

PORTOFINO HOMEOWNERS ASSOCIATION

RULES AND REGULATIONS

I. RULES AND REGULATIONS

The following Rules and Regulations governing use of the Common Areas (as defined in bylaws), facilities, and the personal conduct of members and their guests, have been duly adopted by the Board of Directors of The Portofino Homeowners Association under authority granted by the CC&Rs so that the utmost enjoyment may be obtained from living within the Portofino Homeowners Association. The Portofino Board of Directors reserves the right to revise or re-define the specifics of these rules as it sees necessary.

A. ARCHITECTURE

1. No addition, alteration or modification of the exterior of the building or structure shall be allowed without first obtaining approval of the Board of Directors, including but not limited to awnings, balconies, fences, air conditioners, screen doors. The addition of television antennas and/or satellite dishes, by Portofino Board approval only. All requests to be submitted in writing. Damages to roof and/or balcony done through installation will be the responsibility of the homeowner ordering the installation. All antennas and/or satellites will be installed out of view from the exterior and common areas. Any such request for additions or alterations must be in writing and submitted with drawings of the planned changes including materials, colors and dimensions. Any repairs or improvements must comply with all city codes. Trash or debris from such work must be removed from the property daily and may not be tossed in the trash bin or stored in common areas.
2. No landscaping or planting on any portion of the Common Area allowed, with exception to outside of the balcony. Shall be allowed only by first obtaining approval of the Board of Directors.
3. The Common Areas with exclusion of your balcony, may not contain personal items, including but not limited to hanging or potted plants, wind chimes, signs, etc.
4. Balconies may only contain plants and/or patio-type furniture and are not to be used for general storage. No item may be placed in such a way as to create a hazard or potential hazard of any kind.
5. Balcony surfaces may not be covered by any materials such as astroturf, plastic, linoleum, tiles, etc.

6. Items stored in the common area storage rooms must be stored in the space allocated to the unit owner only. Aisles and pipes must be kept clear. Residents may not use storage spaces assigned to other units, without written permission of the owners to whom those spaces are assigned. No item may be placed in such a way to create a hazard or potential hazard of any kind. These rules regulate any storage areas or units that may be approved by the Board of directors.

B. HOMEOWNERS/TENANTS

1. All owners reserve the right to rent/lease their unit and assigned parking area. Owner/Lessor must notify the Board of the name of the tenants, resident phone number, and license of motor vehicles within thirty (30) days of occupancy.

2. Owner assumes full responsibility for action of tenants/lessees and must insure tenant/lessee will fully comply with all conditions outlined in the CC&Rs, By-laws and Rules & Regulations. Owners must provide a complete copy of Rules & Regulations to each tenant and explain that tenants are bound by Rules & Regulations, the same as owners. Full recourse for tenant's/lessee's violations will be responsibility of the owner/lessor.

3. Homeowner shall be responsible for damages of any kind committed by lessees, members of their household, guests, tenants, and pets to the common area.

4. All residents-Owners / Lessors are responsible for cleaning up after themselves in the use of Common Area facilities immediately after use.

5. Use of radios, stereos, TVs, musical instruments, etc. must be reasonably calculated not to disturb other residents. NOISE MUST NOT AT ANY TIME CREATE A NUISANCE TO NEIGHBORS. No loud noises of any sort are permitted between 10:00 PM and 8:00 AM, or before 10:00 AM on Saturdays and Sundays.

C. MISCELLANEOUS COMMON AREA

1. Wheeled vehicles are not to be parked on any common area except in marked parking spaces. The only vehicles which may be parked in marked parking spaces are motor vehicles bicycles and motorcycles.

2. Repairs, painting or construction of any items MUST be confined to unit or balcony.
3. Except for storage areas, no part of the Common Areas, including but not limited to garage, may be used for storage of any kind.
4. Littering of the Common Area grounds by newspapers, food wrappers, etc. is prohibited. Placing trash or any disposable items outside of units is also prohibited, except in the trash containers provided.
5. Residents must keep their garage areas clean from oil leakage under their vehicles.
6. All trash materials in Trash Areas must be placed inside the provided trash bins in a manner as to reasonably expect that it will not fall out or be blown out. At no time may trash material be maintained in any common areas, other than in appropriate receptacles..
7. The garage and other common area doors must be kept closed and locked at all times. If the garage gate is switch is turned off in order to move something into the garage, the gate and switch must immediately returned to its original condition.
8. No Loitering is allowed in stairwells, garage areas, or Lobby.
9. Access to the roof is forbidden at all times unless authorized by the Board of Directors for repair or inspection purposes.
10. No one may ride a bicycle, skate or play in the garage or other common areas.
11. Barbecuing is permitted only on balconies. All safety precautions will be taken to protect the common areas and other Owners/Lessors property while barbecuing.
12. Main Water Shut Off Valve...Barring dire emergencies, only qualified plumbers and B1 contractors are allowed to turn the main water valve off or on. Other than dire emergencies, to shut off the main water valve...prior notice that states the condo unit number along with the shut off date and probable time frame during which the water will be shut off... must be posted in the commons and on the garage level bulletin board at least 24 hours before the main water level is turned off to allow Portofino residents reasonable time to reschedule their anticipated water usage needs. Posted shut-offs should occur only on weekdays between 9 A.M. & 4 P.M.
13. Smoking is not permitted in the common areas. Smoking is allowed on balcony.

D. PARKING

1. Parking is permitted only in the assigned parking location. Vehicles parked in violation of these rules may be towed at vehicle owner's expense, in accordance with the CC&Rs.
2. Parking is allowed in parking spaces ONLY. No vehicle shall be parked in driveways or parked to block other cars. Residents may not use parking spaces assigned to other units, without written permission of the owner to whom that space is assigned.

3. No boat, trailer, or recreation vehicle, or similar equipment shall be permitted to be parked within any common area.
4. Parking of any vehicle which is not in operating condition, including but not limited to cars, is not permitted anywhere in the Common Area.
5. More than one vehicle may be parked in one parking space, provided all vehicles so parked remain within the boundaries of that space.
6. Washing of any vehicle is not permitted in the common areas, including driveways, and garage.
7. No pans, cardboard, cat litter, rags, or anything else are to be placed in parking spaces.
8. Guest parking spaces are for the use of visitors only.
9. Bicycles, and motorcycles must be parked or stored only in the owner's assigned parking space

E. PETS

1. A maximum of two (2) domesticated cats and/or dogs may be kept in a unit, unless a greater number is authorized by the Board and provided they are not kept, bred or raised for commercial purpose and they are kept under reasonable control at all times.
2. In addition, small domesticated animals (e.g., birds, hamsters, fish, turtles) may be kept in a contained environment (cage or aquarium), provided they are not kept, bred or raised for commercial purposes, and subject to the following sub-paragraphs of this section.
3. The Common Area shall not be used for bathroom privileges of any animal. In case of accidents, pet owners must immediately clean up area.
4. Pets must be kept on a leash when in the common area. Pets must not be allowed to roam to neighboring units.
5. Animals that bother or annoy other owners or residents (e.g., excessively barking dogs, chirping birds, or noisy aquarium filters) may not be kept on the property or in a Unit.
6. The Board shall determine whether specific pets are a nuisance and should be removed from the unit.

F. SIGNS

1. Only signs offering units for sale may be placed on the yard arm provided for that purpose, and must conform in size and color to standards set by the Board. No other signs are permitted.

G. MOVE-INS

Prior to any Portofino owner(s) or Lessor(s) move-in or move-out from any Portofino condo unit, the condo owner must:

1. Notify Portofino's property management company at least 48 hours in advance of the date of the move. If condo owner fails to notify the Management Company as required...the condo owner shall be fined \$100.00.
2. Post a check in the amount of \$300.00 with Property Management Company at least 48 hours prior to said move. The \$300.00 deposit will be refunded if the Board determines no Portofino property damage was caused by the move. If damages occurred, the condo owner shall pay whatever dollar amount is required to repair said damages. If the condo owner fails to post the \$300.00 dollar as required...the condo owner shall be fined \$100.00.
3. All move-ins, move-outs, and furniture deliveries shall be made through the back entrance. **Only items too large for back stairs may be hand-carried up or down the front entrance stairs or through the front lobby. No metal wheels are to be rolled over front entry lobby and landing surfaces.** No delivery or moving trucks may block the entrances to the building or the garage. If any condo owner, or owner's tenant, fails to follow said entry/exit rules...the owner shall be fined \$100.00 plus the cost of repairing delivery or moving damages, if any.

H. SPA/RECREATION ROOM

1. Only owners, tenants and their guests are allowed in the spa & Gym areas. Guests must be accompanied by an owner or tenant, or have their express permission.
2. No lifeguard is present at the spa area and it is mandatory that owners/tenants assume responsibility for using such facilities.
3. Glass containers will not be allowed in the spa/gym areas.
4. Spa hours are 7:00am to 10:00pm - Monday through Friday, and 8:00am to 10:00pm - Saturday and Sunday.
5. Pets are not allowed in the spa area or GYM room.
6. Proper care of furniture and equipment is expected by all users. Removal of any equipment, planters, or furniture from the gym room and spa area is strictly prohibited. Damage to furnishings and facilities is chargeable to the responsible owner.
7. Children must be supervised when using the gym and spa areas.
8. Noise should be kept at a reasonable level in deference to the homeowners living around the gym, spa and to other users of the facilities.
9. Shoes must be worn in the gym at all times.
10. Proper attire is required in the common areas.

II. ENFORCEMENT PROCEDURES

A. Procedures for implementing the provisions of the CC&Rs, By-Laws and Rules and Regulations are here set forth.

1. The Board shall have the power to issue a fine against any member of the Association found to be in violation of CC&Rs, By-Laws or the Rules and Regulations as follows:

There is no notice and warning for first violation(s) of the MOVE-INS & MOVE-OUTS rules and regulations. Each violation of the MOVE-IN & MOVE-OUT rules and regulations, whether the violator is a condo owner, or an owner's tenant, shall result in a fine. Fine amounts are stated in the MOVE-INS & MOVE-OUTS rules and regulations copy.

Notice and Warning for first violations;

A schedule of fines is as follows:

\$50.00 for second violation;

\$100.00 for third violation; and

\$150.00 for fourth and subsequent violations

2. No fine shall be levied against any members of the Association except in accordance with the following procedure:
 - a. A hearing to determine whether a member of the Association has violated the provisions of the CC&Rs, the By-Laws or the Rules and Regulations shall be initiated by the filing of a written complaint by any member of the Association with any officer of the Board. The complaint shall state a written statement of the alleged violation which shall be set forth in ordinary and concise language, the acts or omissions with which the accused member is charged and a reference to the specific provisions of the CC&Rs, By-Laws and/or the Rules and Regulations which are alleged to have been violated. (A copy of the complaint form is attached hereto - Exhibit I.)
 - b. A copy of said complaint shall be delivered to the accused member (the "respondent") either by personal delivery or by first-class mail, postage pre-paid, addressed to the respondent at the address set forth on the Association's books and records, together with a notice of complaint, Exhibit II, which shall be substantially in the following form:

"Unless a written request for a hearing signed by or on behalf of the person named as the respondent in the accompanying complaint is delivered or mailed to the Board of Directors of the Portofino Homeowners Association Inc., within ten (10) days after said complaint was delivered or mailed to you, the Board may proceed upon the complaint without a hearing, and you will have thus waived your right to a hearing. The written request for a hearing shall be delivered or mailed to the Board of Directors at the following address:

HARRIS PROPERTIES
11520 Jefferson Blvd., #200
Culver City, California 90230

You may, but need not, be represented by an attorney at any or all stages of these proceedings. If you desire the names and addresses of witnesses or an opportunity to inspect any relevant writings or items on file in connection with this matter in the possession, custody or control of the Board, you may contact the Management Company named above."

c. The respondent shall be entitled to a hearing on the merits of the matter if a written request for a hearing is timely filed with the Board of Directors. The respondent may file a separate statement by way of mitigation, even if he does not file a request for a hearing.

d. The Board shall serve a written Notice of Hearing, Exhibit III, either personally or by first-class mail, postage pre-paid, addressed to the respondent at his address as listed on the books and records of the Association, at least five (5) days prior to the hearing, if such hearing is requested by the respondent. The hearing shall be held no sooner than fifteen (15) days nor later than thirty (30) days after the complaint is mailed or delivered to the respondent. The notice to the respondent shall be in substantially the following form but may include other information:

" You are hereby notified that a hearing will be held before the Board of Directors of the Portofino Homeowners Association Inc. On the __day of _____, 19__ at the hour of _____ upon the charges made in the complaint served upon you on _____.

You may be present the hearing, but need not be represented by counsel; you may present any relevant evidence; and you will be given full opportunity to cross examine all witnesses testifying against you. You are entitled to request the attendance of witnesses and the production of books, documents or other items by applying to the Board of Directors of the Association."

e. The hearing shall be held in executive session pursuant to notice, affording the respondent a reasonable opportunity to be heard prior to the effectiveness of any sanction hereunder. Proof of notice and the invitation to be heard shall be placed in the Minutes of the meeting. Such proof shall be deemed adequate if a copy of the notice, together with a statement of the date and manner of delivery, is entered by the person who mailed or delivered such notice. The notice requirement shall be deemed satisfied if the respondent appears at the meeting. The minutes of the meeting shall contain a written statement of the results of the hearing and the fine, if any, imposed.

B. In the event of an alleged violation of the CC&Rs, By-Laws and/or the Rules and Regulations, and upon an affirmative vote of the majority of the members of the Board present at the hearing, the Board shall have the right to fine the respondent, according to the schedule in paragraph II A. 1 above. If the majority of the Board members present at the hearing vote to fine the respondent, the respondent shall be notified in writing of the amount of the fine as well as the provisions of the CC&Rs, By-Laws and/or Rules and Regulations which the respondent is found to have violated, and said notice shall be either delivered to the respondent or mailed by first-class mail, at the address of the respondent as contained in the Association's books and records, within ten (10) days after the hearing.

C. The amount of any fine levied shall be due and payable within ten (10) days after the notice referred to in paragraph B above has either been delivered or mailed to the respondent.

Portofino Homeowners Association

Complaint For Alleged Violation of CC&Rs and/or Association Rules

NAME OF COMPLAINANT: _____

ADDRESS OF COMPLAINANT: _____

TELEPHONE NO. OF COMPLAINANT: _____

NAME OF OFFENDING PARTY: _____

ADDRESS OF OFFENDING PARTY: _____

Nature of Alleged Violation (Cite the applicable section of the CC&Rs and/or the Rules if known): _____

_____ Date of Alleged Violation: _____ Names, addresses and telephone

numbers of witnesses: _____

Complainant's Signature

Dated: _____

Portofino Homeowners Association

Notice of Complaint for Alleged Violation of CC&Rs and/or Association Rules.

TO: _____

Dear _____:

Please be advised that on _____, 19___, we received a complaint (the "Complaint"), a copy of which is enclosed, in which it is contended that you have violated and/or are violating the Association's CC&Rs and/or Rules.

Unless a written request for a hearing signed by you or on your behalf is delivered or mailed to the Board of Directors of the Association within ten (10) days after this notice is delivered or mailed to you, the Board of Directors may proceed upon the Complaint without a hearing, and you will have thus waived your right to a hearing. A written request for a hearing should be delivered or mailed to the Board of Directors at the following address:

Portofino Board of Directors c/o

Harris Properties, 11520 Jefferson Blvd., #200, Culver City, CA 90230.

You may, but need not, be represented by an attorney at any or all stages of these proceedings. If you desire the names and addresses of witnesses or an opportunity to inspect any relevant writings or items on file in connection with this matter in the possession, custody or control of the Board, you may contact the management company, whose address is above.

Portofino Homeowners Association

Notice of Hearing of Complaint for Alleged Violation CC&Rs and/or Association Rules.

TO: _____

You are hereby notified that a hearing will be held before the Board of Directors of the Portofino Homeowners Association at _____ Los Angeles, California on the _____ day of _____, 19____, at the hour of _____ upon the charges made in the Complaint served upon you on _____.

You may be present at the hearing, but need not be represented by counsel; you may present any relevant evidence; and you will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to request the attendance of witnesses and the production of books, documents or other items by applying to the Board of Directors of the Association.

Dated: _____

Very truly yours,

For the Portofino Board of Directors