



Valencia Hills

Condominium Association, Inc.

Homeowner Guide *including* **Rules and Regulations**

June 2019 Edition

**Valencia Hills Condominium Association, Inc. (“the Association”)
Balearic Drive, Marietta, Georgia 30067**

Dear Valencia Hills Owner and/or Resident:

Each owner and resident of our community needs to know their personal responsibilities. And you also need to know who to call in order to resolve problems or questions about Association and individual responsibilities.

For your convenience, this *Guide* was prepared to address the more frequently asked questions about various matters that might come up--and your knowledge of the policies would benefit you and help avoid any misunderstandings.

The **Homeowner Guide** section provides helpful information that will contribute to your enjoyment as a resident here in Valencia Hills. The Declaration of Condominium, the By-Laws, and the Rules and Regulations establish the mandatory responsibilities of both residents and the Association. The provisions enumerated in the **Rules and Regulations** section carry the force of law.

From time to time the information in this *Guide* may be amended and those Amendments would become effective upon publication to the Owners. The Declaration of Condominium, the By-Laws, and the Rules and Regulations are enforceable by the Board of Directors by various means including fines and other sanctions. Unpaid fines are liens against the title of the individual condominium Ownership units.

Board of Directors / June 2019

Note: The information herein was current as of June 1, 2019. If you are uncertain whether the information is still current, contact the Management Agent or a Director.

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Who to Call

911 for Cobb County Ambulance, Police or Fire Emergency

Cobb County **Police** Precinct 3, 1901 Cumberland Parkway – **770-499-4183**

Cobb County **Fire** Station 19, 1500 Powers Ferry Road – **770-528-8000**

Management Agent for Valencia Hills

Sharper Image Management Consultants, Inc.

PO Box 6188

Marietta GA 30065-0158

E-mail-- office01@comcast.net

Web site-- <http://www.simcionline.com/home.html>

Jul Pe'rez/ Property Manager

Phone--770-973-5923 | Fax-- 770-973-5911

Hours 9 AM to 4 PM Monday–Friday

24-hour emergency service is available

Maintenance Emergencies (e.g., roof leaks or how to turn off water for an entire building) call our Management Agent (see number above), and for your protection be sure to provide a written follow up. Plumbing emergencies inside the boundaries of residences are the responsibility of the Owner--please choose a licensed plumber. (See below for non-emergency Maintenance Requests.)

Members of the Board of Directors elected by and from the Owners at the Annual Meeting.

This directory will update again after each Annual Meeting. Please contact the Management Agent for the latest version.

Directors	Role and Responsibilities	Term Expires
Dan Walther	President Clubhouse- Pool- Tennis	2020
Keith Pay	Vice President Landscape committee, Parking & Safety	2021
Linda Voyles		2020
Alan Certain	Treasurer	2020
Ken Ingram		2020
Beverly White		2021
Carole Morris	Secretary	2021

Automobile Registration -<http://www.simcionline.com/homeowner-tenant-vehicle2.html>

Cobb County Animal Services—for strays or other violations of ordinance call 770-499-4136.

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Delinquent payments and assessment matters are handled by NowackHoward, LLC, the Association's Legal Counsel (See Appendix - Assessment Collection Guidelines). They also advise the Board of Directors as needed.

Garbage and trash- Reliable Sanitation, Inc. 770-943-6900 is our sanitation contractor for the community. Call the sanitation contractor if you have items for disposal that will not fit in your garbage can or inside tied plastic bags. The charge for such haul-away service is an owner/resident responsibility.

Insurance for Valencia Hills' common elements and all structures is provided by Community Association Underwriters (CAU) <http://www.cauinsure.com/>. If you have a question about the insurance provided by the Association, see Appendix Three--or speak with the Management Agent or a Director. The appendix also has information about insurance you need for your condominium and personal property.

Master policy deductibles: Losses caused by water - \$25,000 All other - \$10,000

Local agent Joe Dreher -- 678-205-0224 Fax--678-497-0810

Email -- info@DreherInsurance.org

Maintenance Requests—Contact the Management Agent for maintenance requests and be ready to send them photos of the issue. You can also submit your request via their website: <http://www.simcionline.com> .

Pest Control—Call Northwest Exterminating at 678-383-1008 to schedule treatments for interior pests (termites, ants, roaches, etc.) Your monthly maintenance assessment includes this service and all you need to do is call. The technician comes to Valencia Hills each Monday morning, so call in your request by Thursday or Friday morning the week before. This service provider can provide more extensive treatments required for fleas, rats, or larger pests, however, the owner/resident is responsible for this fee.

Termite Letters needed to transact the sale of a condominium is also the cost of the owner—please call Northwest Exterminating at 770-436-2020 to initiate this service.

Pool Maintenance is provided by Sun Fun Pool Care (William Mims) – 770-617-0321.

For pool maintenance emergencies (e.g., the pool is overflowing), call the Management Agent first and if you can't reach them, call William Mims.

Rule violations and complaints – (See Homeowner Guide, page 7) to access related information about violations and complete the form <http://www.simcionline.com/violations-notice.html> to report an issue or complaint.

Utilities and Other service providers:

GAS: Atlanta Gas Light (suspected leaks) 877-427-4321 or 911

Natural Gas Marketers – Owner/Resident chooses a Certified provider from the Georgia

Public Service Commission website-- http://www.psc.state.ga.us/gas/certified_marketers.asp

ELECTRIC: Georgia Power (establish service) 888-660-5890

<https://www.georgiapower.com/residential/manage-your-account/start-stop-move.html>

PHONE: Cellular and/or long distance telephone services--Owner/Resident chooses from many providers.

AT&T (local telephone service land line) 844-723-0252

WATER: Cobb County Water System 770-423-1000

Note: Water and sewer services are included in your monthly assessment.

Cobb County provides water to Valencia Hills (through a common meter located at the corner of Balearic Drive and Powers Ferry Road), and the county is responsible for water mains leading to the meter. Water issues within Valencia Hills should be reported to the Management Agent.

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Board of Directors – Composition and Meetings

The Board of Directors (the Board) consists of seven members (Owners) of Valencia Hills Condominium Association, Inc. (the Association). Directors are elected by all members at the annual meeting to serve two-year terms: Four (4) Directors are elected in even-numbered years, and three (3) Directors are elected in odd-numbered years.

Either an Owner or Spouse can be a Director, but not both. No more than two non-resident Owners can serve on the Board at the same time. If a Board vacancy occurs, the remaining Board members elect a replacement to serve the balance of the vacated term.

The principal officers of the Association are the President, Vice President, Secretary, and Treasurer--all of whom are elected by and from the Board. Assistant officers and committee chairs may be appointed by the Board, and they do not need to be members of the Board.

The Board of Directors meets quarterly and often times more frequently—the usual time is 7 PM inside the Clubhouse. A meeting notice is sent by email to owners who provided their email address to the Management Agent. An open Board/homeowner/resident forum accompanies the business meeting, where residents can ask questions or air concerns. All residents are encouraged to attend the meetings and to participate in the committees and activities of the Association.

Committees (the Board functions as a “committee of the whole” until duties have been delegated to members of specific committees):

Architectural Standards and Maintenance Committee - Oversees the condition of the community buildings and notifies owners/residents when an item of maintenance is needed that the Owner is responsible for. The committee is also responsible for reviewing and allowing or disallowing all proposed homeowner exterior changes to their residence, including, but not limited to, lighting, windows, doors, porch tile, decks, screens, yard art, skylights, and attic ventilators. Responsibilities include consulting with residents about satellite dish placement and removal.

Clubhouse Committee - Oversees the Clubhouse, Pool, and Tennis Court. Responsible for enforcement of the Association rules concerning the use of these facilities. Accepts applications and enters into use agreements with residents for the Clubhouse.

Landscaping Committee - Oversees the grounds and supervises the landscape contractor. Responsible for reviewing, and allowing or disallowing, all proposed homeowner exterior landscaping changes to their residence, including planters, plants, etc.

Nominating Committee- Consists of Owners appointed by the President to serve from one annual meeting to the next. This committee is responsible for nominating Owners to serve on the Board of Directors. To recommend an Owner (including yourself) for Director, please submit the name and a brief statement of qualifications to the committee at least 45 days before the Association's annual meeting, typically held the third Monday in May.

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Parking Committee - Responsible for enforcement of the vehicle and parking rules of the Association, and advising the Board of Directors concerning known issues.

Management Agent Responsibilities Also see “*Who to Call*” for contact information.

Administration - The Management Agent is responsible for the day-to-day administration of the Association and the common elements. Under the Board of Directors’ oversight, the Management Agent arranges for insurance coverage, landscape maintenance, common area maintenance, repair of building exteriors, and maintenance of the Clubhouse, pool, and tennis court.

Communication - The Management Agent is responsible to communicate with Owners and residents about their responsibilities which affect other residents and/or the Association.

Finance - The Management Agent is responsible to collect assessments and assess late charges. Separate bank accounts in the name of Valencia Hills Condominium Association are the depositories of all funds of the Association. From Association funds, the Management Agent pays all regular operating expenses of the Association when due; larger disbursements require a Director's signature. The Management Agent provides the Board with monthly financial reports and assists the Board in preparing the annual operating and capital improvement budgets. The Association’s Reserve Funds are under the control of the Board of Directors.

Payments - From time to time, the Management Agent will issue envelopes or coupons to make your assessment payments. To ensure proper credit to your account, please make all payments to Valencia Hills Condominium Association and note your unit number on your check. If you misplace your envelopes or coupons, please call the Management Agent.

Online Payment Option – To make your payments online, please visit <http://www.simcionline.com> and log on to your homeowner account. If it is your first time click on the Register button and follow the instructions to obtain a username and password. Once you have registered online, please select the Pay Assessments link from the menu. The Owner controls the amount of each deduction, so remember to change the amount when the monthly assessment changes. For more information, call the Management Agent.

Any questions or concerns relating to any of the responsibilities of residents or of the Management Agent should be brought in writing to the attention of the Management Agent or a Director, or you may attend a Board of Directors meeting to discuss your concerns during the open forum.

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FACTS & TIPS Also see “*Who to Call*” for more information.

Fees, insurance deductibles, and other amounts mentioned in this *Guide* were current at time of publication. These are subject to change—talk with a Director or Committee Chair for an update.

Questions About Your Budget Assessment Account - Call the Management Agent and ask for the accounting department. Before you close on the sale of your residence, you must (a) obtain a closing letter from the Management Agent's accounting department for a fee and (b) supply the new Owner's names and telephone number to the Management Agent. Closing letters will state the status of all assessments pertaining to the residence.

Clubhouse Fees -The fee for a resident to use the clubhouse is \$25. The refundable security deposit for Clubhouse use is \$125. The fee to use the community propane grill (including gas) is \$15. Using the clubhouse with use of the pool is only provided with a four guest limit. The pool information (in Rules & Regulations) states each resident is allowed a total of four (4) guests in the pool.

Tennis and Pool Access – Combination locks control the tennis and swimming pool gates. For security and liability purposes, residents should not give the gate codes to anyone. If someone asks you for a gate code, refer them to the Management Agent. It is our Management Agent's responsibility to check that a resident is current with their HOA obligations before releasing the access code.

To open a lock, enter the combination code by pressing the numbered buttons sequentially. Turn the knob in the direction of the arrow and pull the gate open at the same time. If you make a mistake, turn the knob all the way both ways, and start over. The gate should close automatically behind you.

If it doesn't, please close it and make sure it is locked.

For safety, liability, and insurance reasons, please do not prop open the gate at any time.

Landscaping- Owners and residents should direct all landscape requests and concerns to the Management Agent. Leave the contracted landscapers to perform their scope of work for the day and do not approach them. Send your request via <http://www.simcionline.com>, or email to the Management Agent, to the Landscaping Committee, or attend a regular Board meeting.

Lighting (some controlled by photo sensors) was installed at strategic areas around the community. Street and driveway lighting (on tall poles) are provided by Georgia Power. If you notice a problem with the street or driveway lights, please note the “pole identification” markings and inform the Management Agent. Sidewalk and footbridge lighting (on 8-foot poles) was also installed throughout the community. Bulbs that are burned out should be reported to the Management Agent (See Maintenance Request in the Homeowner Guide).

Garbage and Trash - Under *Cobb County ordinances* household garbage and yard waste cannot be mixed in the same trash container. Any vegetative waste (such as dead houseplants or shrub trimmings) should be deposited alongside a yellow curb on Balearic Drive for removal by the landscape contractor.

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Household garbage and trash should be deposited in covered cans or tied plastic bags and left outside garage doors no sooner than sundown the evening before collection. Cans and bags should be placed so they do not block garages or mailboxes.

Collection days are currently Tuesdays and Fridays. The sanitation contractor observes holidays only on Christmas and New Year's Day. When a holiday falls on a Monday or Tuesday, the collection days that week will be Wednesday and Saturday. When a holiday falls on Wednesday, Thursday, or Friday, the collection days that week will be Tuesday and Saturday.

The following prohibited materials should not be deposited with household garbage: paint, tires, motor oil, batteries, or other hazardous materials. Removal of prohibited materials and items too large to fit into a garbage can or plastic bag is the responsibility of the resident. For how to dispose of these materials at a modest fee, residents can contact:

Cobb County Solid Waste Management and Recycling – phone 678.581.5488
1897 County Services PKY, Marietta GA 3008

Otherwise, various items, such as Move-in boxes, appliances, remodeling debris, move-out trash, and prohibited materials will be picked up by the sanitation contractor for a fee to be paid by the resident to the sanitation contractor. Also see "*Who to Call*" for more information.

Automobile Registration – Registration of automobiles and vehicles is required by Rules and Regulations paragraph 12-9.

- (a) All residents' vehicles must be registered with the Management Agent within 14 days after the resident's move-in date, or the change of a vehicle and/or license plate. Unregistered vehicles may be towed if deemed stored or abandoned.
- (b) Each resident is responsible for providing the Management Agent the following vehicle information: License plate number, State, Vehicle Make, Model, Production Year, and Color.
- (c) The Management Agent will issue a Valencia Hills registration decal for each registered vehicle. Registration decals are individually numbered, of generic design selected by the association BOD, and do not provide any direct reference to a resident's address or to Valencia Hills. The registration decal must be displayed in a visible location on the left rear windshield of each registered vehicle. Convertibles and vehicles with darkened rear windows may display the decal in the lower corner of the driver-side front windshield.
- (d) The Management Agent maintains a directory of registered vehicles and the list is shared only with the Valencia Hills Board of Directors.

Visitor-Parking Pass

- (e) Non-resident vehicles parked in common areas more than five (5) consecutive days must display a visitor-parking pass. The visitor-parking pass must be displayed on the driver-side dashboard and must include the registered vehicle decal number of the resident being visited.

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(f) Each resident is provided with reusable visitor-parking passes when they obtain their vehicle registration decal. Additional visitor passes may be obtained from the Management Agent.

Homestead Exemption is available to Owners who are also residents on January 1st each year. Your property taxes will be significantly reduced by obtaining homestead exemption. Owners have until April 1st of that year to apply for homestead exemption with the Cobb County Tax Commissioner: www.cobbtax.org. If you miss the deadline, your exemption will become effective the following year. You need to apply only once, so long as you continue to be a resident Owner. Resident Owners over age 62 are also entitled to an exemption from school tax. You can print the exemption application forms from www.cobbtax.org.

Political Districts and School Districts

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State Senate District	32
State House District	43
Cobb County Commission District	2
Cobb County School District	6
Polling Place:	Sope Creek Elementary School, 3320 Paper Mill Road
Public Schools:	
Brumby Elementary School	815 Terrell Mill Road
East Cobb Middle School	825 Terrell Mill Road
Wheeler High School	375 Holt Road

Violations of the Rules and Regulations – access this site <http://www.simcionline.com/forms.html> to report an issue to the Management Agent and include the following information:

- ◆ Unit number and/or name of persons in violation,
- ◆ Description of the violation, including vehicle license number as appropriate,
- ◆ Parties involved in the violation,
- ◆ Date(s) and time(s) of the violation, and
- ◆ Name, unit number, and telephone number of the person reporting the violation.

Anonymous reports of violations might not be acted upon. The Management Agent is empowered by the Board of Directors to respond appropriately to all reported violations.

Resolving Disputes with Neighbors - In most cases, neighbors work out their differences in harmony and open discussion. Disagreements and problems between residents should be resolved in a civilized and peaceful manner. Residents who feel that a neighbor is disturbing them should approach the neighbor in a calm and reasonable manner or leave a note indicating their concern. The Management Agent and/or the Board may be called upon when there is an impasse. The Management Agent will ask the resident to place the complaint or concern in writing after which the Association will send a

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letter to the resident/s in violation of the rules. Residents who feel they have been falsely accused or who dispute the allegation should provide their written rebuttal or concern. Residents can also attend a periodic Board of Directors meeting to state their case during the open forum session and ask the Board to review the matter. Even then, however, the matter may be beyond the authority of the Board to resolve.

Civil Violations, such as burglary, vandalism, disorderly conduct, excessively loud neighbors, or pets running loose, should be reported to the local authorities first, not to the Management Agent or members of the Board. The Association officers and the Management Agent are not policemen. The Board of Directors may, however, become involved as needed to protect the interests of the Association.

SAFETY Information and Tips

Emergency telephone numbers – (Also see “*Who to Call*” for more information.) When the Management Agent’s office is closed, they have an answering service to answer emergency calls. Each Owner and resident should ensure that the Management Agent has their current home, work, and emergency contact telephone.

Security services are not provided by the Association. It is the sole responsibility of each Owner to protect his or her person and property. See the Appendix – *Association and Personal Insurance*.

Charcoal and propane grills - The Georgia Fire Code prohibits charcoal and propane grills to be used on decks and porches and within 10 feet of combustible material (e.g., the walls and ceilings of units). The Code also requires that, when not in use, propane tanks should be removed from the grill and stored in a fireproof cabinet. Any damage to residences or common property resulting from violation of this legal requirement will be the responsibility of the resident.

Fireplaces - The fireplaces (installed when the community was built in 1974-75) are designed to be used without glass doors. Several building fires have originated in fireplaces or chimneys in the past. In addition to avoiding glass doors, residents are advised to have the flue cleaned regularly and the fireplace checked for safety before the first use of the season, or at least annually. Particular attention should be given to cracks or openings in the firebox caused by settling. (See Appendix – Fireplace Safety)

Gas furnaces and water heaters - The appliances in Valencia Hills residences were originally all-electric, but many have been converted to gas furnaces and/or water heaters. In some cases, furnaces and heaters were not vented vertically through the provided chase, but rather through a back or side wall. It is the responsibility of each Owner to be sure the ventilation is safe; soot forming at the vent outlet is a sign of improper combustion. Owners should have gas furnaces and gas water heaters safety-checked at least annually by a licensed contractor. A carbon monoxide detector is also a prudent safety precaution.

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Cold weather concerns - Frozen pipes are the responsibility of residents. As the outside temperature falls below 32°F, the potential for frozen pipes increases dramatically. A strong wind makes the potential even higher because it pushes cold air into the exterior spout. A pipe doesn't always break the first time it freezes and it may take a few freezes and thaws before it cracks. It is the flexing of the pipe wall during the freeze-thaw cycle that weakens it. Eventually, it will be unable to stand another freeze. Just because your pipes didn't break last winter doesn't mean they didn't freeze and weaken.

During freezing weather, leave the temperature in your residence at least 55°F and leave the doors of cabinets under sinks open for warm air circulation. When the overnight low temperature is expected to be below 25°F, residents should drip both hot *and* cold water faucets (especially any against outside walls), since moving water freezes at a lower temperature than still water. The drip should be no more than the width of a toothpick.

Remember to include the outside faucets. Each residence in Valencia Hills has an outside faucet on either the front side or garage side. To reduce the risk of freezing, many residents purchased and installed faucet covers for the exterior faucets.

When the temperatures get above 32 degrees, remember to turn off the dripping water.

If you plan to be away from home for a few days or longer, following these tips may help you realize a pleasant return:

- ◆ Arrange with a neighbor, friend, or relative to watch your home while you are away. Lend them a key and let them know how you can be reached in an emergency. Give them the make, Model, and TAG to your vehicle. Take their telephone number with you so you can check with them.
- ◆ Notify the police and our Management Agent about your departure and return dates--and provide your name, address, and telephone number of the person to notify in case of an emergency. We are in Cobb County Police Precinct 3 – See “*Who to Call*” for more information.
- ◆ Ask a trusted neighbor to pick up/hold your mail and to check your front door and garage door areas each day. Or notify the post office to hold your mail. If you receive delivered newspapers, make necessary changes with your service provider.
- ◆ Take actions to ensure your valuables are in a safe place while you are away.
- ◆ Unplug the more sensitive electrical appliances such as computers, televisions, newer dishwashers, etc., to prevent possible damage should an electrical storm occur while you are away.
- ◆ Check your gas appliances to make sure they are in good working order and that pilot lights are working. Set your thermostat so that your furnace or air conditioner will maintain a reasonable temperature (85°F in summer, 55°F in winter).

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If you leave in winter, ask your neighbor to turn on your faucets when temperatures drop below freezing.

- ◆ Close and lock all windows and doors.
Set an electrical timer to turn some lights on and off during the evening hours.
Turn down the volume control on your telephone so it can't be heard from outside (a burglary prevention step). If you have a security monitoring system, take action on recommended settings for going out of town.
- ◆ If you are leaving a car outside, make sure it is locked. If you will be gone over 14 days, be sure to notify the Management Agent, otherwise your car is subject to being towed.

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RULES AND REGULATIONS

AUTHORITY OF THE RULES AND REGULATIONS

- 1-1 The Declaration of Condominium is recorded in the Cobb County Land Records at Deed Book 2038 page 98-107, Deed Book 7074 page 9-11, and Deed Book 14278 page 4850-4553. The By-Laws are recorded at Deed Book 2038 page 108-113 and Deed Book 14278 page 4854-4857. If you need a copy of the Official Documents, you can obtain a copy without charge by logging on to <http://www.cobbsuperiorcourtclerk.org/>. You may also obtain a PDF copy of the Declaration, By-Laws and this Guide at no cost by logging on to the Management Agent's web site. See "*Who to Call*" for more information.
- 1-2 By purchasing a residence unit in Valencia Hills Condominium, the Owner became, *by operation of law* (OCGA Section 44-3-70 et seq.), a member of Valencia Hills Condominium Association, Inc. (the "Association"), and agreed to abide by the Official Documents and the Rules and Regulations adopted by the Board of Directors. Owners are responsible for the actions of their Lessees notwithstanding the fact that, by leasing a residence unit, Lessees also became legally bound by the Official Documents and the Rules and Regulations (OCGA Section 44-3-70 et seq.). Owners and Lessees are responsible for the actions of their invitees, roommates, and house guests.
- 1-3 This Homeowner Guide *including* Rules and Regulations of Valencia Hills (*Guide*) has been adopted by the Board of Directors (the "Board") under its power to make and to enforce rules and regulations governing the use of the Condominium. [*Declaration of Condominium* Paragraph 8; *By-Laws* Article IV Section 13.1]
- 1-4 In this Guide, the sections Who to Call, Facts and Tips, and Safety Information and Tips are provided for helpful guidance to residing in Valencia Hills. The Rules and Regulations carry the force of law and are mandatory for Owners and Residents of Valencia Hills.
- 1-5 In the event of a conflict between the provisions of the Rules and Regulations and the provisions in the Official Documents, the provisions in the Official Documents will govern.

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Clubhouse

- 2-1 The Clubhouse may be reserved for private use on a first-come, first-served basis upon payment of a security deposit and a use fee. Contact the Management Agent Monday – Friday 9 AM – 4 PM. The party reserving the clubhouse must be a resident and must be present during the use of the clubhouse. The party who makes a reservation will be required to sign a Use Agreement which will govern the use of the premises. Owners must co-sign the Use Agreement with non-owner residents. The party using the clubhouse will perform a pre-use and post-use inspection with a Clubhouse Committee Contact or BOD member.
- 2-2 The security deposit is refundable after a post-event inspection and inventory by the Clubhouse Committee Contact. The security deposit will be forfeited to the Association should the clubhouse not be returned to the condition in which it was found or if the inventory indicates anything is missing from the premises.
- 2-3 In all cases, the party reserving the clubhouse will be held responsible for the actions of his/her guests and any uninvited guests who enter the clubhouse. Cleaning charges and/or charges for damages in excess of the security deposit will be assessed against the party reserving the clubhouse and/or the homeowner of record. With the exception of worn credentials by a Service Animal, no pets or animals are permitted in the clubhouse.
- 2-4 Each use of the clubhouse is restricted to reasonable hours. Because of limited parking and clubhouse facilities, parties and meetings are limited to no more than fifty (50) people. The provisions in this *Guide* relating to noise apply those who sign a Clubhouse Use Agreement.
- 2-5 The key for the clubhouse must be obtained from the Chair of the Clubhouse Committee or a Director and returned to same contact immediately after the event or by an arranged time set by the Clubhouse Committee contact.
- 2-6 Clubhouse use does not include use of the tennis court or the pool and its surrounding deck within the fence. These areas remain available for use by all residents during the hours of operation. The rules for the swimming pool and its surrounding deck within the fence provided herein will apply to the party using the clubhouse, limiting guests into the pool and its surrounding deck within the fence to no more than four guests.

Swimming Pool-- the pool and surrounding deck within the fence, separate of the clubhouse.

- 3-1 **There is no lifeguard on duty. Solitary swimming is forbidden.** All persons using the pool do so at their own risk. The Association assumes no responsibility for loss of life or personal injury or loss or damage to personal property in the pool and its surrounding deck within the fence.
- 3-2 The hours of operation for the pool and its surrounding deck within the fence is 8:00 AM to 10:00 PM, seven days a week during open pool season as long as weather permits. The pool

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and its surrounding deck within the fence is restricted to residents and to guests accompanied by an adult resident. That adult resident is responsible for their guests' actions. Guests are limited to no more than four (4) people per residence in the pool and its surrounding deck within the fence. No swimming lessons for gain or profit are permitted.

- 3-3 Children younger than 13 years old must be accompanied by a resident adult at all times when at the pool and in its surrounding deck within the fence.
- 3-4 Please keep the pool and its surrounding deck within the fence as neat as possible. Trash cans and cigarette urns have been provided for your convenience--please cooperate by using them. Pool furniture must not be removed from the pool area and should be returned to an orderly arrangement upon leaving the pool area. The furniture is to be used only in the manner for which it was obviously intended (e.g., chairs are for sitting and are not diving platforms). Floats, water toys, and the like must be removed from the pool area when leaving and may be discarded if left overnight in the pool area. When leaving the pool area, make sure the gate is closed and secured.
- 3-5 Please show consideration for others by keeping radio and other music volume low.
- 3-6 Proper swimming attire must be worn in the pool at all times. Cut-offs or clothing which will unravel are not proper attire.
- 3-7 No pets are allowed in the pool and its surrounding deck within the fence (*Cobb County ordinance*). The presence of pets in the pool area could result in Cobb County closing the pool or imposing sanctions. If this happens, the pet Owner will be held responsible for all related costs imposed on the Association.
- 3-8 Grilling is allowed in the pool area only when using the Association's propane grill (no charcoal or wood). No glass containers are permitted in the pool and its surrounding deck within the fence. If glass is broken in the pool, or surrounding deck area within the fence, it may require the pool to be drained to remove all the broken glass. The person responsible for bringing such glass into the pool area will be assessed the cost of removing the glass, and all costs charged to refill the pool.
- 3-9 No boisterous conduct or undue disturbance to others is allowed in the pool and its surrounding deck area within the fence, or inside the rest rooms. This prohibition includes running, pushing, wrestling, excessive splashing, or misuse of the facilities.
- 3-10 Health concerns – anyone with skin abrasions, colds, coughs, inflamed eyes, infections, bandages, etc. are not allowed in the pool. Spitting, spouting of water, blowing the nose, etc. are prohibited in the pool and its surrounding deck within the fence. Swimmers should rinse off oily lotions before entering the pool. Children in diapers are not permitted in the pool at any time.

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- 3-11 Admission to the pool and its surrounding deck within the fence may be denied to anyone who disregards or violates these pool rules.

Tennis Court

- 4-1 The tennis court is open 8:00 AM to 10:00 PM, seven days a week. The court is restricted to residents and to residents' guests when residents are present. Children younger than 13 years of age must be accompanied at the tennis court by an adult resident.
- 4-2 The court is restricted for use in the game of tennis only. No tennis lessons for gain or profit are permitted. No activities other than tennis (e.g., soccer, skating, rollerblading or skate boarding) are permitted. Recreational items that are not used for the game of tennis cannot be brought into the court. Tennis shoes must be worn in the tennis court. No other type of shoe is allowed.
- 4-3 Reservations may be made within 48 hours of the time you wish to play. To do so, sign-up, on a first-come first-served basis, using the log provided on the bulletin board at the clubhouse entrance. The court may be reserved for play up to a maximum of two (2) hours. Playing time will last only until the end of the reserved period, regardless of when play started. In no event may two successive periods be reserved by the participants in the same match. When not reserved, the court is available on a first-come, first-served basis. Sign up on the reservation log before you begin play. Contact the Management Agent to initiate this process via a BOD Member.
- 4-4 A reservation will be forfeited if the person reserving the court does not show up for play within 15 minutes of the scheduled starting time. Upon forfeiture, the court will be available for the balance of the time period on a first-come, first-served basis. If you need to cancel your reserved time slot, remember to remove your name from the Reservation List.
- 4-5 In the interest of maximum participation, please make an effort to include players without reservations into a doubles match where possible.
- 4-6 Please keep the court area as neat as possible. Trash receptacles have been provided for your convenience--please cooperate by using them. Remember to lock the tennis court when you're done playing.

Maintenance and Related Responsibilities *[See Article VI Section 5 of Bylaws]*

Responsibilities of Owners

- 5-1 Owners' residence units have no horizontal boundaries. The vertical boundaries are the centerline of common walls and the exterior walls including the plywood siding and trim, but not including the stucco. Some items outside these limits (such as satellite dishes, air conditioner compressors and exterior light fixtures) are also defined as "within the unit."
[Declaration of Condominium Paragraph 3] Front porches are not within the boundaries of the

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residence but are “special purpose common elements” reserved for the use of the owner to whose residence the front porch is attached.

- 5-2 The Owner has the obligation to maintain and keep in good repair all portions of his/her residence, except those for which the Association is responsible (see below). Among other matters, the Owner is responsible for decks, patios, and/or terraces serving the residence unit, all glass surfaces and window frames, all garage doors and other doors, doorways and frames, all hardware that is part of the entry system to the residence unit, all screens, all exterior lights serving the unit (except driveway light fixtures between garage doors), all satellite dishes, the air conditioner compressors, and all pipes, lines, conduits, or other apparatus (including gas, electricity, water, sewer and air conditioning) located within a unit's boundaries.
- 5-3 If an Owner does not fulfill his/her maintenance responsibilities, the By-laws authorize the Association to do it after notice, and to assess the actual cost to the Owner. Furthermore, if damage results to condominium property outside the residence from a resident's failure to properly maintain the residence (including its furnace, fireplace, etc.) or from a resident's negligence (e.g., allowing pipes to freeze), the Board may assess the Owner the full amount of the Association's loss.
- 5-4 Residents shall keep their porches and decks clean and neat, so as not to cause a nuisance to their neighbors. All personal property such as trash cans, garden hoses, children's toys, bicycles, rafts, lawn chairs, firewood, etc., must be kept out of sight and stored inside the residence or its garage.
- 5-5 Owners are responsible for the cost of clearing sewer blockages unless the owner can demonstrate that the blockage is in the sewer line(s) within the common elements.

Responsibilities of the Association [See Article VI Section 5 of Bylaws]

- 5-6 The Association maintains as a common expense all common elements. In addition the Association maintains the following parts of the buildings even when these parts may be within the boundaries of a residence unit: exterior surfaces (including the plywood siding and trim woodwork with all railings and pickets, painting, stucco, and roof shingles), front porches, stoops, landings, steps, and projecting cornices and copings.
- 5-7 Owners should promptly report in writing to the Board of Directors or its Management Agent any defect or need for repairs where the Association is responsible for such repairs or maintenance. (See Maintenance Request in the Homeowner Guide.)
- 5-8 The Association is not responsible or liable for injury or damage to persons or property including the interiors of residences, (a) caused by the elements or by any person, or (b) resulting from any utility, rain, snow, or ice, which may result in a leak or flow from any portion of the common elements, or (c) caused by any pipe, drain, conduit, appliance or equipment,

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even when the Association is responsible for its maintenance. When damage is being caused by any reason originating from the common elements, however, residents should promptly notify the Management Agent so they can take appropriate mitigating actions.

Landscaping

- 5-9 The Association maintains all trees and shrubbery in the common elements. Owners must submit a plan to the Board of Directors or the Landscaping Committee and receive approval before making any changes to trees or shrubbery in common elements. Approved landscaping will be maintained by the Association.
- 5-10 No stones or other rigid landscaping materials shall be used in the common elements without the written approval from the Board. Among other concerns, stones might be picked up and thrown by lawn mowing equipment.
- 5-11 After agreement from the Landscaping Committee, Owners are permitted to plant flowers in pine straw areas in the fronts of and ends of units where they reside. Owners may also plant flowering plants along the driveways. Any damage to common elements caused by Owners' plantings is the responsibility of the respective Owners.

Examples of maintenance responsibilities

The following examples show how the Board has interpreted and applied the respective Owner/Association responsibilities in specific cases.

Roof leaks

- 5-12 The Association is responsible to locate and stop leaks in roofs, but the Owner is generally responsible to repair any interior damage including ceilings, walls, flooring, and/or furnishings. For leaks related to satellite dishes, roof vents, and skylights, the owner is fully responsible.

Satellite dishes

- 5-13 The placement of satellite dishes must be approved by the Architectural Standards and Maintenance Committee before installation. Satellite dishes should be installed below the topmost line of the roof, so as not to cause an eyesore, and should be mounted on eaves instead of roof surfaces. (See Rules 7-7 & 7-8) Owners are responsible to repair all roof or siding leaks or other problems associated with their satellite dishes. At no time should any residence have more than one dish mounted to their residence.

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Roof vents and skylights

- 5-14 The community buildings were built originally without attic ventilators or skylights. A number of homes in the community had ventilators and/or skylights installed later. The repair and replacement of attic ventilators and skylights, including any roof leaks associated with them, is the responsibility of individual Owners.

Window leaks

- 5-15 Water intrusion originating around the window sliding panels or sashes, or around the window unit frame, is the responsibility of the owner.

Gutters and downspouts

- 5-16 Gutters and downspouts are maintained by the Association, but gutters and downspouts along the driveway sides of buildings are the responsibility of Owners to install. Please file a maintenance request for issues you see with gutters and downspouts (e.g., water is not flowing properly into downspouts or water is leaking heavily between the gutter and the fascia board).

Frozen pipes

- 5-17 Damage caused by frozen or otherwise broken water pipes including exterior faucets, or by water heaters, is an Owner responsibility.

Foundations: Water intrusion into basements

- 5-18 Foundations are within the boundaries of residence units and are the responsibility of individual Owners.
- 5-19 The community buildings were built originally without living spaces on the garage level. To increase the usable space, some of the homes in the community have since been excavated behind the garage. Any rainwater or groundwater intrusions into these added areas and all structural issues are the responsibility of the respective Owner.

Storm windows and doors

- 5-20 The community buildings were built originally without storm windows and doors. Many homes in the community had storm windows and doors installed later, and so maintenance and repair is the responsibility of the Owner. If storm windows or doors must be removed to accomplish painting by the Association, the cost of such removal and replacement may be assessed directly to the respective unit Owners.

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Pest intrusion

- 5-21 If a resident experiences intrusion into their residence by rats, squirrels, raccoons, opossums, or other creatures, the removal is the responsibility of the homeowner. After the creatures are removed, the Association will block access by patching the point of ingress.

Assessments

- 6-1 The amount of the regular budget assessment is fixed by the Board of Directors for the Association's fiscal year beginning June 1st, and the amount is subject to change annually.
- 6-2 The regular homeowners' budget assessment accrues on the 1st of each month and is due on the 1st, payable in advance for that month. Checks should be made payable to Valencia Hills Condominium Association and delivered to the Association's Management Agent.
- 6-3 Any assessment payment not received by the 5th of the month is delinquent. Actual receipt or a post office certificate of mailing will govern. A 10% late fee and 10% interest per annum will be charged for all delinquent assessments. Assessments more than 90 days late may be brought to the attention of the Association's attorney, and any consequent attorney fees and expenses will also be charged to the Owner. Delinquent assessments and fees constitute a lien against the title of the individual condominium unit Ownership.
- 6-4 The powers of the Board of Directors to enforce payment obligations of Owners, and the policies of the Board for their implementation, are set out in the Appendix –*Assessment Collection Guidelines*.
- 6-5 Any special assessments and the payment schedule for them are submitted to the Owners for approval.

Architectural Standards

- 7-1 Residents shall refrain from painting or otherwise decorating or changing the outside appearance of the residence, any appurtenance thereto, or any common element without the written approval of the Architectural Standards and Maintenance Committee or the Board of Directors.
- 7-2 Drawings or architectural plans and specifications must be submitted in writing to the Architectural Standards and Maintenance Committee and approved prior to the commencement of any exterior changes. If the Committee fails to respond to a written request within 60 days, the homeowner's plan is deemed approved. For any change permitted (e.g., garage doors, attic ventilator fans, skylights, satellite dish, or deck enclosure), the Owners and their successors-in-interest shall assume all responsibility for maintenance, repair, replacement, and insurance related to the change.

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- 7-3 Residents are permitted to fly the American and Georgia flags and to display no more than one other tasteful flag or banner not to exceed 24" x 36" in size.
- 7-4 The design, type, location, size, color, and intensity of all exterior lights are subject to approval of the Architectural Standards and Maintenance Committee.
- 7-5 No window air conditioning units or window fans shall be used in Valencia Hills. No awnings, shades, screens or storm windows shall be attached to the exteriors without approval of the Architectural Standards and Maintenance Committee. No foil or other reflective material shall be used on any windows for any purpose. Decorative window treatments visible from the outside of units shall exhibit only a white or near-white color; no patterns, prints or plaids of any type are permitted. Deck screens must be painted the same color as the building exteriors (call the Management Agent for information about sources for the appropriate paint).
- 7-6 Outside clotheslines or other outside facilities for drying or airing laundry are prohibited. No clothing or other personal items, such as bathing suits, towels, rugs, and the like shall be placed on deck railings.
- 7-7 No speakers, horns, whistles, bells, or other sound devices; no antennas used for AM/FM radio, amateur ("ham") radio, CB radio, or Digital Audio Radio Services ("DARS"), and no other electronic devices shall be installed on the exteriors of buildings, including decks and porches, without Architectural Standards and Maintenance Committee or BOD approval. Devices (e.g., satellite television receiver dishes) which comply with all applicable FCC regulations are permitted. Devices not in compliance with such regulations must be brought into compliance at the owner's expense.
- 7-8 To preserve the uncluttered harmony of the Association property, satellite dish and other device color must blend with the color scheme of the building upon which it is mounted. Devices must not be installed in the common areas. Trees or shrubs must not be cut before, during, or after installation. Cables must be black or dark gray, neatly installed and concealed from view as much as possible. If reception is not impaired, satellite dishes must be placed below the highest point of the roof and the dish should be mounted on a wood eave. Satellite dish size must have the smallest diameter possible to receive a good signal. The Architectural Standards and Maintenance Committee may be consulted for more information. Do not install more than one dish onto a residence.

Use Restrictions

- 8-1 No business activities which bring customers or clients onto the Condominium property shall be conducted on the Condominium property. This prohibition includes garage and yard sales, except for events approved by the Board of Directors.

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Sales and Leasing

- 9-1 Valencia Hills condominium units purchased after January 18, 2006 may not be leased or rented except with a hardship permit issued by the Board of Directors. See paragraph 15 of the Declaration of Condominium. If you wish to lease or rent your unit, please contact the Management Agent.
- 9-2 Any Owner intending to sell or lease or rent a residence shall give notice of that intention to the Association via the Management Agent, stating the name, address, and telephone number of the intended buyer or Lessee.
- 9-3 All leases and subleases must be in writing, for a term of at least twelve (12) months, and in a form approved by the Board of Directors. Among other matters, the lease must include the provisions set forth in the Appendix –*Mandatory Lease Provisions*. A copy of the lease must be sent to the Management Agent within fifteen (15) days of entering into the lease. The Owner is responsible to furnish the Lessee with a copy of the Declaration of Condominium, the By-Laws, and the Rules and Regulations.
- 9-4 Only Residents of Valencia Hills and their guests are permitted to use the Association’s recreational amenities (Clubhouse, Swimming Pool, and Tennis Court), subject to the Rules in this Guide. Nonresident owners are not permitted to use the Association’s recreational amenities.
- 9-5 Notwithstanding provisions of law that subject Lessees to the authority of the Board of Directors, Owners remain responsible for any unpaid fines assessed against their Lessees.

Insurance

- 10-1 See the Appendix – *Association and Personal Insurance* for important information. The insurance maintained by the Association complies with the By-Laws (Article VI Section 2) and provides replacement cost coverage for covered hazards to common property and to individual residence units as *initially constructed and installed in accordance with the original plans and specifications*. Each Owner and mortgagee is provided with a certificate of insurance by the Association's insurance carrier. A copy of the Association's policy of insurance is on file with the Management Agent.
- 10-2 The Association's insurance coverage does not provide liability coverage to Owners or other residents for claims arising within individual units or caused by the resident or resident's agents or invitees. It also does not provide hazard insurance for residents' personal property or for improvements and betterments to units.
- 10-3 Owners are personally responsible for paying any deductible. For current deductible amounts, see ‘Insurance’ in “*Who to call.*”

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- 10-4 Owners and Lessees are advised to obtain personal insurance for personal liability, personal property, personal deductibles, personal living expenses in case of a loss making the unit uninhabitable, and for property improvements and betterments.

Garbage and Trash

- 11-1 The collection schedule for garbage and trash is subject to change from time to time, based on coordination of the needs of the community and its sanitation contractor/s. The Association will notify the residents when a change in the collection schedule is made.
- 11-2 The following prohibited materials shall not be deposited with household garbage: yard waste, paint, tires, motor oil, batteries, or other hazardous materials. Removal of prohibited materials and items too large to fit into a garbage can or plastic bag is the responsibility of the resident. (For information about removal, see Garbage and Trash in the "Facts & Tips" section of this *Guide*.) Garbage cans, trash and refuse are to be kept off the common elements and out of the sight of neighboring residences at all times, except in conjunction with garbage collection. Covered garbage cans or tied bags should be put outside garages no sooner than sundown the evening before collection. After garbage is collected, residents should promptly move the garbage can/s into the garage.
- 11-3 Neatness adds to the "curb appeal" and value of our property. The throwing of trash (including cigarette butts and any debris) on the common grounds is prohibited. Use trash containers.

Vehicles and Parking

- 12-1 Reckless driving within Valencia Hills is prohibited. Any person operating a vehicle while under the influence of alcohol shall be deemed to be operating that vehicle in a reckless manner. Operation of any motorized vehicle on our private street by any person who does not possess a current, official driver's license is prohibited. A 15 MPH speed limit has been established and speed bumps have been installed in the community for the safety of all. Damage to any automobile resulting from excessive speed over speed bumps is the responsibility of the driver. Visitors should be reminded of their driving responsibility while visiting this private property. The Board of Directors is empowered to levy fines against *residents and Owners* for violation of this paragraph by themselves, members of their families, or their Lessees, agents, or invitees.

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As permitted by law, the Board of Directors is also empowered to suspend offenders of this paragraph from use of Balearic Drive and the common elements of Valencia Hills.

- 12-2 Motor vehicles must be parked only on paved areas. No parking spaces in the community are reserved for the use of any particular residence unit. Because of limited parking areas, residents are strongly encouraged to use their garages for parking. For community appearance and to exclude rodents and other animals from entering, residents should keep their garage door closed as much as possible.
- 12-3 The following kinds of vehicles are prohibited anywhere in the common elements, except for ingress to and egress from garages. Residents are permitted to park such vehicles in their garages. *Prohibited vehicles may be towed without notice.*
- Vehicles over 20 feet in length or having more than four wheels,
 - Vehicles used primarily for commercial purposes or with exterior commercial markings, except that commercial vehicles shall be allowed on the common elements between the hours of 8:00 AM and 8:00 PM for the purpose of serving a residence or the common elements.
 - Motorcycles, motor scooters, go-carts, ATVs, tractors, dune buggies, or similarly noisy vehicles,
 - Mobile homes, motor homes, recreational vehicles, busses, truck campers of any kind,
 - Trailers of any kind, including boat or utility trailers,
 - Any disabled vehicle,
 - Any unregistered motor vehicle,
 - Any vehicle with signs or markings indicating it is for sale, and
 - Any vehicle that, in the opinion of the Board of Directors, is (a) unsightly (e.g., covered by a car-cover, excessive dents, excessive rust, requiring paint, molding missing, excessive cracked or broken glass, etc.) or (b) that disrupts the peace and quiet of Valencia Hills.
- 12-4 Vehicles shall not be stored except in garages. A vehicle which is covered (e.g., by a tarpaulin or car-cover) or which remains stationary in the common element for fourteen (14) days is a stored vehicle. Stored vehicles should be reported to the Management Agent in order to properly monitor and tow if needed.
- 12-5 No automotive mechanical work is allowed outside garages except for emergency work of short duration.
- 12-6 *Owners of prohibited, stored, or illegally parked vehicles may be fined and/or the vehicles may be towed at the Owner's expense at the discretion of the Board of Directors.* The Board may

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cause a notice to be placed on any vehicle in violation of these rules, stating that after 24 hours, the vehicle may be towed. If the violation continues beyond the 24 hours or occurs again within 6 months, the vehicle may be towed in accordance with the original notice and without further notice to the Owner or user of the vehicle.

- 12-7 For fire safety access and to avoid inconveniences to others, parking or leaving a vehicle unattended is never permitted on Balearic Drive along yellow painted curbs, in driveways, or where posted for "No Parking." Unattended vehicles in violation of this paragraph are subject to being towed without notice and the vehicle Owner is subject to a fine.
- 12-8 The name and telephone number of the Association's authorized towing company is posted near the entrance of the community. If a vehicle is towed due to violation of these Rules and Regulations, neither the Association nor any officer or agent of the Association shall be liable to any person for any claim of damage because of the towing activity.
- 12-9 For safety and identification, residents' vehicles must be registered and must display a Valencia Hills numbered registration decal. Non-resident vehicles parked in common elements more than five consecutive days must display a visitor-parking pass referencing a resident's registration decal number.

Pets

- 13-1 Animal owners are required to follow all Cobb County animal ordinances and Valencia Hills pet regulations, including leash laws and limitations on types and number of pets. All animals shall at a minimum be maintained on an appropriate chain, leash, or tie that does not exceed six (6) feet in length, and in the hands of a person who possesses the ability to restrain the animal. Cobb County Animal Services and/or the Association may levy fines for violations. <https://www.cobbcounty.org/public-safety/animal-services/about/ordinances>
- 13-2 Animal owners must not allow their animals to be out of their immediate control and restraint, or to be left unattended and outside the premises of the owner. Under Cobb County ordinances, condominium common elements are not considered to be the premises of the animal owner. Voice control does not constitute control of an animal.
- 13-3 Cobb County is authorized by the Board of Directors to enter upon the Association common elements to enforce county animal ordinances upon the request of any resident. For the Cobb County Animal Services telephone number, see "Who to Call" for more information.
- 13-4 Pet regulations specific to Valencia Hills:
- (a) No animal may be kept in a manner which unreasonably disturbs, by noise or odor, any resident within their residence or in the common elements. Residents are prohibited from

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leaving animals unattended on decks, on front porches, or in the common elements, whether caged, tethered, leashed, or unleashed.

(b) No animals may be kept for breeding or any commercial purpose.

(c) Animal owners are required to immediately remove their animals' waste from all common elements within Valencia Hills. Thoughtful and sensitive pet owners who make this a common practice are appreciated by neighbors and residents for being responsible in the community.

(d) The Board of Directors reserves the right to prohibit from the common elements any animal considered by the Board to be dangerous, vicious or a nuisance. Prohibition may include leashed or unleashed animals. A prohibited animal found in the common elements may be removed from Valencia Hills and turned over to Cobb County Animal Services.

Signs

14-1 One security company sign not over 12" x 12" may be displayed at a residence.

14-2 "For Sale" and "For Rent" signs are not allowed on the common elements property or in residence windows. A notice may be placed by the homeowner on the Clubhouse bulletin board.

14-3 Owners or their agents may place an information box (of the type customarily used by real estate companies in the Marietta area) next to the Clubhouse sign near the Clubhouse footbridge..

14-4 "Open House" signs are allowed during the hours a residence is being held open with an attendant present. All other signs are not allowed.

Quiet Enjoyment

15-1 All residents are entitled to the quiet enjoyment of their residences. Common courtesy and good sense are the standard to be used with regard to noise. We all live in close proximity to one another. Resident created noise that disturbs other residents in your area of the community is unacceptable. Loud work should only occur from 8 AM – 8 PM Monday – Friday and 10 AM – 5 PM Saturday – Sunday.

15-2 Noxious or offensive activities shall not be carried on in any residence unit or in the common elements. Each Owner or Lessee and his/her family, visitors, guests, and agents shall refrain from any act or use of the Property which could reasonably cause embarrassment, discomfort, annoyance, or nuisance to other residents, or which could result in the cancellation of insurance on any part of the Property, or which would be a violation of any law or

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governmental regulation. No odors shall be permitted to arise so as to render any portion of the Property unsanitary, unsightly, offensive, or detrimental to persons using the Property.

Other Provisions

- 16-1 Governmental regulations, including building codes, health regulations, and zoning restrictions which apply to the Association's Property shall be observed. In the event of any conflict between any such governmental regulation and any provision of the Association's Official Documents or Rules and Regulations, the more restrictive provision applies.
- 16-2 An action taken by a Board of Directors of Valencia Hills shall not be deemed to establish a precedent controlling the actions of any subsequent Board. Likewise, the inaction of any Board to enforce a rule or regulation shall not create a precedent for that Board or any subsequent Board; the Rules and Regulations remain in full force and effect notwithstanding any instance of non-enforcement.
- 16-3 Under the Official Documents, only an Owner or their spouse (not both) may be a Director of the Association, and only non-delinquent Owners or their spouses or proxy may vote on Association business.
- 16-4 Unless the context requires otherwise, terms used in this *Guide* have the meanings given in the Official Documents. The term "resident" includes Owners, Lessees, Renters, and all members of Owners, Lessees, and Renters' families.
- 16-5 The Rules and Regulations comprising this *Guide* are constructed to provide equity and equality of privileges, rights, protection and safety for all Owners and residents. These Rules and Regulations do not replace the Official Documents, they supplement them. Violating these Rules and Regulations, or any provision of the Official Documents, may result in a fine of \$25 or more per infraction. After an owner or resident has been notified in writing they are in violation of a rule or regulation, each day the violation continues constitutes a separate infraction.
- 16-6 The following Appendixes are part of the Rules & Regulations:
- Assessment Collection Guidelines
 - Mandatory Lease Provisions
 - Association and Personal Insurance
 - Clubhouse Use Agreement

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Rules and Regulations Appendix One
Assessment Collection Guidelines

A1-1 A member who falls into arrears in the payment of Association assessments because of hardship or other extenuating cause may present a written plan to remedy the arrears to the Board of Directors. If the member cannot personally appear at a Board meeting, the member may send the written proposed remedial plan by registered mail to the Association's Management Agent. **It is the responsibility of the member - not the Board - to initiate action and present a remedial plan.** On a case-by-case basis, the Board may approve remedial plans, and may or may not, waive further sanctions while the plan is being followed by the member.

A1-2 Without limiting the ability of the Board of Directors to strictly and promptly apply all collection remedies when the Board deems it to be appropriate, it is the intention of the Board to adhere to the following procedures when members are communicating with the Board and following their agreements.

First month

A1-3 Any payment received on the first banking day after a bank holiday shall be counted as received on the last day before the bank holiday (e.g., a payment received on Monday, July 6th shall be counted as received on Friday, July 3rd. A member who is five days late shall be sent a late payment notice by first class mail, in which the 10% late fee shall be assessed. A member who receives an incorrect late payment notice should telephone the Management Agent *and* the Association's Treasurer at once.

Second month

A1-4 A member who is in arrears forty days (thus owes two months assessment and two late charges) shall be sent a letter by both certified and first class mail giving notice that the annual assessment *will be accelerated* and additional sanctions may be imposed at the next Board of Directors' meeting, unless (a) the member's account is brought current before the meeting, or (b) a written plan to remedy is presented by the member and approved by the Board.

Further steps

A1-5 The additional sanctions that may be applied include:

- ◆ Access to the common elements of the Association may be denied to the member and to all tenants and guests of the member, and cars parked in the common elements may be towed.
- ◆ A water shut-off valve may be installed at the water service entrance to the member's unit, with the cost assessed against the member, and the member's water may be discontinued.
- ◆ The member's account may be turned over to the Association's attorneys to perfect a judgment, and all attorney and court charges incurred shall be charged to the member, and
- ◆ The Association may foreclose the judgment lien.

A1-6 "Accelerate" means that the entire annual assessment becomes due and payable immediately, and not in monthly installments. "Common elements" include the recreational amenities and all parking areas except the interior of garages.

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Assessment Collection Guidelines

A1-7 No member's account will be turned over to the Association's attorneys for collection unless the cumulative amount in arrears equals or exceeds three months' assessment plus late charges and interest. After the member's account is turned over to the Association's attorneys, the account shall remain with the attorneys until the member's account is 100% current. The attorneys shall pursue all appropriate action, including seeking a judgment in court against the member. After a judgment is obtained, the member's wages and/or bank accounts may be garnisheed, and/or the Association's lien may be foreclosed on the condominium unit of the member.

Mailing Address

A1-8 It is the responsibility of members to advise the Association and its Management Agent of all changes in mailing address. Certified mail sent to the unit address and/or the address last advised, returned by the post office as unclaimed, shall not serve as an excuse for nonpayment of assessments owed.

Application

A1-9 The above remedies and sanctions may be enforced in their entirety or individually, as the Board believes to be in the best interests of the Association. Failure to apply one sanction (e.g., towing) does not forestall application of another sanction (e.g., foreclosure).

Authority

A1-10 These collection guidelines and procedures have been adopted pursuant to the Georgia Condominium Act and the Official Documents of Valencia Hills Condominium Association, Inc.

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Rules and Regulations Appendix Two
Mandatory Lease Provisions

These provisions apply to all leases, subleases, and Rental Agreements of residence units at Valencia Hills. These provisions are incorporated into each any every such lease by operation of the Georgia Condominium Act (OCGA Section 44-3-70 et seq.) and the By-Laws of Valencia Hills and should be explicitly included in all lease and Rental agreements. **Important** – See Declaration of Condominium, Paragraph 15 *and* Rules and Regulations 9-1 through 9-6 (Sales and Leasing)

A2-1. Association as Third-Party Beneficiary

Lessee and Lessor acknowledge that Valencia Hills Condominium Association, Inc. (the "Association") is a third-party beneficiary of the promises made in this Lease.

A2-2. Compliance with Declaration, By-Laws and Rules

Lessee shall strictly comply with the Declaration of Condominium (the "Declaration"), and the By-Laws (the "By-Laws") of the Association, and with the administrative Rules and Regulations adopted pursuant thereto, as any of the foregoing may be lawfully amended from time to time. Lessee shall control the conduct of his or her family and guests in order to assure compliance with the foregoing and shall indemnify and hold Lessor and the Association harmless from any such person's failure to comply. Lessee acknowledges that the violation by Lessee or any occupant or person living with Lessee of any provision of the Declaration, By-Laws or Rules and Regulations adopted there under shall constitute a default under this Lease.

A2-3. Enforcement by Association

Lessor hereby delegates and assigns to the Association, acting through its Board of Directors, the power and authority of enforcement against the Lessee for breaches resulting from the violation of the Declaration, By-Laws, and the Rules and Regulations adopted pursuant thereto. In order to enforce the provisions of this Lease, the Association may bring an action against the Lessee for damages or injunctive relief or may impose any other sanction authorized by the Declaration or By-Laws or available at law or equity to the Association. Failure by the Association to enforce any of its rights shall not be deemed a waiver of its right to do so thereafter.

A2-4. Fines by Association

If Lessee or a person living with Lessee violates the Declaration, By-Laws, or a rule or regulation for which a fine is imposed by the Association, such fine shall be assessed against Lessee and paid by Lessee.

A2-5. Copy of Declaration, By-Laws and Rules

Lessor hereby represents that the Lessee has been given a copy of the Declaration, By-Laws and Rules and Regulations of the Association. Lessee hereby acknowledges that Lessee has read them and is bound by them.

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Rules and Regulations Appendix Three
Association and Personal Insurance

The Association's insurance carrier is Community Association Underwriters (CAU). If you have an insurance question, see *"Who to Call."*

The choice of a personal insurance carrier is the Owner's or resident's responsibility. At the time of publication of this *Guide*, CAU did not offer personal insurance lines.

Key Information regarding the Association's master policy:

1. The common elements, limited common elements and residential units are covered.
2. Residential units are covered based on original condominium plans and specifications. For example, fixtures, floor coverings and appliances would be replaced with new items of *like kind and quality* to those originally installed. **Upgrades are not covered.** Items not covered include, but are not limited to, upgraded carpeting, tile or hardwood floors, cabinets, cabinet tops, appliances, wall coverings, built-in bookcases, "found space" (such as basement rooms or additions) and other permanently installed fixtures.
3. The master policy is "Special Form" coverage, which includes fire, lightning, windstorm, hail, explosion, riot, aircraft, vehicle damage, smoke, vandalism, falling objects, weight of ice, snow or sleet, collapse, sudden rapid water escape, or overflow from plumbing or appliances, frozen pipes, and convector units.
4. No coverage is provided for wear and tear, deterioration, damage by insects or animals, settling or cracking of foundation, wall, basements or roofs. There is no coverage for damage caused by repeated leaking or seeping from appliances or plumbing, including leaking from around the shower, bathtub, toilet or sink. These events are properly classified as maintenance items and are the responsibility of the Owner.
5. The master policy contains no coverage for mold or flooding. No building in Valencia Hills is within the 100-year or 500-year FEMA flood plain.
6. The policy contains full details on coverages, limitations and exclusions. If you need a full copy of the Association's *insurance policy* (over 50 pages), you may obtain one from CAU at your personal expense.

Key information regarding unit Owners' insurance needs:

1. Owners need a condominium owner's policy to provide coverage for personal liability, personal property, personal deductibles, personal living expenses in case of a loss making the unit uninhabitable, and for property improvements and betterments.
2. Because of the age of Valencia Hills, it may be difficult to differentiate between the original

Valencia Hills Condominium Association Inc.
Rules and Regulations Appendix Three
Association and Personal Insurance

specifications of your residence and the subsequent improvements that were done. In cases where an Owner is uncertain about needed coverage, consult your personal insurance agent about adding an estimated amount of insurance to your condominium owner's policy.

3. The Association's master policy carries deductibles. See "*Who to Call*" for the amounts of the deductibles. Your obligation to pay the deductible may be offset by your condominium owner's policy, subject to your own deductible, if you include building coverage in your policy. Some insurers cover deductibles claims under "loss assessment." Seek advice from your personal insurance agent.

Claims:

If you have an insurance claim, notify the Association's Management Agent **and** a member of the Board **and** your own condominium owner's insurance carrier. Claims that involve your furniture and other personal property and upgrades must be submitted to your own condominium owner's insurance carrier.

Claim payments under the Association's master policy are made to the Board of Directors as insurance trustee.

Certificates of Insurance:

If you need an *insurance certificate* it will be provided to owners without charge if requested by telephone, fax or e-mail (See "*Who to Call*"). A fee is charged to lenders and attorneys that require expedited service.

Renters:

Residents who are Lessees also have insurance needs that provide coverage for personal liability, for personal property, and for personal living expenses in case of a loss making the unit uninhabitable. Contact a personal lines insurance agent.

Valencia Hills Condominium Association Inc.
Homeowner Guide Appendix Four
Clubhouse Use Agreement

Received from _____ (Clubhouse User) the sum of \$25.00, twenty five dollars per day for a use fee of the premises known as the VALENCIA HILLS CLUBHOUSE on the day/s of _____, and \$125 check for the cleaning deposit which will be held until the day after your use. If Clubhouse User is not an Owner-member of the Association, this Use Agreement must be co-signed by an Owner-member.

Clubhouse User agrees to abide by the Rules and Regulations of Valencia Hills Condominium Association, Inc. (the Association) and assumes responsibility for the conduct of his/her guests and invitees in accordance with said Rules and Regulations. Clubhouse usage conveys no exceptions to the Association Rules concerning use of the swimming pool and/or tennis court. The tennis court and pool area will remain available to all residents, tenants, and their guests. The intention of the user is strictly for the use of the clubhouse, and clubhouse user agrees to make sure his/her guests do not enter the pool/pool deck area or the tennis courts. The Rest Rooms will be shared with pool users if the event occurs during open pool time.

All parties to this Use Agreement hereby agree that the Association assumes no responsibility or liability for the person or the personal property of Clubhouse User, his/her guests, invitees, or anyone else inside, whether invited or not, who enter within the premises of the clubhouse from when the user receives the key and until it is properly returned to the Pool Committee contact. The Clubhouse User hereby holds the Association harmless from any losses, costs, responsibility, or liability for injury or harm to the person or property of Clubhouse User and his/her guests, invitees, and uninvited people.

All parties to this User Agreement further agree that for the duration whereby the user receives the key to the time it is returned to the Pool Committee contact, including the time stated in the User Agreement, all liability for damage to the clubhouse, to the common area surrounding the clubhouse, and to the personal or real property of the Association located in and around the clubhouse shall be the responsibility of Clubhouse User.

To secure performance under this Use Agreement, Clubhouse User shall provide a security deposit check in the amount of one hundred twenty five dollars (\$125.00) payable to Valencia Hills Condominium Association, Inc. This check shall be held without depositing it until noon of the day following the use date. At that time, if the clubhouse premises have not been cleaned, or if the clubhouse key has not been returned, or if there are damages, the security deposit check shall be deposited.

Clubhouse User above agrees that any cost for cleaning, repair, or replacement due to any loss or damage to the Clubhouse or Association property (real and personal) shall be withheld from the security deposit. Should such cost of cleaning, repair, or replacement exceed the security deposit, Clubhouse User and/or Owner-member shall promptly reimburse the Association for any excess costs. The remedies for non-reimbursement include but are not limited to the filing of a lien against the condominium unit of the Owner-member.

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 Homeowner Guide Appendix Four
Clubhouse Use Agreement

The security deposit will be refunded, providing the following items have been completed or performed by noon of the day following the use date:

1. Clubhouse User agrees to be present for the duration of the clubhouse event he/she is using the clubhouse for.
2. Clubhouse User agrees to limit event capacity (self, guests, helpers, vendors, etc.) to no more than fifty (50) persons.
3. The sitting area in front of the clubhouse can be used for the user's event. Make sure this area is left clean and wastebaskets are emptied.
4. No glass shall be used outside the clubhouse.
5. Furniture, carpet, walls, and floors must be cleaned and/or vacuumed and returned to the condition and position in which they were found.
6. Kitchen must be cleaned; clean microwave interior and exterior, refrigerator interior and exterior, mop the floor, empty the wastebasket & place a new bag liner inside the wastebaskets.
7. Range and oven must be cleaned and left off. Turn off Kitchen and restroom faucets.
8. Bathrooms must be cleaned; wastebaskets emptied, place a new bag liner inside the wastebaskets, clean toilets, urinals, and mop floors.
9. Air conditioning must be turned **OFF** in warm weather; heat must be left on **55°** in cold weather.
10. Pool area and clubhouse grounds including bridge and approach walks must be cleaned of all trash, balloons, cans, bottles, decorations, etc.
11. All trash must be placed in tied plastic bags and left on Balearic Drive curb near the clubhouse sign.
12. Check both Restrooms to make sure all water is turned off and toilets/urinal is not running.
13. Turn off all lights in Restrooms.
14. The hallway door that leads to the pool deck should be left unlocked. Leave this hallway light on.
15. A charge of \$10 per day will be assessed for failure to return the key by noon the next day.
16. An additional charge will be assessed to correct damages or for any violation of the Association Rules and Regulations.
17. No one is allowed to sleep over night in the clubhouse. Clubhouse User may not bring in sleeping bags, linens, pillows or other sleep/slumber item.
18. After the event, the Clubhouse User must (a.) lock the front and back glass doors, (b.) lock the door to the rest room hallway from across the kitchen, and (c.) make sure no one is remaining in the clubhouse.

Signed, sealed, and delivered this date _____.

REPRESENTATIVE - VHC ASSOCIATION, INC.	OWNER-RESIDENT MEMBER NAME UNIT # CELL #
	RESIDENT NON-OWNER NAME CELL #
	NON-RESIDENT NAME GROUP NAME EVENT NAME CELL #

Valencia Hills Condominium Association Inc.
Homeowner Guide Appendix Five

Fireplace Safety

FIREPLACE SAFETY !

Please read this IMPORTANT HOMEOWNER INFORMATION and take action.

When winter approaches it is important to be aware of fireplace safety and take measures to be sure your fireplace is safe to operate before you start that first fire.

The following information was originally provided to Valencia Hills residents before 1990. That's when an inspection was performed by a representative of Superior Fireplaces, the manufacturer of the pre-fabricated units. Their information below will assist each individual homeowner with his/her responsibility* to maintain their fireplace. Many times problems are the result of no action, but you're a person of action, so you will exercise proper care and diligence and avoid the potential huge impact of a liability loss to yourself.

The Findings:

- One problem found was blockage of an air circulation vent. Part of the cooling system for the unit is an air intake under the front lip of the firebox (see illustration). This intake space allows air to be drawn under the firebox, thus cooling the unit. When some of the hearths were installed, the masons filled the gap with mortar instead of leaving a trench between the brick and the firebox for air to fill the intake. An example of this problem may be seen at the Clubhouse fireplace.
- A second problem, unrelated to the manufacturing or installation of the units, is the use of glass doors. These units were not designed to withstand the heat caused by glass doors.

If you have one or both of these problems make sure you remedy these issues before you start a fire.

Other actions to take are cleaning the chimneys and inspecting the exterior chimneys for cracks:

- Schedule a professional chimney sweep to come and clean the chimney and flue each year. They can check for and clean the accumulation of sap or creosote inside the chimney walls and flue. If this material is not removed, the accumulation can eventually catch fire. Although metal flues generally have less accumulation than masonry flues because of their smooth surface, they still should be checked periodically – the Fire Department suggests annually.
- The other concern involves homes with fireplaces located at an exterior wall. If your home has a chimney running up your exterior wall, you as an owner should inspect the support structure on a regular basis. Here's why:
In some cases, the platform for the firebox settled due to rotted wood or compacted earth. Unfortunately, there's no way to inspect the platform directly without

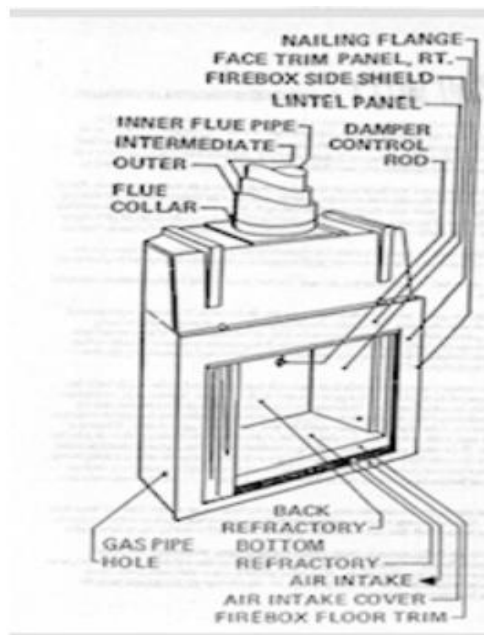
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Homeowner Guide Appendix Five

Fireplace Safety

demolishing the wall (which would be an owner expense) but there is a warning indication easily visible from the interior of the residence.

For example, if you examine the point where the fireplace meets the wall, there should **not** be a crack. If there is a crack of the same width up both sides and along the top, it should be caulked with a product intended for that purpose. If the crack reappears after caulking, a professional fireplace contractor should be called.

Also, if there's a crack that is narrow at the floor and gets wider as it goes up the sides and along the top, there may be a structural problem. Such a fireplace should not be used until the situation is resolved. Please contact the Management Agent or a member of the Architectural Standards and Maintenance Committee if you notice this problem.



Options to resolve some concerns:

- a) Do not use the fireplace, or
 - b) Convert the fireplace to a gas fireplace and place gas logs inside the hearth.
- Although nothing is perfect, gas logs generate less intense heat, create no embers or smoke, and they can be turned off. Gas, of course, if not completely turned off or leaking can be catastrophic. For those who have gas fireplaces, safety first offers an opportunity for a plumber to check for leaks and solid operation of the full system.

* Valencia Hills Declaration of Condominium, paragraph 3; and Valencia Hills Rules and Regulations, Section 5 Maintenance and Related Responsibilities.