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Summary of Changes

The following changes were made in the 6th edition of the Rules:

1. Modified Rule 1.1.1:

Any construction or improvement within a Private Area (including easements), or any moveable structure brought in and placed within a Private Area, must be approved in advance, in writing, by the Board. All applications will be submitted in duplicate to the Board and will include the following information, as applicable (Please refer also to Sections 4.4 through 4.7.2.8 of the CC&Rs). ~~Restrictions for Design Restrictions.~~

2. Modified Rule 1.1.1(d):

New roadways, driveways, fences, parking areas, and utility trenches.

3. Modified Rule 1.2:

1.2 Staking of Proposed Roads and Driveways

All roads and driveways require approval of the Board and must be staked and approved prior to construction and use. Stakes should be placed on both sides of the proposed road or driveway in such a manner as to indicate clearly the proposed route of the road.

4. Modified Rule 1.4:

After receipt of a complete submittal, the Board shall request in writing any additional information, if necessary, with fourteen (14) days (see, also, Rule 1.8 below). The Board shall either approve or deny the submittal in writing within twenty-one (21) days from the date all requested information is submitted.

5. Added Rule 1.8:

The Board may refer applications submitted under Rule 1.0 to an Architectural Review Committee ("ARC") for their recommendations, which shall be in writing. The ARC shall consist of a chairperson selected by the Board and at least two other Association members selected by the chairperson. The chairperson shall serve at the pleasure of the Board (i.e., no fixed term). At least one of the Association members selected by the chairperson to review a particular application shall, if possible, own a lot adjoining the one where

construction or improvements are proposed. On behalf of the Board, the ARC is authorized to request additional information under Rule 1.4.

6. Added Rule 1.9:

The Board may assess a monetary penalty against any Association member who begins a construction project without first obtaining Board approval.

7. Modified Rule 11.1:

Operation of motorbikes, motorcycles, ~~and~~ recreational ATVs, and ~~off-road~~ vehicles that create a disturbance is strictly prohibited anywhere on the Ranch. Operation of any ATV is prohibited on Association roads. See, also, Section 4.3.5 of the CC&Rs.

Rules
X9 Ranch Owners Association
6th Edition
July 17, 2006

Preamble

Section 3.4 of the **Revised Amendment and Restatement of Declarations of Covenants, Conditions, and Restrictions**, dated October 19, 1992, (hereinafter referred to as "Restrictions") addresses the need for "uniformly applicable Rules governing all persons while they are on the Ranch". The term "Ranch", as used in these Rules, includes that real property described in Exhibit "A" of the Restrictions, and any properties subsequently annexed into the X9 Ranch Owners Association ("Association").

These Rules supplement and complement the Restrictions and govern daily activities on the Ranch. The Rules shall have the same force and effect as the Restrictions, except that the Restrictions shall prevail in the event of conflict. The Restrictions are a legally recorded document which may be amended only by a vote of Association Members representing not less than seventy-five percent (75%) of the lots. The Rules, however, may be amended, added, or deleted by a unanimous vote of the Board or by a vote of fifty-one percent (51%) of the Members or their proxies attending a meeting provided that a quorum is present.

Members have a common interest and responsibility to preserve the peaceful and rural character of the Ranch for the enjoyment of all Members. Respect for each other's privacy and property is the paramount intention of these Rules, which are published to benefit all Members, their families, and their guests, by codifying the expected standards, rights, and obligations of those residing on the Ranch. Residents of the Ranch should make every reasonable effort to resolve issues between and amongst themselves in order to preserve the peace and enjoyment of the Ranch. Although Board members have a role in interpreting certain Rules, neither the Board members nor the Gatehouse staff should be expected to serve as enforcement agents or as mediators in disputes between residents.

1.0 Rules Governing Submittals for Design Review

1.1 Any construction or improvement within a Private Area (including easements), or any moveable structure brought in and placed within a Private Area, must be approved in advance, in writing, by the Board. All applications will be submitted in duplicate to the Board and will include the

following information, as applicable (Please refer also to Sections 4.4 through 4.7.2.8 of the CC&Rs).

- 1.1.1 For construction, a site plan showing:
 - a. All boundaries of applicant's lot.
 - b. Location of existing and/or proposed improvements.
 - c. All relevant contour and drainage information in area of improvements.
 - d. New roadways, driveways, fences, parking areas, and utility trenches.
 - e. Areas that will be disturbed during construction shall be marked with flagged stakes.

- .2 Landscape information: it is recommended only indigenous or drought resistant plants be used for landscaping. A list of such plants may be found at the Gatehouse.

- .3 Architectural drawings showing:
 - a. All exterior elevations of proposed structure(s).
 - b. Plan view of roof(s) and immediate surrounding area.
 - c. Floor plans as may be requested by Board.

- .4 Plans showing any and all equipment located on or beyond the exterior of the building(s), including but not limited to:
 - a. Exterior lighting.
 - b. Heating, ventilating and air conditioning units, including evaporative coolers
 - c. Alternative energy equipment, including solar energy and wind-generating devices.
 - d. TV or radio antennae and satellite dishes.
 - e. Pens, arenas, and other fenced areas.
 - f. Recreational facilities, e.g., swimming pools, tennis courts, etc.

- .5 Additional information, including:
 - a. Samples of exterior walls indicating color, texture and type of surface. Colors and textures of exterior surfaces shall blend with surrounding terrain as much as possible.
 - b. Samples of roofing material indicating color and type of roofing surface. Colors and textures of roofing shall blend with surrounding terrain as much as possible.
 - c. Other information necessary to describe fully the exterior appearance of the proposed structure(s) as may be requested by the Board.

1.2 Staking of Proposed Roads and Driveways

All roads and driveways require approval of the Board and must be staked and approved prior to construction and use. Stakes should be placed on both sides of the proposed road or driveway in such a manner as to indicate clearly the proposed route of the road.

1.3 Proposed Structure Outline

After the documents have been submitted, an outline of the proposed structure(s) must be erected using poles and brightly-colored tape. Applicant shall schedule an onsite meeting with the Board to review these constructed outlines, which shall be in place at the time of this meeting. The poles, of which a limited supply is available from the Board, shall be placed at the corners and at the highest points of each proposed structure with the brightly-colored tape linking these poles so as clearly show the roof outline(s) of the structure(s) from all viewing angles. (Also see 1.1.1.e for staking of areas to be disturbed)

1.4 Submittal Procedure

After receipt of a complete submittal, the Board shall request in writing any additional information, if necessary, within fourteen (14) days. The Board shall either approve or deny the submittal in writing within twenty-one (21) days from the date all requested information is submitted.

1.5 Appeals Procedure

Members wishing to appeal a decision of the Board regarding a design review submittal may do so by writing to the Board within thirty (30) days of receiving the Board's decision. The Board shall meet with the applicant to review the appeal within fourteen (14) days of receiving the appeal and shall issue its decision within fourteen (14) days of that meeting.

1.6 Design Review Term

If no construction occurs within twelve (12) months of approval of last submittal, all information required in Section 1.1 above must be resubmitted to the Board for review.

.7 Modifications to Approved Submittals

Any deviation from the approved construction, which might be visible from neighboring lots, must be reviewed by the Board before such changes are implemented.

.8 Architectural Review Committee

The Board may refer applications submitted under Rule 1.0 to an Architectural Review Committee ("ARC") for their recommendations, which shall be in writing. The ARC shall consist of a chairperson selected by the Board and at least two other Association members selected by the chairperson. The chairperson shall serve at the pleasure of the Board (i.e., no fixed term). At least one of the Association members selected by the chairperson to review a particular application shall, if possible, own a lot adjoining the one where construction or improvements are proposed. On behalf of the Board, the ARC is authorized to request additional information under Rule 1.4.

.9 Penalties

The Board may assess a monetary penalty against any Association member who begins a construction project without first obtaining Board approval.

2.0 Rules Governing Conduct of Members and their Guests

A member shall not permit loud noise to originate from his or her parcel that may disturb the occupants of neighboring parcels, except as may be unavoidable during construction or maintenance activities. To accommodate normally acceptable activities which are noisy, such as operation of chain saws, mowers, or other outdoor equipment, Members are asked that such activities only be performed during daylight hours and that the duration and effects of such noise be kept at a minimum. Additionally, outdoor amplifying systems or any other equipment which generates noise shall be enclosed, screened, used, and located so as to minimize the audible sound level on adjacent lots. Also, the keeping of animals noted for their loud and raucous calls is prohibited on the Ranch (see Keeping of Animals on the Ranch).

Members and their guests shall conduct themselves so as to respect the property to preserve and protect the rural character and habitat of the Ranch for the present and future enjoyment of all who may reside there.

3.0 Rules Governing Gatecards and their Use

Gatecards ("Cards") will only be issued to a Member representing a Lot in the Association ("Member" is defined as a current property owner listed on

a deed to that Lot, as recorded at the Pima County Recorder's Office) and only after the Member has signed the Gatecard Agreement affirming that he or she has received, read, and understands the Rules and Restrictions of the Association.

See Appendix B for additional rules and policies governing gatecards.

4.0 Rules Governing Ranch Access and Use of Association Roads

4.1 Members must notify the Gatehouse of expected visitor(s) by providing their name(s) and estimated time of arrival. If a Member fails to provide this information, visitor(s) shall not be admitted to the Ranch unless the Gatehouse Manager is able to obtain permission from the Member or an occupant of the Member's household.

4.2 The Board shall be responsible for notifying the Gatehouse Manager of pending construction after the design review process has been completed. In addition, a Member or his/her authorized representative shall notify the Gatehouse twenty four (24) hours in advance when any heavy equipment such as a backhoe, dump truck, bulldozer, grader, etc. is scheduled to perform work on the Ranch.

4.3 Members are responsible for notifying their guests, tenants, and household occupants that all persons driving on the Ranch should obey our posted 25 mph speed limit and all other traffic signs. Visitors should also be cautioned that the Association may revoke driving privileges on the Ranch or deny entry to persons reported as driving unsafely on Association Roads.

4.4 The Gatehouse hours of operation are generally 7 am to 7 pm Monday through Saturday. The Gatehouse is closed on Sunday and designated holidays. Designated holidays and changes to the hours of operation that may occur from time to time are posted at the Gatehouse. Members must make alternative arrangements to admit visitors outside operating hours.

4.5 Guests may drive, walk, or ride on Association roads, as may Members or a Member's immediate family. However, guests not accompanied by a Member or Member's immediate family may not drive, walk, or ride on private drives, trails, or other parts of the Ranch without the permission from the owners of these properties. Members are responsible for explaining to their guests where they may travel on the Ranch while unaccompanied.

4.6 Anyone admitted onto the Ranch, other than persons acting in an official capacity (see 4.2 of Restrictions), is considered to be a guest of the

Member who caused the person to be admitted by the Gatehouse Manager. Guests may not enter the Saguaro National Park or the Coronado National Forest from points within the Ranch unless they are accompanied by a Member or a Member's immediate family. The Association will not seek or obtain special treatment from National Park Service or U.S. Forest Service personnel on behalf of its Members or guests.

4.7 Vehicles or trailers belonging to a Member or a Member's guest must be parked or stored only on the host Member's property while on the Ranch and not on the property of other Members, except with their permission. In addition, any such parking or storage shall not impede travel on Association roads or interfere with any other Members' enjoyment of their properties.

5.0 Rules Governing Road Maintenance and Use of Road Equipment

5.1 Road equipment shall only be used for purposes authorized by the Board or its designated representative.

5.2 No person may operate road equipment on Association Roads unless they have been approved to do so by the Board or its designated representative.

6.0 Rules Governing Collection and Disposal of Refuse

6.1 Refuse containers for individual lots shall be screened or enclosed from view from adjacent lots.

6.2 Dumpsters are located east of the Rincon Water Company Plant and are only for the use of subscribing Members ("Subscribers"). Members become Subscribers when they have a single-family residence on their lot. All other persons must remove their refuse from the Ranch for proper disposal elsewhere.

6.3 Subscribers should only deposit materials acceptable to the refuse collector in the dumpsters and observe all rules posted for use of the dumpsters. Subscribers are also responsible for keeping the dumpster area free of litter and for compacting boxes before placing them in the dumpsters.

6.4 Refuse materials shall not be accumulated, except as an organic compost pile. Large quantities of refuse, such as that generated by construction or landscaping maintenance, shall be removed from the Ranch and disposed of properly.

7.0 Rules Governing Prevention of Fire Hazards

Combustible materials such as chemicals, rags which have absorbed petroleum distillates, linseed oil, or wet baled hay, etc., should be contained and isolated to minimize fire hazards and possible spontaneous combustion.

8.0 Rules Governing the Keeping of Animals on the Ranch

8.1 The rural setting of the Ranch naturally encourages the keeping of domestic animals. But in doing so, Members must observe certain guidelines to keep such animals from becoming a nuisance to neighbors or a threat to our fragile environment. Failure to properly control animals leads to complaints, appeals for relief, and demands for more restrictive Rules regarding animals. It is thus in everyone's interest that we each observe the following while keeping animals on the Ranch.

8.2 All pens, corrals, and stalls must be kept clean to avoid odors and/or flies becoming a nuisance in surrounding areas.

8.3 Animals notable for their loud and raucous calls (e.g., roosters, peacocks, adopted wild burros, etc.) are prohibited on the Ranch. Persistent dog barking must also be corrected without delay.

8.4 Animals shall be confined to their Owners' lots at all times.

8.5 Some domesticated animals (including dogs and cats) can devastate local populations of certain wildlife species over time (also see Section 4.1.4 of Restrictions). Any domestic animal found hunting and killing wildlife should be effectively constrained from doing so or else removed from the Ranch.

8.6 No ongoing commercial venture is allowed in connection with animals.

8.7 The sum total of outdoor animals (defined here as larger animals kept outside in pens, cages, corrals, etc.) shall be restricted to five per lot.

8.8 Members wishing to obtain exception to Rules 8.6 or 8.7 must file a written request for an exception with the Board before transporting to or housing such animals on the Ranch.

9.0 Rules Governing Contract Workers, Service Personnel, and Real Estate Agents

.1 The Board shall publish and maintain Rules Governing Contract Workers, Service Personnel and Real Estate Agents (see Appendix A) to include specific Association Rules that apply to such persons. Members employing such persons shall provide them with a current copy of that document (which may be obtained from the Gatehouse Manager) at the time of the person's employment.

9.2 Members employing workers on the Ranch must register these persons with the Gatehouse before they will be admitted to the Ranch. Members shall provide the Gatehouse Manager with:

- a. The person's company affiliation & contact person(s);
- b. Phone number(s).
- c. Estimated date when their work will be completed.

The Gatehouse Manager should be notified immediately when workers are finished on the Ranch, so that their entry privileges may be terminated.

9.3 A Member employing a real estate agent ("Agent") to sell, lease, or manage property on the Ranch must provide the Gatehouse Manager with:

- a. Agent's name.
- b. Business name
- c. The property(ies) on the Ranch with which the Agent is involved.

If a person other than the authorized Agent is to show a property on the Ranch, the authorized Agent or the Member must notify the Gatehouse in advance before this person may bring clients into the Ranch.

10.0 Rules Governing Tenants

10.1 Prior to a Member allowing tenants to occupy a residence on the Ranch, the Member is required to provide the Board with

- a. The name of all persons signing the lease agreement (the "Tenant(s)"),
- b. The term of occupancy on the Ranch.

The above information is only for use of the Gatehouse Manager and the Board and shall be treated as confidential.

.2 In addition, before Tenant(s) and household members will be allowed on the Ranch, the Member must provide Tenant(s) with copies of Association Rules and Restrictions and obtain written confirmation, signed by the Tenant(s), that they have read, understand, and will comply with these Rules and Restrictions while they are on the Ranch. This written confirmation will be kept on file at the Gatehouse.

10.3 After the Member has satisfied the above Rules Regarding Tenants, the Member may then issue gatecards to these Tenant(s), after first providing the serial numbers of these Cards to the Gatehouse Manager.

11.0 Rules Governing Operation of Motorbikes, Motorcycles, ATVs, and Off-Road Vehicles

Operation of motorbikes, motorcycles, recreational ATVs, and vehicles that create a disturbance is strictly prohibited anywhere on the Ranch. Operation of any ATV is prohibited on Association roads. See, also, Section 4.3.5 of the CC&Rs.

12.0 Miscellaneous Rules

The Association Rules shall be a standing agenda item at the regularly-scheduled Association Meetings.

If the Board promulgates any changes to the Rules between Meetings, these changes shall be discussed and voted upon by the Members at the next scheduled Meeting in accordance with section 3.4 of the Restrictions.

Following each Meeting when changes in the Rules have been approved, the Board shall promptly distribute to all Members an updated revision of the Rules or a separate addendum (not as part of the minutes) showing these changes which Members can attach to their existing copy of the Rules.

Appendix A

Rules Governing Contract Workers, Service Personnel, and Real Estate Agents

Contract workers, service personnel, and real estate agents (collectively "Contractors") entering the X9 Ranch Owners Association ("Ranch") are responsible for their actions and are expected to abide by Association Rules. These Rules are to preserve the peace, safety, and privacy of residents, and to protect the Association's environment. The Association may withhold access to the Ranch to any Contractor found in violation of these Rules.

No Contractor(s) shall be admitted to the Ranch unless registered at the Gatehouse office by the Member who has engaged their services. In addition, all subcontractors must also be registered, either by the Member or by the general contractor in accordance with the Rules of the Association. The Member shall be responsible for the compliance by all Contractors with these Rules.

- A1. All roads in the Ranch are private roads under the jurisdiction of the Association. **The posted speed limit is 25 mph.** Contractors shall obey posted traffic rules at all times.
- A2. Contractors are admitted by the Gatehouse staff only between 7am and 5pm, Monday thru Saturday. The Gatehouse is closed on Sunday and designated holidays. Admission at other times must be arranged with the Member responsible for their employment.
- A3. Gatehouse staff must be notified 24 hours in advance of arrival of construction machinery or large pieces of equipment.
- A4. Contractor(s)' use of Association roads is restricted to travel between the Gatehouse and jobsite. Sightseeing, off-road travel, picnicking, hunting, hiking, or other non-work related activities are prohibited while on the Ranch.
- A5. Necessary construction noises, such as hammering and normal operation of equipment, are tolerated in the quiet setting of the Ranch. On the other hand, loud and repetitive noise, such as bells or sirens on equipment (e.g., backup devices) and unmuffled internal combustion engines, should not be allowed on jobsites except as absolutely required to perform the work at hand. Any and all audio equipment (radios, boomboxes, etc.) shall be operated at low volume and shall not be audible on adjacent lots.

- A6. Jobsites shall be raked and/or broom-cleaned regularly, and accumulated construction refuse stored in a rollaway dumpster or otherwise promptly and properly disposed of elsewhere. Contractors may not use Association dumpsters for such disposal. Windblown refuse from a worksite must be promptly collected and not be allowed to accumulate in surrounding areas.
- A7. Contractors shall not remove vegetation or otherwise disturb natural areas around jobsites or along Association roads, except as specifically approved by the Owner of that property.
- A8. All jobsites shall have toilet facilities available to workers in the form of portable toilets or by making available toilet facilities already located onsite.
- A9. Use of firearms is absolutely prohibited on the Ranch.
- A10. All open fires are strictly prohibited.

Appendix B

Rules Governing the Purchase, Replacement, and Use of Gatecards

- B1. Each gatecard issued to a lot ("Card") is identified by a serial number ("S/N") on its face, which is recorded in the Gatehouse records as being assigned to that particular Lot. The Card's S/N may be used to track who is using it, if the Card has been exchanged, or returned for refund upon the sale of the Lot.

Members are responsible for all Cards issued to their respective lots (defined as the "Card Set" for their lot). Cards are intended only for the use of the Lot Owner(s) and immediate family and may not be loaned to any other person, including a guest, renter, contractor, service employee, real estate agent, unless and until the Gatehouse Manager has been notified of that person's name, address, the purpose and duration of the Card loan, and the S/N of the Card which that person will be using. (Also see Rules for registering Tenants and Contractors)

- B2. Cards may be exchanged at no charge when these are damaged or otherwise become unusable (e.g., by having an outdated code). Exchanges can only be made for Cards having a S/N currently assigned to that Lot.
- B3. The Board shall set the price for new Cards ("New Cards") and for replacement Cards ("Replacement Cards"). New Cards will increase the number of Cards in a Lot's Card Set. Replacement Cards replace lost or missing Cards. The following shall apply for the purchase of New or Replacement Cards:
- a. New Cards may be purchased only after all Cards in the Lot's current Card Set can be accounted for by their presentation at time of purchase, or by providing the name and address of person using each card.
 - b. Lost or missing Cards in a Card Set must be replaced by purchase of Replacement Cards, before New Cards may be purchased.
- B4. When a Lot is sold the Card Set for that Lot must be returned to the Gatehouse for refund. The Treasurer will issue a refund within 30 days as follows:

- a. If the complete Card Set is returned, the refund will equal the total New Card cost of the Set.
 - b. If an incomplete set is returned, the refund shall be the total New Card cost of the Set, minus the costs of the missing cards having the highest New Card replacement costs applicable to that Set.
- B5. A Member is entitled to acquire up to four (4) Cards without Board approval. Additional Cards will not be issued without Board approval and that approval will not be unreasonably withheld.