

**KENSINGTON
VILLAGE
COMMUNITY
HANDBOOK**



**RULES &
REGULATIONS**

**HELP KEEP OUR
COMMUNITY SAFE**
PLEASE OBSERVE THE
“15 M.P.H.” SPEED LIMIT

**EFFECTIVE DATE
AUGUST 21ST, 2007**

8TH REVISION

WEBSITE: WWW.KENSINGTONVILLAGE.COM

Kensington Village Homeowners & Residents

This brief handbook is published and distributed to all homeowners and residents to assist and guide owners, residents and guests to a better understanding of the Rules and Regulations governing our Community. It is the hope of the Board of Directors that all residents will keep this handbook accessible in the household as an easy reference source to the basic areas of each residents responsibility.

Please keep in mind that this handbook is not intended to replace the Conditions, Covenants and Restrictions (CC&Rs), however, it does contain and reference many of the important points contained in that document. The Rules and Regulations are designed to benefit the welfare of the Community, while maintaining consistency with the CC&Rs. This includes promoting the well being and safety of the residents, and preserving the aesthetic appeal of the Community in an effort to maintain property values.

It is through the CC&Rs that the Board of Directors is given the authority, subject to applicable procedural of Civil Code Section 1357.130, to adopt Rules and Regulations, and make amendments to the same, by a majority vote of the Board. Amendments to the CC&Rs require approval of at least 75% of the total voting power of the Association.

We trust you will find this information helpful and look forward to the continued success of the Kensington Village Homeowners Association.

TABLE OF CONTENTS

	SECTION	PAGE
1.	Community Information.....	4
2.	Animal Control	7
3.	Common Area.....	8
4.	Parking / Vehicles.....	11
5.	Architectural/Antennas/Walls.....	14
	Architectural Appeal Procedure.....	19
6.	Signs.....	22
7.	Trash.....	23
8.	Lease of Property.....	24
9.	Pool / Spa	25
10.	Neighbor to Neighbor Disputes	27
11.	Enforcement of Rules.....	28
12.	Election Rules.....	30
13.	Emergency Numbers.....	38

SECTION 1

General Community Information

The Kensington Village Homeowners Association was built between 1994 and 1997. Incorporated in 1994, the community consists of 88 homes and various common areas and easements that the Association is responsible to maintain. Monthly dues are collected from the membership to pay operating costs and to fund the reserve account for future maintenance and repairs.

A Board of Directors, along with the management company, operate the Association in accordance to the Conditions, Covenants and Restrictions (CC&Rs) and the Bylaws. Board of Directors meetings are held on a quarterly basis. Notice and location of meetings are posted at the bulletin board near the pool area and reminders can be found in your monthly billing statement.

The Association maintains a master or blanket liability and property damage policy covering the common area. Additional insurance, known as "Hazard Insurance" is maintained to provide common area replacement coverage.

Individual homeowners should, at their option, obtain their own structure, contents, personal liability, loss assessment and earthquake insurance coverage's as recommended by qualified insurance professionals.

Reporting Violations

The Board of Directors and the management company encourage owners to attempt to resolve issues amongst themselves. (See Section #10)

SECTION 1

Community Information (cont.)

Violations of the CC&Rs and the Rules and Regulations can be reported to the Board of Directors in writing, care of the management company or by using the Website – www.kensingtonvillage.com. Also, the management company may note violations during Association property inspections. Typically, two letters from separate owners are required before enforcement action is taken.

Committees

The Board of Directors has appointed Committees that serve the Community and assist the Board in its decision making process. The active Committees listed below encourage you to participate. A brief description of the Committee functions are provided below.

Architectural Control Committee

Responsible for reviewing and rendering decisions on homeowner submitted improvement plans, including but not limited to exterior changes to the home, hardscape, landscape, planter walls, fencing and painting. This is the only Committee with such authority. Also participates in landscape and general common area maintenance inspections. Solicits maintenance proposals for review by the Board of Directors.

SECTION 1

Community Information (cont.)

Newsletter & Website

Assembles information from the Board of Directors, homeowners, and the management company, and puts it together in a newsletter format to provide to the Community on a quarterly basis. Pertinent information regarding the Association, upcoming events, significant issues, helpful hints, committee updates and advertisements can be found in this Newsletter or on the Association Internet Website at:

<http://www.kensingtonvillage.com>

Rules and Regulations

Provides recommendations to the Board of Directors for consideration, which are designed to benefit the welfare of the Community as a whole, while maintaining consistency with the Conditions, Covenants and Restrictions. The chairpersons of the other committees make up the members of this committee.

SECTION 2

ANIMAL CONTROL

As referenced in the CC&Rs - Article 8 Section 8.2.6

An owner may keep and maintain in his lot domesticated pets such as dogs, cats or other usual and ordinary household pets, not to exceed 2 in number. Should any owners be unable to control barking or other noise or acts of their pets which disturb the neighbors, the owners shall be required to remove the pet from the project.

Rules and Regulations

- 2.1** While in the common area, pets are to be kept on a leash at all times, held by a person capable of controlling the animal. Cats are not permitted to roam freely within the community, and should be kept on their owners premises.
- 2.2** **Pet droppings in the street, common areas and the emergency fire access road are to be picked up immediately and disposed of properly.**
- 2.3** Pets are not allowed in the confines of the pool area at any time.
- 2.4** Damage to the common area resulting from the conduct of a pet will be the responsibility of the owner to remedy.

Note: These Rules and Regulations also apply to all the pets belonging to the family, guests and tenants, under the owner's responsibility.

SECTION 3

COMMON AREA

As referenced in the CC&Rs - Article 2.2

Every owner of a lot including family members, tenants, guests and invitees or contract purchasers who reside on his lot, to whom the owner has delegated the right to, has the right to enjoyment of the common areas and facilities. Also the right of the Association to suspend the voting rights and right to use of the facilities by any owner for any period during which any assessment against his Lot remains unpaid; and for a period not to exceed thirty (30) days for any infraction of its Rules and Regulations as defined below .

As referenced in the CC&R's - Article 8 Section 8.2.4

No noxious or offensive activity shall be carried on in any lot or any part of the project, nor shall anything be done thereon which may be, or may become, an annoyance or nuisance to the neighborhood, or which shall in any way interfere with the quiet enjoyment of each of the owners of his respective Lot or which shall in any way increase the rate of insurance carried by the Association.

Rules and Regulations

- 3.1** Unreasonably **loud noises** will not be tolerated.
- 3.2** All persons using the common areas must be able to demonstrate they have rightful access to do so.
- 3.3** Minors and guests are the responsibility of their parent and host respectively.

SECTION 3

COMMON AREA (CONT.)

3.4 Mailboxes are the property of the U. S. Postal Service and may not be used to display any advertising.

3.5 No alteration or improvement of any kind is permitted on the common area, unless prior written consent is received from the Architectural Control Committee and the Board of Directors.

3.6 Damage to the common area will be repaired at the expense of the responsible owner.

3.7 In a gated community such as Kensington Village, residents should enjoy their privacy and their right to be free from business solicitations and fliers from any outside vendors. In addition to the inconvenience associated with unwanted solicitations the police have advised the Board that literature accumulating on a doorstep while a resident is away may indicate to a potential thief that the home is not occupied.

Accordingly, solicitation by outside vendors by means of canvassing the neighborhood, or depositing of flyers business cards, note pads within the community is prohibited at all times in Kensington Village. If you have any information about a solicitor, please advise a member of the Board or our Property Manager.

SECTION 3

COMMON AREA (CONT.)

- 3.8** Kensington Village is a gated, controlled access community. To reduce the risk of vandalism, burglary or other crimes, the gate code should not be given to delivery personnel, contractors, or sales representatives. Kensington Village's community access policy, based upon the recommendations of law enforcement and legal counsel, prohibits door-to-door solicitation and garage and estate sales. Opening the gate to non-residents for Realtor's open house, garage or estate sales, or publishing the gate code to allow non-residents to enter the community for Realtor's open house, garage and estate sales and the like, is prohibited.

For Your Information

The common areas include, but are not limited to; the gated entry area, sidewalks, streets, landscaping and grass areas, pool area, pool area parking, the emergency fire access road, and the perimeter wall including outer planters.

SECTION 4

PARKING / VEHICLES

As referenced in the CC&Rs - Article 8 Section 8.2.5

No recreational vehicle, trailer, camper, boat or similar equipment or inoperative vehicle shall be permitted to remain upon the project unless placed and maintained entirely within a lot and obscured from the view of adjoining lots and streets. This shall not be deemed to prevent washing/polishing and loading/unloading of such vehicles.

Rules and Regulations

- 4.1 The maximum speed limit within Kensington Village is 15 miles per hour. Please keep in mind that homeowners are also responsible for all the actions of their guests, visitors, and renters.**
- 4.2 All vehicles must STOP at the stop-limit lines.**
- 4.3 No vans or trucks larger than 1 ton capacity shall be stored upon the property and / or common area.**
- 4.4 Vehicles parked on the street over 96 consecutive hours will be subject to towing per CA Vehicle Code section 22658.**
- 4.5 Parking in the 3 pool area spaces is exclusively for those who are using the pool facilities and for day/overnight guests. Unnecessary resident parking is not allowed and may result in towing.**
- 4.6 Unauthorized parking in the handicapped space at the pool will result in towing. See also Section 4.9**

SECTION 4

PARKING / VEHICLES (CONT.)

- 4.7** There will be no street parking between 12 noon and 4:00 p.m. on **Thursdays** for scheduled street sweeping. Unauthorized parking may result in towing plus a **\$50** fine.
- 4.8** Resident vehicles should be parked in owners' garage or driveway. Vehicles parked in driveways must not obstruct sidewalks. Vehicles may not be parked half on the driveway and half on the street under any condition. Vehicles parked on the street or on driveways shall be kept in a clean and operable condition. Vehicles parked on the street must be parked in front of the owners lot if space is available.
- 4.9** All fines, towing charges and fees will be the responsibility of the vehicle's owner. For information regarding an impounded vehicle contact the Orange Police Dept. at: **744-7444**
- 4.10** Any vehicle that may impede the ability of an emergency vehicle to enter the property or that represents a safety hazard will be towed. Parking is prohibited in front of or on the emergency fire access road located at the northeast corner of the project.
- 4.11** Vehicles parked on streets and cul-de-sacs must park **parallel** with the curb in the direction of traffic flow.
- 4.12** All vehicles are prohibited from parking within **12 feet of any intersecting corner** to provide safe vision for other drivers at the intersections.

SECTION 4

PARKING / VEHICLES (CONT.)

- 4.13** There will be **NO PARKING** along the poolside east curb along North Turnberry Drive, from the Barrington Drive intersection to the beginning of guest parking, in the interest of vehicular traffic safety.
- 4.14** There will be **NO PARKING** in front of the fire hydrants, mailboxes, and all red curbed areas.
- 4.15** No motor driven vehicle of “any” type , which includes all motorized scooters and miniature motorcycles, shall be operated within the Kensington Village property unless properly registered and operated by a licensed driver.
- 4.16** Skateboarding and rollerblading on the sidewalks, and within the pool area are dangerous to all pedestrians and is prohibited at all times

NOTE: *The law does NOT require the Association to issue a warning notice before towing a car; the law merely requires the Board to post the appropriate signage.*

SECTION 5

ARCHITECTURAL CONTROL

As referenced in the CC&Rs - Article 7 Section 7.1

No landscaping or any other improvement to the exterior of your home, including front / side / rear yards, shall be commenced, placed or altered upon any lot until the location, specifications and a complete set of plans, have been submitted by personal delivery or certified mail, return receipt requested to, and approved in writing by the Board of Directors or by the Architectural Control Committee (ACC) appointed by the Board.

- 5.1** All ACC submittals must be made using the Architectural Control Committee (ACC) form, which is available on our website or from the ACC Chairman at 597 N. Turnberry Dr.
- 5.2** Submittals for pools, spas and all exterior residential construction that require a city permit must be accompanied with a City of Orange permit and an approved stamped set of plans.
- 5.3 Holiday Lights**
All winter season holiday decorations, including lights, may be installed after Nov 15th and are to be removed by no later than January 25th of the following year.
- 5.4 Antennas / Satellite Dish Policy**
All the homes within Kensington Village are equipped with Time Warner Cable for Television/ HDTV and Computer Hookups throughout most rooms. If an owner still prefers to use a Satellite dish, that is permitted. Homeowners are encouraged to follow the guidelines in the following section of the Rules & Regulations manual.

SECTION 5

ARCHITECTURAL CONTROL (CONT.)

5.4 Satellite Dish Antenna Guidelines

A Satellite Dish installer/engineer has proven to the Board of Directors that the orientation of the homes within Kensington Village should generally allow for a backyard, below the fence-line satellite dish installation, without any reception difficulties. For aesthetic reasons it is recommended to have satellite dishes installed in the backyard below the fence-line and still receive proper reception. In accordance with FCC law, the Association is suggesting that the best location for the antenna is in the backyard. This location permits the owner to properly install, use and maintain a satellite dish more efficiently.

If you have any questions concerning the satellite dish installation, or if an installer advises that the dish must be installed on the roof or on the fascia board for good reception, both the dish and the connecting cable may still require painting and screening from view in the common area, so be sure to first contact the ACC Chairman **Immediately Before any Satellite Dish Installation.**

SECTION 5

ARCHITECTURAL CONTROL (CONT.)

5.4.1 HDTV Antenna Installation Policy

The Board of Directors has researched installation requirements for HDTV antennas. The Board's goals were to select an antenna style and method of installation which will provide proper HDTV reception, while maintaining the aesthetic values of Kensington Village. **Note that Time Warner Cable includes HDTV service for all its cable subscribers.**

The following are the regulations for HDTV antenna installations.

All HDTV antenna installations to be made to the exterior of a Kensington Village residence must utilize the TERK Model # TV55 antenna or a competitor's equivalent compact, slim-profile design antenna of physical dimensions substantially similar to the TERK model. The installation may be on the roof but must be located near the chimney and positioned not to be visible from the common area, unless signal reception requires it to remain visible from the common area. The antenna may not be mounted to a pole fixture on the roof. All wiring for the antenna must be reasonably concealed and not to be visible from the common area. Antenna specification literature may be obtained from the ACC or in the members website at: www.kensingtonvillage.com in the ACC section of the website.

SECTION 5

ARCHITECTURAL CONTROL (CONT.)

5.5 Approved Walls / Fences for Side & Rear Yards

The following 4 fence styles and materials are the only choices approved within Kensington Village. An ACC Approval Form must be submitted with all the required information and documentation **prior** to construction of any fence or wall. Construction cannot proceed until the homeowner has received the ACC's approval in writing.

Wood Fences

Wood Cap & Slats utilizing Cedar / Redwood Shiplap or Tongue & Groove wood. All areas of the fence visible from the common area must be painted utilizing Behr paint #PEC-32 Charleston Belle, Vista Paint 8532 Golden Pastel, or other ACC or Board approved colors. No portion of the fence may exceed the height of 6 feet, measured from the ground below it.

Vinyl Fences

Vinyl Fences will be erected utilizing hollow vinyl posts set in concrete footings 2 feet deep with concrete extending half-way-up inside each post for lateral stability. The fencing panels will be constructed from privacy tongue & groove material with external pyramid post caps, and the gate is constructed utilizing the same material. To maintain a uniform appearance overall, the only approved color is beige and the only vinyl fencing product approved for installation within our Community is supplied by the following vendor: **The Vinyl Fence Co. 714-210-8888 - www.vinylfenceco.com**. No portion of the fence may exceed the height of 6 feet, measured from the ground below it.

SECTION 5

ARCHITECTURAL CONTROL (CONT.)

Stucco Block Walls

Stucco Block Wall consisting of concrete blocks, with all sides visible from the common area finished with Stucco colored to match the perimeter wall, Dunn Edwards Oyster. The wall cap has to match the existing perimeter wall cap, finished in the same color stucco as the perimeter wall. No portion of the wall may exceed the height of 6 feet, measured from the ground below it. (cont.)

Split-Face Block Walls

Split-Face Block Wall to be “sourdough” in color, or an ACC and Board approved color. The wall cap will match existing perimeter wall cap and finished in the same split-face color as the wall. No portion of the wall may exceed the height of 6 feet, measured from the ground below it.

Side Gates For All Walls & Fences

The side gate is to be constructed of Cedar/Redwood shiplap, tongue & groove wood, or metal. The side of the gate facing the Common Area must be painted to match the wooden fences with Behr paint #PEC-32 Charleston Belle, Vista Paint 8532 Golden Pastel or an ACC or Board approved color.

Height Limits for all Fences and Walls: Under no condition can the height of any portion of rear yard walls or fencing exceed the height of the perimeter wall when your home backs up to the perimeter wall.

PLEASE NOTE: In addition to an ACC Approval Form, homeowners are solely responsible to obtain all necessary City Building Permits. This also applies to all room

SECTION 5

ARCHITECTURAL CONTROL (CONT.)

additions and private pools/spas. A Copy of the City of Orange Stamped and Approved Set of Plans must be submitted to the ACC **prior** to proceeding with any of these projects. A Copy of the signed-off Building Inspection Permit Card must also be submitted to the ACC upon completion of the project.

5.6 House painting: Consult with the ACC Chairman regarding the Assoc Paint Book containing 15 Board-approved color-charts and the stucco pop-out trim on your house. An ACC Approval Form must be submitted.

ARCHITECTURAL APPEAL PROCEDURE

In the event that plans and specifications submitted to the Architectural Control Committee (ACC) are disapproved, the Owner may submit a request to the Board of Directors to reconsider the ACC's denial at an open meeting, or the Owner may request the matter be heard at an Executive Session meeting of the Board of Directors. The request for reconsideration shall be in writing, it shall be addressed to the Board, and shall be delivered to the Association's Property Manager's Agent. This request must be received by the Association's Managing Agent not more than thirty (30) days, following delivery to the Owner, of the ACC notice of disapproval and plans. The term "delivery" as used herein is defined in Civil Code Section 1350.7

SECTION 5

ARCHITECTURAL APPEAL PROCEDURE (CONT)

The Board shall render its decision on the request for reconsideration within forty-five (45) days following the Association's Managing Agent's receipt of the Owner's written request, and the Board shall then transmit its decision to the Owner within fifteen (15) days after its decision. If no written decision is provided to the Owner within fifteen (15) days after the hearing, then the request for reconsideration shall be deemed denied, and the ACC's decision shall be deemed affirmed.

The Board shall uphold the ACC's disapproval if the Board concludes that the ACC acted within its authority under the CC&Rs and the Rules and Regulations.

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SECTION 6

SIGNS

As referenced in the CC&Rs—Article 8 Section 8.2.3

No commercial signs of any kind shall be displayed in public view on or about the exterior of any lot or in the common area, except for professional Real Estate yard signs of customary dimensions. Real Estate “Post Signs” are not permitted within the Community.

During the construction of any improvements, one job identification sign no larger than 18 X 24 inches may be displayed on the owner’s lot. This sign is to be removed immediately, once the contractor has completed the project.

SECTION 7

TRASH

As referenced in the CC&Rs - Article 8 Section 8.2.8

All rubbish, trash and garbage shall be regularly removed from the community and shall not be allowed to accumulate thereon. Refuse containers are prohibited within the project unless obscured from the view of adjoining lots and streets.

- 7.1** Trash and recycling containers should not be placed outside prior to completion of street sweeping at 4:00 pm on the day preceding trash pickup. Empty containers must be removed from view by no later than 12:00 noon on the day following trash pickup.
- 7.2** Any debris spilled on the ground after trash pickup is the responsibility of the homeowner and must be removed.

SECTION 8

LEASE / RENTAL OF RESIDENCE

As referenced in the CC&Rs - Article 8 section 8.1

Any lease or rental agreement is required to provide that the terms of the lease shall be subject in all respects to the provisions of the CC&Rs, Bylaws, and all Rules and Regulations adopted by the Association, and that any failure by the tenant to comply with the terms of such documents shall constitute a default under the lease. All leases are required to be in writing and copies must be submitted to the Association, care of the Property Management Company.

In the event a homeowner rents out their home without a lease or rental agreement, they must then provide a signed document from the person(s) that will occupy the residence, and that said person(s) are in receipt of and that they understand the CC&Rs, Bylaws, and all Rules and Regulations adopted by the Association. Any failure by the tenant to comply with the terms of these documents shall constitute a default under the lease.

In all cases, a copy of the lease agreement must be presented to the Board of Directors no later than fifteen (15) days after the lease has commenced.

SECTION 9

POOL / SPA

9.1 The use of the Pool and Spa is intended only for the residents of Kensington Village and their guests.

9.2 All guests must be accompanied by their Resident Adult Host at All Times. The Association does not assume any responsibility for accidents and/or injuries. Persons using the facilities do so at their own risk. There is no Lifeguard on duty at the pool and spa areas. For health and safety reasons, unsupervised use of the spa by children under the age of 14 years old is strictly prohibited.

9.3 Pool hours are: Sunrise to 10:30 pm Daily.

9.4 Children under the age of fourteen (14) years of age must be supervised by a resident adult of eighteen (18) years or older. Children are the responsibility of their parents and must wear bathing attire at all times. Untrained children shall wear diapers with plastic pants. Parents are responsible for all costs incurred by the Association as a result of any "accidents" in the pool and spa areas.

9.5 Animals are not permitted within the confines of the pool area at any time, nor shall they be leashed to fencing, bushes, trees, etc., in the common area.

9.6 Glass material of any kind is strictly prohibited.

9.7 Pool area gates and restroom doors must be kept closed and locked at all times for the children's safety.

SECTION 9

POOL / SPA (CONT.)

9.8 NO ALCHOLIC BEVERAGES

9.9 Running, pushing, diving, jumping or other unsafe conduct is prohibited. Bicycles, tricycles, skates, roller blades, scooters and skateboards are prohibited within the pool area at all times.

9.10 Radios, audible equipment and noise in general must be kept at low levels to keep from disturbing the enjoyment of others at the pool and spa, and the peace of the surrounding homes.

9.11 Trash, litter, cardboard containers and all other debris shall be picked up by the responsible parties and disposed of properly.

9.12 Appropriate swimming attire is required at all times.

NOTE

Due to escalating utility costs, lack of use and general consensus of the homeowners, the Pool will no longer be heated starting November 1st through April 30th of each year. The Jacuzzi will be heated year round.

SECTION 10

NEIGHBOR TO NEIGHBOR DISPUTES

1. The Association encourages neighbors to make a reasonable, good faith effort to resolve noise, pet, vehicle and landscaping problems among themselves. Often times, a neighbor does not realize that their conduct is bothersome to others, and merely knocking on the door and discussing the problem will bring a speedy result, without the need for courtesy / violation letters, hearings and the like. Accordingly if an owner believes that a neighbor is violating the Rules and Regulations, that owner should make a reasonable effort to resolve the matter directly with their neighbor.
2. If the owners are not able or willing to resolve the matter between themselves following a good faith effort to do so, the complaining homeowner may submit a written complaint to the Association's Property Management for a review by the Board of Directors. The written complaint should describe, in detail, all efforts made to resolve the dispute, and should explain the reasons if any, given by the adjacent or nearby property owner(s) as to why the matter could not be resolved privately.
3. The Board will review the complaining owner's written complaint, and will determine on a case-by-case basis, whether the condition described constitutes a violation. If the Board concludes that a violation in fact does exist, they will determine whether all or any of the Association's enforcement options, as provided herein should be pursued. If the Board determines that no violation exists, then the Association will take no further action, and the matter will be left up to the affected owners to resolve as they see fit. In either case, the complaining owner will be notified of the decision.

SECTION 11

ENFORCEMENT OF RULES

The Bylaws of our Homeowners Association authorize the Board of Directors to adopt reasonable Rules and Regulations subject to the applicable procedural prerequisites of Civil Code section 1357.130 and to amend the same from time to time when necessary. The Bylaws also authorize the Board to initiate disciplinary action against any homeowner who violates the adopted Rules and Regulations. Actions the Board is authorized to take include imposing monetary penalties (fines), towing vehicles, suspending voting and common area use privileges, remedying the violation and collecting any costs incurred from the owner, and in the appropriate circumstances, commencing legal action.

When the Board is to meet to consider or impose discipline upon a member, the Association will notify that member, in writing, by personal delivery or First Class Mail, at least ten (10) days prior to the hearing meeting. The notification shall contain, at a minimum, the date, time, and place of the meeting, the nature of the alleged violation for which the member may be disciplined, and a statement that the member has a right to attend and address the Board at the meeting. If the Board imposes discipline on that member, the Board shall then provide that member a written notification of the disciplinary action by either personal delivery or First Class Mail, within fifteen (15) days following the action taken.

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SECTION 11

ENFORCEMENT OF RULES (CONT.)

A suspension for violation of the adopted Rules and Regulations shall not exceed thirty (30) days for each infraction . Fines may be imposed for breaches of the Rules and Regulations. The table of Fines is as follows:

First Fine	\$100.00
Second Fine	\$200.00
Third & each successive Fine	\$300.00

NOTE: Second and Third Fines are for repeat offenses of the same violation. Fines are due and payable within thirty (30) days of assessment of the Fine by the Board of Directors

Continuing Violations: Fines up to \$10 per day may accrue until the violation has been resolved.

SECTION 12

ELECTION & VOTING RULES

(CALIF. CIVIL CODE SEC. 1363.03 AND 1363.04)

1. INTRODUCTION

These Election and Voting Rules establish certain procedural rules for the successful management of membership meetings and implement the relevant provisions of the Association's Bylaws, the California Civil Code, and the California Corporations Code concerning membership elections and membership voting. These Rules shall become operative July 1, 2006.

2. EQUAL ACCESS

If any candidate advocating a point of view is provided access to Association media, newsletters, or Internet Web sites during a campaign, for the purposes that are reasonably related to that election, equal access shall be provided to all candidates advocating a point of view, including those not endorsed by the Board, for purposes that are reasonably related to the election. The Association shall not edit any content from these communications, but may include a statement specifying that the candidate is responsible for the content, not the Association.

Equal access to common area meeting space shall exist during a campaign to all members and candidates, at no cost, for purposes related to the election.

SECTION 12

3. USE OF ASSOCIATION FUNDS FOR CAMPAIGN PURPOSES IS PROHIBITED

Association funds shall not be used for campaign purposes in connection with any Association Board election or any other Association election except to the extent necessary to comply with the duties of the Association imposed law.

As set forth within Civil Code Section 1363.04, for the purposes of this section “campaign purposes” include but are not limited to the following:

A. Expressly advocating the election or defeat of any candidate that is on the Association ballot.

B. Including the photograph or prominently featuring the name of any candidate on a communication from the Association or its Board, excepting on the ballot or ballot materials, within 30 days of an election, provided that this is not a campaign purpose if the communication is one for which subdivision (a) of Civil Code Section 1363.03 requires that equal access be provided to another candidate.

4. CANDIDATE QUALIFICATIONS & NOMINATION PROCEDURES

All candidates for election to the Board of Directors who are Members, must be in good standing. A Member is in good standing if their Membership rights are not in suspension on the record date for voting. Section 5.1 of Article 5 of the Bylaws authorizes the Board to suspend Membership during any period when assessments owing by such Member remain unpaid and delinquent; and for a period not to exceed 30 days for any infraction of the published Rules & Regulations of the Association.

SECTION 12

Nominations for election to the Board of Directors may be made by qualified Members by nominating themselves and by submitting their names as candidates using the candidacy form prescribed by the Association, provided the form is received by the date prescribed. "Write-in" candidates on the ballot are **not permitted**.

5. VOTING QUALIFICATIONS & THE VOTING POWER OF THE MEMBERSHIP

Each Member in good standing shall be entitled to one (1) vote, provided that cumulative voting shall be utilized for all elections in which more than two (2) Directors are to be elected. A Member whose membership rights are in suspension, on the record date for voting, is not in good standing and is not entitled to vote.

6. INSPECTORS OF THE ELECTION

In accordance with Civil Code Section 1363.03, three (3) Inspectors of the Election shall be appointed by the Board of Directors, shall perform the duties set forth below, and shall sign a report/certificate evidencing the voting results. The Inspectors shall be Members of the Association and/or representatives of the Association's Management Company. The Board may, at its discretion, designate other persons to serve as the Inspectors to the extent permitted by law. In no event shall Inspectors be incumbent Directors, candidates seeking election to the Board, or family members of incumbent directors or candidates. The decision of a majority of the Inspectors shall be in control.

SECTION 12

A. Duties of Inspectors of the Election

1. Determine the number of members entitled to vote and the voting power of each.
2. Confirm the number of members represented at the meeting.
3. Confirm the existence of a quorum.
4. Determine the authenticity and validity of ballots and any proxies, in view of the public.
5. Hear and determine all challenges/questions that may arise in connection with right to vote.
6. Count and tabulate all votes.
7. Determine when the polls shall close.
8. Perform any acts as may be proper to conduct the balloting with fairness to all members.
9. Count ballots to determine result of the voting.

7. **SECRET BALLOT PROCEDURES APPLICABLE TO CERTAIN VOTING AND PROXY USE**

Membership voting regarding assessments, election of Members to the Board of directors, amendments to the governing documents, and the proposed grant of exclusive use of common area, pursuant to Civil Code Section 1363.07 (hereinafter "Secret Ballot Topics") shall be conducted through secret ballot procedures in compliance with Civil Code Section 1363.03.

The Association will not distribute voting proxies in connection with Secret Ballot Topics, and the Inspectors of the Election reserve the right to invalidate any proxy or other document purporting to cast a Member's vote used in connection with Secret Ballot Topics that does not comply with these Rules and applicable law, including the secret ballot procedures set forth within Civil Code Section 1363.03

SECTION 12

A Member may cast their vote on a Secret Ballot Topic in person at a meeting, provided the Member casts the vote using a Secret Ballot in compliance with Civil Code Section 1363.03. In the event the required quorum is not attained at an initial or adjourned Meeting at which Secret Ballots will be utilized, and in the event the Meeting is adjourned to another date, all Secret Ballots cast shall remain unopened and be carried over until quorum is attained.

Quorum: When the total of secret ballots, added to the total of proxies, becomes a majority of the lots for an initial meeting, a quorum has been established.

In order to be counted, this proxy must identify the proxyholder, who must be in attendance at the Meeting for which the proxy is being submitted, contain voting instructions, and be dated and signed by the Member giving the proxy. The Inspectors may disqualify a voting proxy that does not satisfy these requirements. Any instruction given in a voting proxy that directs the manner in which the proxyholder is to cast the vote, must be set forth on a separate page of the proxy that can be detached and given to the proxyholder to retain.

8. COUNTING OF BALLOTS/PROXIES

All votes shall be counted and tabulated by Inspectors of the Election in view of the public at a properly noticed open Meeting of the Board of Directors or at a properly noticed Meeting of the Membership. Any candidate or other Member of the Association may witness the counting and tabulation of the votes. In accordance with the holding of Chantiles vs. Lake Forest II Master Homeowners Association (1995) 37 Cal. App. 4th 914, only the Inspectors of the Election and the Association's legal

SECTION 12

counsel shall be allowed to inspect the proxies during the counting process, in those instances in which proxy voting is permitted, in order to protect the Members' privacy rights.

No person, including any Member of the Association or an employee of the Management company, shall open or otherwise review any ballot prior to the time and place at which the ballots are counted and tabulated.

A. Unless otherwise provided within the Notice of Meeting or the Ballot solicitation, where applicable:

1. The voting period for Secret Ballot Topics shall commence when the first ballot is mailed out or delivered to an Association Member, and shall end at such time as the Inspectors of the Election determine the polls closed.
2. With respect to voting at Membership Meetings on topics other than Secret Ballot topics, the voting period shall commence at the Meeting at such time as the Chairman declares the voting period open, and shall end at such time as the Inspectors of the Election shall determine the polls closed.
3. With respect to voting through a mail-in ballot on matters other than Secret Ballot Topics, the voting shall commence when the first ballot is mailed out or delivered to an Association Member, and shall end at such time as is specified on the ballot.

B. All questionable proxies and ballots are to be separated for a determination of validity by the Inspectors.

SECTION 12

- C. If the number of votes cast on one ballot or proxy exceeds the number of permissible votes, that ballot or proxy is invalid and shall not be counted for voting purposes.
- D. When a box on the ballot is checked or otherwise marked for a candidate, and it is the only box checked or marked, all of this Member's votes shall be counted for that candidate. When fewer boxes are checked on the ballot than the number of Directors to be elected, the count shall be one vote per check not to exceed the number of authorized votes.
- E. If votes are cast on a proxy but the Member failed to check the box instructing how the votes are to be cast, the votes cast shall be counted as marked by the Member, provided there are no other conflicting instructions on the proxy, and the proxy is otherwise valid.

9. ANNOUNCEMENT OF RESULTS & CUSTODY OF VOTING MATERIALS

The results of the Election shall be promptly reported to the Board of Directors of the Association and shall be recorded in the minutes of the next Meeting of the Board, and shall be available for review by Members of the Association. Within 15 days following the Election, the Board shall publicize the results in a communication directed to all Members.

Unless otherwise stated in a writing signed by the Inspectors of the Election, sealed ballots shall be returned to the Association's Management Company in accordance with the procedures set forth within the

SECTION 12

instructions mailed to the Members. Sealed ballots shall at all times be in the custody of the Inspectors of the Election, or unless otherwise stated in a writing signed by the Inspectors, in the Association's Management Company. After the tabulation of the votes, custody shall be transferred to the Association's Management Co.

After tabulation, Election ballots shall be stored by the Association's Management Company in a secure place for no less than one year from the date of the Election. In the event of a recount or other challenge to the Election process, The Association shall, upon written request, make the ballots available for inspection and review by Association Members or their Authorized Representatives. Any recount shall be conducted in a manner that shall preserve the confidentiality of the vote.

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## **EMERGENCY & GENERAL INTEREST NUMBERS**

|                        |          |
|------------------------|----------|
| FOR ALL EMERGENCIES    | 911      |
| Orange Police Dept.    | 744-7444 |
| Orange Fire Department | 633-1313 |
| O.C. Animal Control    | 935-6848 |

Kensington Village Management Company:  
Gold Coast Enterprises Property Management

CALL 714-279-1122  
FAX: 714-279-1130

|                                 |               |
|---------------------------------|---------------|
| Board of Directors:             | 279-1122 x241 |
| Architectural Control Committee | 279-1122 x241 |
| Vehicle Towing Company          | 639-7877      |

Graffiti Removal:

Kensington Property and the perimeter wall 279-1122

|                    |          |
|--------------------|----------|
| On Public Property | 744-7279 |
|--------------------|----------|

