

**WESTLAKE ISLAND
PROPERTY OWNERS ASSOCIATION**

RULES AND REGULATIONS

April 19, 2001

IMPORTANT NUMBERS

Emergency Fire and Police	911
Guardhouse Telephone	(805) 495-7411
Guardhouse FAX.....	(805) 495-7433
Los Angeles County Sheriff.....	(818) 878-1808
Los Angeles County Fire	(818) 889-1626
Thousand Oaks Police	(805) 494-8200
Ventura County Fire.....	(805) 384-1500
Animal Control & Licensing.....	(818) 991-0071
(Westlake and Thousand Oaks)	
Ventura County Humane Society.....	(805) 646-6505
LA County Humane Society.....	(213) 730-5300

Guardhouse EMAIL: islandsecurity@westlakeisland.com

Guardhouse Telephone	(805) 495-7411
Westlake Lake Management.....	(818) 889-5377
Emmons Management.....	(805) 413-1170

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WESTLAKE ISLAND

RULES AND REGULATIONS

The residents of Westlake Island believe our homes and lake environment are a very special place to live. It is our responsibility to conduct ourselves in a way that protects and enhances our community. The following Rules and Regulations are not intended to be unduly restrictive but have evolved over time to address issues which had become a problem. Most of the Rules are common sense and most residents will naturally follow them even if they had never been written. As provided for in the Westlake Island Property Owners Association's Covenants, Conditions and Restrictions ("CC&R's"), the Board of Directors has adopted the following Rules and Regulations effective June 1, 1997 which supersedes and replaces all prior rules and regulations.

SECTION 1

GENERAL RESTRICTIONS

1.1 Antennas/Satellite Dishes. No antenna, satellite dish, wires, cable or telephone lines shall be constructed, placed or maintained for the transmission or reception of TV, cable, or any other type of signal or transmission of electrical power if it is visible from the street, lake or neighboring property. An architectural application must be submitted and approved prior to the installation.

1.2 Carpet Cleaning Service. Residents are to advise carpet cleaning services that they cannot empty their tanks into the street because the runoff drains into the lake. However, they may empty their tanks onto the owner's lawn.

1.3 Clothes Drying. Outside clotheslines or other outside clothes drying or airing facilities shall not be visible from the street, lake or neighboring property.

1.4 Commercial Photography. Commercial photography and video taping are not allowed on Westlake Island at anytime without prior written approval of the Board of Directors.

1.5 Electric Bug Lantern. Residents may turn on an electric bug zapper only when they are using their outside patio. The bug lantern must be turned off by 10:00 p.m.

1.6 Home Maintenance. Residents are required to keep their property in good condition at all times. Homes are to be painted regularly and maintained in good condition.

1.7 Landscape Maintenance. Lawns, shrubs, plants, bushes or any other plantings must be trimmed and maintained regularly.

- a. ***Walkway Encroachments.*** No landscaping may be allowed to overhang or otherwise encroach on the sidewalk or other pedestrian walkways.
- b. ***Fire Hydrants.*** Areas around fire hydrants must be free of shrubs, bushes or other plantings so they are fully accessible to firefighters in the event of an emergency.
- c. ***Trees.*** Shall be trimmed to a height of ten (10) feet above any sidewalk at all times. The planting of any trees with expansive root system is not allowed in the side yards near the privacy wall (zero lot line) since it is part of your neighbor's house and could cause damage to the foundation. Trees on the waterside are to be trimmed in order to preserve the view and prevent tree limbs and/or branches from hanging into the lake.
- d. ***Gardening Debris.*** Gardeners may not sweep, blow or wash grass clippings, garden debris, oils, repair residue or any toxic or poisonous material into the street, gutters or anywhere else which may cause such items to drain, blow or flow into the lake.
- e. ***Decorative Vines.*** Residents are reminded that the zero lot line wall that is parallel to many home entries is your neighbor's wall. Planting of decorative vines, must have your neighbor's approval in writing submitted to The Emmons Company.

1.8 Littering. Littering of any kind is strictly prohibited.

1.9 Mail Boxes. Only posted mailing material delivered by a U. S. postal carrier may be deposited in mail boxes or mail slots. All other material is prohibited by the U. S. Postal Service and punishable by the Post Office by fines of \$300.00 for each offense.

1.10 Noise. No resident or invitee may make unreasonable noise which disrupts the peace and quiet of other residents. Exterior speakers are not permitted on any home. Musical instruments, radios, televisions, stereos, etc. may NOT be played if it unreasonably disturbs or annoys other residents. Because nuisance noise is largely subjective, the Association cannot involve itself in every dispute which may arise between two owners. As a matter of practicality and as a benefit to its membership as a whole, the Board has adopted the following standard for determining when the Association will become involved in such disputes:

- a. ***Multiple Neighbors.*** If the noise is such that it disturbs more than one neighbor, the Association may take appropriate action to abate the nuisance if the affected residents request in writing that action be taken by the Board.
- b. ***Single Unit.*** If the noise is such that it only disturbs a single neighbor, then the disturbance is not sufficient to cause intervention by the Association and the two neighbors must resolve their dispute through Alternative Dispute Resolution as provided for in Section 1354 of the Civil Code.

1.11 Residential Use Only. No residential Lot Owner may use his or her Lot to be used for any purpose other than as a private single-family residence.

- a. ***Business Purposes.*** However, residents may use their residence for limited business purposes if the business does NOT: (i) involve any advertisement which includes the address of the residence; (ii) involve any clients or customers coming to the residence, (iii) involve the manufacturing of a product, (iv) involve regular deliveries or pick-ups of mail or packages which are in excess of that for a normal residence, or (v) involve employees or independent contractors coming to the residence for business purposes.
- b. ***Commercial Operations.*** No commercial operations of any kind are permitted.

1.12 Rubbish Removal. No resident may place or accumulate any rubbish in plain view of other residents except for the purpose of prompt garbage collection. Trash containers shall be placed at curbs in front of one's own house no earlier than 5:00 p.m. prior to collection day and shall be promptly removed during the day of collection.

1.13 Political Signs. Political signs may not exceed three square feet in size and are limited to stake sign only (no colonial signs). Such signs are limited to one on the street side and one on the water side of the property. Political signs are permitted two weeks prior and one week after any election.

1.14 Soliciting. Soliciting of any kind is strictly prohibited.

SECTION 2

SAFETY AND SECURITY

2.1 Westlake Island is Not Crime-Free. As much as we would like it to be, Westlake Island is not a secure environment free of crime or safety hazards. The Association's security personnel cannot completely control access to the Island since it is possible for people to enter the Island under false pretenses or to enter from the lake itself. Furthermore, there is nothing to prevent residents or individuals who legitimately have access to the Island from committing crimes. As a result, the Island *is not and can never be* crime free.

Because the Association can only provide a *limited* degree of control over access to the Island and must do so within a limited budget, you should NOT RELY on the Association’s personnel to protect you from loss or harm. Because the Island can never be fully secure, we ask that you provide for your own security by taking common sense safety and security precautions such as: carrying insurance against loss; keeping your house and car doors locked; refusing to open your door to strangers; installing a peep hole in the front door; asking workmen for identification; installing a security system in your house; reporting anyone who looks suspicious, parking your vehicles in the garage, keeping the garage doors closed, padlocking your boat, etc.

<u>IMPORTANT NUMBERS</u>	
Emergency Fire and Police	911
Guardhouse Telephone	(805) 495-7411
Guardhouse FAX.....	(805) 495-7433
Los Angeles County Sheriff	(818) 878-1808
Los Angeles County Fire.....	(818) 889-1626
Thousand Oaks Police	(805) 494-8200
Ventura County Fire.....	(805) 384-1500
Westlake Lake Mgmt.....	(818) 889-5377
Emmons Management	(805) 413-1170

2.2 Removal of Vehicle Decals. To limit unauthorized access to the Island, residents must remove the decals from any car they sell or transfer.

2.3 Parties. The Owner or resident tenant must be on the premises during the event. If the party or participants of the party disrupts the peace and quiet of the community, the resident will be instructed to stop the disruption or to end the party. If the resident does not cooperate, the resident will be subject to fines and penalties and the Police will be notified.

2.4 Playing in the Streets. The streets of Westlake Island are for vehicular traffic only. Sport activities are not allowed in the streets or common areas at any time. No structures or materials for sports activity are to be placed in the streets.

2.5 Graffiti. Defacing signs, graffiti, and vandalism to Association property is strictly prohibited and can result in criminal prosecution in addition to fines, potential civil litigation and loss of privileges.

2.6 Curfew. Children under the age of eighteen (18) may not loiter on the streets after 10:00 p.m.

2.7 Process Servers. By statute, the Association cannot prevent licensed process servers from entering Westlake Island. Furthermore, representatives of governmental agencies may also have the right to enter Westlake Island. As a result, the Association cannot, nor should it, shield residents from process servers or governmental agencies.

2.8 Cooperation With Governmental Agencies. Westlake Island follows and complies with the laws enforced by the Cities of Westlake Village and Thousand Oaks and provides full cooperation with all governmental and public agencies.

SECTION 3 **ENTRY GATE PROCEDURES**

3.1 Vehicle Decals. To drive through the “resident entry” at the guardhouse, residents must have current Westlake Island decals visible and permanently affixed on the lower right side of the front vehicle window for the guards to see. To receive a decal for your vehicle you must (i) submit a completed resident card, (ii) provide a copy of your vehicle registration, and (iii) be current in the payment of your assessments and charges. Residents whose owners are delinquent on assessment fees will be required to use the visitor’s entrance until fees are brought current.

3.2 Airport Shuttles, Taxis & Limousines. Residents who utilize the services of an airport shuttle, taxi or limousine must enter the island on the visitor side. To assist the guard in identifying you, you will be asked to give your name and lot number.

3.3 Notice of Guests. All residents are responsible for advising the security guards in advance of any expected guests. This approach permits the guards to clear your guests without delay. If more than five guests are expected, an alphabetical list of guests with the expected date and time of arrival must be delivered or faxed to the guardhouse at (805) 495-7433.

3.4 Notice of Parties. Residents must give the security guards 24 hours advance notice of any party by submitting an alphabetical list of guests.

3.5 Notice of Deliveries. Residents must notify the guards in advance whenever they expect a delivery. If the delivery person arrives and the resident has not cleared them and the guard cannot reach the resident at home, the delivery person will be turned away. Note: The guards are prohibited from accepting packages, mail or any item for a resident either for delivery or pick-up.

3.6 Notice of Services & Repairs. Resident must notify the guards in advance of service or repair vendors. Regular services such as housecleaning, gardening, pool maintenance, etc., can be set up in advance by completing the resident card. If the resident does not provide advance clearance, or is not home, the service or repair person will be denied access.

3.7 Restricted Hours for Vendors. Resident non-construction services and repairs are permitted Monday through Friday 7:00 a.m. to 5:00 p.m. Saturday services and repairs are limited to interior work plus gardening, pool maintenance and insect extermination from 9:00 a.m. to 5:00 p.m. Residents are urged to schedule gardening, pool maintenance and insect extermination during the week.

Residents who perform their own repairs and services are asked to abide by the same work hours and rules.

SECTION 4

VEHICLES AND PARKING

4.1 Suspension of Driving Privileges. All streets on Westlake Island are private and visitors who fail to abide by the Island's driving and parking rules can be denied entry onto the Island. Residents who fail to abide by the Island's driving and parking rules can, in addition to being fined, have their driving privileges suspended for up to thirty days per infraction.

4.2 Speed Limit. The speed limit on the Island is 25 miles per hour. Violations can result in citations by local law enforcement officials in addition to fines by the Association and suspension of driving privileges.

4.3 Fire Hydrants. Parking vehicles in front of or within fifteen (15) feet of a fire hydrant is prohibited. Violations can result in towing of the vehicle at the owner's expense, fines, and the suspension of privileges.

4.4 Automotive Repairs. All vehicle repairs, construction and/or maintenance must take place inside the owner's closed garage and not visible from the street.

4.5 Vehicle Leaks. Residents or invitees whose vehicles leak oil or other liquids must clean up the street promptly in order to prevent any toxic solution from flowing into the lake. Residents will be required to pay for any cleanup and/or street repair as well as have the vehicle repaired or removed from the street. Failure to repair the vehicle can result in restricting the vehicle from entry to the Island.

4.6 Driveways Cleaned. Residents are required to keep driveways free of oil, grease, rust and other vehicle fluids. Residents are required to clean stained driveways with non-toxic materials that do not drain into the street, gutters or lake.

4.7 Car Washing. Residents may wash their vehicles with water. However, soaps, detergents and cleaning products of any kind are prohibited since all runoff water is channeled into the lake. Residents must advise any mobile vehicle washing service of this restriction. Furthermore, the service must be advised they may empty their tanks onto the owner's lawn but are prohibited from emptying their tanks into the street since it drains into the lake.

4.8 Street Cleaning. Every Friday morning the streets are professionally cleaned. Part of your property owner dues pays for this service. There is no parking on the streets on Friday morning from 9:00 a.m. to 11:00 a. m. Note: Tickets are issued to vehicles parked on the street during this time by the Los Angeles and Ventura County Police Department's respectively. Repeated violations may result in the vehicle being towed away at the owner's expense. Please notify any vendors/guests of this rule.

4.9 Dumping Into Street Drains Prohibited The dumping of oils, paints, chemicals, soaps, detergents, shampoos, dirty water or cleaning products of any kind into the street drains are prohibited because it ends up in the lake. Violation of this rule can result in fines of \$200.00 for the first offense and \$500.00 for each offense thereafter.

4.10 Garage and Garage Doors. Residents are prohibited from altering their garages to preclude the two-car parking space requirement under City and County codes. Garage Doors are to remain closed at all times when the garage is not being used by the resident.

4.11 Inoperable Vehicles. Vehicles which are inoperable, unlicensed, or have expired registration tags must be parked in the resident's garage.

4.12 Motorcycles, Motor Scooters and Mopeds. Residents who own these types of vehicles are permitted to operate them on Island's streets for the sole purpose of transportation to and from home. No cruising is allowed. Non-residents are not permitted to bring these vehicles onto the Island and must leave them parked at the security guardhouse.

4.13 Parking. Every home on the Island has at least a two-vehicle garage, plus room for two vehicles in the driveway. Residents are strongly encouraged to park their vehicles in their garage or driveway. If you must park in the street, as a courtesy, please park in front of your residence.

- a. ***Blocking Sidewalks.*** Vehicles are not to block sidewalks.
- b. ***Blocking Driveways.*** No driveway may be blocked except by permission of the resident.
- c. ***Boats, Trailers, Commercial Vehicles and Truck Campers.*** Such vehicles must be parked in the garage and not visible from the neighboring properties.
- d. ***Limousines.*** Limousines are not allowed to park over night on the streets. They must be parked in the garage or in the driveway.
- e. ***Motorhomes.*** Overnight parking of motor homes will be permitted for a period not to exceed 36 hours for the purpose of loading and unloading. Island Security will issue a temporary permit which must be displayed in the driver's window. Motor homes

owned or rented by guests may not park overnight on the Island's streets or on the homeowner's driveway.

4.14 Parking for Parties. Westlake Island has limited parking. Residents are encouraged to have guests carpool if at all possible. A gathering that will result in more than ten cars must be coordinated with the security guards in advance. Westlake Island reserves the right to refuse entry of vehicles if the potential for a hazardous situation may be caused by the additional traffic being allowed on the Island.

4.15 Oakshore Drive Right of Way. Residents are reminded that traffic on Oakshore Drive has the right of way, therefore, vehicles turning out of the side streets are to stop and check for oncoming traffic on Oakshore before proceeding.

4.16 Vehicles with Signs. Vehicles with signage of any kind must be parked in the Owner's garage.

SECTION 5 **PET RULES**

5.1 Licenses. All dog owners are required to register their pets with the Association and obtain appropriate licenses from the County. Dogs must wear identification tags at all times. Residents must include the names and description of all pets on their resident cards filed with the guardhouse.

5.2 Feces Clean Up. Residents must carry a bag or pooper scooper to pick up any feces deposited by their pets on the common or private property, streets or sidewalks on the Island or within the City limits of Westlake Village or Thousand Oaks. At night residents must bring a flashlight along in order to pick up in the dark. Residents must make every effort to limit their pets' urinating and defecating to the greenbelt areas and not on private property. The Board of Directors has authorized the City of Westlake Village, Thousand Oaks and the Los Angeles County Department of Animal Control to enforce all animal laws on Westlake Island. Failure to comply with these laws can result in a court appearance, fine and removal of your pet.

IMPORTANT NUMBERS	
Guardhouse Telephone.....	(805) 495-7411
Animal Control & Licensing.....	(818) 991-0071
(Westlake and Thousand Oaks)	
Ventura County Humane Society.....	(805) 646-6505
LA County Humane Society.....	(213) 730-5300
Westlake Lake Management	(818) 889-5377
Emmons Management	(805) 413-1170

5.3 Leash Law. Residents are required to keep their dogs on a leash whenever they are outside the residence.

5.4 Barking and Other Animal Noises. No dog shall be permitted to bark, howl, or make other loud noises for such a time as to cause a disturbance to persons in the Association. No other pet (such as birds, cats, etc.) shall be permitted to screech or make other loud noises for such time as to cause a disturbance to persons on the Association. Written complaints by two or more neighbors or by a security guard can result in a fine. Three or more such violations can result in (i) removal of the animal by the Department of Animal Control, and/or (ii) legal action.

5.5 Dangerous Animals. No Resident shall be permitted to keep an animal on the premises which the Board reasonably believes to be dangerous. Also, any dog that attacks any person on the Island or exhibits aggressive or violent behavior may be ordered to be removed from the Island.

5.6 Animal Structures. No structure for the care, housing or confinement of any animal may be visible from the street, lake or neighboring property.

5.7 Mobile Dog Grooming Vans. Residents are to advise their dog grooming service that they cannot empty their wash water into the street since it would drain into the lake. Biodegradable soap, detergent, shampoo or any other products are prohibited. Wash water can be drained onto the homeowner's lawn.

SECTION 6

CONSTRUCTION AND REMODELING

6.1 Approval by Architectural Committee. Modifications to the exterior of any home or lot requires prior approval by the Westlake Island Architectural Committee. Exterior modifications include painting, windows, doors, roofs, remodeling, repairs, major landscaping, tree planting or removal, concrete work or any other type of exterior work. In advance of any construction, repair or upgrading, residents must obtain Architectural Committee approval. Copies of the Westlake Island Construction Work Rules, the Architectural Committee Rules and the Architectural Application are available at the Security Gate or by contacting The Emmons Company, the Island management company at (818) 889-6031. The Architectural Committee meets twice a month, on the first and third Wednesdays, to review applications. Construction work that requires City permits need Architectural approval prior to submission to the City Plan Check. Westlake Island Architectural Rules are in addition to City Codes and requirements.

6.2 Working Without Approval. Vendors attempting to do exterior work that has not been approved by the Architectural Committee will be denied access until the owner files the appropriate paperwork and receives approval.

6.3 Non-Vendor Work. Homeowners performing their own work are asked to abide by the same rules and work hours.

6.4 Construction Schedule. Approved construction is limited to Monday through Friday 7:00 a.m. to 5:00 p.m. No construction is permitted on Saturday, Sunday or the following holidays: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving and Christmas.

6.5 Non-Construction Vendor Services. Vendors are permitted on the Island to perform services Monday through Friday 7:00 a.m. to 5:00 p.m. and Saturday 9:00 a.m. to 5:00 p.m. The following activities may be permitted on Saturday provided the work is indoors and the noise does not disrupt the peace and quiet of the neighbors: carpet and other flooring; interior wall covering; interior decorating; interior painting; appliance repair; interior cabinet and carpentry work; plumbing & electrical; etc.

6.6 Emergency Repairs. Notify the guards when an emergency repair such as plumbing or utilities are required during off hours or on Sunday. Unusual requests for emergency repairs will be evaluated and approved by the Westlake Island Board.

6.7 Construction Debris. Trades people and residents are prohibited from sweeping, blowing or washing construction debris, oils, repair residue or any toxic or poisonous material into the street, gutters or anywhere else which may cause such items to drain, blow or flow into the lake. A plastic tarp or similar material cover must be placed on the street and sidewalk areas whenever dirt, sod, sand, cement or any other materials are used. Whenever possible, the owner's driveway rather than the street should be used for mixing materials.

6.8 Oversized Trash Bin. Residents who require oversize trash bins for construction or major clean ups are required to place the bins in their driveway. If the bin cannot be parked in the driveway, wood protection must be inserted between the street and the bin in order to prevent damage to the street. The streets on Westlake Island are private streets paid for and maintained by our Association. Any damage to the streets or sidewalks will be billed to the homeowner to cover the cost of repairs.

6.9 Contractor Signs. Contractors may display stake signs not exceeding three square feet in size during construction, remodeling or major repair (roof, landscaping, painting, concrete, etc.). Signs must be removed at the completion of the job.

6.10 Utility Lines. Requests for additional phone, fax or cable lines that require a cut to streets or concrete walks **must** be coordinated with The Emmons Company (818) 889-6031.

SECTION 7

SALES AND LEASING

7.1 Real Estate Agents & Open Houses. Real Estate agents must possess a current and valid California Real Estate license to enter Westlake Island. Agents wishing to hold an open house may post two flags on the street side and two flags on the waterside. Flags must be removed after the open house each day. Directional signs on other property or common areas are prohibited. Real Estate agents who show property must accompany prospective clients onto and off the Island. Agents are required to accompany their clients to any house being shown. When a prospective client comes to see an open house without an appointment, the security officer on duty will refer the client to the showing agents or “for sale by owner” residents on a rotating basis without favoritism. Agents who fail to comply with the rules will be excluded from the rotation list. Real Estate agents, brokers or sales persons are to advise prospective buyers that Westlake Island is a community governed by CC&R’s and Rules & Regulations.

7.2 Homes for Sale by Owner. Except for the licensing requirement, owners who market their own homes must also comply with these rules.

7.3 Real Estate Appraisers. Real estate appraisers must possess a current and a valid California Real Estate appraisers license to enter Westlake Island.

7.4 Real Estate Signs. Real estate signs may not exceed three square feet in size and are limited to stake signs only (no colonial signs) and are limited to one sign on the street side and one on the lake side of the property. Real Estate signs must be removed at the close of escrow.

7.5 Tenants. Homeowners who rent or lease their residence are required to execute a written lease agreement, signed by the tenant and returned to the Association prior to the tenant’s possession of the residence. The lease shall contain, at a minimum, the following terms:

- a. ***Term of Lease.*** Initial term of the lease shall be at least one (1) year.
- b. ***Entire Residence.*** The property leased includes the entire residence.
- c. ***Abide by Rules.*** Tenant agrees to abide by the Island’s CC&R’s, Architectural Rules, and Rules and Regulations and acknowledge that failure to do so constitutes a default under the lease. Tenants must also acknowledge receipt of same.
- d. ***No Assignments or Subleases.*** There shall be no right of assignment or sublease of the Residence.
- e. ***Renter’s Insurance.*** Tenant shall carry “renters insurance.”

SECTION 8

RULES ENFORCEMENT PROCEDURES

8.1 Responsibility for Rules & Regulation Violations. All persons on Westlake Island must comply with the Westlake Island Rules & Regulations. The responsibility for rule violations rests primarily with the property owner although the owner’s relatives, tenants, guests, invitees, vendors or service personnel may be in violation. The Association reserves the right to exclude any vendor or service person from entry if such person continues in violation.

8.2 Complaints. Residents may file written complaints with the Board for any violation of the Bylaws, CC&R’s or these Rules and Regulations, by completing a complaint form. Forms are available at the guardhouse or at The Emmons Company at (818) 889-6031. Forms must be signed by the person lodging the complaint.

8.3 Complaints Available for Viewing. Residents shall have the right to view written complaints on file with the Association if the complaints pertain to the person or their property.

8.4 Penalties. Violation of the Association’s CC&R’s, or Rules and Regulations can result in written warnings, fines, suspension of privileges, and/or legal action depending on the severity of the violation. Following is a description of the actions which may be taken.

a ***Monetary Penalties.*** Subject to the hearing procedures described in these Rules, violations by an Owner or the Owner’s family, tenants, guests, agents, employees, licensees, servants, or invitees may result in a fine being levied against the Owner. Such fines shall constitute a special assessment against the Owner and are due within thirty (30) days of the issuance of the ruling. Depending on the severity and frequency of the violation, fines will be levied as follows:

First Violation:	written warning or fine up to \$500.00
Second Violation:	\$100.00 to \$500.00 per violation
Third Violation:	\$300.00 to \$500.00 per violation
Each Violation thereafter:	\$500.00 per violation

b ***Suspension of Privileges.*** Membership privileges of an Owner and/or residents may be suspended. The suspension of privileges shall include but not be limited to the following:

- i. ***Street Parking Privileges.*** Resident will not be able to park on the Association’s streets for a fixed period of time. The resident’s cars must be parked in the garage, the driveway or, if there is no room, off site.
- ii. ***Entry Gate Privileges.*** Residents will be “red carded” at the gate which means all guests, invitees, agents, employees and servants will be turned away

from the gate and told to call the resident from a pay phone so the resident can meet the guest at the gate and escort the guest onto the Island.

- iii. *Vehicle Decals.* No new vehicle decals will be issued to the resident or his or her family members until the cause of the suspension has been cured.
- c. *Publish Names.* The names of Owners who are in violation of the CC&R's and/or these Rules and Regulations may be published to the membership.
- d. *Judicial Enforcement.* The Association may take legal action for damages and/or injunctive relief. If the Association is required to take such action to enforce the Rules, it may be entitled to reasonable attorneys' fees plus costs.

8.5 Hearing Procedures. The levying of fines and suspension of privileges shall be subject to the following notice and hearing procedures:

- a. *Notice.* Notice shall be given either personally or by prepaid first-class mail to the most recent address as shown in the Association's records. The notice will describe the nature of the violation; the proposed penalty; the date and location of a hearing; the Owner's right to present evidence in his or her defense; and the Owner's right to representation. Such notice shall be sent at least fifteen (15) days before the proposed date of the hearing.
- b. *Hearing.* The accused shall be given an opportunity to be heard, either orally or in writing, at a hearing to be held by the Board of Directors or by a panel of at least three (3) persons appointed by the Board who shall hear the charges and evaluate the evidence of the alleged violation. The hearing shall be held in executive session if so requested by the person being disciplined.
- c. *Notice of Decision.* Within thirty (30) days after the conclusion of the hearing, the Board shall give notice of its decision by mail, which notice shall specify the rule violated and the penalty imposed.
- d. *Correction of Violation.* In the event the violation is corrected prior to the hearing date, the hearing body may, if appropriate, discontinue the proceedings.

SECTION 9

ASSESSMENT COLLECTION POLICIES

Timely payment of regular and special assessments is of critical importance to the Westlake Island Property Owners Association ("Association"). Members' failure to pay quarterly assessments

when due creates a cash-flow problem for the Association and causes those owners who make timely payment to bear a disproportionate share of the community's financial obligations. Therefore, the Board of Directors has enacted the following policies and procedures concerning collection of delinquent assessment accounts:

9.1 Due Date for Regular Assessments. All regular assessments shall be due and payable on the first day of each calendar quarter, i.e., January 1, April 1, July 1, and October 1 each calendar year.

9.2 Due Date for Special Assessments. Special assessments shall be due and payable on the due date specified by the Board in the notice imposing the assessment. In no event shall a special assessment be due and payable earlier than 30 days after the special assessment is duly imposed.

9.3 Delinquencies. Regular and special assessments shall be delinquent if not paid within thirty (30) days after they become due.

- a. **Late Charge.** A one-time late charge of 10% of the delinquent assessment shall be imposed on each delinquent assessment on the day it becomes delinquent.
- b. **Interest.** Interest at an annual percentage rate of 12% shall be imposed on all sums delinquent for more than 30 days.

9.4 Actions to Collect Delinquencies. Once an assessment becomes delinquent, the Association may take any or all of the following actions to collect past due amounts.

- a. **Liens.** If an assessment payment is delinquent for more than sixty (60) days, the Association will cause to be recorded a "Notice of Delinquent Assessment" with the County Recorder's Office detailing all sums that are then delinquent. This notice creates a lien which is subject to foreclosure against the delinquent owner's property. Before the Association records an assessment lien, it will notify the owner of the unit by regular and certified mail of the Association's fees, penalty procedures and this collection policy along with an itemized statement of all amounts owing. A copy of the lien will be mailed to the owner by regular and certified mail within ten (10) days of recordation and foreclosure procedures will commence as provided for by law.
- b. **Publish Names and Suspend Privileges.** In addition to the foregoing remedies, the Association may publish the names of delinquent owners and/or suspend their voting rights and common area privileges. The suspension of privileges includes anyone living in the unit such as family or tenants. Delinquent owners will be given notice and an opportunity to be heard before privileges are suspended.

- c. **Legal Action.** If an assessment payment is delinquent more than sixty (60) days, the Association may also cause an action at law to be brought against the owner.

9.5 Crediting of Payments. Payments will be applied first towards the principal and then toward late charges, interest and collection costs.

9.6 Offsetting Payments. As provided for in Section 1366.3 of the Code of Civil Procedure and Park Place Estates Homeowners Association, Inc. v. Naber, Owners are not allowed to offset their assessments with damages they believe the Association has caused them or for work they believe has not been done by the Association. If the owner has a dispute with the Association, he or she must first pay all monies owed *in full* and then follow the alternative dispute resolution process described below.

9.7 Disputes Involving Assessment Collection. If an owner disputes any of the Association's assessments or charges, he or she has the right to have the dispute resolved through Alternative Dispute Resolution ("ADR") as provided for in Section 1366.3 of the Civil Code. However, the right to ADR exists only if the owner:

- a. **Pays in Full.** Pays *in full* all monies owed including late charges, interest and collection costs plus attorneys fees up to \$425.00 for preparation and recordation of a lien;
- b. **Pays Under Protest.** Indicates the payment is made "under protest;" and
- c. **Pays Within Thirty Days.** Makes the payment within thirty (30) days from the recording of the notice of delinquent assessment.

Once the owner has complied with the above, the Association and the owner may enter into ADR. If the owner prevails in ADR, the owner may receive reasonable interest on the amount paid under protest. Owners' rights to use ADR for disputed assessments is limited to twice in a single calendar year, or three times within five (5) calendar years.

9.8 Attorneys' Fees. If a lawsuit or foreclosure procedure is initiated by the Association to recover assessments, the Association is entitled to recover not only the amount in default but also reasonable attorneys' fees plus costs of collection, including title company charges.