

THE ISLANDS COMMUNITY ASSOCIATION HOMEOWNER HANDBOOK

ARCHITECTURAL GUIDELINES - RULES AND REGULATIONS

Welcome to The Islands, one of the finest master planned communities in the east valley. As a property owner in The Islands, you are automatically a Member of The Islands Community Association. The Association is incorporated for the purpose of preserving and enhancing the value of our homes as well as the amenities of The Islands. It is the commitment and responsibility of The Islands Community Association to ensure a quality lifestyle and to provide for appropriate control of the general architectural theme and exceptional maintenance of common areas throughout The Islands.

The foundation for any high quality planned community is the understanding of the Covenants, Conditions, and Restrictions (CC&R's) and the cooperation of the property owners. This information was compiled to provide homeowners easy access to pertinent rules and regulations as well as architectural procedures. The content of this document is important because it allows the Board of Directors, their managing agent, and homeowners clear direction and complete understanding of The Islands expectation of quality.

Please take some time to familiarize yourself with this document. Your cooperation and understanding will insure that The Islands continues to be the exceptional community that each resident desires.

- The Islands Community Association Board of Directors

Continued Excellence through Consistent Communication, Quality Management, and Property Enhancement.

September, 1997

AUTHORITY

The authority for this document is provided pursuant to The Islands Community Association Declaration of Covenants, Conditions, Restrictions, and Easements (hereinafter "Declaration"), Article I DEFINITIONS, G. "Association Rules", and Article XII, RIGHTS AND POWERS OF ASSOCIATION, Section 12.2 Rules and Regulations, wherein it states that "the Association, acting through the Board shall have the right to adopt, amend and repeal rules and regulations (the 'Association Rules')... Upon Adoption, the Association Rules shall be enforceable in the same manner as this Declaration.", and Article V, Section 5.3 Association Rules, wherein it states that "By a majority vote of the Board, the Association may, from time to time... adopt amend and repeal rules and regulations to be known as the Association Rules." "Upon adoption, the Association rules shall have the same force and effect as if they were set forth herein (the Declaration)." Additionally the authority and powers of this document supersedes Architectural Review Committee Guidelines, pursuant to the Declaration's Article IV, Section 4.2., (a) wherein it states "Except as otherwise expressly provided in this Declaration", and "(except landscaping on a lot designated for Single Family or Cluster Residential Use)", such excepted authority being reserved for the Declaration and Association Rules. Furthermore, the authority and powers of this document are set forth in the Declaration's Article IV, Section 4.4 Covenants, Conditions, Restrictions, and Easements applicable to the Lake Area Land Use Classification, (b) Rules regarding the Lake areas wherein it states "The Board shall have the exclusive authority to regulate the use and operation of the Lake Areas and may establish rules regarding the following matters, including but not limited to: landscaping and maintenance of the Private Waterfront Areas and Water Access Areas; storage, launching, recovery, mooring, maintenance, overhauling, operation and repairing of water craft, fishing and other aquatic activity; storage of equipment and personal property of every kind; the disposal of sanitary sewage and garbage; and the use of the waterfront Access Areas and the Waterfront Facilities" and "The Board shall have the right to supplement, amend, change or revoke such rules without advance notice." Additionally, power and authority is granted and reserved to this document pursuant to the Declaration's Article IV, Section 4.2, (t) and Section 4.4, (g) and (h).

Importantly, and additionally, this document is subject to, in accordance with and limited by Federal Communications Commission Statutes of the United States Code, including Section 308 of the Telecommunications Act of 1996 which directs the Federal Communications Commission "to promulgate rules prohibiting restrictions which inhibit a viewer's ability to receive video programming from over-the-air broadcast stations or Satellite Services." Furthermore, power and authority is granted and reserved to this document wherein, it states that the "Association, by its Board, shall have the exclusive right to construe and interpret the provisions of this Declaration, including without limitation, the land use restrictions in Article IV (of the Declaration) and in any Tract Declarations." The Architectural Guidelines and Rules and Regulations are enforced per the policy adopted by the Board of Directors (see exhibit 9).

Definitions

All definitions in this document are defined in the Declaration of Covenants, Conditions, Restrictions and Easements, Article I.

ARCHITECTURAL GUIDELINES STANDARDS FOR CONSTRUCTION AND EXTERIOR APPEARANCE

Applicable to all lots within The Islands (adjoining neighbors approval is required, as specified.)
(revised 8/7/85, 1/22/91, 3/1/92, 2/97)

The Architectural Review Committee is appointed by the Board of Directors. They meet monthly to review improvements, alterations, repairs, excavation, grading or other work which in any way alters the exterior appearance of any property or improvements thereon as well as landscaping (except landscaping on a Lot designated for Single Family or Cluster Residential Use).

Variances

In accordance with Article XI, Section 7; any owner has the right to appeal to the Board of Directors if they do not agree with the ruling made by the Architectural Review Committee. Variances are granted on a case by case basis and the following criteria is utilized when reviewing a request for a variance:

Special circumstances applicable to the property. Such special circumstances were not created by the owner or the applicant. Variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located. That the authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, the neighborhood, or the public welfare in general.

A. COMPLIANCE WITH TOWN OF GILBERT CODE.

1. All buildings and structures erected within The Islands, and the use and appearance of all land within The Islands, shall comply with all applicable Town of Gilbert zoning and code requirements as well as the Declaration and these Guidelines.
2. All buildings and structures erected within The Islands shall conform to the development standards adopted by the Town of Gilbert as part of the master planned community known as The Islands.

B. ARCHITECTURAL THEME.

1. Plans and specifications for alterations and additions to all buildings and other improvements erected within The Islands shall be SUBMITTED to the Architectural Review Committee prior to the commencement of construction. Approval to proceed will be required from the Architectural Review Committee. Sub-Association approval may be required prior to submission to the ARC.
2. When a building design has been approved by the Architectural Review Committee no exterior changes shall be made without Committee approval.
3. When a building design has been approved and the necessary building permit obtained from the Town of Gilbert, the applicant shall proceed in a timely manner with the commencement and completion of all construction work. Work commencement shall occur within 90 days from the date of obtaining the building permit from the Town of Gilbert. If the applicant shall fail to comply with the 90-day commencement time, the approval from the Architectural Review Committee may be revoked. The applicant shall complete the construction within one year of the date of the building permit from the Town of Gilbert. If the construction is not completed, the Association shall have the right to assess the owner for the cost of completion, for the full Association Assessment, and shall collect such costs as provided in the Declaration.
4. Homeowner modifications or alterations must be completed within 90 days of commencement of the modification or alteration. Any deviations on the time frame must be approved by the Architectural Review Committee.

C. POLICY FOR SUBDIVISION DEVELOPERS.

1. Prior to construction, the Developer shall submit, in triplicate, site plans, including Grading/Drainage and Landscape/Irrigation plans, to The Islands' Architectural Review and Landscape Committee for stamped approvals. One set of plans shall be maintained at the job site for association use.
2. Plans shall include location and description of existing trees, shrubs, turf, and decomposed granite. Demolished area/items shall be so noted.
3. All Declarant Walls adjacent to common areas shall be constructed and completed prior to the construction of any home on any parcel.

4. Common areas adjacent to Declarant Walls shall be graded, landscaped and irrigated in accordance with the Town of Gilbert Site Design Standards and The Islands' Standards no later than 90 days after common wall completion.
5. No later than 21 days after Declarant Wall completion, the Developer shall request The Islands' Agent to coordinate a walk-through inspection. A deficiency list will be made. Developer will take corrective action within 14 working days after receiving the list. The same procedure shall be followed upon landscape completion.
6. Demolished items shall be replaced in quantity, kind and size. Replacement location will be designated by the Landscape Committee. The Developer, at his own risk, may attempt to replant in lieu of new planting.
7. Decomposed granite areas shall be replaced to match existing color and size to a minimum depth of two (2) inches.
8. Any irrigation system damages shall be immediately reported to the Islands' Agent and repaired/replaced within 24 hours using workmanship and material equal to or better than existing.
9. All unsold speculative units shall have the front yards irrigated and landscaped per The Islands' Landscape Guidelines for Homeowners within one (1) year of the date of the building permit.
10. All unsold spec units on lake front lots shall have the rear yards (the yard facing the lake) irrigated and landscaped per The Islands' Landscape Guidelines (see page 22, section H) for Lake front Lots within one (1) year of the date of the building permit.
11. Changes to the stamped drawings shall be approved by the Architectural Review Committee. The Islands' Agent has the authority to stop work on any project where discrepancies or changes have not received prior approval.
12. The Developer may appeal all disputes to the Board of Directors for final resolution. The decision rendered by the Board of Directors shall be final.
13. All site improvements adjacent to common areas shall be recorded on "as built" drawings and shall be submitted to the Architectural Review Committee at the completion of work. Boundaries and easements adjacent to common areas shall be certified by a Registered Land Surveyor and included on the drawings.

14. All work, including replanting and site drainage, shall be warranted, in writing, for a period of 90 days from the date of acceptance of work.
15. These requirements shall be permanently attached to all approved plans.
16. Where conflict exists, this policy shall supersede all previously published Rules, Regulations, and Guidelines for The Islands Community Association.

D. ORIENTATION.

1. The location and orientation of all buildings and structures shall be submitted to the Architectural Review Committee prior to the commencement of construction.
2. The character of all developments shall reflect curvilinear street patterns which promote reduced vehicle speeds, variations of views and flexibility of orientation. Where possible, neighborhoods shall be created by the use of cul-de-sacs, small loop streets or other interesting street patterns.
3. Setbacks of buildings shall be varied to create an interesting street scene with Dwelling Units backed to or sided on arterial or collector streets.

E. EXTERIOR COLORS.

1. The exterior colors of all buildings and structures shall be approved by the Architectural Review Committee based on submitted manufacturer's color samples prior to the commencement of construction.
2. Plans and specifications submitted to the Architectural Review Committee shall include detail of the exterior color scheme, including ALL exterior surfaces. Exterior surfaces and colors shall be compatible with the other buildings in the neighborhood.
3. Any repainting, requiring a color change, or redecorating of exterior surfaces shall also require submission of a color scheme to the Architectural Review Committee for approval.
4. The Islands Community Association has an approved palette of paint colors for the various subdivisions. Any changes in your existing paint color must be submitted to the Architectural Committee for approval. Please review **Exhibit 1** for the approved colors.

5. Changes in exterior paint color must comply with Section B, page 4.

F. BUILDING MATERIALS.

1. All exterior building materials shall be submitted to the Architectural Review Committee prior to the commencement of any exterior construction or alteration.
2. Finished building materials shall be applied to all exterior sides of buildings and structures. Each material shall be used to express its characteristics in an appropriate manner with colors and textures compatible with the natural surroundings, buildings and structures in the general vicinity.
3. Permitted exterior finished materials include plastered unit masonry, stucco, adobe, slump, split or textured decorative block. Use of other materials shall be submitted for approval to the Architectural Review Committee.
4. Aluminum shall not be used as an exterior building material on any single-family home or any other residential structure (i.e. multi-family buildings).

G. ROOFS.

1. All roof types, designs, coverings, color and material shall be submitted for approval to the Architectural Review Committee prior to the commencement of construction or alteration.
2. "Built-up" type roof covering material (i.e. rolled roofing) shall not be visible to a person six (6) feet tall, standing at ground level on neighboring property.
3. Generally acceptable roof materials shall be concrete tile or clay tile and shall be restricted to colors approved by the Architectural Review Committee on an individual basis.
4. Roof heights are restricted by the Town of Gilbert Development Standards (Exhibit 1) as follows:
 - a. Single family homes maximum roof height thirty feet (30')
 - b. Multi family structures maximum roof height thirty-six feet (36')

5. Roof pitch is restricted as follows: 4/12 minimum for tile roofs.

6. All vent pipe stacks and equipment protruding above the plane of the roof and visible from neighboring property shall be painted and/or screened to match the roof as approved by the Architectural Review Committee.
7. There shall be no Turbine roof vents installed on any home or other visible structures in The Islands.

H. WALLS/FENCES/GATES.

1. The Architectural Review Committee has approved standard wall designs which shall be on all exterior walls of The Islands Development.
 - a. Declarant Walls - Construction of these walls are the responsibility of the developer and shall be required along any non-subdivision streets, including but not limited to, McQueen, Warner, Elliott, Cooper, Mesquite, Shumway, South Islands Drive, Highland, and as a division wall between commercial and residential parcels. These walls shall be "Stucco Cap with Terra Cotta Tile" as attached hereto as Exhibit 2.
 - b. Common Walls - Construction of these walls are the responsibility of the developer and shall be required to separate homeowners property and Association/Sub-Association common areas. Construction shall either be solid block fences or "View Walls" as described in Exhibit 2, approved by the Architectural Review Committee. View Walls are permitted on lake front property as defined in Section H-8.
 - c. Party Walls - Each wall which is located on the dividing line between two lots (or between a lot and a common area) shall constitute a party wall. Construction of these walls are the responsibility of the developer and shall be required to separate homeowner properties. Construction shall be concrete block.
2. Gates shall not be constructed in any Declarant or Common Walls.

3. Party walls and fences shall be a minimum of six (6) feet high, and cannot exceed six (6) feet, eight (8) inches, as measured from the highest adjacent grade. Walls

between areas with 8" or greater elevation differences will require case-by-case approval by the Architectural Review Committee. Closely spaced parallel walls shall not be permitted.

4. Party walls shall not exceed 10" (inches) above the height of all adjoining Declarant Walls.
5. Prior to the construction of any wall or fence, plans indicating materials to be used and location shall be submitted to the Architectural Review Committee for approval. Property lines and easements shall be verified by the builder or owner prior to construction and is the sole responsibility of builder or owner.
6. In the event of a dispute between owners with respect to the construction, repair or rebuilding of a party wall or party fence, or with respect to the sharing of the cost thereof, such adjoining owners shall submit the dispute to the Architectural Review Committee. The decision of the Architectural Review Committee shall be binding, subject to the right of appeal to the Board.
7. Any walls or fences installed by the Declarant shall not be removed, altered or painted without the prior written approval of the Architectural Review Committee.
8. Any Party Walls within a distance of ten (10) feet from the shoreline shall be constructed of wrought iron and shall not restrict the visibility of surrounding and adjoining property (**see Exhibit 2**). No Party Wall or fence shall be attached to or supported by the LAKE WALL and shall be painted the same color as the Declarant Walls or as approved by the ARC.
9. Walls and fences visible from the Lake shall be painted to match the existing house body color. Block walls shall be stuccoed and painted as required by the sub-associations CC&R's.
10. All Party Walls between houses and visible to the public shall be stuccoed and painted to match the existing house body color as approved by the Architectural Review Committee.
11. All visible wrought iron fences shall be painted to match the house body color or as approved by the Architectural Review Committee.
12. Retaining walls shall not exceed 40" in height and shall follow the Construction Standards for retaining walls as shown in **Exhibit 3**.
 - a. Concrete block retaining walls shall be stuccoed and painted to match the body of the house.

- b. Interlocking block retaining walls shall be of a color approved by the Architectural Review Committee and shall match the existing stone ground cover or the color of the body of the house.
13. Decorative Walls shall be limited to a maximum height of twenty four (24) inches and shall be stuccoed and painted to match the body of the house.

I. DWELLING UNIT WALL.

1. All building walls shall be constructed of the following materials: stucco covered block; stucco covered frame; slump block; or other approved masonry units or finishes.
2. Accent panels shall be submitted to the Architectural Review Committee and approval to proceed shall be required by the Architectural Review Committee.
3. Compatible materials shall be utilized on all sides of a Dwelling Unit or building.

J. GARAGES AND COVERED PARKING

1. At least two covered off-street parking spaces in a garage shall be provided for each single-family detached unit.
2. Covered parking is required in all multi-family developments approved by the Architectural Review Committee.

K. SIGNAGE.

1. Permanent project identification signs shall be approved by the Architectural Review Committee and shall conform to The Islands Master Signage Plan.
2. All Signage for parcels zoned C-1, C-2, PSC-1, or PSC-2 shall comply with the Town of Gilbert's signage requirements rather than The Islands Master Signage Plan. The Town's approval shall take the place of approval by the Architectural Review Committee.

3. Temporary sales and directional signs shall be approved by the Architectural Review Committee and conform to the Master Signage Plan.
4. The location and design of commercial signs shall be carefully integrated into the building forms and shall be approved by the Architectural Review Committee.

Owners/developers of multi-tenant buildings shall submit a sign package for Architectural Review Committee approval prior to the commencement of construction.

5. No signs shall be placed in the common areas or attached to the Declarant Walls.
6. No exterior sign or advertisement of any kind shall be placed, allowed or maintained on any Lot or Parcel without the prior approval and authorization of the ARC, "For Sale", "For Lease", and "For Rent" signs may be placed and maintained in conformity with such specifications (including, without limitation, reasonable restrictions as to size) as the ARC may adopt. Temporary signs such as "garage sale" signs must be removed immediately after the sale.
7. A maximum of 2 identification signs per residential unit, with an area no greater than 72 square inches shall be permitted.

L. LIGHTING.

1. No outside lighting, other than indirect lighting, and house mounted decorative fixtures shall be placed, allowed or maintained on any Lot or Parcel without the Architectural Review Committee's prior written approval and authorization. No spotlights shall be placed on the front of any structure.
2. House mounted lighting shall be in decorative fixtures which diffuse light, and shall not contain bulbs with wattage greater than 60 watts.
3. Exterior ground mounted lighting shall be low voltage or indirect, and shall not have bulbs greater than 10 watts or have an intensity no greater than 1' candle measured 5' from the light source. Glare shall not be visible directly toward neighboring properties, streets and Islands Common Areas.
4. Tennis/sport court, security and other similar lighting will be reviewed and approved on an individual basis. Approval is subject to light type, orientation, site plan, use, brightness and other factors which the ARC considers to be in the best interest of the owner, tenants and residents of The Islands. No glare from light sources shall be visible directly toward neighboring properties, streets and Islands Common Areas.

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5. Parcels which are zoned C-1, C-2, PSC-1 and PSC-2 shall comply with the Town of Gilbert lighting requirements rather than those in paragraphs L.1 and L.2, except that the requirement that no glare from light sources shall be visible directly toward neighboring residential properties will remain in effect.

6. No spot lights, focused lights, or motion activated lighting activated by persons on your property shall be permitted to shine on any portion of the common areas (including the lakes) or neighboring lots.
7. No lights may be mounted at a higher elevation greater than 8 feet from the base grade at the footing of the house.
8. Security spotlights shall be allowed if the fixture is not visible to the public and is triggered only by movement on the homeowner's property.
9. Security lighting may have wattage that exceeds 60 watts but shall not remain on for longer than 30 seconds after each triggering movement detected on the homeowners property.

M. ADDITIONS OR ALTERATIONS.

1. Any addition or alteration to any building, lot or parcel shall be approved in writing by the Architectural Review Committee prior to the commencement of construction or alteration unless the addition or alteration is not visible from neighboring or public properties and do not violate or conflict with applicable Town of Gilbert zoning and code requirements as well as the Declaration and these Guidelines.

N. ANTENNAS.

1. The Association must be notified of the installation of a satellite dish or antenna.
2. Satellite dishes are required to be screened from view with landscaping (see **Exhibit 4**).

O. AWNINGS.

1. Architectural Review Committee approval is required prior to installation of any visible awning.
2. The awning color shall match the Board approved color palette. A color chart is available for comparison at the Islands office in Gilbert. Contact the managing agent to make arrangements to view the chart or visit the office.

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3. The owner accepts the responsibility of maintenance by signing the Awning Maintenance Agreement and agrees to the following:
 - a. Perform regular maintenance to prevent the accumulation of sand, dust and spider webs.

- b. Replace faded canvas on window awnings. Fade level to be determined by the AATCC Test 16.
- c. Replace torn and ripped canvas. Repair awning damaged trim.
- d. All structural frame damage shall be replaced or removed in a timely manner.
- e. All repair and replacement work shall be completed within 12 working days after notification from the Association or it's agent.

P. BASKETBALL GOALS.

- 1. All basketball goals, including moveable base units, shall be approved by the Architectural Review Committee prior to installation. No application for approval of a basketball goal will be considered or approved by the ARC if the following appropriate requirements are not accepted and agreed to by the homeowner. All approved goals must continuously meet the accepted conditions. Some sub-Association's within the Islands restrict or prohibit basketball goals.
 - a. All goals shall be installed or placed no more than 50% of the distance from the house/garage to the inside edge of the sidewalk.
 - 1) Basketball goals shall be installed on the inside edge of the owner's driveway.
 - 2) If the goal is to be installed on the outside edge of the driveway (adjacent to the neighbor's yard) written approval from that neighbor is required. This also applies to rear yard installation within 10' of a party wall.
 - b. A 15 gallon tree, minimum height of 6' as approved by the ARC (pygmy varieties of trees do not qualify), shall be planted on the owner's property, within 10' of the pole to soften and mitigate the visual effect of the basketball goal and pole. The directive is that the homeowner shall plant a tree that has the potential to accomplish this theme.

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- c. All basketball goal units, excluding the backboard, shall be black or painted to match the body color of the home.
- d. Any basketball backboard installed on a house or over the garage shall be mounted within 12" of the body of the house and the backboard must be painted to match the body color of the home.

- e. Basketball goals installed in fully enclosed backyards (because they are visible over the walls/fences) need review and approval by the ARC.
- f. Moveable goals, per Town of Gilbert, shall not be placed on streets, sidewalks, or right-of-ways.

Q. CLOTHES DRYING FACILITIES.

- 1. All clothes drying facilities shall be located and maintained exclusively within a fenced yard and concealed from the view of neighboring or public property.

R. DRIVEWAY EXTENSIONS.

- 1. Driveway extensions within The Islands Community Association must be approved by the Architectural Review Committee. Driveway extensions will be reviewed on an individual basis with consideration of any impact on the architectural features of the neighborhood. The extensions are not intended to be additional parking pads. Concrete width will not be increased at the street. (This is intended to prevent the appearance of a landing strip!) All additions will be landscaped to maintain visual harmony within the existing neighborhood.
- 2. A driveway extension cannot be permitted if it creates an uninterrupted span of concrete greater than 28' at the sidewalk. Adjacent driveways shall be separated by a minimum 5' landscape buffer.

Some subdivisions, such as Martinique II and III, have unique circumstances. After much consideration by the ARC, Board of Directors and association legal counsel, the following variance is granted for Islands Parcels 3 and 39:

- a. The bonus room option appears architecturally integrated into the design of the house.
- b. The Developer installed driveway option 15 was integrated into the overall design of the house.

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- c. The package of the Developer installed bonus room and driveway options is present throughout Parcels 3 and 39 and as such they are architecturally integrated within their communities.
- d. Homeowner installed driveways must meet ARC approval. Deviation from the developer installed design is not permitted.

The ARC, upon acceptance of the above four considerations, has granted Blandford Development a variance for the Developer designed and installed bonus room driveway option in Parcels 3 and 39 exclusively. Owners within these two communities have received approval letters on their Blandford installed driveways so that there will be a permanent record on file.

S. FLAGPOLES.

1. No flagpole shall be installed without the prior written approval of the Architectural Review Committee. Flagpoles shall be limited to a height of twenty (20) feet in residential areas. The United States and the State of Arizona flags shall be displayed and such flags shall be of a reasonable size, as determined by the Architectural Review Committee.
2. One decorative or seasonal flag is permitted per home and shall be maintained in accordance with Islands Standards.

T. FIRE PITS and BBQ PITS.

1. Exterior fireplaces and barbecue pits visible to the public require architectural approval prior to the installation of the fireplace or barbecue pit.

U. GUTTERS and DOWNSPOUTS.

1. The ARC has specified Gutters and Downspouts as an approval item if they meet the following guidelines:
 - a. Gutters shall match the trim color of the home.
 - b. Downspouts shall match the body color of the home.

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V. MACHINERY AND EQUIPMENT.

1. No machinery, pool equipment, fixtures or other equipment of any type, including but not limited to heating, cooling, air conditioning and refrigeration equipment and clothes lines, may be placed on any Lot or Parcel without prior written approval of the Architectural Review Committee. Approval shall be conditioned

upon prior screening or concealment from view of neighboring or public property.

2. Machinery, equipment and fixtures shall be concealed by a solid enclosure in a manner that appears architecturally integrated, be structurally stable in accordance with sound engineering principle, and not present undue nuisance to adjoining homeowners.
3. Ground mounted air conditioning units shall be concealed by a solid enclosure on all sides visible to the public and/or neighboring views. Location and screening shall be submitted to the Architectural Review Committee prior to installation.

W. PATIO COVERS AND SHADE STRUCTURES.

1. The installation of patio covers or similar shade structures shall require the approval of the Architectural Review Committee.
2. The application for approval shall include all architectural plans, site plans, elevation drawings and permits. Patio covers require approval from the Town of Gilbert.
3. Shall meet or exceed original standards as designed and installed by the builder or developer of the subdivision. Colors, material and texture must match the existing body of the home.

X. POOLS.

1. All pools and/or spas visible to the public shall be approved by the Architectural Review Committee prior to construction. Site plans and elevation drawings of the proposed pool shall be submitted for approval prior to the commencement of any construction.
2. No pool, spa, or equipment shall be permitted within 10' of the waters edge of the lake without prior written approval of the ARC. All pool equipment shall be screened from public view.

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No drainage piping, backwash, and any other water releases shall be allowed to discharge into the Lake or Islands Common Areas.

3. Above ground spas, visible to the public, shall be painted the same color as the body of the house, or a non-colored wood preservative may be used.
4. Above ground pools with attached decks shall not be placed within 10' of any party wall.

5. Any construction that requires the removal of Common Walls requires Architectural Review Committee approval and an indemnity agreement. See **Exhibit 5** on removal of common area walls.

Y. SCREEN/SECURITY DOORS.

1. Screen/Security doors shall match the color of the window frames or shall appear architectural integrated into the design of the homes or stained or painted to match the color of the entry door. Any decorative metal work requires architectural approval.

Z. SOLAR PANELS AND EQUIPMENT.

1. All solar energy devices visible from neighboring property or public view shall be approved by the Architectural Review Committee prior to installation.
2. Roof-mounted solar panels and equipment shall match the roof material. Panels shall be an integrated part of the roof design and mounted directly to the roof plane. Solar units shall not break the roof ridge line, shall not be visible from public view and shall be screened from neighboring property in a manner approved by the Architectural Review Committee. Tracker-type systems will be allowed only when not visible from neighboring property as approved by the Architectural Review Committee. The height shall not exceed 4" above roof.

AA. STORAGE SHEDS, GUEST HOMES, SERVANT QUARTERS, INCIDENTAL STRUCTURES, GAZEBOS AND RAMADAS.

1. An application for approval shall include all architectural plans, site plans, elevation drawings, permits and adjoining homeowners permission letters for lake front owners, so as not to impact the view of the lake.
2. Roof color and style shall match existing roof. For gazebo roofs - open lattice/wood roof of natural color may also be considered for approval.

3. Wall color and texture shall match the existing body of the home. All structures shall be integrated into existing landscape.
4. Guest homes and servant quarters shall be constructed at least 15' from any adjoining property line.

BB. SWING SETS, PLAY EQUIPMENT.

1. Wooden sets shall be painted to match the house body color or maintained with a non-colored wood preservative.
2. Metal sets, visible to the public, shall be painted to match the color of the existing home.
3. No sets or any portion of shall be approved that are greater than 8' in height.
4. ARC requires that the equipment shall be 5' away from any party wall.
5. Any colored canopy or cover, which is visible over the party wall, shall be subject to the Awning Maintenance Agreement and requires Architectural Review Committee approval. The ARC will consider a color that matches the body color of the home.

CC. TENNIS COURTS/SPORT COURTS.

1. No tennis court or sport court shall be installed without prior written approval of the Architectural Review Committee. Courts may be allowed providing their setting, visual appearance, lighting, noise generation, construction, and landscaping does not detract from the enjoyment of neighboring property as determined by the Architectural Review Committee. Each proposed installation shall be judged on a case-by-case basis .

DD. WINDOW TREATMENTS.

1. No aluminum material or other reflective material may be installed on windows. All other exterior window coverings or treatments used to shield or decorate openings shall be submitted to the Architectural Review Committee prior to installation.
2. Security shutters shall be submitted to the Architectural Committee and will be reviewed based upon the integration of the modifications with the home.

EE. WALKWAYS.

1. Walkways shall be no wider than 3' and must be placed so as not to detract from the Architectural features of the existing home and neighboring homes and shall not be used as parking for vehicles. Plot plans, detailing the existing home and the proposed walkway shall be submitted to the ARC, along with the intended finish texture of the walkway (for example: salt finish, tile, etc.).

2. Refinishing of existing walkways, textured walkways or overlays which are visible to the public, are permitted with ARC approval.

FF. BOAT DOCKS.

1. The Architectural Review Committee has approved two (2) boat dock standards which may be used by any Owner who desires the installation of a dock on a Lake front lot.
2. Custom designs shall be reviewed on a case by case basis and may not exceed fifty percent (50%) of lots lake frontage.
3. Dock(s) cannot be placed within five (5) feet of adjacent property line.
4. Site plan detailing exact location of proposed dock(s) (to scale) showing all intended construction (see attached footing detail, **Exhibit 6**), elevation drawings, construction materials, and color details.

GG. UTILITY AND SERVICE LINES.

1. All exposed cable, conduit, pipes or other items placed on the exterior surface of the home or structure shall be concealed by being painted the same color as that portion of the house.

RULES AND REGULATIONS

The Rules and Regulations are enforced per the policy adopted by the Board of Directors (see exhibit 9).

THE ISLANDS LAKES

The Islands Community Association contains 76 surface acres of lakes and retains a ten (10) foot lake easement (per the subdivision Tract Declaration.) from the waters edge

towards the building site. This easement was established for the purpose of maintenance or repair of the lake wall which is considered an Islands common element. Many items affect the integrity of the lake wall and the clarity and quality of the water. Please review this section should you have any questions regarding docks, landscaping, building pools, ramadas or retaining walls on lake front lots.

1. Lake Easements/Lake Front Structures

- a. Nothing shall be built upon, attached to, or supported by the Lake Wall. (With the exception of View Fence support).
- b. All measurements which use the Lake as a reference point shall use the waters edge as a starting point. All measurements shall be made in plane parallel to the water. See **Exhibit 7**.
- c. Lake Easement is defined as being ten (10) feet, as measured from the lakeside edge of the lake wall into the property, following the curvature of the wall from property line to property line.
- d. Construction within the easement is permitted up to within five feet of the waters edge but must comply with the engineers drawings. Prior written approval of the Board, and signed Lake Indemnity Agreement. Architectural Review Committee approved boat docks are excluded from this requirement.
- e. No ground cover nor any other type of planting shall be allowed to grow into the lake.
- f. Landscaping shall be continuously maintained to high standards. No weeds, leaves, litter, or trash, shall be allowed to accumulate. No clippings, leaves or plant material shall be discharged into the Lakes. Pet feces shall be removed promptly and at all times kept away from and out of the lake.

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- g. All support equipment such as pool pumps/filters and heating cooling units must be screened from public view from the lake or common areas.

2. FISHING.

- a. A Fishing License is required to fish in any of The Islands Lakes. They are available from the Association's management office for an annual fee of \$2 per person or a family rate of \$6.
- b. Fishing is restricted to residents and their guests.

- c. All permits must be displayed while fishing. Unlicensed fishers will be asked to leave.
- d. Permits must be renewed annually and expire one year from the date issued or when the licensee is no longer a resident, whichever comes first.
- e. Only pole and line fishing is permitted and hooks shall be of the barbless variety or made barbless to facilitate throwing the fish back while still alive. Unattended lines are prohibited.
- f. The Association advocates catch and release. All fish caught and not kept for personal consumption, must be thrown back while still alive.
- g. A limit of two (2) fish per person/license may be kept per day for personal consumption, with the exception of Tilapia and White Amur. These fish are stocked in the lakes to assist in keeping the algae and various lake weeds under control, **Tilapia and White Amur must be released.**

3. LAKE USE AND WATER CRAFT RULES.

The Association retains the right to regulate the use of the common areas including most importantly the Lakes. Every owner, resident, member of the association and their guest shall abide by the following lake use regulations:

- a. All Water craft operated on any of the Islands lakes must be registered with the Association whether stored on or off the water. The registration stickers must be attached to the water craft near the bow and above the water line, (or as directed by the Board of Directors).
 - b. Water craft size shall not exceed 21 feet in length and a width of not more than 9 feet.
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- c. No internal combustion engines designed to propel water craft shall be permitted to be mounted on or carried on any water craft while in any of the Islands lakes. Allowable propulsion systems for water craft are limited to electric motors, sails, oars and paddles.
 - d. No loud music shall be permitted to be played or originate from any speakers on any water craft.
 - e. Water craft shall not be operated so near the shore of the Lakes as to unnecessarily disturb the Owners or Residents, or otherwise create a nuisance.

- f. All water craft shall carry the appropriate U.S. Coast Guard approved floatation devices (PFD's) for every passenger and crew person.
- g. Inner tubes or swimming pool type equipment is not permitted on the lake at any time.
- h. Swimming in the lakes is strictly prohibited except in the event of an emergency.
- i. A valid Islands Fishing License shall be displayed at all times while fishing from a boat on any of the Islands Lakes.

4. LAKE PATROL

Persons may be appointed from time to time by the Board to act in the capacity of Lake Patrol. The Lake Patrol has the authority to restrict the usage of any Lake Areas by any person or water craft due to negligence in the operation of the water craft, or violation of any safety regulation or Association Rule regarding Lake usage.

A. ASSESSMENTS.

- 1. All Owners within the Islands Master Association are required to pay an annual assessment for the maintenance of the common areas which include the lakes, fountain, green-belt, monuments, signs, walls, insurance, etc. The assessment is currently billed semi-annually, due January 1 and July 1 each year. Please refer to Section 7.1- 7.11 of the CC&R's as well as The Islands Collection Policy in **Exhibit 8**.

There are three types of assessments within the Islands Community Association. The Islands is the Master Association for the community.

- a. **SUB-ASSOCIATIONS.** You may live in a subdivision, condominium or townhouse community with amenities and/or private streets that require collection of a separate maintenance fee or sub-association fee. These fees are paid directly to your subdivision managing agent specifically for use within that community. For example: Seawynds, Costain, Harbor Cove, The Falls, Mirada, Laguna

Shores, Sandcastle Village, Coral Reef, Lake Mirage, Charter Point, Windhaven III and Elliot Shores have organized sub-associations.

- b. **SUBDIVISION ASSESSMENT.** There are six subdivisions that do not have organized sub-associations but pay an additional maintenance fee to The Islands Master Association. This is for maintenance of the common area within the subdivision. These subdivisions are Catalina Bay I, II, III, and IV and Martinique II and III.
- c. **SPECIAL ASSESSMENTS.** The Association may levy a Special Assessment only for the purpose of defraying in whole or part, the cost of any construction, reconstruction, repair or replacement of a capital improvement. However, a special assessments requires a vote of the membership and must be passed by two-thirds (2/3) of the members voting in person or by proxy at a meeting duly called for such purpose.
- d. **LAKE ASSESSMENT.** In the event of damage or destruction of the Lakes, the Board shall be authorized to levy a special assessment without a vote of the membership. However, the association must provide written notice to the Members of the proposed levy and of their right to object within fifteen days of receipt of the letter. If, after providing notice, no more than seventy-five percent (75%) of the members eligible to vote object in writing, the lake assessment will be levied.

C. ANIMALS.

- 1. Only a reasonable number of generally recognized household pets are allowed on any lot.
- 2. The animals may not become a nuisance or make unreasonable noise.

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- 3. Each Member is responsible for cleaning up after his or her animal(s), as well as comply with city county and state leash laws. When walking animals, pet owners must carry "pooper scooper" or other means of retrieving and carrying any feces deposited by their pet(s) during their walk.
- 4. No pet feces shall be permitted to enter or be disposed of in the lake at any time.

C. BUSINESS.

- 1. Property, except that classified as commercial shall be used exclusively for residential purposes.
- 2. The Islands does not prevent offices within the home.

3. Home based Businesses are allowed providing said business use is not obvious to neighbors or casual observers. Increased vehicle traffic, loading and unloading of equipment or products are not permitted.

D. GARBAGE.

1. No garbage or trash may be placed on any Lot or Parcel except in covered containers meeting the specifications of the Town of Gilbert.
2. Rubbish, debris, and garbage shall not be allowed to accumulate. Each Owner shall be responsible for removal of rubbish, debris, and garbage not only from his Lot or Parcel but also from all public right-of-way either fronting or siding his Lot or Parcel.
3. Trash containers may not be visible from neighboring property except on collection day.
4. The Town of Gilbert will pick up Bulky and Un-contained Waste such as large limbs, palm fronds, lumber and other small construction materials, used furniture appliances, rugs, outdoor items and large toys. Keep your neighborhood looking nice by not setting your un-contained waste out more than three days in advance. Please contact The Town of Gilbert for their current schedule for un-contained waste.

E. HOLIDAY DECORATIONS.

1. Holiday or seasonal decorations may be displayed.

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2. Decorations displayed shall be removed within 30 days after the holiday.

F. LEASING OF HOMES.

1. A property lease shall specify that the lease is subject to the Islands Community Associations governing documents, Architectural Guidelines, as well as the Rules and Regulations.
2. Depending on which subdivision you reside, the lessee may also be subject to sub- association documents. (Governing Documents shall included but are not limited to the Covenants, Conditions, Restrictions, and Easements, Bylaws, Tract Declarations and Articles of Incorporation.)

G. LANDSCAPING GUIDELINES FOR SINGLE FAMILY AND LAKE FRONT LOTS

1. All completed and /or sold dwelling units shall have their front yards landscaped no later than 180 days from the date of closing per the Architectural Review Committee.
2. Prior to landscaping, all lake front backyards shall be maintained in a neat, trash-free, weed-free, dust-free condition.
3. All decorative/retaining walls over three (3) inches in elevation require Architectural Review Committee approval.
4. Boulders, mounds, and all landscape features visible to the public property shall not exceed forty (40) inches in height measured perpendicular to a line running from finish grade at dwelling to sidewalk.
5. A minimum of two (2) trees at least "15 gallon" in size or six feet in height, are required in the front yard of each home. In addition, a minimum of three (3) shrubs, at least "5-gallons" in size, shall be planted along every twenty (20) feet of street (excluding driveways) and lakefront.
6. If a desert landscape theme is used, two column-type cacti (e.g., saguaro, organ pipe, etc.) or two (2) succulent bushes (e.g., ocotillo, etc.) may be substituted for the aforementioned trees if they are at least six (6) feet in height. Smaller cacti (e.g., barrel, etc.) may be used in lieu of shrubs.

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7. No tree, shrub, nor plant of any kind shall overhang, or otherwise encroach upon any sidewalk or any pedestrian or bikeway, from ground level to a height of eight (8) feet. No part of any plant containing thorns (e.g., cactus, bougainvillea, etc.) shall be closer than three (3) feet from any pedestrian/bike area.
8. All bare earth shall be covered by turf, decomposed granite or other natural rock material to provide a neat, dust-free appearance.
9. Artificially colored rock is not permitted.
10. All landscaping shall reflect the character of the development. Rocks, boulders, patios, sidewalks, landscape timbers, etc., may be used for accent and to create imaginative landscape design. Railroad ties are not permitted.

11. Fencing (e.g., split rail, picket, pipe, wrought iron, wire etc.) is not permitted in front yards.
12. No owner or resident shall permit anything or condition to exist upon any lot which induces, breeds, or harbors infectious plant diseases, insects or vermin.
13. Lake front Lots must comply with the above policies as well as those outlined below:
 - a. No less than fifty percent (50%) of the area visible from the lake at the shoreline shall be appear "green" in nature. Imaginative desert theme landscape requires Board approval.
 - b. The neighbors view of the lake or waterfront shall not be restricted by structures, fences, landscaping or any other obstruction.
 - c. No tree or shrub with invasive roots or deciduous in nature shall be planted within ten feet of the inner edge of the lake wall.

H. LANDSCAPE ENHANCEMENTS/DECORATIVE ORNAMENTS.

1. Decorative landscape enhancements shall be permitted but must blend with the landscape theme. The Board of Directors retains the authority to determine if such enhancements are a nuisance to the surrounding neighbors and properties.

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2. Enhancements shall not exceed 48" in height. Enhancements shall not be offensive to neighboring lots or common areas. If attached to the home itself, the decoration shall not exceed three square feet. Enhancements may include, but are not limited to the following items:
 - a. Various nautical elements (at lake front).
 - b. Southwestern and Mediterranean decorations of iron or clay.
 - c. The Board of Directors retains the authority to determine if such enhancements are a nuisance to the surrounding neighbors and properties.

I. MAINTENANCE.

1. Maintenance shall include keeping the areas neatly trimmed, cultivated and free of trash, weeds and debris, repair all paved areas and concrete areas. Homes and buildings shall be kept in good condition and repair and adequately painted.

J. PARKING.

1. The Association's intent is to eliminate on street parking as much as possible. The streets are under the jurisdiction of the Town of Gilbert with the exception of some private streets within condominium associations.
2. Parking on the street should not exceed 72 hours and shall not impede traffic or present a safety hazard.
3. Parking areas, as much as possible, shall be screened from public roads and adjacent properties.
4. No vehicle shall be constructed, repaired, or stored so as to be visible from neighboring property unless it is an emergency or temporary situation.
5. No parking is permitted on any collector street within The Islands such as S. Islands Dr. East or West, Mesquite Drive, Highland Drive or any arterial of Elliot Road, Warner Road, McQueen Road, and Cooper Road.
6. Boats, campers, mobile homes, trailers, RV's or other similar equipment or vehicles (any vehicle larger than a 3/4 ton truck) shall not be parked within public or private view except as specifically permitted by the Declaration, section 4.2,(s).

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7. No recreational vehicles except for the purpose of loading or unloading may be parked, stored, or repaired on any lot or parcel, street, or common area. (Unloading/loading to be completed within 48 hours). This shall also apply to motor homes, trailers, campers, commercial use trucks, boats or all terrain cycles.

K. CERTIFICATE OF COMPLIANCE/SALE OF PROPERTY.

1. Fourteen (14) days prior to the selling of any property within the Islands, an inspection must be done by the Management company for the Islands to verify that the property being sold is in compliance with the Islands CCR&E's and ARC Guidelines. This is required by law. All fees are payable by seller. See **Exhibit 10**.
2. Copies of the CCR&E's, ARC Guidelines, and Association Rules and Regulations will be given to the home buyers prior to the sale of the property. Copies can be requested from the Management company. Cost of these documents to be paid by the seller.

3. Seller will supply buyer with a copy of the Islands financial statement. Cost for a copy to be paid by the seller.

EXHIBITS

- EXHIBIT 1** - Approved Paint Colors
- EXHIBIT 2** - Walls/Fences
- EXHIBIT 3** - Retaining Walls
- EXHIBIT 4** - Satellite Resolution
- EXHIBIT 5** - Resolution for Removal of Common Walls
- EXHIBIT 6** - Dock Diagrams
- EXHIBIT 7** - Lake Wall Diagram
- EXHIBIT 8** - Collection Policy

EXHIBIT 9 - Enforcement Policy

EXHIBIT 10 - Certificate of Compliance Resolution

