

SONORAN DESERT WILLOW ESTATES ARCHITECTURAL CONTROL COMMITTEE PROCEDURES

Revision Approved August 16, 2010

DEFINITIONS

Association

The Sonoran Desert Willows Estates Homeowners Association is herein after known as the Association or HOA.

Board

The Board of Directors of the Association is herein after known as the Board or BOD.

Committee

The Architectural Control Committee of the Association is herein after known as the Committee or ACC.

Community Management Company

The community management company, or CMC, retained by the Board to administer the affairs of the Association. Currently, the CMC is: A Different Association Management, LLC.

CC&R's

These are the Covenants, Conditions, and Restrictions binding the Members, or Home Owners, to the Association.

Design Guidelines

These are the architectural guidelines established by the Board.

Architectural Design Modification Request

The document, or DMR, available from the Association's web site and on which the Home Owner describes an improvement project and which is sent to the CMC/ACC for project approval as required by the CC&Rs and the Design Guidelines.

Hearings and Fines Enforcement Procedures

These are procedures and rules for enforcement of CC&R and other rule violations by members.

Enforcement Procedure

The Enforcement Procedure adopted by the Board for the Association.

Home Owners

These are the Home Owner members of the Association.

ORGANIZATION

The Committee shall consist of three or more Home Owners appointed by the Board. The Committee shall select a Chairperson to preside over Committee activities and be responsible for timely communications from the Committee to the CMC and the Board. The BOD shall ratify the selection of the Chairperson at a subsequent meeting of the Board.

MISSION

Using the CC&R's and Design Guidelines as a guide, the sole mission of the ACC is to prevent outlandish or extreme architectural or landscape modifications to homes and property within the boundaries of the Association. By accomplishing its mission, the ACC is attempting to ensure stability in home values.

REPORTING

The Committee shall be represented at the Board meetings when there are open Architectural Design Modification Requests or when specially requested by the Board. The Committee chairperson or designate shall be prepared to report the status on all open cases and decisions to the Board. At the Board meeting, the Committee's schedule of open requests will be reconciled with the community manager's schedule of open requests. The Committee shall carry out required communications with the Board and CMC to bring all cases to a close. The CMC shall report the vote for each decided design modification request including who voted and the degree of participation in voting of each member of the ACC; not how they voted.

ENFORCEMENT

The ACC has review, decision and communications responsibilities, but no enforcement responsibility, as the Hearing and Fines Enforcement Procedures fall to the Board and CMC. The HOA BOD shall proceed in accordance with the Enforcement Procedures to resolve architectural discrepancies.

APPROVAL PROCESS

NOTE: CC&R provision 9.3 says that if a Home Owner does not receive a notification of a decision within 30 calendar days of the date when a DMR is accepted for ACC review, the Home Owner must deem that approval of the DMR has been denied. If the Home Owner does not want to abandon or change the project, the Home Owner may resubmit the project documents by Certified Mail to the CMC. If no response to the Certified Mail submittal is given within a second 30-day period, the Home Owner can presume that approval has been given and can proceed with the project.

1. DMR Development and Submission -- The process to secure the approval of the ACC for an improvement project begins with the Home Owner who describes the project on a DMR and supports the DMR with plans and specifications that will control the accomplishment of the improvement. When complete, the Home Owner sends the DMR and supporting documents to the CMC.

2. CMC Initial Review -- The CMC receives the DMR and supporting documents from the Home Owner and reviews the DMR and documents for obvious deficiencies.
 - a. If additional information is needed, the CMC will return all documents of the submittal to the Home Owner with a request for the needed information.
 - b. If additional information is not needed, the CMC will proceed to Step 3.

3. CMC Initial Processing -- If the DMR documents received appear to be sufficient, the CMC will:
 - a. stamp the DMR and documents with the date received;
 - b. enter into a log the date the DMR and supportive material was received, the name of the Home Owner, the Lot Number of the property, and a descriptive title of the improvement;
 - c. make and send copies of the DMR (showing the date-received stamp) and supporting documents to the ACC members by email or U.S. Mail; and
 - d. within 2 business days of the date the DMR was received, send a letter (or an email) to the Home Owner to:
 - (1) acknowledge receipt of the DMR
 - (2) the date the DMR was accepted for review, and
 - (3) the date when the DMR documents were sent to the ACC.

4. ACC Member Initial Review -- The ACC member receives the DMR and supporting documents from the CMC and, without undue delay, reviews the DMR and documents for obvious deficiencies.
 - a. If additional information is needed, the ACC member will describe and request that information from the CMC. (GO TO STEP 5)
 - b. If additional information is not needed, the ACC member will proceed to STEP 6.

5. CMC Additional Information Request -- When the CMC receives a request for additional information from an ACC member, the CMC will:
 - a. Send a letter (or an email) to the Home Owner that
 - (1) tells the Home Owner that additional information is needed by the ACC before it can complete its review of the project,
 - (2) describes and requests the additional information needed; and
 - (3) tells the Home Owner that the approval process is suspended pending receipt of the requested additional information.
 - b. Send an email (or U.S. Mail) notification to the remaining ACC members that:
 - (1) identifies the specific DMR,
 - (2) tells them that a request for additional information (and describes that information) has been sent to the Home Owner, and
 - (3) tells them that the review period has been suspended until the additional information requested has been received and sent to the ACC members.
 - c. Update the DMR log:
 - (1) to record the request for additional information and
 - (2) to note that the DMR review process has been suspended pending receipt of the requested information.
 - d. When the Home Owner submits the requested information, the CMC will restart the DMR review process by:

- (1) stamping the DMR and supporting document (old and new) with a current receipt date, and
- (2) restart the DMR review process by returning to STEP 3.

6. ACC Member Acceptance or Rejection Process -- Within 15 calendar days from the latest date of receipt stamped on the DMR (or on any additional information provided by the Home Owner) by the CMC, the ACC member needs to review the DMR and all supporting documents and decide whether to accept or reject the DMR.

- a. If the ACC Member believes the DMR is acceptable, the ACC Member should notify the ACC Chairperson that the DMR should be accepted.
- b. If the ACC Member believes the DMR should be rejected, the ACC Member should notify the ACC Chairperson that the DMR should be rejected. The rejection notification should also include
 - (1) the ACC Member's reason for rejection (based on the CC&R provisions and/or the provisions of the Design Guidelines), and
 - (2) any recommendation(s) for changes that would make the DMR acceptable.

7. ACC Chairperson -- Within 21 calendar days from the latest date of receipt stamped on the DMR (or on any additional information provided by the Home Owner) by the CMC, the ACC Chairperson shall:

- a. Determine the total number of Acceptances and Rejections received from the ACC Members;
- b. If the number of "acceptance" votes exceeds the number of "rejection" votes, prepare a notification to the CMC that the ACC approves the DMR and the Home Owner should be allowed to proceed with his or her project.
- c. If the number of "rejection" votes exceeds the number of "acceptance" votes, prepare a notification to the CMC that the ACC rejects the DMR and include the reason(s) for rejection and the best recommendation, if any, that the Home Owner may apply to the project to make it acceptable to the ACC.
- d. Make a list of the ACC Members that did not provide a response on the DMR; and
- e. By email or USPS mail, send the results of the ACC review (i.e., either "a" and "b" or "a", "c", and "d" above) to the CMC.

8. ACC Chairperson -- Should be prepared to discuss the rejection of any DMR with the HOA BOD at a subsequent BOD meeting.

9. CMC Home Owner Notification -- Within 30 calendar days from the latest date of receipt stamped on the DMR (or on any additional information provided by the Home Owner) by the CMC, the CMC shall

- a. log the receipt of the ACC response (i.e., Steps "7a", "7b" or "7c", and "7d", above),
- b. Prepare either a Letter of Acceptance or a Letter of Rejection with the ACC's recommendation as to how the project may be made acceptable and
 - (1) send the letter to the Home Owner,
 - (2) send a copy of any Acceptance Letter to the ACC Chairperson, and
 - (3) log the date the letter was sent in the DMR Status Log.
- c. Prepare an entry for the DMR Status Report that shows:
 - (1) the dates the DMR was deemed accepted for review,
 - (2) the date the acceptance or rejection letter was sent to the Home Owner, and

- (3) the ACC Members voting or not voting on each DMR.
- d. Discuss the DMR Status Report with the HOA BOD at the next BOD meeting.

10. Home Owner --

a. If the Home Owner receives an ACCEPTANCE LETTER from the CMC, the Home Owner may start the project with a target of completing the project by the Estimated Completion Date that the Home Owner entered on the project's DMR. If it appears to the Home Owner that the project completion date will extend past the original Estimated Completion Date, the Home Owner should notify the CMC and provide a new estimated completion date.

b. If the Home Owner receives a REJECTION LETTER from the CMC, the Home Owner has three options:

(1) Abandon the Project. If the Home Owner elects to abandon the project, but has already started construction or any demolition, he or she must return the work or improvements to its original state or condition.

(2) Modify the Project. The Home Owner may elect to modify the project (to incorporate any ACC/CMC recommendations, if desirable, as to how the project might be made acceptable) and submit a new DMR and modified supporting documents to the CMC. This restarts the DMR approval process.

(3) Submit a New Project. The Home Owner may elect to develop a totally new project and submit a new DMR with supporting documents to the CMC for consideration by the ACC.

11. ACC Chairperson --

a. When the ACC Chairperson receives a copy of an Acceptance Letter from the CMC, he or she is responsible for monitoring the project, unobtrusively, for compliance with CC&R provisions 9.6, 9.7, and 9.8. The Chairperson may either personally monitor the project or may ask one of the ACC Members to monitor the project and provide information relative to CC&R requirements.

b. In addition, the ACC Chairperson shall communicate with the CMC and the HOA BOD

(1) concerning any project noncompliance with the CC&R 9.6, 9.7, and/or 9.8 provisions and

(2) when an approved project is completed.

12. CMC Project Close-Out -- Upon notification from the ACC Chairperson that a project is complete, the CMC shall:

a. log the project's completion date on the DMR log,

b. mark the project DMR documents as complete and file the documents in the Lot Number file, and

c. update the DMR Status Report for discussion with the HOA BOD at the next Board meeting.