

Quail Creek Unit 35A Villas Association, Inc.
(Villas Units 34A/35A)
Effective January 1, 2025

General Rules, Guidelines and Policies
Fee Schedule

This document is specific to the Quail Creek Unit 35A Villas Association, Inc. (Villas Units 34A/35A) and is supplemental to the current edition of the Quail Creek Architecture and Landscape Guidelines and Quail Creek Unit 34A Villas CC&R, which are incorporated herein by reference. This document is intended to provide additional rules, guidelines, and clarification to the homeowners in Villas Units 34A/35A, and to provide a listing of modifications the homeowners in Units 34A/35A are allowed to do, those that require permits, and those modifications that are not allowed.

These General Rules, Guidelines and Policies for Villas 34A/35A replace any and all previous versions of Supplemental Rules, and Guidelines, Landscape Rules, and Guidelines, Homeowner Responsibilities, Fine Policy and Appeal Process. Homeowners shall also consult the Quail Creek Architecture and Landscape Guidelines for additional details, keeping in mind that the Villas policies may be more restrictive than policies applied to free-standing homes.

What are HOA Rules, Guidelines, and Policies?

When you purchase a home that is part of a community association, you automatically become a member of the association and become responsible for following all its rules and regulations. The primary purpose of having community rules and standards is to protect your investment as a homeowner and to provide a common framework for neighbors.

At first glance, having rules for a neighborhood or community may seem restrictive. However, there are many benefits to having a robust set of rules and guidelines, including:

- **Preserving the aesthetics of an area**
- **Protecting and enhancing home values**
- **Enforcing the community's Covenants, Conditions and Restrictions (CC&Rs) & Bylaws**
- **Maintaining the property of the association and its owners**

Villas 34A/35A General Rules, Guidelines and Policies

A. ALLOWED – The following are allowed with No Permit or Fee Required.

1. Portable/free standing BBQ grill. This includes propane, natural gas, charcoal and smokers. Allowed in rear courtyard only and not allowed under roof line or eave.
2. Yard art shall be representative of Southwestern plants, animals, landscape, and pottery. Yard art shall be limited to prevent clutter. Size of objects shall not be excessive with respect to the dimension of the lot and shall not interfere with the ability of the landscaping crew to perform the normal maintenance. When in doubt as to the classical themes of a selection, photos or accurate color drawings are to be submitted to the Architectural Landscape Committee for review. The number of ungrouped pieces shall not exceed three (3) pieces, including pots. Themed groupings are limited to a maximum of two (2) on a Lot, with a maximum of three (3) pieces in any one grouping. The size of any single piece or grouping of yard art shall be limited to a maximum width not to exceed two (2') feet and a maximum height not to exceed two (2') feet. NOTE: All yard art is the responsibility of the Villa owner. The VHOA and/or the landscaping company will not be responsible for any loss or damages.
3. Outdoor furniture and umbrellas on patio and furniture in front door alcove (see C11).
4. Pots, decorative items and wall art on back patio and pots or wall art inside front door alcove. Wall art in front alcove must be removable for painting or exterior maintenance. (see C4). See Master guidelines for size and quantity restrictions.
5. Garden hose holder pot or reel type are allowed on PATIO only. Decorative hose pot is allowed on the landscape granite under the front side water faucet (no reels). When not in use the hose must be disconnected and stored in pot (see C18).
6. Key lock boxes mounted near the front door.
7. Hummingbird feeders can be located on the back patio, on top of courtyard wall or on a shepherd's hook located within 6 feet of patio. Feeders cannot be mounted anywhere on outside Villa structure, walls or in common areas (see C10).
8. Free standing art on back patio not more than 8" above back wall.
9. Concrete coating/epoxy on garage floor.
10. Seasonal or decorative wreath on front door consistent with color and style of villas.

B. ALLOWED with Permit and Fee; Fee may not be required for some items.

The following are allowed subject to submission and approval of Villas 34A/35A Architectural Landscape Committee Minor Project Permit Units and \$10 fee (multiple items can be put on one form for one fee). Written approval is required before any

work begins. All items are at homeowner's expense. (Permit forms can be requested from villas3435permitrequest@gmail.com).

1. Bird deterrents such a pigeon proofing on roof only (see C17).
2. Coating on concrete at back patio of Villa and entryway in alcove (must be colors consistent with Villa).
3. Flag bracket/flag attached to Villa painted to match Villa. Limited to one flag bracket.
4. Pavers installed in back courtyard. Color and type of pavers must be approved by VALC (see C16).
5. Roll down shades/sunscreens for back patio including manually operated and motorized. Must be a color closely matching Villa exterior (not black). Allowed colors are noted in Master ALC Guidelines. (See D Homeowner Responsibility)
6. TV mounted on wall of back patio (see D Homeowner Responsibility).
7. Security door at front door entry must be color consistent with Villa and not black. Screen/security door for the alcove entrance cannot include a locking mechanism. Allowed colors are noted in Master ALC Guidelines.
8. Solar Tubes. Homeowner must list the name and address of the contractor on permit form along with contractor's phone number and license number. Installation of solar tubes applies to roof penetration after original construction. (See D Homeowner Responsibility)
9. Front door can be replaced at homeowner's expense only with doors that are currently available for the villas or of similar or better quality. The color of the door must be one of the colors already approved for the Villa.
10. Sunscreens on exterior of windows must be a color closely matching Villa exterior (not black). Allowed colors are noted in Master ALC Guidelines.
11. Pot or decorative items in front of Villa alcove. One flowerpot containing either live or metal plants can be placed in granite area adjacent to driveway under address # placard or on the concrete walkway leading to Villa alcove. The color of such pots shall be consistent with Villa colors.
12. Flowerpots, boxes and decorative items on top of rear courtyard walls. Maximum of six items up to 8" in height and 8" in diameter and three flower boxes maximum 8" in height and no more than 36" in length. Colors and materials of pots, boxes and decorative items shall be compatible with Villa colors. Any damages to the wall from anything placed on the wall will be the owner's repair responsibility.
13. Low-flame propane gas burning fire pits/fire tables are allowed on back patios or in courtyards. All propane gas devices are to be installed and used by homeowner according to manufacturer's instructions and specifications (see C8).

14. Stand-alone electric fireplaces or self-contained units may be used on patio and used by homeowner according to manufacturer's instructions and specifications. Installation process must be reviewed and approved. Villa walls cannot be modified to accommodate a fireplace.
15. Infrared heaters must be installed and used by homeowner according to manufacturer's instructions and specifications. These heaters can be installed on the wall, subject to Homeowner Responsibility outlined in D.
16. Satellite, TV or Internet Signal Receiver. Must be mounted on the structural support bracket and with the pre-wiring provided on roof of Villa structure. Mounting a receiver device at any other location will be considered if reception is compromised at pre-wired location. **NO FEE REQUIRED, BUT PERMIT MUST BE SUBMITTED.**
17. Solar landscaping and flag illumination lights. Three pathway lights allowed no taller than 18" high and eight ground level lights; no colored or decorative lights (see C15).
18. Wall art mounted inside front alcove. All artwork must be removable for access to walls for painting or exterior maintenance. (See A3) (See D Homeowner Responsibility)
19. Exterior electric line for EVs/increased voltage. Must be installed by a licensed electrician. Lines must be painted the color of the Villa.
20. Solar panels must comply with the Quail Creek Architecture and Landscape Guidelines. Further, homeowners must sign "Acknowledgement of Solar Panels Rules and Risks" and obtain a permit from the City of Sahuarita prior to any work commencing.

C. NOT ALLOWED – The following are specifically not allowed in Units 34A/35A.

1. **NO** additional plants or trees in any areas around Villas including front, side or back, which are all considered common areas. Note: All Units 34A/35A landscaping is under the care of the landscape firm contracted by the Villas HOA with costs covered by Villas HOA dues.
2. Yard art other than that described in section A2 or previously approved.
3. **NO** wind chimes.
4. **NO** pots/planters in landscaped common areas in front, sides, or back of Villas (see B 11-12 for allowed pots).
5. **NO** artificial or metal flowers or plants in landscaped common areas in front, sides or back of Villas (see B11-12).
6. **NO** additional water drip systems from faucet to pots, plants or trees and no taps into landscape drip lines.
7. **NO** wood-burning fireplaces of all types.

8. **NO** wood or natural gas burning fire pits or fire tables (see B13 for allowable propane gas burning devices).
9. **NO** hanging hammocks or hanging chairs of all types.
10. **NO** bird feeders on Villa property or in common areas (See A7 concerning hummingbird feeders).
11. **NO** furniture is allowed to be PERMANENTLY installed on landscaping rocks, driveways, walkways, or any common area (see A2). Furniture and chairs may be used on the driveway but must be removed daily.
12. **NO** hanging pots supported on Villa structure or in any common area around the Villa.
13. **NO** hot tubs
14. **NO** permanently-installed misting systems. Free-standing misting systems are allowed.
15. **NO** low or high-density hard-wired lights including security lights, motion detector lights or landscaping lights (see B18 for allowed solar lights).
16. **NO** pavers or driveway coatings in front of Villa on driveway or walkway between driveway and front entry/alcove (see B4 for allowable paver applications).
17. **NO** pigeon deterrent spikes on top rear patio walls (see B1 roof only).
18. **NO** exposed waste receptacles. All waste receptacles must be stored in the garage.
19. **NO** exposed garden hose holders or loose hoses may be stored on the landscaping rocks in any common area or hung on water pipes. No reels allowed on front side water faucet. Stationary hangers or hose reels are not allowed to be mounted on any exterior wall (see A4).
20. **NO** awnings on villa windows.
21. **NO** additional landscape rocks or decorative rocks in common areas.

D. Homeowner Responsibility

When the HOA schedules Villas to be painted or other exterior maintenance to be performed, it is the homeowner's responsibility to remove, or cover and protect, anything that might impede the contractor's work. This includes all items that may have been allowed or permitted under these General Rules, Guidelines and Policies. Solar panels must be removed at the homeowners' expense before roof replacement is done.

If any additional work is incurred by the contractor to protect homeowner property, resulting in additional cost, the cost will be invoiced to the homeowner by the HOA. Homeowners have the right to remove or protect their items before contractor work is begun, and are responsible for replacing them after completion. The HOA will inform

homeowners in a timely manner about the schedule for any upcoming painting or other exterior maintenance.

E. Waste Receptacles

All waste receptacles **MUST** be stored in the garage (**NO EXCEPTIONS**). Waste receptacles can be placed on the street in front of Villa at 4 PM the day prior to pick up. On waste pick-up day all receptacles must be returned to the garage by 10 PM.

F. Damage to Property

Any damage caused to the Villa structure or landscaping by items added by the homeowner must be repaired by the homeowner at their expense. Damages will be determined and reviewed by the Villa Board of Directors or its designated representative.

- Fines
Any homeowner who tampers with or causes damage to any common area property or landscaping will be fined \$250 and will be required to repair or replace the damage at their expense.
- The homeowner is subject to the Fine Policy and Appeal Process for any infractions to the rules and regulations.

G. Developer installed improvements and previously approved/permitted items.

All original construction and Developer-installed items, as noted on the original home purchase agreement, are grandfathered in. In addition, all items previously submitted and approved on an Architectural/Landscape Permit form are grandfathered in.

Landscape Rules and Guidelines

This document is specific to the Quail Creek Units 35A Villas Association, Inc. It is intended to provide additional guidelines and clarification to the homeowners in Villas 34A/35A, to provide a listing of items the homeowners of the Villas will be able to do and items that homeowners specifically cannot do regarding landscaping.

Villas 34A/35A Villas Architectural and Landscaping Committee (VALC)

- Establishes landscape standards for the community and evaluates proposed landscaping improvements and changes in Units 34A/35A.
- Inspects the community frequently and works with the Villas Board of Directors to monitor and help resolve possible violations of the CC&Rs and all General Rules, Guidelines and Policies.
- Monitors the Villas HOA contracted landscaping company.
- Establishes and updates the list of Approved Plants and Trees, in conjunction with the contracted landscaping company.

Homeowner General Information

- Dead plants and trees will be replaced by the contracted landscape company at HOA expense and with VALC approval. Notify the VALC of any dead plants and trees. Do not remove or replace them.
- Irrigation lines and controls will be repaired as necessary by the contracted landscape company at HOA expense.
- Live plants may be replaced by the contracted landscaper only if:
 - Homeowner submits a request and drip lines are currently in place. New drip lines cannot be added, only moved at homeowner's expense.
 - VALC submits a RFQ (Request for Quote) to the landscaper and homeowner approves and pays the cost of replacement.
 - VALC records the date installed, location and tree or plant species for warranty.

Homeowners:

- Must not interrupt the landscapers in any way.
- Must not prune or trim any plant or tree.
- Must submit all requests for landscape changes to the VALC.
- Must remove dead plants in pots in front of Villa or on back walls.

QUAIL CREEK UNIT 35A VILLAS ASSOCIATION, INC.

(UNITS 34A/35A)

FINE POLICY AND APPEAL PROCESS

APPROVED – November 18, 2024

At a duly called meeting, the Board of Directors of the Quail Creek Unit 35A Villas Association Inc. approved the following FINE SCHEDULE for any violation of the CC&Rs or Rules and Guidelines of the Quail Creek Unit 35A Villas Association, Inc.

The Board of Directors intends to impose monetary penalties as authorized by Arizona Revised Statutes [A.R.S.] Section 33-1803. The Board of Directors, when imposing monetary penalties, reserves the right to enforce the community’s restrictions in any other legal manner. The following fine schedule is intended to be a guide only and is not intended to create any rights. The Board of Directors reserves the right to impose a monetary penalty on the first date of a violation and to accrue the fine daily until the violation is cured.

FIRST NOTICE:

An initial courtesy notice of the violation shall be mailed via regular mail and email to the homeowner, requesting compliance within ten [10] days – **Notice of Fine**

SECOND NOTICE:

If the violation still exists after ten [10] days, a second notice requesting compliance within ten [10] days shall be sent via certified mail and email to the homeowner, return receipt requested. A **\$25.00 FINE** will be assessed and will be due immediately with the second notice.

THIRD NOTICE:

If the violation still exists. a third notice requesting compliance within ten [10] days shall be mailed via certified mail and email to the homeowner, return receipt requested. A **\$50.00 FINE** will be assessed and will be due immediately with the third notice.

FOURTH NOTICE:

If the violation still exists, a fourth notice requesting compliance within ten [10] days shall be mailed via certified mail and email to the homeowner, return receipt requested. A **\$100.00 FINE** will be assessed and will be due immediately with the fourth notice.

CONTINUING VIOLATIONS:

If the violation continues without resolution after the fourth notice, a **FINE of \$100.00** shall be assessed **every ten [10] days** until violation is addressed and resolved. In addition, the Board shall have the right to remedy the violation and/or take legal action, the cost of which shall be billed to the homeowner and collected in the same manner as assessments.

FINES:

No fine shall be imposed without first providing a written warning to the owner describing the violation and stating that failure to address the violation within no less than ten [10] days or **another recurrence of the same violation within six [6] months** of the original violation shall make the owner **subject to imposition of a fine**.

RIGHT TO APPEAL:

- When a violation notice is sent to a homeowner, the notice includes a statement notifying the homeowner that they have a “RIGHT OF APPEAL” to the Villas Board of Directors.
- Homeowners who have been denied a request by the VALC also have a “RIGHT OF APPEAL” to the Villas Board of Directors.
- When a homeowner wants to appeal a violation or denied request, they must send written notice to the 34A/35A Villas Board of Directors that they are requesting an appeal.
- A written request from the owner for an appeal shall be sent within twenty-one [21] days of the date of the notification (violation letter or denial of permit).
- Written appeals shall demonstrate **extenuating circumstances** which require a deviation from the CC&R’s and/or guidelines.
- Written appeals shall include all pertinent backup information to support the existence of the **extenuating circumstance**.
- All decisions of the Board are final and may not be further appealed.
- Any appeal which does not meet the above requirements shall not be heard by the Board and shall be considered **DENIED**.
- The homeowner appealing the violation or denial of permit will be given written notice that the appeal is scheduled.
- Appeals will be heard within thirty [30] days of receipt of the request for appeal.
- Appeals shall be held in Executive Session, unless the Homeowner requests an Open Meeting.
- The Board President will introduce all parties.
- The homeowner will have the opportunity to be heard as part of the appeal process.
- The homeowner who is appealing will be asked to state their case and present any documentation that is applicable. They may also bring witnesses if desired.

- Each Board Member will have the opportunity to ask the homeowner specific questions regarding the appeal.
- Upon completion of the question-and-answer period, the Board President will state that the appeal has been heard and the Board will make their decision in Executive Session. Then a “Written Notice” will be sent to the homeowner of the Board’s decision within seven (7) workdays from the date of the appeal meeting. If the Homeowner has requested an Open Meeting then the decision will be voted at the Open Meeting.
- If the appeal is denied, the homeowner must bring the violation into compliance within ten [10] days. If the violation still exists after ten [10] days, the homeowner will be fined \$100 every ten [10] days until the violation is corrected. In addition, the Board of Directors may seek legal action to remedy the violation. All costs of legal action and fines will be billed to the homeowner and collected as allowed by Arizona Revised Statutes.
- If the appeal is regarding denial of a permit request, the homeowner must comply with the Board decision or be found in violation of these policies.

Quail Creek Unit 34A/35A Villas Association, Inc. (Units 34A/35A)

VALC FEE SCHEDULE

	Permit/Fee	No Permit/No Fee
BBQ on back courtyard		X
Bird Deterrent	X	
Concrete Coating, Paver or Tile Alcove	X	
Concrete Coating Garage		X
Electrical lines for EVs	X	
Electric fireplace	X	
Firepit/table/fireplace on back patio/courtyard	X	
Flag Bracket	X	
Front Door Replacement	X	
Furniture on patio or in alcove		X
Garden Hose Holder (See C18)		X
Hummingbird Feeders		X
Infrared Heaters	X	
Lock Box		X
Outdoor furniture-patio and front alcove		X
Patio Umbrella		X
Pavers in back courtyard	X	
Pot and wall art outside of Villa alcove	X	
Pots, decorations and wall art—back patio and alcove	X (no fee)	
Pots, flowerboxes, decorative art on courtyard walls	X	
Rear Patio Wall Decor	X (no fee)	
Rolldown Shades on Patio	X	
Satellite Dish	X (no fee)	
Security Door	X	
Solar Tubes	X	
Solar Panels	X	
Sun/Solar Screens (windows)	X	
Solar Landscaping Lights (no colored lights)	X	
TV—back patio	X	
Water Feature	X	
Wreath on front door		X
Waste Receptacles		X

Quail Creek Units 34/35A Responsibilities Matrix as of November 18, 2024

#	Item or Component	Maintain / Repair/ Replace	Clean	Paint	Remarks
1	Common Area Property	Villas HOA			Managed by the VALC
2	Landscape/Grass/Plants	Villas HOA			Managed by the VALC
3	Irrigation System and Controls	Villas HOA			Managed by the VALC
4	Common Area Landscape Lighting	Villas HOA			Managed by the VALC
5	Underground Drainage Pipes & Pop-Ups	Villas HOA	Owner		Owner responsible to keep clean of above-ground obstruction
6	Driveways & Walkways	Villas HOA	Owner		Villas HOA is not responsible for decorative treatments
7	Villa Exterior Wall Surfaces and Developer-installed Courtyard Metal Gates	Villas HOA	Owner	Villas HOA	Reserve funding for painting every 10 years as deemed necessary, includes repairing cracks in stucco at the time of painting
8	Villa Foundation	Owner			10 year warranty via the builder, Robson.
9	Villa Exterior Glass	Villas HOA	Owner		Villas HOA responsible after manufacturer's warranty expires
10	Window Screens	Owner	Owner		
11	Roof Tiles & Underlayment	Villas HOA Except Damages caused by Owner installed items such as Solar Panels, Bird Deterrents, etc.	Owner		Reserve funding to replace underlayment. Useful life estimated at 25 years. Owners responsible to keep roof clear of debris and bird nestings. All damages caused by solar panels to the structure, inside or out, are paid by Homeowner.

#	Item or Component	Maintain / Repair/ Replace	Clean	Paint	Remarks
12	Roof Vents & Original Roof Penetrations	Villas HOA			Includes sky lights, solar lights and roof vents installed by Developer at time of construction.
13	Roof Penetrations After Original Construction	Owner	Owner		
14	Bird Nests & Accumulated Roof Debris	Owner	Owner		Owner responsible for nesting and roosting prevention and or cleanup. Failure to do so may lead to roof leaks and owners will be responsible for repair costs.
15	Antennas & Satellite Dishes	Owner	Owner		
16	Gutters, Downspouts & Drain lines	Villas HOA	Owner	Villas HOA	Owner to clean out debris at ground-level downspouts and drain pop-ups.
17	Exterior Entry Door	Owner	Owner	Villas HOA	Owner is responsible for door hardware, weather-stripping, trim, glass windows, doorsill repairs, and storm doors. VALC Project Permit is required to change door.
18	Garage Door	Owner	Owner	Villas HOA	Owner shall be responsible for mechanics/equipment, rails, rollers, and weather-stripping.
19	Garage Door Opener	Owner	Owner		
20	Keyless Entry Door Pad	Owner	Owner		
21	Door Bell	Owner	Owner		
22	Alcove Concrete Pad & Back Patio Concrete pad	Owner	Owner	Owner	VALC permit required for decorative coverings
23	Electrical Components Including Main Panel, Wiring, & Outlets	Owner	Owner		

#	Item or Component	Maintain / Repair/ Replace	Clean	Paint	Remarks
24	Light Fixtures & Bulbs (120v & 12v)	Owner	Owner		
25	Air Conditioning and Heating Units	Owner	Owner		
26	Plumbing Including Faucets, Hose Bibs & Sewer Lines	Owner	Owner		Villas HOA is not responsible for external or internal sewer lines and water lines or the connection to the unit including damage caused by tree roots.
27	Improvements Installed by Owner	Owner	Owner		
28	Outdoor Rodent & Pest Extermination; does not include rear patio or inside courtyard	Villas HOA			To the extent covered under extermination contract
29	Interior Pest Control/Pest Damage to rear patio and inside courtyard	Owner			
30	Termites and other insects	Owner	Owner		This includes internal termite, insects, and rodent damage
31	Interior Surface of Perimeter Walls	Villas HOA	Villas HOA		
32	Exterior Surface and Metal Railings of Perimeter Walls	Villas HOA	Villas HOA	Master or Villas HOA	PC Master HOA responsible for maintenance and painting of metal railings and exterior surface of Perimeter wall
33	Street Pavement	Master HOA	Master HOA	Master HOA	
34	Street Curbs & Gutters	Master HOA	Master HOA	Master HOA	
35	Street Lights & Poles	Master HOA	Master HOA	Master HOA	

36	Bees, hives, Wasp/Hornet Nests.	Owner	Owner		
Note: This chart is for guidance only and is not inclusive for all potential items or components.					
Additional Notes					
* Owner is responsible for all aspects of interior maintenance					
* Any outdoor change must be approved via VALC Project Permit before any work is begun					
* Villas HOA can address issues that an owner, after notification, fails to correct if, in the opinion of the Board, the issue negatively impacts the community					
* If outdoor damage is attributable to owner's negligence, then owner shall be responsible for reimbursing the Villas HOA					