

Walnut Park

HOMEOWNERS' ASSOCIATION

MAILING ADDRESS: 533 Moraga Road, Suite 200
Moraga, CA 94556

MEMORANDUM

DATE: February 12, 2001

TO: Residents
Walnut Park Homeowners' Association

FROM: Board of Governors

RE: Annual Distribution of Policies and Rules

It is our custom to distribute a copy of all Rules and Regulations to each resident in the Spring. However, certain laws effective January 1, 2001 required minor revisions. The Board has approved the attached revisions and voted to distribute them at this time. This provides information to new residents, and is a reminder to those residents who were here last year. Please read the rules and be sure that everyone in your household is familiar with the contents. Management and its representatives will periodically check the grounds and pools for reasons of safety and conformity to the rules.

It has come to the Board's attention that owners and residents need to pay particular attention to the areas of concern listed below:

- a. Architectural Changes: Prior to making a change in floorcovering, exterior changes or structural modifications, please consult the CC&Rs and contact the management company for an Architectural Request Form. Recent changes which required substantial correction by the owners included: installing entry tile, window coverings other than white or off-white, and the addition of a structure in the deck or patio area.
- b. Use of skateboards, rollerblades, scooters and bicycles are not allowed on the property. Owners who have residents that are found engaging in these activities are subject to violation notices and possible fines. Wheeled vehicles designed to assist the disabled are acceptable.
- c. The hanging of towels, clotheslines, etc. on the fences or over the balcony railing is not allowed as it detracts from the appearance of the complex. Planters and other items are not to be placed on railings or fences, as they create a possible safety hazard.
- d. All cars parked at Walnut Park must have a parking sticker; limit two stickers per unit. Vehicles without current registration and parking stickers are subject to notice and towing at owner's expense.
- e. Noise: Please be considerate of your neighbors so that sounds from your unit are not audible in neighboring units.
- f. Dogs are PROHIBITED within the complex. Cats and other pets are restricted to inside the unit. Animals wandering loose in the complex are subject to retention and transport to the animal shelter in Martinez, CA. Service dogs to the disabled are exempt.

Walnut Park

HOMEOWNERS' ASSOCIATION

RULES AND REGULATIONS

INTRODUCTION

To fully understand the Covenants, Conditions and Restrictions (CC&Rs), Bylaws, Rules and Regulations, keep in mind that the Civil Code of the State of California, Sections 1350 and 1376 created what is called the Condominium Act. This act in effect makes Walnut Park Homeowners' Association a small town of some 400 persons within the City of Walnut Creek. As a small town we have our own Town Council (the Board of Governors) and a Town Manager (the Property Manager). The laws governing our small town are the CC&Rs. The misdemeanor and felony laws are those enacted by the City of Walnut Creek, County and State. The electorate, the owners, by state law must sign, prior to their purchase of their unit, that they have read and will abide by the Rules and Regulations of the CC&Rs without, in most cases, any recourse. Those owners who lease or rent their units bind their tenants to be equally responsible for observing all Rules and Regulations, Bylaws and CC&Rs.

Where Assessments, Special Assessments, and Penalty Assessments are enacted by the Board of Governors in behalf of the Association and its members and they remain unpaid, the Association is empowered to take enforcement action against the owner including court action. The obligation of such assessments and all costs involved in taking the steps of enforcement are charged to the account of the owner. Violations of the Rules and Regulations by a tenant/renter can result in the Association making demand of the owner to terminate the rental agreement of the offending party.

No changes or deviations of these Rules and Regulations are permitted unless approved, in writing, by the Board of Governors.

ADMINISTRATION

1. The attached delinquency control policy is sent to each owner by November 15 of each fiscal year, which ends on December 31.
2. There shall be a Transfer Fee payable by owners selling their units. This fee covers the costs of the Association in changing records, issuing a financial statement, issuing the budget and the administrative cost of management. If an owner requires replacement of CC&Rs, Bylaws and Rules and Regulations the charge is \$50.00.

(Dated: January 17, 2001)

MANAGEMENT

Walnut Park Homeowners' Association has contracted out the management of your common area property. It is the function of management to perform the day to day functions of administering, controlling, and servicing the entire project under the direct control of the Board of Governors.

REPAIRS AND MAINTENANCE

Repairs, maintenance and janitorial service of the common areas (public areas) such as pools, driveways, landscaping, etc., are the responsibility of the Association which, in turn, has delegated the actual performance of duties to various contractors. Repairs, maintenance and cleaning of any item within the unit is the owner's responsibility and cost.

SECURITY AND LOCKOUTS

If at any time you may be locked out of your unit, call a locksmith. The Association is not responsible for locksmith service and does not maintain master keys for any units.

PARKING

See attached parking Rules.

PETS

Pets of any kind are not permitted within the Walnut Park complex without prior approval by the Board. DOGS ARE STRICTLY PROHIBITED except as service animals for disabled individuals. Pets outside in the common area are subject to being picked up during patrols by the County Animal Service and violators are subject to appropriate penalties and fines.

ARCHITECTURAL AND APPEARANCE

As referred to in Article XI, Sections 2, 8, 9, 12 and 13 of the CC&Rs.

1. There will be no outside TV antennas, or any other similar antennas or poles. Satellite dishes are allowed in accordance with federal regulations. Contact the Association prior to installing any dish to make certain it does not impede on the common area.
2. All window coverings (drapes, blinds, shutters, etc.) in the project must be uniform in color and appearance. The side that faces outside must be white or off-white.
3. Structural alterations of any kind must receive written Board approval. This includes combining contiguous units, changes to the roof or balcony/patio, or any item that breaks through or attaches to exterior walls or windows (such as air conditioners).
4. Residents are responsible for maintaining their outside entryway, stairs leading thereto, their balcony/patio and their parking spaces in a clean, neat and orderly manner. These areas are not to be used for storage.
5. Garbage and refuse shall not be stored outside a unit entrance or on a balcony/patio at any time. Disposal of garbage and refuse shall be in a neat, orderly manner in the containers provided in several areas of the complex. Newspapers, magazines, bottles, etc., should be placed in the recycling containers provided in the garbage areas. Cardboard boxes should be crushed and placed in appropriate recycling containers. The Debris Box (located at 2564 Walnut Blvd. next to the canal) shall not be used by residents. This is for use by the landscape and janitorial maintenance services ONLY.
6. Nothing shall be stored anywhere on the Walnut Park Property including balconies/patios without written Board approval. Brooms, mops, cardboard boxes, or any similar articles are to be stored inside the unit or in the storage closet provided with each unit. No towels, rugs, clothing or similar articles are to be hung from the windows, railings, balconies or over common area fences.
7. Please see attached policy of deck storage.

Violations of these restrictions will result in penalty assessments against the unit owner after due process.

POOLS

Please see the attached Pool Rules.

BICYCLE AND WHEELED VEHICLES

Please see attached policy covering rollerblades, skateboards, scooters, bicycles and other wheeled vehicles.

GENERAL RESTRICTIONS

1. Use of units is restricted to RESIDENTIAL purposes only.
2. No noise shall be made in a unit or in the common area by owners or their tenants/guests which tends to interfere with the peace and quiet of others, including, but not limited to, musical instruments, televisions, radios or stereos. Loud, boisterous behavior can subject the person or persons to being reported to the Walnut Creek Police.
3. Nothing shall be stored anywhere on the Walnut Park property without written Board approval.
4. One real estate sign (for sale, for lease, for rent) may be displayed to public view from inside a window of the unit. No signs on railings, balconies, or fences are allowed without written Board approval. Size of signs approved by the Board is 18" x 24" – a standard broker sign. No signs shall be displayed in planted areas.
5. No water beds shall be used or installed in second floor units unless an insurance policy with a value of \$100,000.00 per accident is obtained by the resident at their cost naming Walnut Park Homeowners' Association as an additional insured, and a copy of said policy is given to the management office.
6. No alterations of floor coverings which will result in an increase in sound transmission will be permitted.
7. Laundry room hours are from 8:00 a.m. to 10:00 p.m. Residents should report washers and dryers which are out of order to the telephone number posted in each laundry room. Place a note on the machine showing when such a call was made.

WALNUT PARK HOMEOWNERS' ASSOCIATION

POLICY ON INSURANCE CLAIM DEDUCTIBLE

Effective February 4, 1997, the Board of Directors unanimously approved the following policy:

"The owner will bear the cost of the deductible when an insurance claim is made on the Association's policy for damage sustained that an owner is responsible for."

(Dated: February 6, 1997)

8. The clubhouse at the middle pool (2564 Walnut Blvd.) may be rented for any social occasion by a resident provided it is not used for commercial or political purposes. Rental of the clubhouse does not include use of the pool or pool area. There will be a \$250.00 deposit required which will be refunded if there is no damage and the facilities are left in a neat, clean and orderly condition. The non-refundable rental fee is \$50.00 for five (5) hours. There will be no dancing, live music or loud, offensive noise allowed. Contact the Association management office for reservation information.
9. All owners are responsible for compliance with the provisions of the CC&Rs and these restrictions, including compliance by tenants and/or visiting guests, and shall pay the enforcement or special assessment established by the Board for a violation of the CC&Rs, Bylaws, or Rules and Regulations.
10. Please see attached policy on insurance deductibles.

CONCLUSION

As stated in the introduction, the CC&Rs and these Rules and Regulations have only been adopted and approved so we may provide an enjoyable and safe environment. Penalties, assessments and other restrictions have been discussed above so that everyone will be familiar with these requirements. It is up to each of us to maintain and improve our Association by abiding by the Rules and Regulations, and CC&Rs which govern all residents.

**BOARD OF GOVERNORS
WALNUT PARK HOMEOWNERS' ASSOCIATION**

ASSURED MANAGEMENT SERVICES

MEMORANDUM

DATE: January 18, 2001

TO: Homeowners
Walnut Park Homeowners' Association

FROM: Association Communications, Inc.

RE: Change in Insurance Deductible

The Board of Directors has unanimously voted to increase the Association's insurance deductible from \$1,000 to \$5,000. This change was made to protect the Association's insurance from maintenance claims that count against the Association's record for claims made. Each owner is responsible for the deductible for claims associated with their unit. This is usually substantially covered by the owner's unit insurance. If an owner has questions about their coverage, they need to contact their agent.

Thank you.

RA:ds

WALNUT PARK HOMEOWNERS' ASSOCIATION
DELINQUENCY CONTROL POLICY
AMENDED EFFECTIVE 1/1/97

Assessments are due on the 1ST of the month they are billed, and are delinquent at 4:30 p.m. on the 15th day of that month. The assessments or special assessments will be subject to a late charge 15 days after the assessment is due. If the 15th day falls on a Saturday, Sunday or Holiday, assessments received by 12 noon the next business day, or received from the Postmaster on the next business day will be applied prior to the late charge. A late charge of \$10.00 OR 10% of the assessment or special assessment, whichever is greater, will be charged after the application of these payments.

The Association shall be entitled to recover reasonable costs of collecting delinquent assessments including, but not limited to Attorneys' fees, collection company fees, late charges, interest, recording fees, and litigation guarantee, which shall also bear interest applied thirty days after the charge.

All balances are subject to interest of 9% per annum if they remain unpaid 30 days after they become due. The same receipt rules apply as above.

All unpaid assessments, special assessments, late charges, interest and other charges will be subject to a lien after 45 days from the day the assessment was billed. All fees related to the collection efforts related to this delinquency will be charged to the owner's account.

The Board has a fiduciary duty to collect all assessments for the maintenance and replacement of common area property in a timely fashion. Therefore the Board will refer any account, 45 days delinquent, to the attorney of record or other collection company for the Association to commence any or all remedies set forth in the CC&R's, Articles, By-laws and the California Civil Code. These may include, but are not limited to, assessment liens, commencing suit against the Owner, commencing suit to foreclose the lien, and /or commencing a private foreclosure sale to sell the delinquent Owner's interest in the Association. The purpose of all of these actions is to recover all delinquent assessments, late charges, interest and collection costs. If an owner is aware that he/she is delinquent and subject to these actions, they should immediately contact Condominium Financial Management, Inc. to explain the reasons for their delinquency and propose a written payment plan to be approved by the Board prior to legal action being commenced.

Any check returned by the bank for insufficient funds, stop payment or other reasons will be charged back to the unit and a \$15.00 administrative fee plus bank charges will be levied.

The foregoing policy was written based on the Association's documents and California State Civil Code Section 1366 and 1367. This amendment to the delinquency control policy is required by the amendments to the Davis Sterling Act effective 1/1/97.

WALNUT PARK H.O.A. Parking Rules

Next to the payment of assessments, parking is probably the most sensitive issue for all residents. The Parking Rules and Regulations are:

1. Owners are deeded one covered parking space for each unit owned and must park in the assigned space. Unassigned uncovered spaces may be used by residents or visitors. Residents are reminded that visitors staying longer than five (5) days must be registered with the management office. Failure to do so may subject the auto to tow as an unregistered vehicle.
2. All vehicles must observe the speed limit posted; violators are subject to penalty assessments as provided by law.
3. If you find a vehicle parked in your deeded parking space and you do not know the person using your space, call a towing company yourself and have the vehicle towed as illegally parked.
4. Residents are responsible for the cleanliness of their deeded parking space. Metal drip pans only are to be used for oil or other leaking substance. If you use a dry absorbent, it must be kept within the pan and pans must not be allowed to overflow. Violators are subject to citation and, if not corrected within ten (10) days, the owner will be assessed the cleanup costs incurred by the Association (not less than \$25.00). Owners will be held liable for any accidents caused by oil or debris in deeded parking spaces. Carports are not to be used for storage.
5. Vehicles parked at Walnut Park on a regular basis must be registered with the office and issued a parking permit decal. It is requested that the decal be affixed to the rear window of the vehicle or displayed prominently on the dash. Any vehicle not bearing such a parking permit decal and with out-of-date registration will be subject to towing. Visitors staying longer than five (5) days must obtain a temporary decal from the office and return such when they leave. No more than two (2) permanent parking decals will be issued to a unit.
6. The deeded parking spaces or open parking spaces or anywhere on Walnut Park parking lot are not to be used to perform repairs of any kind; no major power tools or power consuming devices shall be operated in the parking or common areas.
7. No boats, trailers, campers, trucks, golf carts or other recreational vehicles may be parked or stored in deeded parking spaces or any other space without written approval.
8. Open parking spaces are not to be used to store vehicles which do not run.

Violations of any of the above Rules and Regulations are subject to fines and suspension of parking privileges as provided by the CC&Rs and/or by Section 22569 CAC.

WALNUT PARK H.O.A.

POOL RULES

No Lifeguard on Duty

For Emergencies Call 911

For Use By Residents and Their Guests Only

HOURS: 8:00 a.m. to 10:00 p.m.

FOR YOUR SAFETY:

1. Use at your own risk.
2. No unreasonable noise (screaming, yelling, loud talking).
3. No glass containers.
4. No more than two guests per unit.
5. No one under 14 years old unless accompanied by an adult (18 years and older).
6. No running, shoving, diving or cannonballing.
7. No inflated tubes, balls, squirt guns or other toys are permitted (except safety rings/vests, etc.).
8. No radios (except with headphones).
9. No animals in pool area.
10. Tight fitting plastic pants are required over cloth diapers or swim diapers. No plain disposable diapers allowed.
11. Nothing is to be hung on the pool fence.
12. You are responsible for your actions and the actions of visitors.

(Dated January 17, 2001)

WALNUT PARK H.O.A.

POLICY ON ROLLERBLADING, ROLLER SKATING, SKATEBOARDING, BICYCLING, SCOOTERS AND OTHER UNLICENSED WHEELED VEHICLES

Effective January 17, 2001, the Board of Governors passed unanimously and put into effect the following policy:

The following activities are strictly prohibited on the property of Walnut Park Homeowners' Association, which includes the pool areas, all sidewalks, all driveways and parking areas, and other common areas:

- Rollerblading
- Rollerskating
- Skateboarding
- Riding scooters
- Bicycling in other than street traffic areas

* Wheeled vehicles used as transportation by the disabled are permitted.

Trespassers will be subject to citation by the Walnut Creek Police, and residents will be subject to the enforcement procedures of the Association's Rules and Regulations.

Bicycles only may be locked to carport support poles, as long as they do not impede autos.

(Dated January 17, 2001)

WALNUT PARK HOMEOWNER'S ASSOCIATION

TERMITE CONTROL POLICY

Effective March 16, 1994, the Board of Directors unanimously approved the following policy:

"When termite work proposals under \$500 are received, a Board Member and a management representative will do an on-site inspection and if they concur, no Board action is necessary; and the bid is deemed approved. If they do not concur, or if the proposal is over \$500, a second opinion is needed and Board action is required."

(Dated: March 16, 1997)

WALNUT PARK H.O.A.

POLICY ON DECK STORAGE

Effective January 17, 2001, the Board of Governors passed unanimously and put into effect the following policy:

The following items have been approved for storage on balconies/patios:

- **Bicycles - up to 3 bicycles, which must be in good repair, may be parked on the floor (no hanging).**
- **Patio Furniture - outdoor tables and chairs.**
- **Barbecue Equipment - cookers/charcoal or gas broilers, properly managed for safety, are allowed. These must be supervised when in use. The Board will consider complaints of unsafe practices from neighbors.**

All situations remain subject to review by the Architectural Committee and Board of Directors at their discretion.

(Dated January 17, 2001)

WALNUT PARK H.O.A.

POLICY ON SCREEN DOORS

The following policy has been adopted as of July 13, 1995 by the Board of Governors for Walnut Park Homeowners' Association:

- All screen doors will be metal, not made of wood.
- Color will be dark brown, same as or similar to the entry door to the unit.
- All screen doors will be installed with an automatic closure to prevent sudden slamming of the door.
- Combination of glass and screen doors are acceptable.
- Owners/Residents are responsible for installation and maintenance of screen doors.

(Dated: 7/31/95)

WALNUT PARK HOMEOWNERS ASSOCIATION

c/o Matrix Property Management
1815 Arnold Drive Suite A Martinez, CA. 94553
925-228-4710 925-228-4720(fax)

MEMORANDUM

To: All Walnut Park Homeowner Association Members
From: **Association Communications, Inc.**
Re: New Pet Policy
Date: December 10, 2004

Attached, please find the new pet policy that was recently adopted by the board of directors for the association. The policy was circulated to obtain members' opinions of its content. The board has considered those comments and made minor revisions. The policy takes effect December 1, 2004. The board would like to thank all members that took the time and effort to provide some feedback, as well as those members that sent correspondence regarding their individual situations.

POLICY RESOLUTION
RULES AND REGULATIONS
ON KEEPING PETS IN WALNUT PARK

WHEREAS, the Board has decided to update the rules of the Association with regard to pets that can be kept on the properties; and

WHEREAS, this task has lead to review of the governing documents of the Association as the guiding regulation in this area; and

WHEREAS, the Board has sought legal advice with regard to the extent and limitations of Board authority in imposing and enforcing rules related to the keeping of pets; and

WHEREAS, this resolution has been circulated to the owners pursuant to the requirements of Civil Code Section 1357.100, and

WHEREAS, the Board wishes now to implement the rules and regulations related to the keeping of pets that have been reviewed by all Board members, management and legal counsel.

NOW, THEREFORE, the Board adopts the following rules based on the authorization of the governing documents at Article IX, Section 6, which provide that the Board may adopt and enforce rules, regulations and penalties regarding the keeping of pets, including reasonable limitations on the type and size, and that the Board shall have the right to order removal of any pet, which, in the opinion of the Board, constitutes a nuisance, threat or possible danger to other residents.

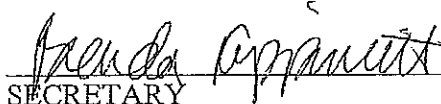
No animal of any kind shall be maintained or kept in any Unit or in the properties except for the following:

- (a) Only one or two pets (dogs, cats, other common household pets) may be kept in a Unit.
- (b) Birds in reasonable numbers (regulated by noise and other nuisance issues) and/or fish, and/or caged reptiles only as allowed by law, may be kept in a Unit.
- (c) No pets may be bred, kept or raised within the Project for commercial purposes.
- (d) All animals must be under full control of their Owners (on a leash or carried in the arms or a carrier) when in the Common Area. Leashed animals must be kept on the walkways. No pets may be left on balconies or in the patio areas without a person in attendance of them.
- (e) The keeping of all pets is also subject to city and county ordinances and state law.
- (f) All pets that are allowed to roam free in the Common Area may be reported to and picked up by Contra Costa County Animal Control. This is intended to minimize nuisance and safety issues related to loose pets.
- (g) Pets over 25lbs. are prohibited. None of the following breeds of dog are allowed (as these breeds are considered by some insurance companies as uninsurable): Pit Bull, Rottweiler, Akita, Bernese, Canary Dog, Chow Chow, Doberman, Husky, Karelian Bear, Rhodesian Ridgeback, or Russo-European Laika.
- (h) Owners must immediately pick up and properly dispose of any droppings left by their pets. Pets should not be allowed to defecate on turf or shrubs. If any pet is allowed to defecate on or

from a deck, the owner of the Unit is subject to being fined. If any owner allows a pet to defecate in his or her exclusive areas (decks and patios) and does not immediately clean up the mess, or allows this and the neighbor complains of noise or smells, the owner of the unit where the pet is kept is subject to fines and the pet is subject to an order of removal from the development. To the extent any damage is caused to decks by pets, the Owner of the Unit where the pet resides shall carry full responsibility for repairing the damage, and shall be subject to paying for repairs if made by the Association or other party.

- (i) Special (Reimbursement) assessments (for actual costs) and/or Enforcement Assessments (fines) up to \$50 per occurrence or \$50 per occasion for continuing or re-occurring violations may be imposed upon Owners of the Unit where the pet resides or is visiting under Article VII, Section 2(d) and (e). Charges may include monetary payment for disturbances, fines, or damage caused by pets, or for costs (including reasonable attorney's fees and costs incurred by the Association) in seeking a cure of the violation and/or pursuing the removal of any pet deemed to be a nuisance. No fines or assessments shall be imposed hereunder without first scheduling and providing notice to an owner and the opportunity to attend a hearing as required under California law.
- (j) Each Owner shall be absolutely liable to the Association and/or to each other Owner, their families, guests, tenants or invitees for any damage to person or property caused by pets brought upon or kept upon the Project in his/her Unit by an Owner, members of his/her family, guests, invitees or tenants. No aggressive, exotic or dangerous pets are allowed.
- (k) Trained service and certificated "assistance" dogs or pets are allowed only with an affidavit provided to the Board that states the pet is needed because of the disability and that include a copy of the Certificate(s) of training to the extent training is required for the service pet.
- (l) To the extent any owner is keeping a pet that exceeds the size limitation or is included within the prohibited list of dogs at the time this Resolution is executed, the owner is entitled to seek a "waiver" and have the pet "grandfathered" (meaning that is would not be required to be removed by virtue of the limitations stated herein), except that if the pet is already causing a disturbance or has exhibited threatening behavior, the "grandfathering" may be disallowed". To make the request, the owner must submit the request for the pet to be "grandfathered" in writing within 30 days of the date that this Resolution is approved, and must describe the pet including color, size, breed and name of the pet. Any pet that is not "grandfathered" in this manner is subject to all of these rules and regulations including size and breed. "Grandfathered" pets may not be replaced with any pet that violates the restrictions herein after the "grandfathered" pet is removed from the premises and kept elsewhere for more than 30 days, or the "grandfathered" pet dies, or the resident of the subject unit keeping the pet leaves the unit. All pets, including "grandfathered" pets are subject to all of these rules and regulations herein relating to conduct, nuisance and safety issues.

I, the secretary of WALNUT PARK HOMEOWNERS ASSOCIATION, hereby declare that the above Resolution was duly adopted by at least a majority of the Board Members on NOV 24, 2004.


SECRETARY