

1 regulations or ordinances, any Owner proposing to modify, make additions to or
2 rebuild his/her Dwelling Unit in any manner which requires the extension or
3 other alteration of any common wall shall first obtain the written consent of the
4 Board which shall determine the adjoining Owner's preference concerning the
5 proposed modification, extension or alteration of the common wall prior to giving
6 any written consent.

7 Section 5.6. Resolution of Disputes Between Adjoining Owners. In
8 the event of a dispute between Owners regarding the repairing or rebuilding of
9 a common wall or regarding the sharing of the cost of such repairing or
10 rebuilding, then upon the written request to the Association by one of the
11 Owners, the matter shall be heard and determined by the Board, whose decision
12 shall be final and binding.

13 ARTICLE VI

14 ARCHITECTURAL CONTROL

15 Section 6.1. Architectural Review Committee. The Board may
16 establish an Architectural Review Committee (hereinafter the "Committee") to be
17 comprised of a minimum of three (3) or more members appointed by the Board of
18 Directors. One member shall be a member of the Board of Directors. Members
19 of the Committee shall not be entitled to any compensation for services performed
20 pursuant to this Declaration, although professional consultants hired by the
21 Committee and approved by the Board of Directors shall be paid for by the
22 Association.

23 Section 6.2. Matters within the Jurisdiction of the Architectural
24 Review Committee. All architectural matters affecting the Common Areas and the
25 individual Lots shall be governed by the Committee. Subject to the approval of

1 the Board of Directors, the Committee may promulgate written rules and
2 regulations governing the approval of plans and specification for the alteration
3 or construction on the exterior of the Dwelling Units or any Common Areas. The
4 Committee shall also establish written architectural standards and procedures to
5 be followed by the Owners in obtaining the written approval of the Committee.
6 Such rules and regulations shall not conflict with any provisions in the
7 Declaration.

8 Section 6.3. Submission of Plans to Architectural Review Committee.

9 No Owner shall make any improvement, alteration, modification or change to any
10 structure, including, but not limited to, walls, fences, coping, awnings, sunshades
11 or flagpoles until detailed plans and specifications showing the nature, kind,
12 shape, height, color, materials and location of such are submitted in writing and
13 approved by the Committee. The Architectural Review Committee shall consider
14 the harmony of external design and location in relation to the surrounding
15 structures and topography in determining whether to approve such structures
16 or modifications. This shall specifically include any change in color of the
17 exterior portions of any Dwelling Unit. Approval of the plans and specifications
18 shall be evidenced by the written endorsement of the Committee on the plans.

19 Section 6.4. Procedure for Approval.

20 6.4.1. Owners shall submit two (2) complete sets of plans for the
21 proposed improvement, including the specifications, color scheme and the plot
22 plan indicating the location of the Dwelling Unit and improvement on the Lot and
23 may include a non-refundable review fee not to exceed One Hundred and No/100
24 Dollars (\$100.00), payable to the Association.

25 6.4.2. One set of endorsed plans shall be provided to the Owner

1 prior to the date on which construction is to commence. The other set of plans
2 shall be retained by the Association.

3 6.4.3. No changes or deviations in or from the plans and
4 specifications shall be made without the written approval of the Committee.

5 6.4.4. An Owner may appeal any decision of the Committee to the
6 Board, whose decision shall be final and binding.

7 Section 6.5. Criteria for Approval of Plans. All plans must meet the
8 following minimum criteria and such other additional criteria promulgated by the
9 Architectural Review Committee from time to time:

10 a. Be in accordance with the provisions of the Declaration and
11 written rules and regulations of the Architectural Review Committee.

12 b. The location, style or architecture, exterior color schemes
13 and height of the improvement, as well as the location of exterior lighting, shall
14 be in harmony with the general surroundings of the structures on any Lot
15 subject to these Covenants.

16 c. Be in sufficient detail to permit the Architectural Review
17 Committee to make its determination.

18 d. Be complete and ready for submittal to obtain a building
19 permit from Pima County.

20 Section 6.6. Completion of Improvements. All modifications,
21 alterations and/or improvements must be substantially completed within ninety
22 (90) days from the date the plans and specifications are approved by the
23 Committee, unless the Committee approves an extension of time in writing.

24 Section 6.7. Failure to Approve Plans. If the Committee fails to
25 approve the plans and specifications within thirty (30) days after being

1 submitted by the Owner, the plans shall be deemed as disapproved by the
2 Committee and no structures or modifications shall be permitted.

3 Section 6.8. Liability of Board and Architectural Review Committee.
4 Neither the Association nor the Committee shall be responsible in any way for any
5 defects in any plans or specifications which were submitted in accordance with
6 this Article, nor for any structural defects in any structures erected according
7 to such plans or specifications.

8 Section 6.9. Conflict of Interest. In the event a member of the
9 Board or Architectural Review Committee desires to alter, remodel and/or make
10 any additions to his Dwelling Unit, he shall be disqualified from voting on such
11 matter.

12 ARTICLE VII

13 THE ASSOCIATION AND MEMBERSHIP

14 Section 7.1. Organization. Organization.

15 7.1.1. Association. The Association is an Arizona non-profit
16 corporation charged with the duties and vested with the powers prescribed by
17 law and set forth in the Articles, ByLaws, and this Declaration.

18 7.1.2. Board of Directors and Officers. The affairs of the Association
19 shall be conducted by a Board of Directors and such officers as the Board may
20 elect or appoint, in accordance with the Articles and By-Laws, as may be
21 amended from time to time. The composition of the Board shall be defined in the
22 By-Laws.

23 7.1.3. Personal Liability. No member of the Board or any Committee
24 of the Association or any officer or employee of the Association shall be
25 personally liable to any Owner, or to any other party, including the Association,