

# Towne Park Home Owners Association

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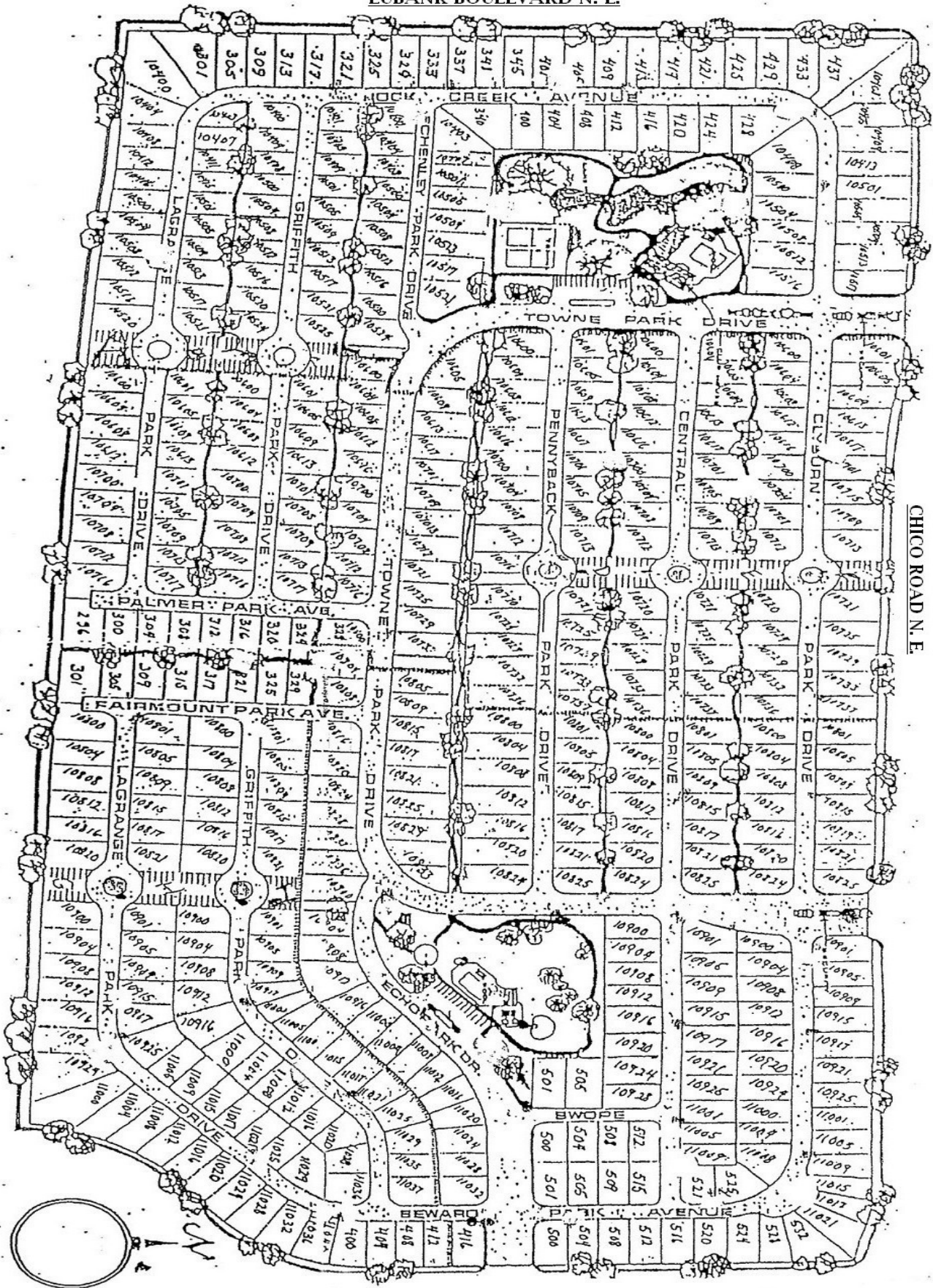
## *Resident Guidebook*



Ver. 2020.07.13

425 Towne Park Drive NE  
Albuquerque, New Mexico 87123

EUBANK BOULEVARD N. E.



MORRIS STREET N. E.

## Foreword

The Towne Park Homeowners Association (TPHOA) is pleased to welcome you to our community. Towne Park is a planned residential community, consisting of 486 private single family residences on separately platted lots, common areas and facilities situated on slightly over 73.5 acres of real estate that is gated and entirely fenced for privacy. Towne Park is a "covenanted" community, which means that homeowners, by virtue of purchasing a home have agreed to abide by and comply by the Towne Park Declaration of Community Covenants, Conditions, and Restrictions (CC&Rs) and the TPHOA Rules passed by the TPHOA Board of Directors.

CC&Rs and TPHOA Rules have been put in place to ensure the integrity and appearance of Towne Park; thus maintaining the value of all property within Towne Park. In addition, the CC&Rs and TPHOA Rules ensure a harmonious community so that all residents may enjoy Towne Park's quiet and peaceful **atmosphere. *The CC&Rs and TPHOA Rules apply to ALL residents Of Towne Park, both homeowners and tenants of rented homes.***

The purpose of the Towne Park Resident Guidebook is to help all residents understand the management and operation of Towne Park and the more common TPHOA Rules. ***It is important that ALL residents read, understand, and frequently refer to this guidebook.***

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## Part I: General Information

### Important Terminology

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Approved by the Board on July 13, 2020

*It is important to understand the following terms, as they are used throughout this guidebook. Definitions that are more detailed are available in the Towne Park Governing Documents.*

**Governing Documents:** The Articles of Incorporation, The Declaration of Covenants, Conditions and Restrictions (CC&Rs), Bylaws, and Towne Park Homeowners Association (TPHOA) Rules.

**Dominant Side-Lot Easement:** All lots have a three and a half foot (3.5') Side Lot Restricted Area (Dominant Side-Lot Easement) which goes with that lot. The Side-Lot Easement lies inside the Unit Building Area and runs along the neighboring residence. *A Homeowner or Tenant may not build any permanent structure or landscaping on their neighbor's Dominant Side Easement. If a Homeowner or Tenant builds a permanent structure or landscaping on the neighboring Dominant Side Easement, the Homeowner or Tenant may be asked to remove the permanent structure or landscaping at his or her own expense. Furthermore, any damage done to the neighboring resident by a Homeowner or Tenant must be repaired at the expense of the Homeowner or Tenant.*

**Homeowner:** Refers to those who own a Unit/House in Towne Park, whether or not they reside in the Unit.

**Building Lot:** The land under a Unit, land within the walled in area and its Lot Restricted Areas.

**Building Lot Lessee:** Someone who is leasing their lot from the TPHA.

**Lot Restricted Areas:** All lots have Restricted Areas. There are two (2) types of restricted areas:

*Front Lot Restricted Area:* The area from the Unit's front block-wall fence to the curb. Does *not* include the driveway, which is an extension of the garage.

*Back Lot Restricted Area:* On lots backing onto a path, the area from a lot's side or back block fence to the middle of a path.

**Resident:** This term is used when discussing the activities and limits on activities of those currently living in Towne Park.

**Tenant:** Individual(s) who are leasing a Unit from a Homeowner.

**Unit:** House/Home

## **Towne Park Resident Guidebook**

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*Approved by the Board on July 13, 2020.*

The 2020 Resident Guidebook replaces the 2016 Resident Guidebook. Future changes and/or additions to the information and the TPHOA Rules stated in the Resident Guidebook will be published and given to *Homeowners and Tenants*. *A current and complete copy of the Resident Guidebook can be viewed on the Towne Park Community Website.* (See Appendix A for the web address and directions for website registration.)

***The purpose of the Resident Guidebook is to provide Homeowners and Tenants the following:***

Part I: General information about the Towne Park Homeowners Association (TPHOA) and the management of the Towne Park Property.

Part II: Provide some of the more common rules contained in the Towne Park Community CC&Rs and the TPHOA Rules passed by the TPHOA Board of Directors

The TPHOA Rules apply to all residents of Towne Park and their visitors. TPHOA Rules also apply to Homeowners who reside outside Towne Park. Therefore, all ***Homeowners and Tenants*** should familiarize themselves with the Governing Documents to gain a deeper understanding of the information provided in the Resident Guidebook.<sup>1</sup> ***Homeowners and Tenants*** who have questions about the TPHOA Rules defined in the Resident Guide or Governing Documents should contact the Management Company for an answer. If an ***Homeowner or Tenant*** does not concur with the interpretation given by the Management Company, the individual may write a letter to the Board requesting a final determination on the rule in question. Towne Park Operations and Governance Structure

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<sup>1</sup> The Resident Guidebook is subordinate to the Town Park Governing Documents and the TPHOA Rules. *If there should be a discrepancy between the language in the Resident Guidebook and the Governing Documents and/or the TPHOA Rules, the Governing Documents and TPHOA Rules shall prevail.*

# **Towne Park Operations and Governance Structure**

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*Approved by the Board on July 13, 2020.*

## **Towne Park Homeowners Association**

TPHOA is a non-profit corporation that exists in accordance with the criteria contained in the New Mexico State statutes for non-profit corporations. The Governing Documents that apply to the operations of the TPHOA and the Towne Park Property consist of the Articles of Incorporation, CC&Rs, and Bylaws. *The Governing Documents may be viewed on the Towne Park website.*

## **Master Ground Lease and Unit Lessees**

### **This Section Only Applies To Building Lot Lessees**

The TPHOA homeowners who choose to *lease* their building lots, the TPHOA Master Ground Lease and the building lot Lease establish the relationship and responsibilities between TPHOA as the Master Ground Lessor (property owner) and building lot Lessees. The Master Ground Lease specifies the monthly building lot rent through February 28, 2062. The building lot rent is shown in Appendix B. Both the Master Ground and building lot Leases may be viewed on the Towne Park Community Website.

## **Governing Documents**

The Governing Documents that apply to the operations of the TPHOA and the Towne Park Property consist of the Articles of Incorporation, Declaration of Covenants, Conditions, and Restrictions (CC&Rs), Bylaws, and Towne Park Homeowners Association (TPHOA) Rules. *Current and complete copies of the Governing Documents can be viewed on the Towne Park Community Website.*

## **Voting Rights**

*Approved by the Board on July 13, 2020.*

Each Owned Unit shall be entitled to one (1) vote in the affairs and management of the Association for each Unit owned. If any Unit is owned by more than one person, the persons owning fractional interests in each Unit aggregating more than fifty percent (50%) of the total ownership thereof shall file a written designation specifying which one of them is authorized to cast the vote for that Unit. In the absence of filing of such a written designation and upon the failure of the persons to agree as to how to cast the Vote for that Unit, no owner of a fractional interest in any Unit shall be permitted to cast the vote for such Unit.

## **TPHOA Board of Directors**

*Approved by the Board on July 13, 2020.*

The TPHOA Board of Directors (hereafter Board) is composed of seven (7) directors. Each director is a Homeowner who lives within Towne Park, who volunteered to serve as a director, and subsequently was elected by the TPHOA members. In the event a director position is vacated, the Board has a right to appoint a new director. The election of individuals to fill vacant director positions occurs at the Annual Meeting of TPHOA Members that is held no later than the end of February each year.

The TPHOA Board of Directors (henceforth Board) is responsible for managing the affairs of TPHOA. All activities, rights, powers, duties, obligations, functions, and responsibilities of the TPHOA shall be performed, exercised, discharged, and accomplished by or under the supervision of the Board, excepting only in certain instances where the laws of New Mexico, the CC&Rs, or the Bylaws require that a particular action be taken by a vote of the Homeowners.



The Board's authority and fiduciary responsibilities include but are not limited to the following:

- Making and enforcing reasonable TPHOA rules and applying them uniformly.
- Regulating the use of the Common Areas and Facilities and Lot Restricted Areas to assure their equitable and proper use by Owners/Lessees and Tenants.
- Establishing prohibited conduct or activity that constitutes a nuisance in law or in fact or which would not be in keeping with the peaceful and quiet use and enjoyment of the community. The allowable and prohibited conduct or activities apply to the Towne Park Common Areas and Facilities, Lot Restricted Areas, and Lot building areas, including inside the Unit Dwelling.
- Restricting or regulating the use of any portion of the Common Areas and Facilities and Lot Restricted area by Unit Owners/Lessees and their family members, guests, and tenants.
- Regulating and controlling vehicular traffic and use of the parking areas.
- Enforcing the TPHOA Rules and the obligations of Unit Owners/Lessees under the CC&Rs and the Bylaws. This includes, without limitation, the right to do the following:
  - Levy fines.
  - Suspend Association membership and voting rights.
  - Restrict the use of the Common Areas and Facilities and Lot Restricted Areas.

Commence appropriate legal proceedings for monetary damages and injunctive relief.

**Professional Management Company**

*Approved by the Board on July 13, 2020.*

The TPHOA CC&Rs require the TPHOA to employ a professional Management Company to administer the affairs of the TPHOA under the general guidance of the Board. The professional Management Company responsibilities include but are not limited to the following:

- Performing the duties associated with managing the TPHOA business.
- Supervision of the operation, maintenance, and repair of the Common Areas and Facilities and the Rear Lot Restricted Areas.
- Collection of assessments, custody of Association funds and payment of Common Expenses.
- Routine inspection of the property to ensure construction and landscaping are consistent with the specified criteria for upkeep of the construction and landscaping throughout the Towne Park Property.
- Issue warnings and assess fines for violation of regulations and the TPHOA Rules that are defined in the Towne Park CC&Rs and this Resident Guidebook, and any amendments thereto.

Performance of any additional duties specified by the Board.

## **Payments and Assessments**

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*Approved by the Board on July 13, 2020.*

### **Monthly Ground Lease Payment**

*This section only applies to Building Lot Lessees.*

Homeowners who lease their land shall make a monthly Ground Lease payment to the TPHOA. The amount of the monthly ground lease payment for a given year is shown in Appendix B.

### **Monthly TPHOA Assessment**

Homeowners shall pay a monthly assessment to cover the expenses of TPHOA. The monthly assessment is established annually by the Board of Directors.

### **Monthly Water Usage Payment**

Homeowners also pay for the individual volume of residential water used in their Units and an equal share of the expense for the water used for the Common Areas. In addition, those Homeowners who have a lawn in their front yards pay an equal amount of the expense of the cost for watering the front yards.

### **Property Taxes**

Bi-annually, normally in November and April, each Homeowner pays an equal share of the Bernalillo County Property Tax for the Towne Park Common Area Property to the TPHOA. Homeowners who Lease their building lot also pay an additional share of the County Tax to the TPHOA. Homeowners are responsible for paying County Property Tax on their owned building lots and improvements directly to Bernalillo County.

## **Delinquency Policy**

*Approved by the Board on July 13, 2020.*

*The following policy is in place to set forth the appropriate actions for late and/or non-payment of TPHOA Monthly Assessments; Lease Payments (applies only to building lot Lessees), Special Assessments, and Penalty Assessments in accordance with Article XII, Payment Of Regular Monthly Assessments, Special Assessments, and Individual Assessments (CC&R, Article 12, Section 12.6).*

- **Monthly Assessments:** The TPHOA assessments are billed monthly. Payments are due the first (1<sup>st</sup>) of the month and considered delinquent after the 10<sup>th</sup> of the month.
- **Fine:** A Fine imposed for failure to correct a violation is subject to the same actions as failure to pay the Monthly Assessment. Payment of a fine is due within 10 days of the date of the notice advising a Homeowner that a penalty assessment has been imposed.
- **Late Fees:** A late fee of 15% shall be imposed upon outstanding balances if not received on or before the 10th of the month.
- **Unpaid Assessments:**
  - **90 Days Delinquent:** A Demand Letter shall be issued to the delinquent Homeowner/Lot Lessee with an additional penalty of \$75, which will be charged back to the delinquent Homeowner/Lot Lessee's account.
  - **120 Days Delinquent:** The TPHOA shall file a Notice of Lien in the Bernalillo County Records, send a copy of the Notice of Lien to the delinquent Homeowner/Lot Lessee, and if applicable, provide a notice of delinquency a copy of the Notice of Lien to the Homeowner's/Lot Lessee's first mortgagee.

The fee for Lien processing is \$150 and shall be charged back to the delinquent Homeowner's/ Lot Lessee's account. The Lien will shall not be released until the delinquent account is paid in full, including all collection costs.

### ***Collection costs may increase annually without notice.***

- **Further Action:** If after 30 days from the date of the Notice of Lien, the assessment remains unpaid and delinquent, the TPHOA may pursue any or all of the following remedies:
  - Bring Court Action against the Homeowner/Lot Lessee.
  - Foreclose the TPHOA lien against the Homeowner/Lot Lessee.

In the event any of the foregoing actions are taken by the TPHOA, the owner shall be obligated to pay, in addition to the assessment due, the late fees, any interest due, collection costs, filing fees, attorney's fees, and necessary costs incurred by the TPHOA in enforcing its rights and taking such action. No Homeowner/Lot Lessee may waive or otherwise escape liability for the assessments by abandonment of his/her Owned Unit and/or Lot.

## **Other General Information**

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*Approved by the Board on July 13, 2020.*

### **Communication: Towne Crier Newsletter**

This monthly publication is mailed to each Homeowner and emailed to those who have supplied an email address to the Management Company. *It is important for Homeowner to read this publication each month* as it contains information on the operation of the TPHA, announcement of events, and most importantly, the establishment of new or modified TPHA Rules by the Board. *Individuals may place advertisements in the newsletter. Advertising costs and details can be obtained from the Management Company.*

### **Security Gates and Openers**

Gate Security Cards and Keys should have been given to Homeowner and Tenant by the previous Homeowner or Tenant at the time of the Unit purchase. *If you did not receive the drive-through gate opener and/or the walk-through gate key, please contact the Management Company. Additional Gate Security Cards and Keys may be purchased from the Management Company. Homeowners and Tenants may also purchase a key-fob clicker for opening the drive-through gates.*

## **Part II: TPHOA Rules**

### **Orientation for New Homeowners and Tenants**

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*Approved by the Board on July 13, 2020.*

Each Homeowner or Tenant is required to attend an Orientation related to Towne Park policy and the TPHOA Rules. The purpose of the Orientation is to provide new Homeowner or Tenants information related to Towne Park policy and the TPHOA Rules as well as to answer questions the new Homeowner or Tenant may have.

New Homeowners or Tenants shall attend an Orientation offered by the TPHOA within 60 days after moving into Towne Park. Non-compliance will result in a fine of \$100.00. The New Homeowners or Tenants shall call the Clubhouse office or Towne Park Website, [towneparkabq.com](http://towneparkabq.com), for an appointment to attend an orientation.

## **Towne Park Amenities**

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*Approved by the Board on July 13, 2020.*

*Towne Park amenities shall only be used for their intended purpose and in accordance with the stated prohibitions and restrictions, unless otherwise authorized by the Board in writing.*

### **Clubhouse, Exercise Room and Sauna Use**

The Clubhouse, Exercise Room, and Sauna may be used during the hours they are open for use. *The Clubhouse is open from 7:00 am - 4:00 pm, Monday through Friday. The Exercise Room and Saunas, as well as the associated toilet facilities are open for use from 6:00 am - 10:00 pm daily.* When the clubhouse is closed, entry to the Exercise Room and Saunas is via the West Swimming Pool area and the doors on the north end of the Clubhouse facility. The key that opens the walk through gates at the entry/exit gates also opens the West Swimming Pool gate and north doors of the Clubhouse.

The following restrictions apply to the use of the Clubhouse, Exercise Room, and Saunas:

- Clubhouse, Exercise Room, and Saunas shall only be used for their intended purpose.
- Smoking or consumption of alcoholic beverages is prohibited.
- Individuals under the age of 16 years must be accompanied by an adult resident.
- Appropriate attire is required when using these facilities.
- These facilities must be left clean following their use.

*The Clubhouse may be reserved for private events.* The process and forms for reserving the Clubhouse are available at the Clubhouse Office, and via the Towne Park Website, [towneparkabq.com](http://towneparkabq.com).

## *Parks, Tennis Court, Basketball Courts, and Pathways*

*Approved by the Board on July 13, 2020*

### ***Parks:***

- **The parks cannot be reserved for private use without written authorization of the Board of Directors.**
- **Consumption of alcoholic beverages is prohibited.**
- **Any activity that creates a potential hazard (e.g. hitting golf balls, playing baseball, etc.) or that is a nuisance is prohibited.**
- **Playing of music or other activity that can be heard in Units bordering the parks is prohibited.**
- **Consumption of food and non-alcoholic beverages is allowed; however, no cooking is permitted.**
- **Wading and swimming in the pond, throwing items in the pond, or climbing on the waterfall rocks are prohibited.**
- **Feeding of any waterfowl in the area is prohibited.**
- **Feeding of pigeons is not allowed on any Towne Park property per City Code.**
- **Individuals must ensure that any debris that results from their use of the park is cleaned up and removed from the park area when they leave the park.**

### ***Tennis Courts:***

- **Use is limited to between 8 AM and 10 PM daily.**
- **Use is limited to Tennis and Pickleball only; no other games (e.g. baseball, volleyball, or hopscotch) are allowed.**
- **The tennis courts cannot be reserved for private use and are available on a first-come basis. Users are encouraged to be considerate of the amount of time they play, when others are waiting to use the court.**
- **No children under the age of 14 are allowed on the courts, unless accompanied by an adult resident.**
- **Consumption of alcoholic beverages or food and smoking are prohibited.**
- **Tennis shoes must be worn on the court at all times; all other footwear is prohibited.**
- **Skates, skateboards, roller-blades, and bicycles are prohibited.**
- **After entering or exiting the court area, the gate must be securely closed for safety reasons.**

### ***Basketball Courts:***

- **Use is limited to between 8AM and 10 PM daily.**
- **Basketball courts cannot be reserved for private use and are available on a first-come basis. Users are encouraged to be considerate of the amount of time they play when others are waiting to use the court.**
- **Consumption of alcoholic beverages or food and smoking is prohibited.**
- **Use of skates, skateboards, roller-blades, and bicycles is prohibited.**

### ***Pathways:***

- **Pathways are for walking or jogging only.**
- **Noise that creates a nuisance to nearby units is prohibited.**
- **Consumption of alcoholic beverages is prohibited.**

**Using skates, skateboards, roller-blades, and bicycles is prohibited.**

### ***Swimming Pools:***

*Approved by the Board on July 13, 2020*

TPHOA is responsible for the maintenance, repairs, and operation of the Towne Park Swimming Pools as a common expense. Unless conditions or situations allow or require otherwise, both pools shall open on the Friday before Memorial Day per Board direction and will close the Tuesday following Labor Day.

Use of the pool is ONLY for Towne Park homeowners, residents and their guests in accordance with the Swimming Pool Rules. The West Pool is only for general swimming, whereas, the East Pool is used for general swimming, aerobic exercise, and lap swimming. ***Pool hours for each Of these swimming activities will be posted at the pools and in the Towne Crier monthly newsletter during the months Of May through September each year.***

**NO LIFE GUARD IS ON DUTY.  
SWIMMING AT TOWNE PARK POOLS IS AT THE SWIMMER'S OWN RISK.**

### ***Swimming Pool Rules:***

- Residents must have a valid Pool Gate Entry Card in their possession anytime they are inside the swimming pools' fenced areas.
- Residents may have a maximum of four guests with them in the pool area. Residents assume total responsibility for their guests. If there is over-crowding at a swimming pool, the first individuals asked to leave the pool area will be residents who have guests with them, giving priority of use to residents.
- Children under 14 years of age must be accompanied and supervised by an adult resident.
- Proper swimming attire is required. No thong-type swimsuits, cutoffs, etc or similar swimming attire are permitted.
- Individuals must shower before getting into the pool. Any individual having an apparent skin disease, sores, or other visible physical condition that would be detrimental to others shall not get into the pool. Children in diapers must wear plastic pants over the diaper.
- ***The following are prohibited in the pool area:***
  - Possession of alcoholic beverages.
  - Smoking of any type.
  - Food, except, in the table area at the East pool.
  - Glass bottles or glass ware of any type.
  - Abuse of pool furniture and/or removing pool furniture from the pool area.
  - Running, diving, boisterous, or rough play.
- The following are permitted in the pool area.
  - Use of flotation devises, *but users should show some discretion and consideration for other swimmers.*
  - CD players, Radios, audio tape players or other audio devises, *but only if headphones are used.*

Failure to comply with the above rules may result in a fine and suspension from the use of the pools for the remainder of the season.

The swimming pools are monitored by security cameras. If the security company observes people using the pools after hours, the police will be called.



## **Units and Improvements**

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*Approved by the Board on July 13, 2020.*

### **Compliance with Insurance Policies and Laws**

No Homeowner or Tenant shall permit anything to be done or kept within or upon their building lot or in their Unit that is in violation of any law, ordinance, statute, rule, or regulation of any local, county, state, or federal governmental agency having jurisdiction over the Property.

### **Use of Units**

Homeowners shall use and occupy their residences solely as single-family residences, with the following exception: Homeowners may sublease or rent their Units to others (Tenants) subject to the requirements of Article 22 of the Unit Lease and Article IV of the CC&Rs. *Prior to occupancy by the Tenant, the Homeowner and the Tenant shall sign a Lease Agreement approved by the Board for no less than a six (6) month period.*

The TPHA Rules for leasing or subleasing a Unit are provided in Appendix C. *A copy Of the required Lease Agreement Form may be obtained from the Management Company or from the Towne Park Community Website.*

## Maintenance and Care Responsibilities

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*Approved by the Board on July 13, 2020.*

The TPHOA is responsible for the maintenance and care of the following:

- Maintenance of Common Areas, Facilities, and Pathways
- The water lines and sprinkler systems that exist below the surface of the Front Lot Restricted Areas (front yards), excluding the water line that extends from the residential water meter to the Unit.
- The watering of Common Areas and front yards, except for front yards that have been xeriscaped
- The maintenance of front yards at no charge, unless the Homeowner has opted out of front yard maintenance
- Tree removal and driveway repair if the damage has been made by any trees located within a Common Area or Lot Restricted Area, including the Unit's Front Yard (cf. Appendix D for the TPHOA Tree Removal Policy and Process).

The Homeowner shall be responsible for the following:

- The repair or replacement of the water line that extends from the residential water meter to the dwelling
- The maintenance of any watering system within the Lot Building Area (dwelling and fenced back yard), at the personal expense of the Homeowner.
- The repair, maintenance, replacement, and restoration of the exterior of all improvements constructed on the Lot Building Areas of his Unit, including all exterior wall surfaces, windows, roofs, eaves, awnings, overhangs, drainage pipes, and gutters (hereafter the House Exterior Maintenance”).
- *If a Homeowner or Tenant damages the wall of the residence appurtenant to the Dominant Side Easement*, the Homeowner will be responsible for the cost of restoring the exterior of that wall to its original condition.
- The maintenance of block-wall fencing in good order and repair, as well as in a sanitary and clean condition.
- The maintenance, repair, restoration, and replacement of the interior of the Unit's dwelling and all other improvements located within the Lot Building Area of the Unit's Lot, including all fixtures, furniture, and equipment therein (hereafter referred to as "Interior Unit Maintenance"). However, Homeowners have the right to choose their own decor.
- *If a Homeowner **has opted out of the front yard maintenance provided at no cost by the TPHOA***, the Homeowner shall maintain the Unit's front yard (hereafter "Front Yard Maintenance") in a healthy, clean, sanitary, and neat condition as required by the CC&Rs and TPHOA Rules at the personal expense of the Homeowner.

*If the Homeowner fails to comply with any of the above responsibilities, the TPHOA may, but is not obligated to restore the Unit (and front yard if maintained by the Homeowner) and may levy an Individual Assessment against the Homeowner to recover the cost of any restoration TPHOA performs.*

### **Construction and Landscape Changes**

*Approved by the Board on July 13, 2020.*

Any change to the exterior of the original construction and exterior appearance of the Unit property is a *Construction Change*, including but not limited to solar panels,<sup>2</sup> air conditioning units, radio antennas, TV receivers, and poles. Any change to the original landscaping and appearance of a Unit's Front Yard is a *Landscaping Change*, including but not limited to removal or installation of trees, shrubbery, and grass.

Prior to commencing any Construction or Landscaping Change, the Homeowner must first obtain approval, in writing, from the TPHOA Architectural Control Committee (ACC). All approved Construction and Landscaping Changes shall be completed at the sole expense of the homeowner.

The Construction Change Guideline document provides information and specifies requirements for the homeowner to effect construction changes. There are separate forms for the homeowner to use to request approval to make a change to the Unit's building, fence, etc. or to make a change to the landscaping in the Front Lot Restricted Area.

Guidelines and forms for all construction and landscape changes are available in the foyer of the Clubhouse, and on the Towne Park Community Website, [towneparkabq.com](http://towneparkabq.com). Information on Construction Materials is also included in Appendix E.

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<sup>2</sup> The policy for the installation and use of solar collectors

### **Prohibited Unit Conditions, Uses and Activities**

*Approved by the Board on July 13, 2020.*

#### ***Exterior Alterations:***

No Homeowner or occupant shall, at his/her expense or otherwise, make any color change, alterations or modifications to the exterior of the buildings, fences, railings or walls situated upon his/her Lot without the prior written approval of the Architectural Control Committee (ACC) or Board, as required by the CC&Rs.

#### ***Fences, Etc. :***

No fences, awnings, ornamental screens, screen doors, sunshades, or walls of any nature shall be erected or maintained on or around any portion of any structure or elsewhere upon any Unit or the Common Areas. The only exceptions are for those installed as part of the original construction of improvements on the Lots and the Common Areas, and any replacement thereof, or as may be authorized and approved by the ACC/Board.

#### ***View Obstructions:***

No vegetation or other obstruction shall be planted or maintained in or upon any building lot in such location or of such a height as to unreasonably obstruct a view from any other Unit or the vicinity thereof. *In the event Of a dispute between Homeowners as to the obstruction Of a view from a Unit or Lot, such dispute shall be submitted to the Board whose decision in such matter shall be binding. Any such obstruction shall, upon request **Of the Board, be removed or otherwise altered to the satisfaction Of the Board by the Homeowner and at the expense Of the Homeowner.***

#### ***Signs:***

Unit occupants are allowed to post one sign – not to exceed 18"x24" – advertising a Unit for sale or for rent in the lot of the that Unit. The location and design thereof is subject to approval by the Board. Otherwise, no signs, posters, displays or other advertising device of any character shall be erected or maintained on, or shown or displayed on, any part of the Property or the Unit, unless, prior approval is obtained from the Board in writing. The Board may summarily cause all unauthorized signs, including political signs, to be removed and destroyed.

#### ***Antennae, External Fixtures, Etc. :***

No television or radio poles, antennae, flagpoles, window air conditioning units, electronic wiring, insulation, machinery, clotheslines, or other external fixtures shall be constructed, erected, or maintained on or within the Property. However, *the following exceptions are permitted:*

- Such items installed in connection with the original construction of improvements on the Lots.
- Items that the Board may expressly approve.
- Cable TV, security alarm or other communications systems and equipment.
- Roof mounted Solar Panel Systems.

However, Homeowners and Tenants shall have the right to maintain television or radio antennae *within the completely enclosed portions Of the dwelling or garage* located on the Lot Building Area of their residence.

#### ***Ham Radio and Other High Frequency Electronic Equipment and Devices:***

No Homeowner, Tenant, or other occupant of a Unit may use or install any ham radio equipment, high frequency radio equipment, electronic equipment or devices, or any other equipment or devices of any kind or description which may or does interfere with or disrupt any cable TV or other communications systems installed upon the Property.

***Storage:***

*Storage sheds are not allowed.* Storage cabinets and benches are allowed if they meet the following criteria:

- . Material, size, and placement have been approved in writing by the ACC or Board.
- . Do not exceed six feet (6.0') in height.
- . Are made of a durable material, either resin or high quality lumber (low-grade lumber, composite wood and metal storage cabinets are not allowed).
- . Are maintained in a good order and repair, as well as in a sanitary and clean condition.
- . ***Not placed within the 3-1/2 foot easement of the adjacent dwelling wall.***

***Storage cabinets and/or benches that do not meet the above criteria may be removed from the Building Lot at the discretion of the TPHOA and at the personal expense of the Homeowner.***

Firewood, equipment, or other materials stored in a Unit's back yard shall not exceed the height of any block-wall fence of the Unit. Firewood shall not be stored next to an adjacent Unit's dwelling wall as firewood is conducive to termites and cockroaches.

***Outside Drying and Laundering:***

If visible from the streets or any rear pathways, there shall be no exterior drying or laundering of clothes on patios, porches or other areas, and no exterior clothesline shall be erected or maintained.

***Coverings for Unit Windows:***

The exterior windows of any Unit may only be covered with traditional window coverings and may not be covered with foil, cardboard or similar materials.

***Offensive Conduct, Loud Noise, or Nuisances:***

No noxious condition or offensive activities, including but not limited to, repairs of vehicles, shall be carried on upon, or within, the Property. Nothing shall be done on or within the Property that is or may become an annoyance or nuisance to the occupants of other Units, or that in any way interferes with the quiet enjoyment of their Units.

No horns, whistles, bells or other sound devices, except security devices used exclusively to protect the security of a Unit and its contents, shall be affixed or used and even these shall be subject to reasonable regulation by the Board. No loud noises shall be permitted on the Property, and the Board shall have the right to determine if any noise or activity producing noises constitutes a nuisance. The City of Albuquerque Noise Ordinance shall be in affect from 10:00 pm to 7:00 am. All residents shall comply with this ordinance, which is applicable to excessive noise within Towne Park, including excessive noise made by vehicles.

No Homeowner or occupant shall permit or cause anything to be done or kept upon the Property which will increase the rate of insurance thereon or which will obstruct or interferes with the rights of other Homeowners or occupants. No Homeowner or occupant shall commit or permit any nuisance within his Unit or on the Property, or commit or cause an illegal act to be committed thereon. Each Homeowner and occupant shall comply with all of the requirements of the local or state health authorities having jurisdiction over the Property with respect to the occupancy and use of his Unit. Unless otherwise permitted by the Board, no Homeowner, occupant or invitee shall serve food or beverages, cook, barbecue, or engage in similar activities except within the Unit dwelling or in the owner's Lot Building Area or in Common areas and Facilities designated for that purpose and subject to the TPHOA Rules.

## **Motor Vehicles**

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*Approved by the Board on July 13, 2020.*

### **Identification, Licensing, and Insurance**

Each auto, pickup truck, and motorcycle, owned or leased by a Towne Park resident that is driven or parked within the Towne Park Property shall have proper identification, official licensing, and liability insurance.

The following requirements apply to each vehicle:

- Residents shall obtain a Towne Park Vehicle Decal for each of their vehicles, from the Towne Park Clubhouse Office, within seven (7) days of moving into Towne Park or acquiring a vehicle while living in Towne Park.
- The Towne Park Vehicle Decal shall be displayed on the lower left corner of the vehicle's windshield. If the vehicle does not have a windshield, the resident shall contact the Clubhouse Office to determine where the decal shall be placed.
- The vehicle must have and properly display an official state license plate with a current, attached registration sticker and be in good operational condition (i.e...No flat tires, on jack stands, etc...)
- The resident shall have liability insurance on each motor vehicle that is equivalent to what is required to operate a similar vehicle on an Albuquerque street.

### **Operation of Motor Vehicles**

Operating motor vehicles within the Towne Park Property shall comply with the following criteria:

- The operator must possess a current official driver's license for the type of vehicle operated.
- The operator must comply with all traffic signs.
- The maximum speed limit when driving on a Towne Park street is 20 MPH, unless weather conditions dictate a slower speed for safety.
- The maximum speed when driving in a designated parking area is 5 MPH.

### **Parking of Motor Vehicles**

Parking of motor vehicles within the Towne Park Property shall comply with the following criteria:

- No vehicle with a rated capacity of over one-ton shall be parked within the Property between Midnight and 5:00 am, except within a Unit's garage.
- Vehicles may be parked in the Unit's garage or on the Unit's driveway, provided no wheel of the vehicles shall be off of the driveway or on any part of the Front Yard Landscaping (lawn or xeriscaping).
- Parking on streets is prohibited between Midnight and 5:00 am. and no wheels of any vehicle parked on the Unit's driveway shall extend onto any part of the street's asphalt. Vehicles will only be given one warning by tagging. Any further infraction will result in the vehicle being towed at the owner's expense.
- In Parking Lots A – I, parking shall be in a lined parking space except for spaces marked VISITOR.
- Parking in the parking areas at the Clubhouse/West Park and the East Park is only permitted when using one of these common areas during their allowed use time. Parking in East Pool Parking Lot or Clubhouse Parking Lot is prohibited between 11:00 pm and 5:00 am and vehicles are subject to being towed.
- Vehicles belonging to visitors shall be in accordance with the criteria identified above with the following exceptions:
  - Visitors may only park in Parking Lots A-I if the visitor places a slip of paper on the dashboard, so it is visible, with the address of the Unit being visited and the end date of the visit.
  - In these lots, visitors may only park their vehicles in a space marked VISITOR, unless all visitor parking spaces are occupied, in which case visitors may park their vehicles in any unreserved parking space.

## ***Trash, Debris and Recycling***

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*Approved by the Board on July 13, 2020*

### ***Trash and Debris***

All trash and debris must be placed in commercial trash bags. Cardboard (flattened), tree limbs, etc, may be bundled and tied, but bundles may not exceed four (4) feet in length. No trash bag or bundle shall exceed 25 pounds in weight and a maximum of eight (8) bags/bundles combined per Unit are allowed for each trash and debris collection.

Trash and debris collection is on Wednesday of each week, except for holidays. Notices are posted throughout Towne Park whenever the collection day is revised. Trash bags and bundles may be put at the curb from 12:00 AM to 12:00 Noon on Wednesdays or the revised collection day. At other times, residents shall keep their trash/debris in their garage or back yard, out of visible view from the street.

Large items such as furniture, appliances, etc. will not be collected by the company contracted by TPHOA for trash and debris collection. Charity organizations and other sources will normally pickup these items when requested. Placement of trash/debris in the large trash compactor located near the west park is restricted to use by the trash/debris collection firm contracted by TPHOA. Leaving trash/debris of any kind at the dumpster or throwing trash/debris over the fence surrounding the dumpster is prohibited.

*Homeowners will be subject to a fine if they or their Tenants violates the above rules.*

### ***Recycling***

Recycling of newspapers, tin and plastic items can be accomplished by bundling newspapers and putting tin and plastic items in transparent bags that are put out with the other trash/debris bags. (Rules for Trash and Debris apply to placement of recycling bags.) In addition, there are large recycle collection bins at the Manzano Mesa Multigenerational Center facility located at 501 Elizabeth SE, a few blocks south of Towne Park.

## **Prohibitions on Pets and Other Animals**

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*Approved by the Board on July 13, 2020*

*No animals, reptiles, rodents, birds, fish, livestock or poultry of any kind shall be raised, kept or bred in any Unit or within the Property, except as follows:*

- Each Homeowner or Tenant may keep a maximum of two (2) dogs, two (2) cats or one (1) dog and one (1) cat. Allowable animals may not be kept, raised, or bred for commercial purposes.
- Up to two (2) birds may be kept within a residence provided they are Caged.
- Fish May be kept in an Enclosed Aquarium.

### *Prohibitions on Pets and Other Animals*

- No dog or cat shall be allowed outside the fenced portion of a Unit, unless it is on a leash.
- No animal shall create a nuisance by disturbing other residents or by being allowed to wander freely outside a Unit.

The Board shall have the right to determine whether any particular animal permitted in a Unit constitutes a nuisance. If the Board so determines, the Board shall have the right to require any such animal to be removed from Towne Park.

***Any person who brings or keeps animals on the Property, whether or not permitted by TPHOA rules, shall be liable to all other Homeowners, residents, guests and invitees for any personal injury on property damage caused by such animal while it is on the Property.***



## **Solicitation and Distribution**

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*Approved by the Board on July 13, 2020*

### **Solicitation**

Soliciting of any type within the Towne Park Property, including door-to-door, in the common areas, etc, for pecuniary, charitable, fund-raising, political, or any other reason is expressly prohibited, unless advance approval, in writing, is obtained from the Board.

### **Distribution**

Distribution of any written, photographic, or similar materials within the Towne Park Property is restricted to only Towne Park residents who must comply with the following procedures. *Prior to distributing any material, the resident shall provide a copy of the material to the Board that the resident is proposing to distribute. The Board will determine whether the material is appropriate for distribution and provide a written decision to the requesting resident.*

## **Sales Events within the Towne Park Property**

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*Approved by the Board on July 13, 2020.*

### **Annual Community Sale Event**

On the third Saturday in May and September, between the hours of 8AM and 2PM, the TPHOA will sponsor a community sale event. Yard or Garage sales are Not Permitted at any other times. This community sale event will be advertised in the newspaper and online. During the community sale event, individuals who reside outside Towne Park will be allowed to enter Towne Park for the purpose of purchasing items from those residents who are participating as sellers. The cost to participate as a seller will be announced in the May Towne Crier Newsletter. The funds collected will be used to pay for advertising and security within Towne Park during the sale period.

Individuals who desire to participate as seller must register with the Towne Park Management Company no later than 2PM on Friday immediately prior to the sale event date. The fee for participating as a seller will be included on sellers' June billing. During this community sale event, Towne Park Residents may sell items from their garage or driveway, in front of the Clubhouse, or in the Clubhouse parking lot. No one shall sell items from any other location in Towne Park.

### **Estate Sales**

Estate sales require advance approval from the Towne Park Clubhouse Office. A written request specifying the desired date of the Estate Sale and other particulars of the sale shall be submitted to the Towne Park Clubhouse Office at least five (5) working days prior to the requested date of the sale.

The maximum duration of any of the sales approved by the Towne Park Clubhouse Office shall be held on Friday, Saturday and Sunday between the hours of 9:00AM and 3:00PM. For these sales, the seller or their sale agent shall station a Sales Representative at the closest Towne Park entry gate to **ONLY GIVE ASSESS TO THOSE ATTENDING THE SALE** and to distribute a map that depicts the directions from the gate to the sale location. (In addition, the Sales Representative shall attach a sign on the gate entrance pad with the homeowner's access code) ***It is prohibited to display flags, balloons, other visual displays, or sound systems that attract attention to approved sales are prohibited on Towne Park property.***

### **Prohibitions on Sales**

Other than the allowable sales described above, no individual yard or garage sales are permitted within the Towne Park Property at any time.

## **Violation of Covenants, Conditions, and Restrictions Policy**

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*Approved by the Board on July 13, 2020.*

The following policy is in place to determine whether a violation exists and if a violation is determined to exist, to cause remedy of the violation.

### ***I. Determination Of Violation***

The Management Company at the direction of the Board will make the final determination of whether a violation of the CC&Rs exists.

### ***II. Curing the Violation***

If it is determined that a violation does exist, the homeowner will be sent a **First Violation Notice** describing the violation, the applicable CC&R's regulation that is being violated, and a requirement that the violation be cured within 10 days.

### ***III. Uncured Violations***

If the violation has not been cured within the time-period specified in the First Violation Notice, a Second Violation Notice will be issued. At such time, a fine of \$100 shall be imposed upon the Homeowner. Subsequent violations will receive further notice and additional \$100 fines.

## Appendix A. Management Company and Important Phone Numbers

*Approved by the Board on July 13, 2020.*

### **Management Company: HomeOwners Association Management Company (HOAMCO)**

#### **Office Hours:**

Monday – Friday, 8:00 am - 5:00 pm

#### **Contact Information:**

Phone	(505) 888-4479 Ext 2125	This phone number reaches the HOAMCO Management Albuquerque Office. The extension reaches the HOAMCO Management employee assigned to Towne Park.
Fax	(505) 888-4483	Fax number is for the HOAMCO Management Albuquerque Office.
Emergency Contacts	<p style="text-align: center;">During Clubhouse Office Hours 7:00 am to 4:00 pm Monday Through Friday Contact Jim Smith 291-8379</p> <p style="text-align: center;">After Hours And Weekends Contact HOAMCO Emergency Line 855-210-0353</p> <p style="text-align: center;">SIGNAL 88 SECURITY 9:00 pm to 4:00 am 7 Days A Week 855-789-1761</p>	<p>Leave a message and your call will be returned promptly.</p> <ul style="list-style-type: none"> <li>• An <i>after-hours emergency</i> is a <b>non-criminal</b> incident requiring immediate attention, for example a broken water line in The Towne Park Common Areas.</li> <li>• For <b>non-life-threatening</b> criminal activity, call (505) 242-COPS (2677).</li> <li>• For life-threatening emergencies, call 911 (local calls only).</li> </ul>
HOAMCO Website	<a href="http://hoamco.com">http://hoamco.com</a>	<p>When you get to the website do the following:</p> <ul style="list-style-type: none"> <li>• Click on "Make A Payment" at the top right corner.</li> <li>• <i>If you have not registered for the site</i>, click on "Go to the Caliber Portal" located at the lower right corner of the picture then click on "register".</li> <li>• <i>If you have already registered for the site</i>, log in with the User Name &amp; Password created during registration.</li> </ul>

**See next page for other important phone numbers.**

***Other Important Phone Numbers***

Emergencies (Life Threatening)	911 (local calls only)
Police, Non-Emergency	(505) 242-COPS (2677)
Crimestoppers	311 <i>or</i> (505) 843-STOP (843-7867)
Fire Department ( <i>non-emergency</i> )	(505) 291-6242
City of Albuquerque (CABQ) Information Line	311 (local calls only)
CABQ Senior Affairs	(505) 764-6400
CABQ Animal Control	(505) 768-1975
CABQ Waste Water Hotline	(505) 768-3640
ABQ Ride (bus service)	311 (local calls only)
No Burn Advisory	(505) 768-2876
Bernalillo County Clerk	(505) 468-1290
Driver's License Vehicle Registration	(888) 683-4636

## **Appendix B. TPHOA and Lessee Fees**

*Approved by the Board on July 13, 2020.*

### **TPHOA (Association) Fees**

The monthly Association Fee includes but is not limited to the following:

- Common area landscape maintenance and irrigation repairs for front yards / parks
- Common area lighting
- Streets and parking lots
- Gate maintenance and repair
- Office / Maintenance staff
- Curbside trash pickup and City of Albuquerque compactor pick up
- Amenities maintenance including pools, parks, pond, tennis courts, playground area
- Liability insurance
- Property taxes
- Management fees

### **Land Lease Fees**

***This section only applies to Building Lot Lessees.***

<b>Time Period</b>	<b>Monthly Unit Lease Fee</b>
Until September 1, <b>1988</b>	\$31.00
9/1/1988 to 8/31/1993	\$40.00
9/1/1993 to 8/31/1998	\$50.00
9/1/1998 to 8/31/2003	\$60.00
9/1/2003 to 8/31/2008	\$72.00
9/1/2008 to 8/31/2013	\$86.00
9/1/2013 to 8/31/2018	\$103.00
9/1/2018 to 8/31/2023	\$123.00
9/1/2023 to 8/31/2028	\$147.00
9/1/2028 to 8/31/2033	\$176.00
9/1/2033 to 8/31/2038	\$211.00
9/1/2038 to 8/31/2043	\$253.00
9/1/2043 to 8/31/2048	\$303.00
9/1/2048 to 2/29/2052	\$363.00
3/1/2052 to 2/28/2057	\$416.00
3/1/2057 to 2/28/2062	\$499.00

## Appendix C. Lease Agreements

*Approved by the Board on July 13, 2020.*

The Unit is a single-family residence. Any Homeowner may lease their units. Leasing is subject to the following conditions:

- There must be a written sublease or rental agreement between the Homeowner and the Tenant (herein "Lease Agreement") **for a minimum of at least six (6) months.**
- ***The Lease Agreement must be submitted to, and approved as to form and substance, by the Board prior to occupancy Of unit by the Tenant.***
- All adult members of Tenant's immediate family who occupy the Unit must sign the Lease Agreement.
- The Lease Agreement must require that the Tenant, as well as persons required to sign the Lease Agreement, will comply with all provisions of the Governing Documents.
- The Homeowner shall remain personally liable with respect to all obligations and with respect to any damages or obligations caused to the TPHOA or the Master Ground Lessor by the Tenant's breach of any provisions of the CC&Rs, the Bylaws, Rule or Unit Lease,

Each adult tenant residing in the Unit must attend a Towne Park Orientation conducted by the TPHOA after moving into the Unit. Failure to make an appointment with the Towne Park Office for an orientation will result in a \$100 fine.

## **Appendix D. Tree Removal and Driveway Repair Policy**

*Approved by the Board on July 13, 2020.*

### **Tree Removal Policy:**

Pursuant to Article, 8 Section 8.1 of the Towne Park CC&Rs, the following policy shall apply to the maintenance and removal of trees in the Common Areas and Lot Restricted Areas

1. Homeowners should report in writing any trees within Common Areas and Lot Restricted Areas that may present danger or harm to people or property to the Management Company.
2. The Management Company will promptly order an inspection of any trees that have been reported in writing as presenting danger or harm to people or property.
3. Upon determination that a tree located within a Common Area or a Lot Restricted Area presents a danger of harm to people or property, the Association will prune, treat for a disease and/or parasites, or remove such tree at the TPHOA discretion and at the TPHOA's own expense.

This policy does not apply to any trees located within the walled in area of a Homeowner's building lot no matter if the lot is owned or leased.

Nothing in this policy shall be construed as requiring the Association to reimburse a Homeowner who has removed, pruned, or treated a tree for disease/parasites in the front Lot Restricted Area.

### **Driveway Repair Policy**

Driveways are an extension of Units' garages and are therefore not part of the Front Lot Restricted Area. Therefore, maintenance of the driveway is the responsibility of the Homeowner, who is expected to keep the driveway in good repair at his/her own personal expense.

The exception is if a tree in the Front Lot area maintained by the TPHOA as specified above has caused significant damage to a driveway or sidewalk leading from the driveway to the front gate or front door of a Unit (if not inside a gate), at the TPHOA 's discretion, the TPHOA will bear the cost of repairing the damage.



## Appendix E: Construction Materials

Approved by the Board on July 13, 2020.

### **Exterior House Paint – Trim and Gutter Colors**

Santa Fe Adobe	Light Basco Brown
Zanzibar Plus	Dark Basco Brown
Coffee Bean	Taffy
Ultra Suede	

### **(Trim, Roofing Drip Strips and Gutters must be all the same Color)**

These paints are available at Kwal Paints – 8417 Montgomery NE & Home Depot - 200 Eubank SE

*If you want to buy paint elsewhere, please ensure the color is matched exactly to the colors listed above. You can ensure this by taking a paint sample of your trim or stucco to be matched by the paint provider of your choice. This must be specified and mixed as flat or exterior flat.*

### **Downspout Colors**

Chico Tan or Bamboo Only

### **Gates**

Chico Tan only

### **Garage Doors**

Almond only

### **Cement Block Fences**

Chico Tan Exterior Latex or Poly V-1 only

### **Stucco Color**

New Bamboo Match, if using El Rey Stucco use 105

Bamboo Stucco available at:

Home Depot - 200 Eubank SE

Chaparral Materials – 1717 2<sup>nd</sup> NW

Wholesale Materials – 3100 4<sup>th</sup> NW

L&P Stucco – 6463 4<sup>th</sup> NW

### **Roof Shingles**

#### **Tamko – Heritage**

**Series** Color – Rustic

Cedar

Type – Architectural Shingle

Available at: ABC Roofing Supply – 705 Comanche NE

**or**

#### **Owens Corning – Oakridge**

**Series** Color – Desert Tan

Type – Architectural Shingle

Available at: Roofing Wholesale – 612 Comanche NE

# Approved Paint Colors



## Approved Paint Colors For Trim, Block Walls and Stucco.

Stucco Color Is El ray Bamboo. Bamboo can be used on Down Spouts.

Chico Tan can also be used on Down Spouts.

Use Chico Tan on Gates and Block walls.

**The other 7 approved colors are Trim Colors Only.**

**All Trim Colors On A House Must Match.**

There are paint samples available in the office foyer. If you are only doing touch-up, the best thing to do is remove a piece of paint off of your Trim, or Stucco and have any paint department do a color match. Due to fading and age these Paint samples will not match exactly to your current color.

These Paint Samples are designed for a total repaint.

These colors are available in up to 5 Gallons Containers.

**Home depot has all of these paint colors in their system.**

**Refer to Home Depot acct# "505-291-8379" for these colors.**