete the exterior in accordance with the approved drawings or remove the Improvement(s). The Owner shall reimburse the Association for all expenses incurred in connection therewith.

2.9 Work in Progress – Observation for Design Conformance

The Committee may review all work in progress and give notice of any non-compliance with the Declaration, these Guidelines or the approval issued by the Committee. The Builder is required to inform the Committee in writing at least forty-eight (48) hours prior to the pouring of the foundation. A written note stating this requirement shall be shown by the Architect on the floor plan or framing plan as part of the Final Submittal. Absence of such review and notification during the construction period does not constitute approval by the Committee of work in progress or of compliance with these Guidelines and the Declaration.

2.10 Non-waiver

The approval by the Committee of any drawings or specifications for any work done or proposed, or in connection with any other matter requiring such approval under these Guidelines or the Declaration, including a waiver by the Committee, shall not be deemed to constitute a waiver of any right to withhold approval as to any similar drawing, specification, or matter whenever subsequently or additionally submitted for approval or of a non-conforming design or aspect that has not been identified earlier. For example, the Committee may disapprove an item not in conformance with the Guidelines shown on the final Submittal even though it may have been evident and could have been disapproved at the Preliminary Submittal.

2.11 Right of Waiver

The Committee reserves the right to waive or vary any of the procedures or standards set forth herein at its discretion, for good cause shown.

2.12 Estoppel Certificate

Within thirty (30) days after written demand is delivered to the Committee by any Owner, and upon payment therewith to the Committee of a reasonable fee, from time to time to be fixed by it, the Committee shall execute and record an estoppel certificate, certifying with respect to the Owner's Lot, that as of the date thereof either (a) all Improvements and other work made or done upon or within said Lot by the Owner, or otherwise, comply with these Guidelines and the Declaration, or (b) such Improvements and/or work does not so comply, in which event the certificate shall also (1) identify the non-complying Improvements and/or work and (2) set forth with particularity the cause or causes for such non-compliance. Any purchaser from the Owner of mortgagee or other encumbrances shall be entitled to rely on said certificate with respect to the matters therein set forth, such matters being conclusive as between the Association, the Committee, Developer, all Owners and other interested Persons, and such purchaser, mortgagee, or other encumbrances.

SECTION 3

SITE DEVELOPMENT GUIDELINES

3.1 Minimum Setbacks

The minimum building setbacks from the property lines of ½ acre lots or larger are 25 feet front and rear setbacks, 12 feet side yard set back. Minimum setbacks for all Lots are shown on the Plat.

3.2 Landscape

The front and back yard areas within the improvement envelopes must be entirely landscaped; areas outside improvement envelope must be left unaltered. The landscape should be considered an integral part of the architecture and should be a factor in the initial site planning process. Plants provide another dimension to the architecture and are useful for augmenting and/or solving architectural or harsh environmental conditions. Trees can enhance a view by creating a soft framework for viewing. Trees and plants can mitigate extreme climatic conditions. No plant materials on the Prohibited Plant List (Appendix "B") may be planted or kept in Casas del Cielo. Only plants native to natural Arizona desert will be allowed for use in the re-vegetation of a lot's landscaping scheme.

Proposed landscape-planting materials must be identified on the drawings and the submittal must include a photograph and description of the plant for which approval is being requested. The Committee reserves the right to refuse any plant material it feels will not be beneficial to the environment of DVHA.

3.3 Exterior Lighting

Site lighting is defined as lighting mounted on the ground, in trees or on site walls for the purpose of providing security or decorative accent lighting.

Building mounted lighting is defined as lighting built into or attached to buildings on walls, ceilings, eaves, soffits, or fascias for the purpose of providing general illumination, area illumination or security illumination.

Site lighting must be directed onto vegetation or prominent site features. Building mounted lighting must be directed downward away from adjacent Lots, streets and open spaces and may not be used to light walls or building elements for decorative purposes.

All exterior lighting must provide for significant shielding to ensure that light sources and lamps are not visible from neighboring property; no bare lamps will be permitted. Recessed lights in exterior soffits, eaves, or ceilings shall have the lamp recessed a minimum of three inches (3") into the ceiling. Only incandescent lamps with a maximum wattage of seventy-five (75) watts will be allowed for exterior lighting unless specific approval is received from the Committee. Low voltage lighting is recommended for landscape lighting. Colored lights will not be allowed for exterior lighting.

Lights on motion detectors for the purpose of security illumination are strongly discouraged but may be allowed subject to specific approval of the Committee. If allowed by the Committee, these lights will only be allowed to operate on a motion detector and stay lit for a maximum of twenty (20) continuous minutes. Security lights must still meet the requirements of shielding of the light sources and the light sources should not be Visible from Neighboring Property. If problems with these lights occur, the Committee reserves the right to demand that the fixtures be disconnected. These lights will not be allowed to operate for the purpose of general illumination.

3.4 Entrance Driveways

No poured concrete or asphalt driveways are allowed. All driveways will be constructed of crushed granite, per approval by Committee. Driveways shall intersect the street preferably at a right angle. Driveways should also be located in such a way as not to interfere with drainage easements. Circular driveways are not allowed.

3.5 Swimming Pools and Spas

Swimming pools and spas, if any, should be designed as being visually connected to the Residence through walls or courtyards, and the visual impact must be minimized from adjacent Lots, streets and public spaces. Swimming pools and spas must be constructed according to the City of Phoenix ordinances, and other applicable regulations, including required fence and enclosure heights. Doors and gates leading to swimming pools and spas must meet the City of Phoenix safety and closure regulations including doors that open directly from the Residence to any pool or spa area. Pool equipment must not be Visible from Neighboring Property and must be enclosed by walls and a gate or other suitable screening method.

3.6 Sidewalks

Sidewalks viewed from the front of the property will be constructed of crushed granite, flagstone, etc. No poured concrete will be allowed.

3.7 Exterior Recreational or Play Equipment

All exterior recreational or play equipment such as swing sets, slides, play structures, jungle gyms and similar equipment must meet the intent and requirements of all sections of these Guidelines, including color. This type of equipment or structures should be located in the least visible portions of the Lot and adhere to a lot line setback of ten feet (10'). In addition, every attempt to screen this equipment or structures from view of adjacent Lots should be made including the installation of mature landscape. The height of this type of equipment shall be limited to a maximum of eight feet (8') above finished grade. All exterior recreational or play equipment requires specific approval of the Committee prior to installation.

3.8 Basketball Hoops

Sports apparatus shall be permitted only if not to be visible from Neighboring Property and with prior written approval from the committee (per Section 5.4 of the CC&R's).

3.9 Address Identification

The Committee has adopted a uniform address identification device for all Residences. No other address identification device will be permitted. No additional signage detached from the Residence will be permitted, except temporary construction signs or other signs as permitted by the Declaration and approved by the Committee.

3.10 Exterior Holiday Decorations

Holiday decorations will be allowed between Thanksgiving and January 7th. No Christmas decorations are allowed before Thanksgiving and all must be removed by January 7th. Decorations for other holidays may be installed no more than two weeks prior to the holiday and must be removed within one week after the holiday.

The committee reserves the right to prohibit any holiday decorations that are deemed inappropriate or excessive. Paper luminaries with candles are not allowed due to potential fire danger.

3.11 Wiring/Cables

All wiring (phone, Satellite TV, Cable TV, etc.) must not be visible on the exterior of the home.

SECTION 4

ARCHITECTURAL DESIGN GUIDELINES

4.1 Size of Residence

It is expected that Residences will contain at least 2,200 square feet of enclosed living area; however, smaller or larger Residences may be approved by the Committee, if in its opinion, the design would not result in a Residence which would be out of character with the other Residences in DVHA

4.2 Róofs ánd Fláshíngs

No asbestos shingle roofs, wood shake roofs, light-reflective roofs, or flat roofs (unless fully concealed by a parapet wall so as not to be Visible from Neighboring Property) shall be constructed or maintained on any Lot.

4.3 Colors

All exterior building and Improvement colors shall have a light reflective value (LRV) of less than forty-seven (47) and must be approved by the Committee. This information is available from most paint manufacturers. Colors must be earth tones. No bright or gaudy colors are permitted. Subdued accent colors may be used, subject to approval by the Committee.

4.4 Reflective

No highly reflective finishes, except glass, which may not be mirrored or opaque, shall be used on any exterior surfaces.

4.5 Materials – Exterior Surfaces

Exterior surfaces must generally be stucco, stone masonry, brick or integrally colored split face concrete block.

4.6 Building Projections

All projections from a building including, but not limited to, chimney caps, vents, gutters, scuppers, downspouts, utility boxes, porches, railings, and exterior stairways shall match the color of the surface from which they project or be an appropriate accent color, unless otherwise approved by the Committee.

4.7 Anténás/Satellite Dishes

No antenna or other device for the transmission or reception of television or radio signals or any form of electromagnetic radiation shall be erected, used, or maintained outdoors on any portion of the Property, whether attached to a building or free standing structure. The Association shall have the right to determine whether such devices shall be permitted on any Lot. Satellite dishes may be installed if screened properly and approved by the Design Review Board.

4.8 Skylights

Skylights can add natural light to interior spaces of a home, but they can also cause problematic light discharge and reflection from roofs. Therefore, a maximum of eight (8) skylights and/or a maximum of forty (40) square feet of total area of skylights, whichever is more restrictive, may be permitted on any Residence. Skylights must be surrounded by parapets and the parapets must be at least twelve inches (12") above the highest point of any skylight. It is recommended that they skylights be placed in such a manner as to maximize the screening effect of the parapets from views from adjacent Lots, streets and common areas. Skylights must be either tinted bronze or gray. White or clear skylights will not be allowed. Skylights should be the low profile type and should be located as to minimize their visibility from other Lots, and they should not cause any objectionable glare or reflections. Skylights are not allowed on pitched roofs or flat roofs that are not surrounded by a parapet. Up lighting in skylights is not allowed.

4.9 Patios and Courtyards

Patios and courtyards should be designed as an integral part of the Residence so they can be shaded and protected from the sun by roofs and building masses. Outdoor fire pits and outdoor fireplaces must be approved by the Committee.

4.10 Patio and Courtyard Furniture

In order to maintain the visual integrity of the DVHA, all patio and courtyard furniture, including umbrellas, must meet the intent of Section 4.3 of the Guidelines. White or brightly colored patio and courtyard furniture and accessories will not be allowed if visible from the front/street.

4.11 Guest Houses/Guest Suites/Accessory Buildings and Hangars

Such structures must be designed as a single visual element with the Residence, and should be visually related to it by walls, courtyards, or major landscape elements. A free standing Guest House must comply with applicable City of Phoenix zoning regulations. A free standing Guest House or Accessory Building can be constructed on any Lot, with approval from the Committee, provided all Improvements meet the requirements of these Guidelines. A Guest Suite may be incorporated into any Residence.

4.12 No Visible Storage Tanks

All fuel tanks, water tanks, or similar storage facilities shall be shielded from View of Neighboring Property, streets or common areas by walls or structures. Or, shall be located underground with all visible projections screened from view from adjacent Lots, streets and common areas and must comply with federal, state and local laws and regulations.

4.13 No Free Standing Flagpoles

Free standing flagpoles are not allowed on any Lot. Displaying the American flag is permitted only if it is hung from a pole bracket mounted on the Residence. The size of the pole and the flag and the location of the pole and flag must be approved by the Committee.

4.14 Garages

Every effort should be made to minimize the impact of the garage and garage door(s). Careful siting and driveway orientation can ensure that a garage is recessed from view from the street and adjacent Lots. In an effort to minimize garage impact, no more than three garage stalls will be allowed adjacent to each other. (i.e., three single doors or one single and one double door). If additional garage space is needed it must be separated from the other garage location in an effort to avoid a long uninterrupted row of garage bays. The appearance of the garage door must blend with the home design. Ornate garage doors are strongly discouraged. Carports will not be allowed.

4.15 Porches

Utilization of porches at the front of a Residence is encouraged to create a buffer and a human scale layer between the sidewalk and the Residence. It also encourages a social aspect to the Residence where residents can choose to see or be seen along the neighborhood streets. If a porch is constructed, it should provide sufficient space to include the primary entrance to the Residence and should be covered by a roof.

4.16 Utilization of Porches and Covered Entries

For those Residences not utilizing a porch or covered entries, a strongly articulated entry feature facing the street is required. In the case where front courtyards are utilized, the courtyard wall must match the architectural style and color of the Residence and establish an entry feature.

SECTION 5

CONSTRUCTION GUIDELINES

Casas Del Cielo

The following Construction Regulations must be made a part of the construction contract documents for each Residence or other Improvements on a Lot.

5.1 Pre-Construction Guidelines

Prior to commencing construction, the Builder must meet with the Committee to review the construction regulations, procedures and guidelines of this Section 5. Builders must supply a form listing subcontractors and suppliers for access to the project.

A "Construction Authorization Certificate" issued by the Committee will be required to be posted at each construction site. The certificate should be posted on the back of the construction sign if it exists, or on a small fixed post located near the driveway at the street. In order to receive the Construction Authorization Certificate, the Final Submittal must be approved and the construction documents received and reviewed for compliance with the Committee's stipulations for final approval. In addition, the Builder's Bond must be collected and the acknowledgment of receipt of the construction regulations must be signed. No construction activity of any kind can take place until this Construction Authorization Certificate is received and posted.

5.2. Compliance Deposit

Any Person submitting plans to the Committee shall pay to the Committee at the time the plans are submitted a deposit in the sum of \$1,500 (the "Compliance Deposit"). This may be used by the Association to pay any costs incurred by the Association or the Committee in connection with the inspection of any construction/improvements approved by the Committee. This would be to ascertain that such construction/improvements have been, or are being built in compliance with the Declaration, these Guidelines and the plans and specifications and, to reimburse the Association for any court costs, attorney fees or other costs (including, but not limited to, costs incurred to correct the violation or to pay fees imposed for such violations) incurred by the Association, in connection with any violation of the Declaration or these Guidelines. Upon completion of construction/improvements on a Lot, the Committee or its agents shall inspect the construction/improvements to determine whether the construction/improvements have been constructed in accordance with the Declaration, these Guidelines and the plans and specifications for the construction/improvements and whether there are any other violations of the Declaration or these Guidelines that exist with respect to the Lot. If the Committee or its agent determines that the construction/improvements have been constructed in accordance with the CC&Rs, these Guidelines and the approved plans and specifications and there are no violations of the Declaration or these Guidelines with respect to the Lot, then the unused portion of the Compliance Deposit shall be refunded to the person who paid the Compliance Deposit, except for the sum of \$100 which shall be retained by the Association to reimburse the Association for the expense of administering the compliance Deposit. The Compliance Deposit shall be in addition to the fee payable pursuant to Section 2.2 (g) of these Guidelines. The person who paid the Compliance Deposit will be notified of deductions from this deposit as violations occur.

5.3. Occupational Safety and Health Act Compliance (OSHA)

All applicable OSHA regulations and guidelines must be strictly observed at all times.

5.4. Construction Trailers, Portable Field Offices, Temporary Fencing, etc.

Any Owner or Builder who desires to bring a construction trailer, field office, or the like to Casas del Cielo shall first apply for and obtain written approval from the Committee. To obtain such approval, the Owner or Builder shall submit a copy of the site plan with proposed locations of the construction trailer or field office, the portable toilet, and the trash receptacle noted thereon. Such temporary structures shall be removed upon completion of construction. No signage shall be allowed on any construction trailers and the color of any construction trailer or field office shall comply with Section 4.5 of these Guidelines. The construction trailer, if any, portable toilet, construction material storage and dumpsters must all be contained within the Lot.

(a) If required by the Committee, or if owner or builder desires to install temporary fencing, a chain link fence at least 5 feet high shall be installed to completely enclose the construction area prior to starting any footing or foundation work. The fence shall have a single entrance located at the driveway entrance and must be maintained intact until the completion of construction. The construction trailer, if any, portable toilet, construction material storage and dumpster must be contained within the chain link fence. In special cases the committee may allow materials to be stored outside the chain link fence when specifically approved in advance by the committee. All temporary fencing must be installed within the "improvement envelope". No item/materials can be stored outside the "improvement envelope".

5.5. Debris and Trash Removal

All building sites must have a dumpster on site to contain all trash and construction debris. Location of dumpster must be contained within the lot, or if off lot, must be approved by committee.

Builders shall clean up all trash and debris on the construction site at the end of each day. Trash and debris shall be removed from each construction site frequently and not be permitted to accumulate. Lightweight material, packaging, and other items shall be covered or weighted down to prevent their being blown off the construction site. In no case may debris and trash be allowed to exceed the top of the dumpster. The Committee reserves the right to fine Builders and Owners who fail to control debris from blowing or being disposed of on other Lots or Common Areas. Builders are prohibited from dumping, burying, or burning trash anywhere within the DVHA. During the construction period, each construction site shall be kept neat and clean, and shall be properly policed to prevent it from becoming a public eyesore or affecting other Lots or any open space. Unsightly dirt, mud, or debris resulting from activity on each construction site shall be promptly removed and the general area cleaned up.

Dumpsters or other waste receptacles must be located within the construction site or in areas specifically approved in writing by the Committee. For physically constrained sites, smaller dumpsters with more frequent removal may be necessary in order to fit the dumpster within the construction site.

5.6 Washout and Cleaning

Washout of concrete trucks or the washout and leaning of any equipment by masons, plasterers, painters, drywallers, etc.; must be contained within each Lot. Washout or cleaning residue shall not be allowed to flow off of the Lot or into Landscape easement, Taxiways, drainage ways, or streets. Fines may be imposed against a Builder and/or Owner for any violations to this provision. The builder will also be responsible for restoring the damaged area to its natural state.

5.7 Sanitary Facilities

Each Builder shall be responsible for providing and maintaining adequate sanitary facilities for his construction workers. Portable toilets or similar temporary toilet facilities shall be located only within the Lot or in areas specifically approved in writing by the Committee and must be removed immediately once construction on the lot is completed. Fines may be imposed against builder and/lot owner for violation to this provision.

5.8 Vehicles and Parking Areas

Construction crews shall not park on, or otherwise use, other Lots. Private and construction vehicles and machinery shall be parked only within the Lot or in areas designated by the Committee. All vehicles shall be parked so as not to inhibit traffic on adjacent streets.

5.9 Excavation Materials

Excess Excavation materials must be hauled away from DVHA and disposed of properly. Dumping of excess Excavation materials within Casas del Cielo is prohibited.

5.10 Restoration or Repair of Other Property Damage

Damage to property other than the Lot, resulting from construction operations including, but not limited to, open space, other Lots, roads, driveways, concrete ribbon curbs and gutter, and/or other Improvements will not be permitted. If any such damage occurs, it must be repaired and/or restored, promptly at the expense of the Builder and approved by the Committee as being in accordance with the standard of construction within DVHA

5.11 Miscellaneous and General Practices

All Owners will be absolutely responsible for the conduct and behavior of their agents, representatives, Builders, contractors, and subcontractors while on the premises of DVHA. The following practices are prohibited:

- (a) Changing oil or otherwise servicing any vehicle or equipment on the site itself or at any other location within DVHA, other than at a location designated for that purpose by the Committee.
- (b) Allowing concrete suppliers, plasterers, painters, or any other subcontractors to clean their equipment other than at locations specifically designated for that purpose by the Committee. Residue from cleaning is not allowed to flow into landscape easements, drainage ways or streets.
- (c) Removing any plant material, topsoil, or similar items from any property of others within DVHA including other construction sites.
- (d) Carrying any type of firearms within DVHA.
- (e) Using disposal methods or units other than those approved by the Committee.
- (f) Careless disposition of cigarettes and other flammable material.
- (g) Use of, or transit over, any Lots or Common Area.
- (h) No pets, particularly dogs, may be brought into DVHA by construction personnel. In the event of any violation hereof, the Committee, the Association, shall have the right to contact the City of Phoenix or Maricopa County authorities to impound the pets, to refuse to permit the builder or subcontractor involved to continue work on the project, or to take such other action as may be permitted by law, these Guidelines or the Declaration.
- (i) Radios and other audio equipment playing music on construction sites within DVHA are not permitted. This restriction is to avoid impacting homeowners living within the community..
- (j) Catering trucks will not be permitted to use their horns; their schedules are routine enough for workers to be aware of break times. Also, trash generated by the purchase of items from these trucks and from construction practices generally should be contained and disposed of properly.
- (k) Fires for the purpose of warming in the winter.

- (l) Storage or parking of non-construction related vehicles, trailers, boats, etc. at the construction site.

5.12 Dust and Noise

The Builder shall be responsible for controlling dust and noise, including without limitation music, from the construction site.

5.13 Daily Operation; City of Phoenix Ordinances

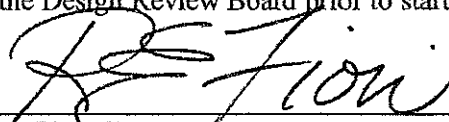
Daily working hours for each construction site shall be the hours during which construction is permitted under the ordinances of the City of Phoenix. No exterior construction or construction causing noise audible from outside the Residence shall be allowed on Saturdays and/or Sunday.

**UNANIMOUS CONSENT OF THE BOARD OF DIRECTORS
OF
56th STREET AND DOVE VALLEY HOMEOWNERS ASSOCIATION
(aka Casas Del Cielo)**

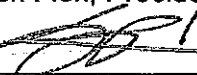
Dated as of October 24, 2006

The undersigned, constituting all of the members of the Board of Directors of the 56th Street and Dove Valley Homeowners Association **Inc.** (aka Casas Del Cielo), an Arizona nonprofit corporation (the "Corporation"), by unanimous written consent, pursuant to the authority contained in Section 10-3821 of the Arizona Revised Statutes, and in accordance with the 56th Street and Dove Valley Homeowners Association (aka Casas Del Cielo) Bylaws, Article 3, Section 11, ACTION WITHOUT A MEETING, without the formality of convening a meeting, hereby adopt and approve the following resolutions:

RESOLVED, that the Board of Directors of the 56th Street and Dove Valley Homeowners Association (aka Casas Del Cielo) has modified the Design Guidelines for driveways to allow homeowners the option of replacing/using pavers in lieu of crushed granite for the driveway surface (Note: crushed granite is still an acceptable driveway surface - no homeowner is required to use pavers) - effective immediately. All projects must be submitted, reviewed, and approved by the Design Review Board prior to starting construction.



Rich Fiori, President




Steve Folsom, Vice President



Manfred Braun, Treasurer



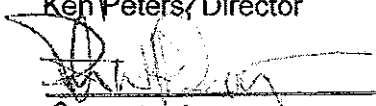
Susan Miller, Secretary



Ron Bitterli, Director



Ken Peters, Director



Pete Kelsey, Director

APPENDIX "A"

Definitions

Unless the context otherwise specifies or requires, the following words or phrases when used in these Guidelines, shall have the following specific meanings. Terms used in these Guidelines which are defined in the Declaration shall have the meanings specified therein.

"Applicant" means the specific individual person identified on an application form submitted to the Committee as the applicant to whom all design review correspondence shall be addressed.

"Architect" means a person appropriately licensed to practice architecture or landscape architecture in the State of Arizona.

"Association" means the Association, as defined in the Declaration.

"Board" means the Board of Directors of the Association.

"Builder" means a person or entity engaged by an Owner, including the Owner acting as Builder, for the purposes of constructing any Improvement on the Owner's Lot.

"Committee" means the Architectural Committee established pursuant to the Declaration.

"Declaration" means the recorded Declaration of Covenants, Conditions and Restrictions for Casas del Cielo/DVHA, as amended from time to time.

"Developer" means the Declarant as defined in the Declaration.

"Excavation" means any disturbance of the surface of the land (except to the extent reasonably necessary for planting of approved vegetation). Including any trenching which results in the removal of soil, rock, other earth materials or other substance from a depth of more than 12" below the existing surface of the land or any grading of the surface.

"Final Submittal" means all drawings and information required by Section 2.3 of these Guidelines to be submitted to the Committee for final approval.

"Finished Floor Elevation" means the floor elevation of any portion of a Residence as measured from topographic elevations based on the City of Phoenix datum.

"Guest House" means a structure, separate from the main structure of the Residence, having sleeping facilities for one or more guests.

"Guest Suite" means sleeping facilities incorporated into the main structure of the Residence for the use of one or more guest.

"Guidelines" means these Design Guidelines, as amended from time to time.

"Improvement" means any changes, alterations, or additions to a Lot, including any Residence, buildings, outbuildings, roads, driveways, parking areas, walls, retaining walls, stairs, patios, courtyards, hedges, poles, signs, exterior art and any structure or other modification of any type or kind.

"Lot" means a subdivided Lot as shown on the plat.

"Owner" means the Owner (as defined in the Declaration) of a Lot. For the purposes herein, the Owner may act through his designated agent, provided that such agent is authorized in writing or by law to act in such capacity.

"Preliminary Submittal" means all drawings, models and information required by Section 2.2 of these Guidelines to be submitted to the Committee to obtain preliminary design approval.

"Residence" means any building or buildings, including any garage, or other accessory building used for residential purposes, constructed on a Lot, and any Improvements constructed in connection therewith. Unless otherwise defined, "Residence" shall mean a single-family Residence.

"Structure" means anything constructed or erected on a Lot, the use of which requires location on the ground or attachment to something having location on the ground.

"Visible from Neighboring Property" means, with respect to any given object, that such object is or would be visible to a natural person six feet tall, standing at ground level on any part of any Lot, Common Area or any private or public street within or adjacent to the Project.

APPENDIX "B"

Prohibited Plant List

The Committee must approve all plants/vegetation. Specific species of trees, shrubs, plants, ground cover, etc., not listed below may not be allowed (in other words, exclusion from this list does not mean a plant/vegetation/etc is acceptable).

The following may not be planted or maintained anywhere in Casas del Cielo:

1. Any species of tree or shrub whose mature height may reasonably be expected to exceed twenty feet (20'), with the exception of those species specifically listed as approved by the Committee.
2. All Palms (Palmae) will be prohibited for aesthetic reasons as well as their high maintenance requirements.
3. All Pines (pinus), Cypress (Cupressus), False Cypress (Chamaecyparis) Juniper of Cedar (Juniperus).
4. Olive trees (*Olea europaea*) will be prohibited for reasons of their profuse production of allergy producing pollen, as well as for aesthetic reasons.
5. Oleanders (*Nerium oleander*) and Thevetia (*Thevetia* species) will be prohibited for aesthetic reasons as well as for their profuse production of allergy-producing pollen. These poisonous plants will also be prohibited for their high maintenance requirements and excessive height.
6. Fountain Grass (*Pennisetum setaceum*) will be prohibited as a defined weed with the potential to spread throughout the development and also as a fire hazard.
7. All varieties of Citrus will be prohibited for aesthetic reasons and for their profuse production of allergy-producing pollen.
8. Common Bermuda Grass (*Cynodon dactylon*) will be prohibited as a defined weed.
9. Mexican Palo Verde (*Parkinsonia aculeatra*) will be prohibited as a harbinger of pests and because of its ability to spread throughout the development, thereby altering the present natural desert.
10. Desert Broom (*Buccharis sarothroides*) female plants are prohibited as a defined weed with potential to spread throughout the development. Male plants are acceptable provided they are marked (tagged) as such and purchased from a reputable nursery.