

Point Del Mar
Homeowners Association

RULES & REGULATIONS

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INTRODUCTION

Living in a planned residential community can be a rewarding experience, especially when the setting is as spectacular as **Point Del Mar**. **Point Del Mar** living can provide individuals with a great deal of personal freedom, while at the same time affording them a beautiful, well maintained and managed Common Area. Inherent in **Point Del Mar** living is the need for compromise, goodwill and awareness, since everyone must share the same Common Areas.

The Rules and Regulations (R&Rs) were enacted by the Board of Directors for the purpose of protecting you and your property and insuring that **Point Del Mar** will be a pleasant and safe place to live. Your cooperation is essential in accomplishing this; common sense and consideration of others are keys to its success. Please read these rules and regulations carefully and be sure you, your children, guests and tenants fully understand them.

You will find entries that are meant to be informative or explanatory. These are set apart from the text and the explanations are not meant to be construed as legal definitions. If you have any questions, please contact a member of the Board of Directors or the management company.

Before selling homes at **Point Del Mar**, the developer recorded the Articles of Incorporation, Covenants, Conditions & Restrictions (CC&Rs) and the By-Laws of the Association ("Documents"), binding all subsequent owners and establishing the main ground rules. Under California law, these Documents, together with all amendments to those Documents, have been furnished to you as the owner during your escrow. California law requires you, upon sale of your residence, to do the same. You are responsible for ensuring your Lot is in compliance with the provisions of the Documents and that your tenants and guests abide by these Rules and Regulations.

These Rules and Regulations form part of the Governing Documents of the Association. Please become familiar with these publications, as they set forth the rights, duties, and obligations of each owner.

The Documents and California law give the Board of Directors of **Point Del Mar** the authority and responsibility to enforce the provisions of the Documents, and to adopt, change, or repeal Rules and Regulations (R&Rs) pertaining to the use and enjoyment of the Common Area and facilities thereon.

Provisions of the Documents apply to the use of the Common Area by property owners, their guests, their tenants, and their tenant's guests. Not every single restriction to be found in the Documents which may affect you is contained herein.

The following is therefore designed to acquaint you with the R&Rs, certain provisions of the Documents, and possible pertinent local, state and federal ordinances.

THESE RULES AND REGULATIONS SUPPLEMENT THE CC&R's, ARE EFFECTIVE IMMEDIATELY, AND SUPERSEDE ALL OTHER RULES AND REGULATIONS PREVIOUSLY PUBLISHED BY THE BOARD OF DIRECTORS. In the event a conflict exists between these Rules and Regulations and the CC&R's, the restrictions of the CC&R's prevail. The Board of Directors reserves the right to amend the Rules and Regulations from time to time as necessary.

GENERAL INFORMATION

PLEASE BECOME FAMILIAR WITH RULES AND REGULATIONS (R&RS). VIOLATIONS MAY SUBJECT THE OWNER AND/OR UNIT TO WARNING NOTICES AND/OR CORRECTIVE ASSESSMENTS.

IMPORTANT TELEPHONE NUMBERS

EMERGENCY (POLICE, FIRE, PARAMEDICS)	911
NON-EMERGENCY POLICE	(858) 484-3154
NON-EMERGENCY FIRE	(858) 481-1212
GAS EMERGENCY/POWER OUTAGES	(800) 611-7343
WATER EMERGENCY	(619) 515-3525
POISON CONTROL CENTER	(800) 222-1222
POINT DEL MAR GATE ATTENDANT	(858) 259-1751
MANAGEMENT COMPANY (N.N. JAESCHKE, INC.)	(858) 550-7900
	(800) 448-7601
	FAX (858) 550-7929

GATE ATTENDANT

Point Del Mar provides residents with unarmed Gate Attendant service. This is an observational function and *does not* supplant civil authority, nor *does it relieve the residents of their responsibility to exercise due care in the protection of their persons and their property in the same manner as they would were there no Gate Attendant.*

Hours of Gate Attendant service shall be at the discretion of the Board of Directors. **THE GATE ATTENDANT DOES NOT HAVE THE AUTHORITY OF A POLICEMAN. CONTACT THE SAN DIEGO POLICE DEPARTMENT IMMEDIATELY IN AN EMERGENCY AND FOR OTHER POLICE MATTERS.** Residents should inform the Gate Attendant if an emergency vehicle has been called. This will allow the Gate Attendant to direct the driver to your residence without undue delay.

All residents are to have identification decals issued by the Gate Attendant clearly displayed on the back of the rear view mirror of their vehicles. Guests are required to check in with the Gate Attendant *each* time they enter the property. Guests will be admitted to Point Del Mar only if the resident is contacted by telephone by the Gate

Attendant and permission for entry is granted by the resident. Regular service personnel permitted entry to **Point Del Mar** shall be identified by the resident on the Resident Information Card maintained by the Gate Attendant. Persons not listed on the resident's card will not be allowed access to **Point Del Mar** at any time, unless personally authorized by the resident.

An access code to the front entry gates is provided to *residents for emergency use only*. This code is not to be published or otherwise given to persons outside of **Point Del Mar**. Guests of residents are required to register with the Gate Attendant or contact the residents by using the telephone system provided at the entry. Indiscriminate or improper use of this access code may subject the resident and/or homeowner to corrective action.

Under no circumstances is the Gate Attendant authorized to accept any packages, (including overnight packages), envelopes, keys, etc. for delivery by or to residents of **Point Del Mar**. If residents have items for pick-up, they should be left at the residence and written authorization given to the Gate Attendant to allow the pick-up to be made by the person(s) or delivery service involved. If the residents are not at home, the delivery procedures should be those of the delivery service, i.e. Federal Express, UPS and any others that may have a policy allowing delivery without a signature.

The telephone in the Gate Attendant station is a business phone. Use of the telephone is limited to Association business or emergencies only.

The Gate Attendant has been instructed to enforce the Point Del Mar Rules and Regulations as published.

MANAGEMENT

Point Del Mar is managed by the Board of Directors who retain the services of a day-to-day property management company. Regular meetings of the Board are held monthly on dates and at locations published in the community. Open time for residents is scheduled at each monthly meeting. Residents are always welcome and are encouraged to attend these meetings. Except for emergencies, communications with the management company should be in writing.

COMMON AREA MAINTENANCE

Your Association Common Area is maintained by the property management company which arranges such things as landscape maintenance, pool service, cleaning of facilities, and the like. *Report any malfunction of equipment to the property management company immediately.*

VEHICLE INFORMATION

All vehicles owned or operated by residents of Point Del Mar must be registered with the Gate Attendant and display a decal issued by the Gate Attendant on the back of the rear view mirror. Any vehicle without a resident decal may be considered an unidentified vehicle and given a parking citation.

RULES & REGULATIONS

All homeowners will receive one copy of the Point Del Mar Homeowners Association RULES & REGULATIONS. Additional copies may be purchased through the property management company. Homeowners are required to provide the Rules & Regulations to their tenants.

SECTION 1: USE AND MODIFICATION OF LOTS AND COMMON AREAS

USE

- 1.1 Each Lot shall be used for residential purposes only. No commercial business shall be conducted upon any of the Lots, with the exception of rendering professional or administrative services and similar activities. Please refer to the CC&R's at Article 12, Section 12.1.1 for further information.
- 1.2 Lots of Point Del Mar are zoned for single family dwelling purposes only. Local zoning ordinances forbid the use of garages for living quarters.
- 1.3 Owners may delegate their right of enjoyment to the Common Area and facilities to the members of their family, their tenants or contract purchasers who reside in the Lot. However, in the event a tenant or guest misuse the Lot or Common Areas, the owner will be held responsible for any corrective action imposed by the Association.
- 1.4 Each owner has the right to lease his Lot. The owner must provide the Association with a copy of the lease agreement and address where the owner may be contacted.
- 1.5 Owners may not lease their Lot for a period that is less than thirty (30) days. Leases that are less than 30 days are prohibited as they are considered to be for hotel, motel, time share, or transient purposes.
- 1.6 No hazardous, noxious or offensive activities shall be conducted in any Lot or on the Common Area. Nothing shall be done upon any Lot or on the Common Area which may become an unreasonable disturbance or constitute a nuisance to other Lot owners or the community in general. No portion of the Common Area or any Lot shall be used to interfere with the quiet

enjoyment of other residents, i.e. excessive noise or unsanitary odors rising from a Lot.

MODIFICATION

- 1.7 The Board may adopt, amend or repeal rules and regulations known as Architectural Review Guidelines and may appoint an Architectural Committee to act on its behalf in all matters concerning owner Improvements. The Board of Directors has the authority to appoint all the members of the Architectural Review Committee ("ARC") (CC&Rs, Article V, Section 1).
- 1.8 The ARC approves or disapproves all requests for modifications, removals, or installations on any Lot including but not limited to: exterior color design/scheme; exterior doors; windows, fences, walls, gutters, fixtures, landscaping, structures or other Improvements; grading, openings of any building or other construction. **Requests for all such alterations or modifications must be submitted in writing to the ARC. It is the responsibility of the ARC to approve or disapprove of these requests within sixty (60) days. Approval by the ARC is mandatory prior to commencement of any work on such projects.**
- 1.9 The approval of the Architectural Review Committee (ARC) to any proposal shall not be deemed to constitute a waiver of any right to withhold approval or consent to similar proposals.
(CC&Rs, Article V, Section 7).
- 1.10 Owners, whose Lots are found to be in violation of architectural guidelines, may be asked by the Board to make the appropriate corrections so residential Lots conform to the guidelines of the ARC and provisions of the Governing Documents. The ARC maintains the right to impose on Owner a written directive or order. If an Owner fails to comply, the ARC can enter upon any Lot and undertake the performance at the Owner's expense (CC&Rs, Article V, Section 4).
- 1.11 The Board may choose to adopt a Permissive Use Agreement at the Owner's expense to allow for improvements as a variance to the Common Area or Common Maintenance Area adjacent to an Owner's Lot.
- 1.12 New architectural guidelines and policy may be adopted at the Board's discretion. The Board will publish any new policy to the membership and enforce those guidelines from that point forward.

Specific guidelines (like paint color guidelines) have been published by the ARC and are available to all owners. Please review Article V of the CC&R's for detailed information in regard to the ARC and modification to Lots.

SECTION 2: COMMON AREAS

Residents and their invited guests are encouraged to use the Common Areas. Owners will be held responsible to the Association for any damages to the Common Areas, recreation facilities or Improvements caused by willful misconduct or negligence of the owner, the owner's guests or tenants.

Recreation facilities and Common Areas may not be used for any commercial enterprise.

Smoking in the Pool Area, Recreation Area and the View Point Common Area (located along the entire length of Caminito Pointe Del Mar) is prohibited.

For the safety and comfort of all Point Del Mar Residents:

The Common Areas shall be managed and controlled by the Association and no Improvements shall be built thereon or no changes made thereto without the prior written consent of the Board (CC&Rs, Article V, Section 2).

2.1 No Owner can damage the Common Area or Common Maintenance Area or interfere with the Common Maintenance Area (CC&Rs, Article X, Section 3), this includes:

- *Removing and/or destroying landscape
- *Changing landscape and/or hardscape within the Common Maintenance Area without Board approval
- *Installing landscape that encroaches upon the Common Area

Each Owner shall be liable to the Association for any damage to the Common Maintenance Area and/or Common Area or to any of the equipment or improvements thereon (CC&Rs, Article VIII, Section 22).

2.2 The Association has the right of entry onto any Lot (but not within the dwelling) to repair, maintain, or construct the Common Area or Maintenance Common Area (CC&Rs, Article X, Section 2).

2.3 Removal of common property (i.e. chairs, tables, etc) from the Common Area is prohibited.

2.4 Recreation facilities and Common Areas are not for public use. The areas may be used ONLY BY RESIDENTS and their invited guests.

2.5 Skateboards and bicycles are not permitted in the recreation areas. For safety reasons, residents are advised to use extreme caution when skateboarding or riding bicycles in the development.

2.6 10 M.P.H. IS THE MAXIMUM SPEED ALLOWED ON POINT DEL MAR PROPERTY.

For aesthetic and economic reasons and in consideration of your neighbors:

- 2.7 Maintenance or repair work on any type of vehicle, other than emergency work, is not permitted in the Common Areas.
- 2.8 Garage sales advertised to the public are not permitted at Point Del Mar. Garage doors shall be kept closed at all times except for entrance or exit, loading and unloading.
- 2.9 Trash is picked up by the City of San Diego weekly on Monday (or one day later in the case of holidays). Trash should be placed at curbside after 6:00 pm the night before or the morning of pick-up and barrels removed from the curb area no later than 6:00 pm the day of pick-up. Do not allow trash or garbage to accumulate so as to create a health, insect or odor problem. If you will be out of town on the scheduled pick-up day, please make arrangements with your neighbor to put your trash out for you for Monday pick-up. Blue recycle barrels are picked up every other Monday.

2.10 REAL ESTATE SIGNS AND SALES:

2.10.1 Only one (1) "FOR SALE" sign, issued by the Point Del Mar Homeowners' Association, will be permitted on a lot at any time. Signs are to be placed in the flower bed area only. The size of this sign will be approximately 12" x 15" (or as modified from time to time by the Board of Directors), on a single metal post, white background with the words "POINT DEL MAR" and shell logo. Below the shell will be the words "FOR SALE". A channel will be provided at the bottom of the sign to insert the Realtor or Homeowner's telephone number. On the reverse side of this insert will be the words "OPEN HOUSE", to be used when the house is open for visitors. The signs will be issued through the Property Management Company. A deposit of \$50 per sign is required (\$25 refundable upon return of sign in good condition). Forms for signs are available from the Gate Attendant, Management Company or web site. Once the forms are completed and the deposit received by the Property Management Company, the Gate Attendant will issue the signs from an inventory to be kept in the storage room at the recreation facility.

2.10.2 No "SOLD" signs are permitted. No flags or other identification materials are permitted at any time.

2.10.3 Only one (1) generic "OPEN HOUSE" sign provided by the Association may be placed in the Common Area entrance to Point Del Mar on Carmel Valley Road and Point Del Mar Way. This sign is to be checked out from and returned to the Gate Attendant on the day of the open house. While the sign is displayed, someone must be present at the property at all times. Visitors to the open house must register with the Gate Attendant or be

accompanied by a Real Estate Agent, Owner or other Authorized Party at all times. **"OPEN HOUSE" signs must be removed by sunset.**

- 2.10.4** Open houses may be conducted only during hours when the Gate Attendant is on duty. Real estate agents must register with the Gate Attendant and provide the Attendant with brochures and/or other information regarding homes open for visitors.

2.11 ANIMALS

- 2.11.1** Animals such as domesticated dogs, cats, birds and fish, or other animal as agreed to between the Association and homeowner, may be kept as pets within the Properties provided they do not constitute a nuisance to any other Owner. The Board reserves the right to restrict the quantity, size and weight of animals allowed within the Properties.
- 2.11.2** No animals shall be kept, bred or raised for commercial purposes or in unreasonable quantities within the Properties.
- 2.11.3** All pets permitted to be kept within the community shall be kept on the pet's safety apparatus (i.e. leash, cage, aquarium) at all times when the pet is not within an enclosed area of a Lot. In the case of dog owners, control of the leash is also required. Each owner of a pet (which shall include cats) shall be responsible for the removal of any waste caused by his/her pet (Article VII, Section 11, CC&Rs).
- 2.11.4** The owner of the animal must carry the appropriate receptacle to remove waste and properly dispose of the waste in either the owner's trash container or the containers provided by the Association in the Common Areas.
- 2.11.5** Pets are not permitted in the Recreational Area at any time, except for dogs trained to assist the disabled.
- 2.11.6** Each owner must abide by all ordinances and statutes, including, but not limited to, the provisions below:

California Leash Law. Away from Home: If you walk or otherwise bring a dog to public or other private property (where dogs are permitted), you must restrain the dog by a hand held leash (not longer than 6 feet in length).

Health Code. Sanitation: Animal owners are required to keep their animal premises sanitary and free from any fly breeding reservoir, offensive odors, and human or animal disease. It is a public offense for any person to allow a dog in his or her custody to defecate or to urinate on any property other than that of the owner or person having control of the dog. Persons having control of a dog are required to restrain or control the animal so that it urinates or

defecates only in the street gutters, and to immediately remove any feces to a proper receptacle.

2.11.7 The Board shall specifically have the power to prohibit the keeping or maintenance of any animal, which in the opinion of the Board, after Notice and Hearing, is deemed by the Board to constitute a nuisance or unreasonable disturbance to any other Owner or occupant, in the sole and exclusive opinion of the Board.

2.11.8 Excessive dog barking is considered a nuisance. The Board shall determine what is excessive barking. If the excessive dog barking fails to cease, the Board may, at its discretion, require the dog removed from the Properties after reasonable notice to the Lot Owner. The Board shall have the right to require that any animal or pet which, in the Board's opinion, endangers the health or security of any Owner or occupant of a Lot be permanently removed from the Properties upon seven (7) days written notice.

SECTION 3: RECREATION FACILITIES

Each owner will be given two (2) Common Area keys to the Recreation Area. These keys have been issued one time only and are to be transferred to new owners or tenants. Replacement keys are issued through the management company at a charge of \$50.00 each.

COMMON AREA KEYS MAY NOT BE DUPLICATED. RESIDENTS WHO PROVIDE KEYS TO UNAUTHORIZED PERSONS ARE SUBJECT TO A CORRECTIVE ASSESSMENT.

Keys to the *pedestrian gates only* are available at a cost of \$10.00 from the management company. These keys do not open the recreation facilities and are *only available to residents of Point Del Mar*.

Point Del Mar is not responsible for any items lost, stolen or damaged in the Common Areas or recreation facilities.

Smoking within the recreation facilities is prohibited; this includes the pool and jacuzzi, tennis courts, and any bathrooms in the recreation areas.

Please ensure your guests follow the rules stated herein. In the event guests misuse the Common Area and facilities or fail to behave according to the Rules, the Association will exercise its right to limit the number of guests of owners and to limit or prevent the use of Common Areas by guests. (This authority is set forth in the CC&Rs at Article II, Section 1(e)).

3.1 SWIMMING POOL AND JACUZZI AREA

- 3.1.1 Smoking is prohibited in the pool and jacuzzi areas.
- 3.1.2 The pool and spa hours are 8:00 am to 11:00 pm from April 30 through October 31 of each year, and 8:00 am to 10:00 pm during the remainder of the year. Residents are advised the pool is not heated from November 1 through April 30.
- 3.1.3 The facilities are for the use of Point Del Mar residents and their guests **ONLY**.
- 3.1.4 The number of guests shall be limited to six (6). Any unreasonable noise and/or conduct by any party may result in loss of privileges, an assessment, and/or legal action. *Special use of the pool area is permitted with approval of the Board of Directors only.* The pool may not be reserved for private parties.
- 3.1.5 All persons using these facilities do so at their own risk.
- 3.1.6 No one under the age of fourteen (14) is permitted in the pool **unless supervised by an adult resident** (County Health and State Code).
- 3.1.7 Entry to the pool shall be through the gate only. Climbing over the fence or gate is prohibited. The gates must be closed and locked at all times. **KEYS MUST NOT BE DUPLICATED. DO NOT PROP GATES OPEN.**
- 3.1.8 The Association does not provide lifeguard pool supervisory service. It is the responsibility of each resident to ensure that children under fourteen (14) are under the direct supervision at all times of a designated, responsible adult resident (18 years or older) while in the pool area.
- 3.1.9 No one under the age of fourteen (14) is allowed in the spa *unless supervised by an adult resident* (State Code).
- 3.1.10 No foreign substances, including bubble bath, soap, beer, etc, may be added to the pool or spa. Persons observed doing so may be assessed the cost of draining, cleaning and refilling.
- 3.1.11 Persons using the pool area are asked to be considerate of others by avoiding rough play, running and any dangerous, destructive or unusually noisy activities.
- 3.1.12 After athletic activity or coming from the beach, the shower must be used before using the pool or spa. Please be considerate.

- 3.1.13** Food should be confined to the vicinity of the tables. Drinks must be in unbreakable containers. **NO GLASSES OR BOTTLES NEAR OR IN THE POOL, SPA, OR ON THE DECKING.**
- 3.1.14** No foreign objects, including surfboards or boogie boards, are allowed in the pool. Only soft inflatables are acceptable. Do not take or throw non-floating items such as rocks, marbles, coins, and other items into the pool.
- 3.1.15** Littering is prohibited. Trash must be deposited in the trash containers. Please remove all personal belongings when you leave the area.
- 3.1.16** Swimsuit attire must be worn by all persons using the pool and spa. Street clothing is not permitted in the water.
- 3.1.17** All bobby and hair pins must be removed before entering the pool.
- 3.1.18** **PETS ARE NOT ALLOWED IN THE SWIMMING POOL OR JACUZZI AREA AT ANYTIME.**
- 3.1.19** The pool and spa are cleaned and serviced on a regular basis. Should the pool be occupied when the service person arrives, please leave while the necessary work is performed (normally 15 to 20 minutes).
- 3.1.20** No radios, tape players, or TVs are allowed in the pool area **unless** used with headphones.
- 3.1.21** Pool chairs may not be reserved by placing towels, etc on them.
- 3.1.22** Pool furniture is to be used on the decks around the pool and spa **NOT IN THE POOL OR SPA.**
- 3.1.23** No type of food preparation or barbecuing is permitted in the pool area without approval of the Board of Directors.
- 3.1.24** No diving is permitted in either the pool or spa.
- 3.1.25** Persons with infectious diseases, rashes or open cuts or sores are prohibited from using the pool and spa.
- 3.1.26** Intoxicated persons are prohibited from using the pool and spa, and are prohibited from entering the enclosed area.
- 3.1.27** The cost of repairing damage of any kind to pool and/or spa facilities, furniture, or equipment, or replacing same, shall be the responsibility of the Owner of the unit whose residents, occupants or guests caused the damage or the need for replacement, and said Owner shall be liable to the Association for said costs.

3.1.28 No bicycles, roller skates, skateboards, or other wheeled toys are allowed in the enclosed pool area. Baby strollers are permitted.

3.1.29 No running, pushing, excessive splashing, spitting, or other boisterous behavior is allowed. Obscene language is not allowed.

3.1.30 **Precautionary rules for the spa, required by the San Diego Department of Health Services:**

(A) Elderly persons, pregnant women, infants and those with health conditions requiring medical care should consult with a physician before entering the spa.

(B) Unsupervised use by children under the age of fourteen (14) years is prohibited (Doctors advise against spa use by children).

(C) Hot water immersion while under the influence of alcohol, narcotics, drugs or medicines may lead to serious consequences and is not recommended.

(D) Do not use facilities alone.

(E) Long exposure may result in nausea, dizziness or fainting.

3.2 TENNIS COURT RULES

Tennis courts may not be reserved except for Association sponsored events. When the Association sponsors a two-court tennis event, it will be posted one (1) week in advance.

3.2.1 Smoking within the Tennis courts is prohibited.

3.2.2 Except as noted in paragraph 3.3.1 below, the courts are for **TENNIS ONLY**. Courts are for the use of **RESIDENTS AND GUESTS ONLY**. Guests must be accompanied by the resident at all times and are limited to one court at a time.

3.2.3 Gates will be closed and locked at all times.

3.2.4 Tennis shoes must be worn by all players. Black-soled shoes of any type are not permitted.

3.2.5 No bicycles, tricycles, skateboards, roller skates or other similar equipment are allowed on the courts at any time.

3.2.6 Tennis etiquette calls for players to relinquish the court in the following manner when other players are waiting:

Singles	1 Hour Limit
Doubles	1-1/2 Hour Limit

- 3.2.7 Residents using the tennis courts are responsible for turning off the lights after completion of night time play.
- 3.2.8 No food or drink in glass containers is permitted within the enclosed area.
- 3.2.9 Tennis courts may not be reserved in advance. Please consult the rules posted at the tennis court area.
- 3.2.10 Children under age 14 are permitted to use the courts during non-peak hours only. Adults (18 years or older) shall have priority at all times.

3.3 BASKETBALL AREA RULES

- 3.3.1 Persons interested in using the basketball area, located on the back tennis court (court 2), will abide by the rules and regulations under 3.3.
- 3.3.2 Daily basketball hours are 9:00am to 7:00 pm. Basketball players will automatically relinquish court for adult (18 years or older) tennis players.
- 3.3.3 If tennis is being played on the front court (Court 1) and basketball is in progress on the back court (Court 2), the tennis players shall have the option of asking the basketball players to discontinue play until tennis is completed.
- 3.3.4 Basketball play is limited to six (6) persons at a time.
- 3.3.5 Tennis shoes must be worn by all players. Black-soled shoes of any type are not permitted.
- 3.3.6 No bicycles, tricycles, skateboards, roller skates or other similar equipment are allowed on the courts at any time.
- 3.3.7 Rough play, dangerous, destructive or unusually noisy activities (other than basketball and tennis) are prohibited, as well as swearing or other foul language.
- 3.3.8 No radios or tape players (unless used with headphones) are allowed in the court area.
- 3.3.9 No food or drink in glass containers is permitted within the enclosed area.
- 3.3.10 Gates will be closed and locked at all times.

- 3.3.11 The facilities are for the use of **Point Del Mar** residents and their guests ONLY. Guests must be accompanied by the resident at all times.
- 3.3.12 A key to the gates is required at all times; keys may not be duplicated. Entry to the facilities shall be through the gates only and climbing on fences is not permitted.
- 3.3.13 Residents using the court are responsible for turning off the lights after completion of night time play.
- 3.3.14 In consideration of others, unnecessary bouncing of balls within the recreation facility is prohibited. Basketballs shall be carried to and from the court.
- 3.3.15 All persons using these facilities do so at their own risk.
- 3.3.16 Any person(s) violating these Rules and Regulations may lose their right to participate in basketball activities in the assigned area.

SECTION 4: PARKING

These rules set forth below are the result of a prolonged effort on the part of the Board of Directors to establish rules and regulations to govern parking procedures at **Point Del Mar**. They are designed to promote safety and enhance the appearance and living conditions of all the residents in the community. All of these rules and regulations are applicable to the vehicles of residents and their guests, and it is the responsibility of all owners and residents to notify their guests of these rules and regulations and the fact that a violation of these rules and regulations may result in a parking citation and consequent towing.

SPEED LIMIT ON ALL POINT DEL MAR PROPERTY IS 10 M.P.H.

- 4.1 All resident vehicles must display a valid **Point Del Mar** sticker on the rear view mirror of their vehicles. These decals are issued by the Gate Attendant. Without a decal, your car may be considered an "unidentified vehicle". All resident vehicles must be registered with the Gate Attendant. This registration must be kept current and any changes affecting such registration must be reported to the Gate Attendant within five (5) days after the change.
- 4.2 All guest vehicles must be registered with the Gate Attendant and license plate numbers recorded.
- 4.3 Parking of any vehicle is not allowed on **Point Del Mar** private streets for a period longer than 96 hours without the vehicle being moved. Towing of the vehicle will result. Also, if the vehicle is not regularly being used for personal transportation outside the project, it cannot be stored on **Point Del**

Mar private streets for longer than 96 hours-even if it is relocated on the street within the 96 hour period. Under these circumstances, it will be considered in storage and be subject to removal by tow after the vehicle is issued a notice of parking violation (cited or "tagged") and 96 hours elapse.

- 4.4 Residents are required to keep all vehicles parked either in their garage or driveway at all times. Vehicles may not block sidewalks.
- 4.5 Temporary on-street parking will be permitted by residents only in the following instances:
- (A) If the garage and driveway have been fully utilized, (i.e. 2 cars in the garage and 2 cars in the driveway).
 - (B) In those residences where the driveway is too short to accommodate passenger vehicles without blocking pedestrian traffic on the sidewalk, thereby creating a safety hazard, but only if the garage has been fully utilized, (i.e. 2 cars in the garage).

In all other instances, Section 4.4 shall apply.

- 4.6 All vehicles temporarily parked on the streets shall be facing in the direction of the traffic flow at all times.
- 4.7 No parking is permitted at any time in the red curb areas, within fifteen (15) feet of a fire hydrant, or in a way that interferes with an entrance or exit of a driveway.
- 4.8 When vehicles are parked temporarily on the street, residents shall park in front of their own homes whenever possible so as to not interfere with the temporary street parking privileges of their neighbors and guests.
- 4.9 Vehicles may not be stored or parked in the recreation parking lot overnight.
- 4.10 Visitors and guests are subject to all of the parking and vehicular restrictions applicable to residents.

VIOLATIONS SUBJECT TO TOWING:

The following parking infractions are a threat to the safety of the residents of Point Del Mar or a significant infringement upon the rights of other residents and will therefore subject a vehicle parked in violation thereof to towing. If the Owner of the vehicle cannot be located without delay, or upon being located refuses to move the vehicle immediately, towing is mandated and procedures will be initiated. The Owner will be given notice by a parking citation (or by "tagging" the vehicle) and removal of the vehicle will take place 96 hours from notice, in accordance to California Vehicle Code Section 22658. If proper signs are posted at the entrances of

Point Del Mar warning against particular violations, then the vehicle in violation is subject to removal without further notice.

No Parking Areas: All unoccupied vehicles parked in "no parking areas" or which are designated by a red curb may be towed at the owner's expense without further notice. If a violation of this section occurs for which towing is mandated and towing is not accomplished for any reason whatsoever, the Board of Directors, or its designee, may impose a corrective assessment.

Trailers/Recreational Vehicles: Any type of trailer (boat, motorcycle, utility, etc) or recreational vehicles found in the Common Area for longer than **twenty-four (24) hours within a seven (7) day period**, will be given notice of the parking violation and may be towed at the owner's expense. All such vehicles must be registered upon entering Point Del Mar with the Gate Attendant. Registration may occur **only during the hours the gate attendant is on duty**. If a violation of this section occurs for which towing is mandated and towing is not accomplished for any reason whatsoever, the Board of Directors, or its designee, may impose a corrective assessment.

Unidentified Vehicles: An unidentified vehicle is a vehicle which has neither a valid resident identification decal nor is it registered as a guest with the Gate Attendant.

Inoperative Vehicles: A vehicle that lacks major parts or equipment necessary to operate safely on the highway.

SECTION 5: RULE ENFORCEMENT

- 5.1 You, as a homeowner or resident, have the right to enforce any established rule or regulation. Anyone refusing to abide by these rules and regulations may face corrective action by the Board of Directors.
- 5.2 The property management company, acting for the Association, has been instructed by the Board of Directors to require the compliance of residents on Point Del Mar property with the provisions of the Rules and Regulations, By-Laws, and Covenants, Conditions and Restrictions. If there is a violation thereof, the property management company has been instructed to do any of the following:
 - 5.2.1 Obtain names and addresses of violators and report to the Board of Directors
 - 5.2.2 Call upon a law enforcement agency for assistance
 - 5.2.3 In the case of minors, make every reasonable effort to contact their parents or host immediately, prior to taking the action called for in 5.2.2 above.

- 5.3 Residents may report violations in writing to the Board of Directors or appropriate committee.
- 5.4 Notice of actual violations will be brought to the attention of the resident in writing by the property management company or the Association's attorney following the policies established by the Board of Directors. These notices include the following:
- 5.4.1 Courtesy notice of the violation, asking the owner to correct the problem or attend to the issue.
- 5.4.2 If an owner continues with the violation and fails to correct the violation after receipt of the courtesy notice, the owner will receive a first violation letter which will inform the owner of the violation and indicating they will be called to the next Board meeting to discuss the violation.
- 5.4.3 As the owner in violation, you must attend the meeting. If you do not attend, you will automatically be fined fifty dollars (\$50.00).
- 5.4.4 For each repeated violation, after the first violation, the amount of the fine will automatically increase by fifty dollars (\$50.00).
- 5.5 The resident's failure to correct the violation may result in the matter being turned over to the Association's attorney in order to obtain the Lot's or resident's compliance with the Governing Documents. Once referred to the Association's legal counsel, there will attorney's fees, which will be the owner's sole financial responsibility. Owners are responsible for the actions of their tenants and guests. The Association will make every effort to recover the costs of bringing the Lot, owner or tenant into compliance from the *owner*.
- 5.6 For violations of the rules in subsection 2.11.1- 2.11.7 in concern to Animals:
- If an owner is in violation, the owner will receive a 1st violation letter, which will inform the owner of the violation and that they will be called to the next Board meeting to discuss the violation.
- As the owner in violation, you must attend the meeting. If you do not attend, you will automatically be fined fifty dollars (\$50.00).
- For each repeated violation, after the first violation, the amount of the fine will automatically increase by fifty dollars (\$50.00).

POINT DEL MAR

HOMEOWNERS ASSOCIATION

ENFORCEMENT AND FINE POLICY

In accordance with the Bylaws of Point Del Mar Homeowners Association, the Board of Directors may temporarily suspend the membership rights and privileges and/or may assess monetary penalties against any Owner for any violation of the Declaration of Covenants, Conditions and Restrictions, the Architectural Guidelines, Rules and Regulations or Board resolutions.

Pursuant to California Civil Code Section 1363(h) and the Bylaws of the Association, when the Board of Directors is to meet to consider or impose discipline upon a member, the Board shall notify the member in writing, by either personal delivery or first-class mail, at least 10 days prior to the meeting. If the Board imposes disciplinary action on a member, the Board shall provide the member a written notification of the disciplinary action by either personal delivery or first-class mail, within 15 days following the action. At the noticed hearing, the Board of Directors may impose a fine and may rule that a continuing fine in stated amounts will be imposed each specified time period that the violation continues without the need for further hearings on the violation. The fine is independent of any amount that may be charged for repairs for damage to Association property caused by an Owner or his/her family member, tenant, guest or invitee. The member in violation has the right to have the hearing with the Board in an Executive Session.

Fines for Violation of the Governing Documents, Rules and Regulations, and/or Board Resolutions	
First Violation	Costs incurred by the Association, if any, as well as a fine of \$100.00.
Second Violation within three months of First Violation	Costs incurred by the Association, if any, as well as a fine of \$150.00.
Third Violation or more within six months of First Violation	Costs incurred by the Association, if any, as well as a fine of \$200.00.
Continuous Violation	Fine and Costs incurred by the Association, if any, as well as legal action as provided by the governing documents of the Association.

Fines for Violation of the Architectural Guidelines (including, but not limited to, unauthorized improvements, failure to submit application, failure to install and/or maintain, failure to follow approved plans, and/or failure to initiate corrections after due notice)	
First Violation	Costs incurred by the Association, if any, as well as a fine of \$200.00.
Second Violation within three months of First Violation	Costs incurred by the Association, if any, as well as a fine of \$250.00.
Third Violation within six months of First Violation	Costs incurred by the Association, if any, as well as a fine of \$300.00.
Continuous Violation	Costs incurred by the Association, if any, as well as legal action as provided by the legal documents of the Association.

The Board of Directors reserves the right to take any legal action necessary to have a violation corrected. The violating Owner shall be responsible for all attorney fees and costs incurred in any such action.

Point Del Mar Homeowners Association

**9610 Waples Street
San Diego, CA 92121-2992
WWW.NNJ.COM**

**(858) 550-7900
(800) 448-7601
FAX (858) 550-7929**

November 1, 2010

Members
Point Del Mar Homeowners Association
C/o Jeanne Mikita
N.N. Jaeschke 9610 Waples Street
San Diego CA 92121

Re: **POINT DEL MAR HOMEOWNERS ASSOCIATION**
Rules & Regulations

Dear Members:

The Board has amended the enclosed set of Rules, and a fine policy which will be adopted at the December 13, 2010 Board Meeting. Please note that the Board maintains the authority to amend and adopt Rules under the Association's Governing Documents which include the Declaration of Restrictions for Point Del Mar (hereafter "Declaration") recorded as Document No. 84-138090 on April 16, 1984.

Pursuant to the Declaration of Article II, Section 1c, the Board has the authority to adopt and enforce such rules and regulations that it deems reasonable. The Membership has a limited right to request a vote to repeal specific rules adopted by the Board under certain conditions. Pursuant to California Civil Code section 1357.140 (a), the Members have the right within 30 days of this notice, to submit to the Board a petition signed by at least 5% of the Members at one signature per Lot owned; requesting that the Board call a special meeting to vote on the adoption of specific new rules. These specific rules must be newly adopted. Rules derived from the Declaration of Restrictions or Bylaws are **not** subject to review and cannot be repealed by the membership

Please note the Membership has 30 days to submit a petition requesting a vote on the Rules. Provided no objection is properly filed, the Rules will go into effect fifteen (15) days from the date of the December Board Meeting. Note that a copy of the revised rules, fine policy and rule changes are enclosed with this mailing.

If you should have any questions, or wish to discuss this further, please address your concerns in writing to the Board of Directors in care of Jeanne Mikita, N.N. Jaeschke, Inc. 9610 Waples Street, San Diego, CA 92121. You may also voice your comments or concerns at the Board Meeting for Point Del Mar, scheduled for December 13, 2010 @ 6:30 P.M.

THE BOARD OF DIRECTORS OF POINT DEL MAR HOMEOWNERS ASSOCIATION

Enclosure: Rules & Regulations
Rule Highlighted Changes
Fine Policy