

RESOLUTION OF THE FLECHA CAIDA HOMEOWNERS ASSOCIATION BOARD OF DIRECTORS

WHEREAS: There has been increased interest in homeowners renting their property, or portions of their property using internet based hospitality services, the Flecha Caida Home Owners Association, Inc. Board of Directors seeks to clarify under what conditions rentals are permitted and

WHEREAS: The Conditions, Restrictions and Reservations (herein after CR&R's), as a whole, are silent on the duration of rental periods, and

WHEREAS: The Flecha Caida Home Owners Association, Inc. Board of Directors has long considered rental of a property to be permissible under the CR&R's, and

WHEREAS: There are two clauses in the CR&R's that do place certain conditions on permissible rentals, and

WHEREAS: The first clause, in paragraph 1 which reads "Said property and the whole thereof shall be used for private residential purposes only; no building or structure intended for or adopted to business purposes and no apartment house, double house, flat building, lodging house, rooming house, hospital, sanitorium or doctor's office, shall be erected, placed, permitted or maintained on said property or on any part thereof.", and

WHEREAS: The second clause, in paragraph 11 which reads "The said first class private dwelling house erected upon any such lot shall be constructed of stucco masonry or burnt adobe or clay brick with either a gravel, shake or mission tile roof; no white or light colored roofs shall be permitted. No evaporative cooler shall be placed, installed or maintained on the roof of any building or structure; all coolers shall be concealed. Rental of any guest house is prohibited, the occupancy thereof being limited to either guests or servants.", and

WHEREAS: The Flecha Caida Home Owners Association, Inc. Board of Directors has enforced and will continue to enforce said clauses diligently and consistently, and

WHEREAS: The Flecha Caida Home Owners Association, Inc. Board of Directors believes the intent of the above referenced clauses includes, without limitation, to preclude: 1) the rental of guest houses and 2) the partial rental of a home, which would necessarily result in the creation of a double house, flat building, lodging house or rooming house, and clearly prohibited by the CR&R's, and

WHEREAS: This resolution is proposed for the purpose of clarification only, and does not attempt or intend to modify or change the CR&Rs. To the contrary, the Flecha Caida Home Owners Association, Inc. Board of Directors believes and intends that by making this interpretation explicit, its enforcement of rental activities will be understood by

Flecha Caida property owners and will be applied fairly, evenly, and in full compliance with its mandate and obligations.

NOW THEREFORE BE IT RESOLVED:

The Flecha Caida Home Owners Association, Inc. Board of Directors deems that a property owner will not be in violation of the CR&Rs when renting their property, regardless of the duration of the rental, provided that the following conditions are met:

- 1) The full property is rented to a single person or group, and
- 2) The property owner, their family, guests or servants are not simultaneously resident on the property, and
- 3) The property owner, their renters and occupants maintain compliance with the CR&R's.

PASSED, APPROVED AND ADOPTED BY THE FLECHA CAIDA HOME OWNERS ASSOCIATION, INC. BOARD OF DIRECTORS, this day Of Month Day, Year.