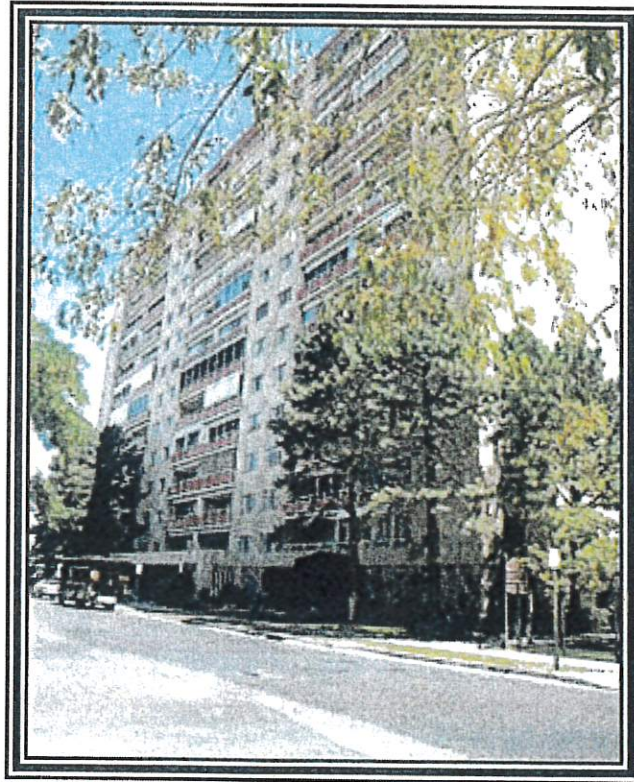


Park Plaza

Association, Inc.

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Resident Handbook

Procedures • Safety • Guidelines • Rules and Regulations

Park Plaza Association, Inc.

Albuquerque, New Mexico

Important Information Booklet – Keep with important papers

Adopted January 17th, 2022

HANDBOOK FOR LIVING IN PARK PLAZA CONDOMINIUM

Adopted Jan 17, 2022

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This handbook has been compiled by Park Plaza Association, Inc., to outline the operational procedures of the Association and to provide information about the Association's property. It is a supplement to the Covenants, Conditions and Restrictions and the By-Laws documents that govern Park Plaza. This handbook does not supersede any of these recorded documents but rather is intended to clarify the above-mentioned documents and their contents in order to make them easier to follow. Please read this information and be certain that your family, guests and tenants understand the rules entirely. Residents are liable for their tenants and the guests of their tenants, so it is crucial that people know their responsibilities. We trust that your knowledge of this information will enhance your daily enjoyment of your residence at Park Plaza. Thank you for your consideration and cooperation.

ACCESS TO RESIDENTS' UNITS

All Owners/residents are required to permit entry into their residential units by Association staff members and/or outside independent contractors and/or other persons engaged by Park Plaza Association, Inc. if the purpose of the entry is to access, inspect, repair, or replace common elements. These common elements include electrical lines, telephone lines, cables, water pipes, water drainage pipes, air exhaust outlets, air conditioning and heating equipment, toilet facilities, water leaks from whatever source, the exterior walls, ceilings, floors and the balconies. In addition, Park Plaza employees must be able to enter units to conduct periodic scheduled pest control and change air conditioning and heater filters.

Except in the case of an emergency, an attempt will be made to contact the resident for consent to enter. In case an emergency situation, such as fire or flood, arises while you are away, you must provide the Association Management office with copies of the key(s) to your unit.

Keys are kept in a locked box in the office. Staff members have been instructed to check the list of authorized persons and ask for photo identification of persons not known to them before giving out keys. A copy of any new keys must be provided to the Association Management office if locks are changed. When entering units for any reason when the owner is not present, Park Plaza employees must leave a note informing the unit owner that they have been in the unit and state the reason for that entry. All residents must participate in the pest control program unless the resident has a medical reason why the unit should not be sprayed. Residents may not deny access for these purposes even when they are out-of-town.

ALSO SEE KEY LOG PROCEDURES

AIR CONDITIONING – see HEATING AND COOLING

ANTENNAS

Electronic equipment in a unit must not interfere with radio or television reception in other units. Satellite dish antennas may be installed on unit balconies. The size of the dish may not exceed 48" in

diameter. The dish must be mounted to a bracket attached to the north or south face of the brick divider between balconies. The installation of the bracket and dish must not extend into or cause damage to an adjoining unit balcony or any common area. The dish must be fully contained within the confines of the balcony area and may not be mounted to or protrude onto any common area surface of the building. Park Plaza Association discourages the installation of satellite antennas for aesthetic reasons; however, they are allowed per the Federal Communications Commission.

AWNINGS AND SHUTTERS

Shutters are not allowed on balconies, with the exception of shutters installed before 2021. Awnings are to be made of tan, beige, off-white or brown canvas like material. Specification alternatives with suggested vendors are available in the Association Management office for residents wishing to install an awning. Please note that **awning additions are subject to prior approval and review by the Architectural Review Committee**. Applications are available in the office. Awnings and shutters must be kept in good repair. Shutters should be painted on a regular basis. Torn, damaged or faded awnings must be removed or replaced. Awnings may not be placed directly over windows. They must be attached to the outer wall of the balcony. Window coverings, as viewed from outside the building, should be a neutral color. Aluminum foil, cardboard, paper, insulation material, or any other such material is not allowed to cover windows or sliding glass doors, inside or out. This includes any type of metallic, reflective foil.

BALCONIES

For the overall safety of the community please do not throw anything from the balconies as the tossed item rarely lands where intended! Do not allow anything to fall from windows or balconies. Do not use the balcony for storage of any type. Please remember that we get strong winds that can transform decorations hanging on balcony walls into dangerous projectiles. Please secure anything that could possibly blow away. Laundry or other items should not be hung or draped from windows or balconies. The exception is that all residents have the right to hang a United States flag from their balcony, as long as it does not hang low enough to be visible from or obstruct the view of the unit below or an adjoining unit. Wind chimes are not allowed. Do not sweep or wash debris off the balcony. Special care should be observed when watering plants to ensure that water does not overflow and spill onto lower balconies. Please do not attempt to feed birds or other animals; the sole exception being hummingbird feeders. If a bird nest is discovered, it must be removed or reported to management immediately. No fireworks may be lit on the balconies.

All exterior painting on balconies that is visible from outside the building must have prior approval of the Architectural Review Committee. Electric grills may be used on balconies. Charcoal and pellet grills, however, are not allowed.

BARBECUE GRILLS

Grills are located in the patio area near the pool and are available for residents' use. If the propane bottle needs to be filled, please notify courtesy patrol. Please be sure to clean the grill after you use it, and to replace the protective cover when the grill has cooled. When taking food to and from the grill and patio area please use the service elevator. Food and drink must be covered when it is being carried into or out of common areas. The grills are available on a first come, first served basis.

BOARD OF DIRECTORS— See ASSOCIATION HANDBOOK

BUDGET – See ASSOCIATION HANDBOOK

BUILDING SECURITY – See Security and Safety

BULLETIN BOARDS

The bulletin board located in the service area, known as the “Community Bulletin Board”, is available to Park Plaza residents for posting notices of interest to the community. Residents may submit items to be posted on this bulletin board such as for sale notices, invitations, etc. to the Association Management office. All notices must be dated and will be removed after three weeks, or the day after the event. Items that are determined to be objectionable to the Park Plaza community will not be posted.

The bulletin board located outside the Association Management office in the lobby is reserved exclusively for official Association notices and business, and items from Management. Residents requiring notices to be delivered to their door due to disability should notify the Association Management office. There is also a community bulletin board page on the Park Plaza Website. This is an ideal place to share information with your fellow residents about events in the building and the community, comments regarding outside contractors and workers, or items for sale or to give away. There is a video on the website that explains how to post information to the website.

Notices or literature of any type may not be left by residents in the lobby. Information of interest to residents may be placed on the table in the library. The information in the Park Plaza Resident Directory is not to be used for marketing purposes or any type of solicitation.

BY-LAWS – See GOVERNING DOCUMENTS

CARTS

The building has a supply of grocery carts and flatbed carts available for resident use. These carts are stored in the service area on the first floor. Grocery carts and flatbed carts are not allowed on the passenger elevators. Carts are to be returned as soon as items are unloaded. Carts are not to be kept inside units and must not be left outside, in hallways, or in the service elevator.

CHILDREN

It is your responsibility to make sure that children in your care do not disturb other residents. They should not yell or run in public areas nor be allowed to be in a dangerous situation. Children under the age of fourteen (14) using the pool must be always accompanied by an adult. Children under the age of sixteen (16) may only utilize exercise equipment in the Fitness Center if accompanied by a responsible adult familiar with the proper use of the equipment.

COMMON AREAS

The common areas of Park Plaza consist of all areas not within the confines of a condominium unit. Residents may reserve the Plaza Room and the Board room for private events. Refer to Private Events in Public Areas document for guidance.

CONFERENCE/COMPUTER/LIBRARY ROOM

The Conference/Computer/Library room is available to all residents. You are welcome to borrow any book in the library or make use of the computers and printers. There is a slight fee per page for printing, payable to the courtesy patrol. The room may be reserved for private meetings. Please contact the Association Management office to be sure it is available. PLEASE SEE POSTED RULES IN THIS ROOM.

CONTRACTOR RULES AND REGULATIONS

Before engaging in any renovation or repair you must get a copy of the Remodeling Rules and Regulations as well as application for architectural committee approval from the association manager. **All work must be approved by the architectural committee.**

COURTESY PATROL

The Association provides courtesy patrol service 24 hours a day, 7 days a week. The Courtesy Patrol officer on duty is either posted at the desk in the lobby or may be reached at 681-5657 during patrol hours. The Courtesy Patrol personnel are employees of Monarch. If you have a problem with any officer, please let your concerns be known to our on-site manager. The duties of Courtesy Patrol include:

1. Accepting packages, deliveries, and certified and registered mail, if the resident has given authorization
2. Handling visitors and guests
3. Controlling the keys to residents' units and making sure all keys are properly signed out
4. Assisting residents with the use of fax and copier

5. Assisting contractors, vendors and delivery personnel with access and parking
6. Patrolling the building and grounds
7. In case of emergency assisting personnel such as police, fire and rescue in accessing the building and guiding them to residents in distress

DIRECTORY – See RESIDENT DIRECTORY

CC&Rs – see GOVERNING DOCUMENTS in ASSOCIATION HANDBOOK

DOORS-ENTRY TO BUILDING

Park Plaza has a limited access entry system for the safety of the community. All doors require a key fob for admission. Special care should be taken to avoid allowing key fobs to come into contact with strong magnets, as this may cause irreparable damage. Lost or stolen key fobs should be reported to the Association Management office immediately so they may be deactivated. NEVER leave fobs in your car as it allows car thieves access to our building. Replacement key fobs are available for purchase at the Association Management office.

DOORS-UNITS

Although the door surface on the inside of a unit is the property of the owner, the outside of the unit door surface in the residential hallways is considered part of the common area. Any alterations require the advance approval of the Board of Directors. Doorknobs and unit numbers should conform to the general appearance of the other doors which is stainless steel only, however doorknobs and unit numbers already in place do not have to be replaced. Security cameras may not be attached to the outside of door. Doors from the hallway into residents' units must be kept closed at all times other than for entry and exit so as not to disturb other residents. It is recommended that residents keep their doors locked.

DRAINS AND GARBAGE DISPOSALS

Clogged drains are an ongoing problem in any high-rise building. Please use the garbage instead of the garbage disposal as much as possible. Please don't let the following items go into any drain or garbage disposal:

- Grease, bones or fat of any kind
- Coffee grounds or eggshells
- Peelings, stems, skins, or leaves
- Bread

In addition:

- Use the disposal sparingly. Put most items in the trash rather than down the disposal. (This would save water, also!)
- If you must use your disposal, run plenty of water while it is on and after you turn it off, to flush out all debris.
- Grinding ice cubes in the disposal about once a week is an excellent way to keep it clean.
- Don't overload the disposal. Feed items down a little at a time while running the water full force.

Please make sure you have drain covers/strainers in place in your tub and shower to stop hair from going down the drain. The Association has hair strainers available. Let us know if you would like one.

Never put items such as dental floss or cat litter down a toilet or sink. If you notice that a sink or tub is draining slowly, or if you hear unusual noises from the drain or see liquid, suds or debris coming up in the sink, please report it immediately. Quick action can keep a simple incident from becoming a problem.

ELECTIONS – See **Association Governance in ASSOCIATION HANDBOOK**

ELEVATORS

Food and beverages must be covered in elevators. Residents taking food to and from the grill and patio area must use the service elevator. Footwear must be worn in the elevators. When in an elevator, swimmers must wear some type of covering (such as a robe) over their bathing suit. After swimming, bathers are encouraged to dry themselves as thoroughly as possible to minimize dripping on the floor

The service elevator must be used for all deliveries of large or bulky items, shopping carts, move-ins and move-outs, luggage carts, bicycles, pets and contractors. Shopping carts are not to be left in the elevator. Residents' workers such as construction crews, painters and all service people (except domestic employees) must use the service elevator when it is available. It is the responsibility of residents to inform their workers of this rule.

The service elevator must be reserved, in advance, through the Association Management office for any moves or major remodeling projects so that the pads can be installed by the staff. The letters "IS" are displayed on the service elevator panel to indicate that the elevator is reserved and is in independent service mode. Use of the passenger elevators for pets, shopping carts and small deliveries

is only permitted if the services elevator is unavailable. Under no circumstances should an elevator door be blocked with any item to keep it from closing.

EMERGENCY PREPAREDNESS

In case of fire or other life safety emergencies, the first call should be made to 911 and then call courtesy patrol if there is time. An up-to-date list of all residents with physical disabilities and challenges, who cannot use the stairs, is maintained in the Association Management office. Please confirm you are on this list if you are unable to walk down the stairs in case of an emergency or if you require special help. Read the following safety procedures and save this guide to review often.

Emergency Telephone Number: Dial 911

Non-Emergency Telephone Numbers:

Albuquerque Fire Department 505-833-73

Albuquerque Police Department 505-242-2677

Park Plaza Association Management Office 505-242-2731

Courtesy Patrol 505-681-5657

BUILDING EVACUATION GUIDELINES

The question of when to evacuate causes considerable consternation. Each person must decide for him or herself when to evacuate.

Rescue: Rescue any person in immediate danger if it does not put you in imminent danger.

Alarm: If you discover a fire or other significant hazard that threatens others, immediately activate the building fire alarm system by setting off the pull station. Pull stations are located near the north and south ends of each hall on the west wall. Do not wait for the automated system to go off. Immediately CALL 911 and the Association Management office. Listen to the dispatcher for any additional instructions before hanging up.

Deliberately setting off a false fire alarm is against New Mexico state law. Perpetrators will be prosecuted.

Confine: Prevent further spread of the fire by closing all doors in the area of the fire. Fire doors in corridors and stairways are designed to block fire and its deadly effects. Before opening any door, place a hand on the door surface and check for heat.

Evacuate: Go down to the lobby to exit. Vacate the building through the nearest stairway, staying on the right-hand side, keeping pace with the person ahead of you. By staying on the right-hand side, emergency crews will have free and clear access on the left. Refrain from talking so that instructions can be heard or given. **DO NOT USE THE ELEVATORS TO EVACUATE.** Once out, stay out! Exit

the building through the west main lobby doors to Fourteenth Street and proceed to the evacuation point. In most circumstances, the evacuation point will be beyond the southernmost point of the property on the sidewalk along the east side of Fourteenth Street in front of Park Place Apartments. No one is to return to an evacuated building unless told to do so by City Officials or Management of Park Plaza. You will be notified when the emergency has ended, and the building re-opened.

Know where the Exits are located. In a fire, visibility may be obscured, and you may have little time to escape. Know the two closest ways out from anywhere in the building. When the Fire Alarm Sounds, Get Out!

Close doors: This helps prevent the fire from spreading. Know the location of the Fire Extinguishers located in the hose box on each floor. Residents are also encouraged to keep a fire extinguisher in their unit. If you have the training, you may be able to keep a small fire from growing. The fire department should be notified and building occupants alerted for any fire. Even a small fire can give off large volumes of smoke and can grow quickly. Know when to fight and when to run. Residents should review these safety procedures regularly.

EMERGENCY POWER

The Park Plaza generator provides for automatic emergency power during electrical outages with an emergency generator for building services such as elevators, emergency lighting and security equipment. Residential hallways and stairs will be lit; however, the emergency generator is not capable of providing power to individual units. The generator is run through a test cycle each Wednesday at 11 a.m. to ensure its readiness in case of an emergency.

ESTATE SALES

If you wish to hold an estate sale in your unit, please consult with Association manager for guidelines

FITNESS CENTER

Hours of operation: 24 hours a day, seven days a week. Only 2 guests per unit are allowed in the Fitness Center. Only residents, their guests and their trainers/therapists may use the Fitness Center. Children under sixteen (16) years of age are not to utilize the equipment unless accompanied by a responsible adult familiar with proper use of exercise equipment. Shirts must be worn at all times. Rubber-soled athletic footwear should be worn for protection.

The Fitness Center and its equipment are used solely at the risk of the user. Park Plaza Association, Inc. and the Management Company assume no responsibility whatsoever for injuries or consequences resulting from the use of this equipment or the health condition of the user. It is strongly recommended that all individuals check with their physician before beginning any exercise program.

Residents are asked to observe a twenty (20) minute limit on the cardio-vascular equipment when others are waiting. All exercisers should bring a towel to wipe the seats and surfaces of the machines before and after each use. Do be careful about placing a towel on machines such as a treadmill. You can be seriously injured if you drop your towel and try to retrieve it while the machine is moving. Equipment and weights are not to be removed from the facility and are to be returned to the place where you got them.

No food is permitted in the Fitness Center. Non-alcoholic beverages in covered, unbreakable containers are allowed in the Fitness Center. Silence has precedence over noise in the Fitness Center. It is requested that the volume of the television and radios be kept to a minimum. The use of personal headphones is encouraged. Any resident who is bothered by another person's use of a television, radio or other sound system may ask that the sound be reduced or silenced.

FLOOR COVERINGS

Floor coverings in each individual unit must provide for a minimum of 80% coverage by carpeting, rugs, or other sound deadening material throughout the unit. The original construction of the building does not provide for adequate noise insulation to accommodate tile or wood flooring in high traffic areas such as the living room, hallways and bedroom areas. It is the responsibility of owners and their agents to make prospective purchasers and renters aware of this rule. The Board retains the right to entertain specific complaints about present units if the noise is so great as to create a nuisance to other owners.

GARBAGE – See REFUSE REMOVAL

GARBAGE DISPOSALS – See DRAINS AND GARBAGE DISPOSALS

GATES

Automatic Vehicle Gates: The community's automatic gates are for the security of all residents. While the gates are not a guarantee of security or safety, they do serve as deterrents to individuals who

have no legitimate business within the community. The Association is not responsible for damage that may occur to individuals or vehicles while they are using the gates. Lost or stolen gate openers should be reported to the Association Management office immediately so they may be de-activated. Gate openers are available for purchase in the Association Management office. When entering the parking lot. Please

take precautions to make sure that unauthorized vehicles do not follow you into the parking lot. UNAUTHORIZED VEHICLES THAT FOLLOW YOUR VEHICLE SHOULD BE REPORTED IMMEDIATELY TO

COURTESY PATROL AT 681-5657. The north gate is to be used as an exit gate ONLY. The south gate is to be used as an entrance ONLY.

There is a 5 mile per hour speed limit in the parking area. To prevent collisions do not backtrack to reach your parking spot or the unloading area. Go out of the gate and re-enter.

Pedestrian Gates: Pedestrian gates leading into the property and swimming pool area are locked and may be opened with the fob. Please make sure they close securely behind you. These gates are one element in keeping unattended children from entering the swimming pool area.

GUESTS

The Park Plaza community enjoys making the guests of homeowners feel welcome when they visit. We only ask that guests follow the rules. Residents may allow non-paying friends or relatives to stay in their unit during their absence, however **no short-term rentals (less than 6 months) are permitted**. Guests staying in the unit in the absence of the residents should be given this handbook so they will know the building's rules and regulations. Overnight guests have full resident access to the common areas, including the fitness center, pool and patio area. The owner will be held responsible for any violation of the rules committed by his or her guest.

HALLWAYS AND STAIRWAYS

All hallways, stairways and doors into the stairways must be kept clear of any obstructions. **Residents may not place doormats outside their unit door in the hallway**. Items left unattended in the hallways, walkways or stairwells will be removed and discarded by management.

HANDICAPPED PARKING – See PARKING

HEATING AND COOLING

The heating and cooling system at Park Plaza consists of a series of pipes running through the building containing either heated or cooled water. The water is heated in boilers or cooled by a chiller, depending on the season. This equipment is located on the 16th floor and the two-pipe system circulates the heated or chilled water throughout the building. The individual fan units in each condo and in the common areas blow air across these pipes to heat or cool the air that is then delivered to the unit. Air is re-circulated from within each unit so there is no connection to other units by way of air ducts. Our heating and cooling system is designed in such a way that we can only have one or the other activated at a time. When the heat is turned on, the air conditioning is not available. Once we switch to cooling, it is difficult and expensive to go back to heat should we experience colder weather. This means

that in the spring and fall, residents can expect to have a period of time when the temperature in the units is less than perfect.

Residents must keep in mind the wide range of temperatures experienced in this building. Because some units are shaded and get very little sun, while others experience the heat generated by the intense afternoon sun shining on the west, it is often difficult to keep everyone happy. Also, as heat rises in the building, there can be a large discrepancy between the temperature on the lower floors and those at the top. We are very aware of these situations and your patience and understanding are appreciated.

The heating season generally runs from sometime around mid-October to mid-April and the cooling season usually runs from the first of May to around the end of September. There is some leeway – at the discretion of Management – depending on temperature and weather. It is our goal to maintain a comfortable living environment for all residents.

Residents are advised that during the summer cooling season, when the humidity is high, the cooling units may build up excessive condensation. A reservoir inside the cooling unit usually contains this moisture. However, if the humidity is too high, the reservoir may fill to overflowing. This may cause small amounts of water to periodically drip from the cooling unit. This condition occurs rarely and usually only lasts for a two or three-week period in July or August. When it does, just place a small container or towel under the drip to catch the water. You may also request Maintenance to drain the reservoir. Homeowners may, at their own expense, install a pump, which will help keep the reservoir from overflowing. Maintenance and replacement of any equipment which was not original or provided by the Association will be the responsibility of the homeowner. Neither the Association nor Management is responsible for damage caused by condensation or other liquid dripping from the cooling units.

HOSPITALITY ROOM (PLAZA ROOM)

The Hospitality Room (PLAZA ROOM) is used for Association-sponsored social events as well as official Association meetings. The Room may also be reserved by Park Plaza residents and homeowners for private functions. The resident reserving the Room must complete, sign and submit the Hospitality Room Reservation Agreement to the Association Management Office for approval. Advance reservations and a refundable \$200 deposit are required. Residents are liable for the actions and behavior of their guests. Use of the kitchen, patio area and grill is included in the Reservation, although the patio area and grill may not be reserved for the exclusive use of anyone. All decorations for private events must be contained completely within the Hospitality Room and must not cause any damage to the facility or furnishings. All decorations must be removed immediately following the event. No items or equipment, such as tables and chairs, etc., may be removed from any storage or common area without permission from the Association Manager. See the Hospitality Room Reservation Agreement for the terms and specific details on the use of this facility.

HOUSEKEEPING

Residents must not allow any disrepair or deterioration in their units which would jeopardize the soundness or safety of any other unit, or which would unreasonably interfere with another owner's use and enjoyment of his or her unit. Residents should minimize the possibility of unpleasant odors entering the common area hallways. Pet odors must not be obvious in common areas or adjoining units. When cooking, please use the vent fan over the stove to help keep the common areas free of food odors.

No one may allow anything whatsoever to fall from windows, doors or balconies of the building. If you transport anything to or from your unit which leaves rubbish or debris in the hallway, you must vacuum the hallway carpeting and clean the elevator. Garbage should be contained in closed garbage bags provided by the association and dropped in the garbage chute found in the laundry room on each floor between the hours of 7 a.m. and 10 p.m. only.

The washers and dryers should be left clean after each load. Empty laundry product containers and lint should be put in the garbage pail in the room.

INSURANCE

The Association provides the types of insurance required by the By-Laws and CC&Rs. All insurance policies (or certificates) are retained by the Association and are open for inspection during regular hours. The Association is required to secure and maintain adequate liability and hazard insurance for property owned and maintained by the Association. Directors' and Officers' liability insurance is also required for the officers of the Association. Building insurance is re-bid on an annual basis by the Association.

Please contact the Association Management office for agent information. All homeowner certificates of insurance can be obtained through the insurance agent's office. Homeowners are encouraged to contact the Association's insurance agent before placing coverage on individual units to assure maximum protection between the master and individual owner policies. **Each owner should maintain general liability and hazard insurance for their home, as well as coverage for all items within the walls**

of their condominium. This is to include all furnishings and personal belongings, cabinets, flooring, window coverings, light fixtures, plumbing fixtures, etc., (basically everything from the paint in). Homeowners are reminded that the windows and sliding glass doors in each unit are the property of the homeowner, not the Association and should be covered by the homeowner's insurance policy. **OWNERS ARE RESPONSIBLE FOR CARRYING ANY NECESSARY RENTERS' INSURANCE IF A UNIT IS RENTED OUT.**

Any insurance loss involving the Association's property should be promptly reported to the Association through the Association Manager.

INTERCOM SYSTEM

The intercom entry system uses your telephone to let you talk with visitors and allow them access to the building. A visitor is instructed on how to find your directory code using either the system's built-in electronic directory or a posted list. The visitor then enters your code on the keypad and the system dials your telephone number. The entry system allows conversations for about one minute before a short beep is heard and the system hangs up.

Press the number 9 on your telephone to open the door. On some cellphones, you must press the number 9 twice. Visitors may hear a busy signal if a resident is on the phone.

KEY LOG PROCEDURES

Residents must complete a **Resident Data Sheet** which lists those individuals authorized to check out a key to the unit. Staff members have been instructed to check the list of authorized persons and ask for photo identification before giving out keys, unless the person is positively known to them. If a resident wants the staff to give a key to someone not listed on their **Resident Data Sheet**, such as for a contractor or for a delivery, they must do so in writing. Authorization forms are available in the Association Management office. Any contractor, service person, guest, staff member, or resident will be required to fill out the key log in the Association Management office when using keys from the office for any condominium. Individuals returning keys to the Management office may place the keys in the office mail slot if the office is closed. **Residents must provide the Management office with copies of the keys to their unit for maintenance emergencies.** All keys are kept in a locked box in the Management office and strict control is maintained. A copy of any new keys must be provided to the Management office if locks are changed.

LAUNDRY

The laundry room facilities and trash chutes are to be used between the hours of 7 a.m. and 10 P.M. only so as not to disturb residents living in units near the laundry rooms. Residents are asked to use HE detergents in the washers. Lint should be removed from dryer filters after each load, then bagged and placed down the garbage chute or in the garbage pail. Detergent, bleach and other liquid or powder laundry products are not to be brought to the laundry room in open containers due to spills on the floor and hall carpeting. Residents causing damage to any common area element will be responsible for the cost of repair. If there is a problem with a laundry machine, please notify the Association Management office so an Out of Order sign can be posted. The Association is not responsible for any clothing lost, stolen or damaged in the laundry room. Residents should only use the laundry facility on their floor, unless the machine on their floor is out of order. Laundry is not to be hung on balconies or over balcony railings. Residents are reminded that City of Albuquerque fire code does not allow the laundry doors to be propped open since these doors act as fire barriers.

Residents are allowed to install approved models of washing machines and dryers in their units, but only in spaces that are approved. The work must be done by a licensed plumber/electrician. An Architectural Committee packet will have to be filled out and returned to the Management office to be approved BEFORE they can be installed. Dryers cannot be vented into the walls and crawl spaces.

LEASES – See UNIT SALES AND LEASES

LIBRARY

The library is comprised largely of books and other materials that have been donated by residents. The library works on the honor system. Any resident may borrow an item from the library. The library accepts donations from residents of books, videos, DVDs, audio books and magazines. The Library Committee and the Board of Directors have the right to accept or reject donations and will periodically cull through the shelves to remove books that are out-of-date or in bad condition. Please do not donate books that are in bad condition as this just creates work for the Library Committee.

The library may be reserved for private meetings. See also CONFERENCE, COMPUTER, BOARDROOM which share the room with the library

MAIL SERVICE and PACKAGE DELIVERY

Mail is delivered to residents' mailboxes located near the main entrance. Questions regarding mail delivery can be addressed at the Main Post Office located at 1135 Broadway NE (at Mountain Road). The Phone Number is 800-275-8777. If you will be out of town for an extended period of time, please pick up Form 876 at the front desk or online, complete it and leave it at the front desk for our mail carrier.

Large packages may be collected from the front desk. Residents must sign a form giving staff your permission to sign for deliveries. This authorization is contained on the **Resident Data Sheet**. Residents may also provide written permission for a staff member to place items in their unit while they are out of town. Please pick up all packages within three (3) days.

We accept delivery of packages as a courtesy to residents. Park Plaza Association, Inc., and their employees are not responsible for damage, loss, or theft of delivered items. All individuals who are picking up a package must sign to verify that they are taking possession of the package. Unclaimed packages will be returned to Sender. Both FedEx and UPS pick up and deliver packages most days except for Sunday.

MAINTENANCE AND REPAIRS

The Association staff will provide some courtesy services during regular business hours, including replacement of light bulbs, help putting screens back on windows, assistance with heavy packages and other minor services. For more skilled maintenance, residents should complete a work order request. There is an hourly charge for labor and a charge for all materials used. All requests for routine

maintenance must go through the Management office. Under no circumstances should a resident pay the maintenance staff person directly for work done with a work order on Association time.

The Management office will bill the resident for the repair work.

All outside contractors, electricians or plumbers doing work in the building that can affect the apartments of other residents, or the structure of the building, must be licensed. A copy of the license and liability insurance must be filed with the office or they will not be allowed into the building.

Maintenance, housekeeping, and other staff members may be hired to perform jobs for residents during their off hours, but please do not put their jobs at risk by asking them to work for you while on duty.

You are required to allow access to your unit for necessary inspection and maintenance of community equipment. For example, twice a year, in the spring and fall, the maintenance staff changes all filters in the heating and cooling units.

If you experience damage to your unit from a neighbor's unit, you should immediately inform the Association Management office, or if that is not possible, Courtesy Patrol. In the instance that there is a leak from another unit, access to the unit from which the leak is coming, or is suspected to be coming, must be granted. DAMAGE CAUSED TO A UNIT BY ANOTHER UNIT, SUCH AS FROM A LEAK PENETRATING DOWN THROUGH THE CEILING, IS THE RESPONSIBILITY OF THE OWNER OF THE UNIT THAT HAS CAUSED THE PROBLEM – NOT THE DAMAGED UNIT. Because disputes can arise, residents are strongly urged to notify the Association of any such damage prior to getting it repaired. In the case of disputes, they must be resolved between the homeowners. Park Plaza Association, Inc., assumes no responsibility for the resolution of such disputes. If the Association is responsible for the damage, then Park Plaza will cover the cost of repair.

Maintenance and replacement of any non-standard equipment, which was not original or provided by the Association, will be the responsibility of the homeowner. The Association is not responsible for problems or damage resulting from modifications of and/or additions to any equipment or systems by a homeowner or resident.

MANAGEMENT

Monarch Inc manages Park Plaza. An on-site Association Manager oversees all Park Plaza personnel.

THE ASSOCIATION MANAGER WILL HANDLE ALL MATTERS REGARDING EMPLOYEES.

Association Management Office

The Association Management office is open Monday through Friday from 8: a.m. until 5: p.m. The office is closed on Saturdays and Sundays as well as Federal holidays. Office staff is responsible for the smooth day to day running of the building which includes supervision of staff, collecting payments from

residents and contracting for services approved by the board. The manager is available to provide residents with services including:

1. Providing account and balance information to homeowners
2. Processing applications for remodeling or major repair, private use of Plaza Room, etc. and approval of contractors/suppliers.
3. Posting notices to residents by email, mail and on bulletin boards.
4. Controlling and reporting inappropriate behavior in the building.

If you need to leave anything for the Association Manager when the office is closed, please use the office mail drop box located on the south wall of the library to the left of the manager's office door.

Moving Fees and Procedures see MOVE IN OR OUT RULES AND REGULATIONS available from management office and website

NOISE

Residents living in a multi-family building such as Park Plaza should expect to tolerate some level of noise from neighbors. Residents can expect to hear TV, stereo and radio, as well as doors closing, heavy walking and other normal sounds from surrounding units. Although it is unreasonable to expect total silence at Park Plaza, residents are asked to respect the right of peaceful enjoyment of the community for all occupants. The hours of 10 p.m. to 7 a.m. are designated as quiet time, and all residents should keep noise to a minimum during these hours. Headsets for stereos and TVs are suggested. The laundry room facilities and trash chutes may be used only between the hours of 7 a.m. and 10 p.m. so as not to disturb residents living near the laundry rooms. Shouting from the balcony to the pool area is not allowed.

In the event of a noise disturbance, residents should first contact their neighbors and inform them that a noise disturbance is being created. Extreme noise violations may be reported to the Association Management office or a Courtesy Patrol officer. If the problem continues, violations may be reported, in writing, to the Board through the Management office.

OFFICE SERVICES

Copy machine and fax services are available in the Association Management office for a small fee. Faxes may be sent to Park Plaza residents at 55-242-2596. Notary service is available from the Association Manager free-of-charge to Park Plaza residents. There is a computer and printer for residents use in the library. The current fee for printing is \$.10 per page.

PARKING

Resident Parking: Residents of Park Plaza are assigned parking spaces by the Association. All parking spaces are common areas as specified in the CC&Rs and are not deeded to the unit owners. and as such may not be sold, but may be leased to another resident, with the details of the lease decided by the two parties and coordinated thru the management office. Leasing to non-residents is not allowed.

Management has the right to re-assign parking spaces as necessary to accommodate the needs of other residents. When a unit is sold, the parking space will be evaluated for current resident needs. Park Plaza Association, Inc., is not responsible for damage, loss, or theft of vehicles on Park Plaza premises or items left in vehicles.

Spaces are to be used only for vehicles, and all vehicles must be parked within the lines of the designated space. Repairs for asphalt damage in parking spaces caused by automobile fluids will be assessed to the unit owner to whom the space is assigned. Parking spaces must be kept free of debris.

Gate operators may be purchased in the Association office. Trailers, campers, recreational vehicles and boats may not be parked on the Park Plaza premises on a permanent basis. Additionally, no inoperable vehicle may be kept on the premises. Operable vehicles are defined as vehicles displaying license plates with current registration tags capable of being driven on city streets.

Accommodations for Residents Needing Handicapped Parking: It is the policy of Park Plaza Association to make short or long term accommodations for residents needing handicapped parking.

To reduce the risk of auto theft from the parking lot, **residents are asked not to leave their gate openers or door fobs in their vehicles.** Residents who allow their alarms to repeatedly be an annoyance, may be fined. The Association retains the right to tow vehicles that are in violation of these rules and regulations at the vehicle owner's expense. Any damage to another individual's vehicle or property caused by a resident or guest vehicle is a matter to be resolved between the two parties involved.

Loading Zones: The loading zone in front of Park Plaza is a thirty (30) minute loading zone. Violators may be ticketed and/or towed by the Albuquerque Police Department. The resident loading zone adjacent to the service entrance on the east side of the building is for loading and unloading only. Parking in this space is limited to 30 minutes. Vehicles parked in a loading zone longer than 30 minutes may be towed at the owner's expense.

Thirty (30) minute Loading & Unloading, Contractor and Vendor Parking Area: Your guests and contractors should be directed to the side streets adjoining the community. A contractor or vendor may park in the last two loading spaces on the east side of the building for longer than 30 minutes with permission of the Management office. If a resident will not be at home while a contractor is working in her or his unit, he or she may instruct the contractor to use his or her assigned space. If a contractor or vendor will need to enter the parking lot, the resident should meet her or him at the gate. Residents, guests, contractors parking in reserved spaces may be towed at the owner's expense.

PATIO AREA

The patio area is available for use by Park Plaza residents and their guests during the hours of 7 a.m. to 10 p.m. Smoking is not allowed,

The patio area may not be reserved for private functions. However, if a resident or homeowner has reserved the Hospitality Room, they may also use the patio area and grill for their function, along with other residents. Children under the age of twelve (12) must be accompanied by an adult. See Also Barbeque Grill

PEST CONTROL

Pest control service is provided to Park Plaza residents. Park Plaza employees and exterminator personnel must be able to enter units to conduct the periodic scheduled pest control. A Park Plaza staff member will always accompany the exterminator personnel when entering a unit. All residents must participate in the pest control program unless the resident has a medical reason why the unit should not be sprayed. Such reason must be documented and signed by their physician. If too many residents decline to have their units treated, we could develop problems with pests.

PETS

Residents are allowed a maximum of two common household pets, terrariums or aquariums per unit. A common household pet is defined as a mammal or bird that does not create a disturbance to neighbors due to excessive noise, noxious smells or danger to other people. No pet may weigh over 20 pounds. Service animals and pet emotional support animals that assist people with disabilities are welcome at Park Plaza and are exempt from the size and species rules.

These limits apply to all animals brought onto Park Plaza property, whether owned by a resident, being kept by a resident, or belonging to a guest. All pets are to be leashed or contained in a pet carrier when in any common area and are to be taken in or out of the building on the service elevator unless the service elevator is unavailable. For the preservation of exterior common areas, no animals are to be walked on any landscaped areas surrounding the building, including the patio area adjacent to the swimming pool and the parking lot. The removal of pet waste is the responsibility of the pet owner. Pet waste must never be brought into the building. Cat litter must be double-bagged and brought down to the trash containers in the service area. Cat litter may not be placed down the trash chute, as the bags tend to break open. No pets may be kept or maintained for commercial purposes or for breeding. All pet owners must register their pet through the Association Management office, and every dog and cat must have a current city license/vaccination tag from the Albuquerque Services Division or a licensed veterinarian, if such license is required by the City of Albuquerque.

Dogs must not, under any circumstances, be permitted to jump on other residents. Any damage, including urine damage, caused by an animal will be repaired/replaced at the owner's expense. Pets are not to be left unsupervised on unit balconies.

Pet owners are expected to control the noise of their pets so as not to disturb their neighbors. Residents who are disturbed by an animal are urged to first contact the pet owner. A noise disturbance by a pet is a violation of City Ordinances and Management will file complaint forms with the approval of the Board when necessary. Any pet causing or creating a nuisance or unreasonable disturbance will be permanently removed from the property upon ten (10) days written notice from the Association.

Pet owners who have pets in the building are deemed to have agreed to indemnify and hold the Association Management, all other owners, and declarant, free from any loss, claim or liability of any kind arising by reason of keeping or maintaining such pet within the Community. If the pet owner is a tenant, the owner of the residence is liable. Pet owners are responsible for any damage to common areas caused by their pets. If the pet has soiled carpeting or other common area elements, the pet owner may be required to pay for special cleaning to remove stains and odor.

POLITICAL SIGNS AND LITERATURE

No partisan political signs or literature are permitted in common areas and may not be displayed where they may be seen from outside the building. This includes partisan political signs on unit doors, partisan political literature on tables or in common areas. Nothing prohibits individuals from wearing campaign buttons or displaying campaign bumper stickers on their vehicles.

POOL – See SWIMMING POOL

POWER FAILURE – see GENERATOR

RECREATIONAL EQUIPMENT Including BICYCLES

With the safety of all residents of the Park Plaza community in mind, skateboards, roller skates, or ATVs (all-terrain vehicles) may not be used in the common areas, including the parking lot, drives and sidewalk areas. Bicycles should be locked to the rack provided by the Association or kept in owner units (accessed by the service elevator only). **Please enter and exit with your bike through the north side of the building or service entrance in order to protect the terrazzo flooring.** All bicycles kept in the provided rack should be registered with the Association office. You will receive a sticker to put on your bike. Park Plaza Association, Inc., and the Management Company are not responsible for damage, loss or theft of bicycles or other equipment left on Park Plaza premises

REFUSE REMOVAL

All refuse must be placed in plastic bags and securely tied before being dropped down the trash chutes. Refuse may not be transported on the passenger elevators. Boxes, glass and large trash items are not to be placed down the chute and must be taken to the service room on the first floor and placed either in the recycle trash bins (if they are recyclable) or in the bin for non-recyclable trash. Glass should be placed in one of the small bins next to the vending machine. GLASS ITEMS ARE NOT TO BE THROWN DOWN THE TRASH CHUTES UNDER ANY CIRCUMSTANCES. Light bulbs and aluminum cans have their respective receptacles next to the door of the maintenance office. CAT LITTER must be double-bagged and taken to the trash bin in the service area. Cat litter may not be placed down the trash chute, as the bags tend to break open. Used medical supplies such as syringes or needles must be fully protected in medical supply disposal containers. This includes used diabetes testing supplies. Please do not force trash down the chutes as items may jam and block the chute. Staff members will remove improperly stored refuse and other items left in any common area. Charges for such removal will be assessed to the respective unit owner. Residents identified as throwing inappropriate materials down the trash chute will be held liable for any damage or personal injury incurred by Park Plaza Association, Inc., or its staff.

Furniture, used appliances, mattresses, large rugs or carpeting, and other large discarded items may not be placed in trash bins or left in the service area. Residents must make arrangements for these items to be hauled off. The service elevator must be used for all such removals. If you think that a small item may be of use to another resident it may be left in the service room for no more than twelve (12) hours. If it has not been claimed within 12 hours you must remove it from the area immediately.

REMODELING/ALTERATIONS – See ARCHITECTURAL REVIEW COMMITTEE and CONTRACTOR RULES AND REGULATIONS

RENTALS – See UNIT SALES AND LEASES

REPAIRS— See MAINTENANCE AND REPAIRS

RESIDENT DIRECTORY

A directory of residents in the building is available from the management office. It is for the use of residents only and must not be used for solicitation.

SHOPPING CARTS – See CARTS

SIGNS

No signs or displays of any nature are allowed to be displayed from any unit at Park Plaza. This includes windows, balconies, etc. See Doors-Units for the only exceptions to this rule.

SMOKING

Park Plaza is a smoke-free property. Smoking on the premises of Park Plaza is permitted only in the open, common area outside the south exit of the building to the southwest in the area of the bench adjacent to the gated entryway of the parking area. This prohibition applies to the common areas and the individual units, including those rental units.

SOLICITING

All types of soliciting are forbidden at Park Plaza, other than notices in the bulletin board in the service area. This rule includes notices placed under or on unit doors, as well as telephone calls and notices placed on vehicles. The information in the Park Plaza directory is not to be used for marketing purposes or any type of solicitation.

STAFF

An on-site Association Manager oversees clerical, maintenance, housekeeping, and Courtesy Patrol personnel. All Park Plaza staff members are employed by the Management Company. ANY ISSUES REGARDING PARK PLAZA STAF MEMBERS SHOULD BE REFERRED TO THE ASSOCIATION MANAGER, WHO WILL HANDLE ALL MATTERS REGARDING THE EMPLOYEES.

Employees are responsible to their supervisor AND ONLY WORK INDIRECTLY FOR RESIDENTS. RESIDENTS MAY NOT HARASS, INTIMIDATE, VERBALLY ABUSE, OR MAKE UNREASONABLE DEMANDS OF THE STAFF. Staff members should be treated with the same courtesy and respect that residents expect for themselves. Home phone numbers of employees may not be given out to residents by anyone. Residents may not phone or contact any employee during off hours unless that employee has given the resident his or her phone number and permission to call or visit. Maintenance, housekeeping and other staff members may be hired to perform jobs for residents during their off hours only.

STAIRWAYS – see HALLWAYS and STAIRWAYS

STORAGE BINS

Storage bins are common areas that are assigned to each unit by the Association to store personal items. It is the resident's responsibility to ensure that the bin is locked. Residents are not to use these bins for storing hazardous or highly flammable materials as advised by Fire Code. A one-and-a-half-foot space must be left open at the top of the bins for the fire sprinklers to work properly. Items left outside a storage bin in the walkways of the storage room corridors will be disposed of immediately. Park

Plaza Association, Inc., is not responsible for loss or damage of items placed in the storage bins. Storage bins are considered common area that is assigned to the resident and as such they may not be sold. Access might need to be granted to Park Plaza staff members in order to replace a light bulb or work on plumbing or electrical systems. Should a resident desire to trade storage bins with another resident,

they must coordinate such a trade through the Management office. Storage bins may be leased to other Park Plaza residents, with the details of the lease decided by the prospective parties. The leasing of storage bins to non-residents is not allowed.

SWIMMING POOL

The swimming pool will be open from May 1st to October 1st with a two-week leeway at the Association discretion, based on temperature and weather. Our pool is a quiet pool. No loud screaming, yelling or loud noise of any kind is permitted. Pool hours are 7 a.m. to 10 p.m.

1. Only four (4) guests per unit are allowed. Residents must accompany their guests and are responsible for the conduct of their guests at all times.
2. Diving is not allowed.
3. All children under fourteen (14) years of age must be accompanied by an adult when in the swimming pool. Adults are responsible for supervising the children under their care.
4. Swimming attire is required. Topless bathing/sunbathing is not allowed. A covering for swim attire (such as a robe) and shoes or sandals, are required when in the building.
5. Children, regardless of age, are not allowed to swim naked and are not allowed in the pool wearing regular diapers. Swimming diapers are permitted.
6. Boisterous or rough play (including running, horseplay, or using foul language) will not be permitted in or around the swimming pool.
7. Water aerobic exercise classes will be announced seasonally.
8. Radios and audio equipment will be permitted in the pool area only if headphones are used.
9. Wet bathing suits are not allowed in the lobby or elevators. When in public areas inside the building, residents and guests must wear some type of covering (such as a robe) over their bathing suit. After swimming, bathers are encouraged to dry themselves as thoroughly as possible before entering the building to minimize dripping on the floor and to use the service elevator.
10. If the safety rope in the pool is unhooked to accommodate swimming, it must be re-hooked when finished.

An emergency telephone is located on the building exterior in the red box near the restrooms, west of the swimming pool. This telephone connects automatically to 911.

UNIT SALES AND LEASES

Please get a copy of the SALE and LEASING DOCUMENT from Management office.

Park Plaza Association, Inc., requires that leases for condominiums in the building will be for a period of not less than six (6) months. Investor owners who lease their units are asked to use the standard New Mexico Apartment Association lease form. Copies of the executed lease are kept on file in the Association Management office. Owners are reminded that they are responsible for seeing that their renters are familiar with the rules and regulations that govern the association. Additional Resident Handbooks are available in the Association Management office for \$5.00 each. Owners are responsible for their tenants' compliance with the rules and regulations.

UTILITIES

The costs of electricity, water, sewer, refuse removal and natural gas for the entire building are included in the monthly assessment fee paid by each homeowner. The amount paid is an operating fund item and is divided among the unit owners based on square footage.

VACATION NOTIFICATION

Residents are asked to notify the Association Management office if they will be out of town for an extended period of time, by completing the Vacation Notification form. THIS FORM ASKS FOR CONTACT INFORMATION IN CASE OF AN EMERGENCY DURING A RESIDENT'S ABSENCE.

Prior to leaving town, residents are asked to prepare their unit for their departure by securely closing all windows and locking all doors. If you will be gone a considerable length of time, consider turning the water off under sinks and at toilets to limit the possibility of leaks. To help conserve energy, all lights and the heating and cooling units should be turned off. If you have plants, the heat may be left on low with the thermostats on a reasonable setting.

Also See MAIL SERVICE

VANDALISM

Any homeowner or resident found guilty of vandalizing a common area or Association property of any kind will be fined the maximum amount allowable and the Association will prosecute the matter to the fullest extent of the law. A FINE OF \$50. WILL BE APPLIED TO THE ACCOUNT OF ANY HOMEOWNER OR RESIDENT FOUND VANDALIZING A COMMON AREA, ASSOCIATION PROPERTY OR THE PROPERTY OF ANOTHER RESIDENT. This is in addition to the cost of cleaning or repair.

WINDOWS/DOORS (Individual Units)

Doors and windows should be closed and locked if the resident is to be away from the unit for any length of time to prevent wind damage. Window coverings, as viewed from outside the building, should be a neutral color. Aluminum foil, cardboard, paper, insulation material, or any other such material is not allowed to cover windows or sliding glass doors, inside or outside. This includes any type of metallic, reflective foil. Non-reflective window tinting is allowed.

Should a unit owner wish to replace windows/sliding doors within the unit, a copy of the standard specifications for replacement windows/sliding doors must be obtained from the Association Management office. Homeowners are reminded that the windows and sliding glass doors are the property of the homeowners, not the Association, and should be covered by the homeowner's insurance policy.

Also See REMODELING and AWNINGS AND SHUTTERS

ENFORCEMENT OF HOUSE RULES

Park Plaza is a condominium, the legal term used to mean a group of housing units where each homeowner owns his or her individual unit space and all the homeowners share ownership of areas of common use. Use of and access to common facilities such as hallways, heating and cooling systems, elevators and exterior area are regulated by legal rights associated with the individual ownership and controlled by the association of owners that jointly represents the ownership of the entire property.

Condominiums are regulated by state law. However, individual condominiums are unique communities with many residents living in close proximity to one another and sharing common areas. Condominium rules should be reasonable and address the needs of the community residents. For various reasons, such rules will always be violated on occasion.

The Park Plaza Association desires to provide an adequate remedy when an owner, or a tenant renting from an owner, disturbs the right of quiet enjoyment of the premises or presents a risk of harm to other residents. Unit owners are responsible for any fines imposed on their tenants or guests pursuant to these rules. The house rules include those in the Handbook as well as the Declaration of Covenants, Conditions and Restrictions (commonly referred to as the CC&Rs) creating the condominium. It is the intent of the Association to minimize confrontational encounters involving the house rules. Doing so requires several steps. First, homeowners must be given an opportunity to learn exactly what the house rules require and do not permit. This is an ongoing process that requires communication among the Board of Directors, the management agent and the residents. Second, open communication among owners, Board members and the property manager is essential to resolving problems before they become serious issues. This includes the need to report apparent violations of the house rules. Finally, consistent enforcement of the house rules is essential.

Park Plaza Association is responsible for ensuring compliance with its rules and regulations. The Association has adopted the following procedures which apply to disciplinary proceedings that are necessary to ensure such compliance. The intent is to have rules that are as least intrusive as possible and to encourage voluntary compliance to the extent possible. Whenever violations are observed, informal notice to the management agent is encouraged, followed by a discussion by the resident manager with the alleged violator in an effort to informally resolve the matter. It is intended that the process by which the house rules are enforced be consistent with the notion of fundamental fairness, with a right of the accused to be heard. Alleged violators are to be afforded basic rights:

(a) adequate notice of any complaint; (b) a right to be informed of the specific allegations in the complaint; (c) a right to a fair hearing; and (d) a right to be heard, question witnesses, and to present his or her side of the story before the Association Board of Directors. In turn, Park Plaza Association has not only a right but a duty to impose sanctions on those found to have violated the rules, and to ensure adequate enforcement of sanctions occurs.

The following is the process to be followed in the event of an alleged violation of the house rules:

- **1. Filing of a Complaint:** If a violation of the rules is alleged, the complaint must be in writing and submitted to the Board through Park Plaza Management. The written complaint shall be sufficiently specific to identify the nature of the complaint and the identity of any persons who are allegedly responsible. A signed complaint may be disclosed to the alleged violator at the discretion of the Board and unless the complainant requests anonymity.
- **2. Investigation by Board and Notification to Alleged Violator:** Upon receipt of a complaint, the Board will instruct the Association Manager to investigate the complaint and determine whether there is a reasonable factual basis to find that a violation has occurred. The Board shall review the findings and conclusion of the Association manager and determine whether a violation has occurred and whether further action in response to the complaint should be undertaken. If it determines that a violation has occurred, the Board will notify the alleged violator in writing by hand-delivering a copy of the complaint or by mailing a copy of the complaint. The notice shall instruct the alleged violator to cease and desist from the violation and shall include: (a) the nature of the alleged violation; (b) the action required to remove the violation, and (c) notification of a grace period of ten (1) days within which the violation may be removed without penalty. Should the violation continue beyond the grace period, a fine will be imposed.
- **3. Penalties and Fines:** The Board may impose a fine ranging from \$ 50. to \$500., which amount in its discretion is commensurate with the severity of the violation and any history of prior violation by the violator. Fines must be paid within thirty (30) days. Failure to pay a fine within the prescribed thirty (30) days shall result in the imposition of a late fee of 18% per month. A continuing violation on the part of the Respondent may be made subject to an additional fine imposed each thirty (30) days at the discretion of the Board. If a violation is repeated within twelve (12) months of the first notice, a fine will be imposed without a grace period.

● **4. Right to a Hearing:** The violator may request a hearing no later than ten (10) days after imposition of the fine. The request must be made in writing and be addressed to the Board of Directors. The Board may also decide to conduct a hearing on its own initiative after providing notice of such hearing at least ten (10) days before such hearing to the violator. If the violator requests a hearing, or if the Board decides to conduct a hearing, it shall be scheduled before the Board at its next regularly scheduled meeting or within a reasonable time and not more than thirty (30) days following the complaint. The hearing shall be held in executive session (that is, a closed session) of the Board, and will afford the violator a reasonable opportunity to be heard. The violator may present his or her case to the Board, and the Board will decide, based on the available information regarding the alleged violation, whether or not any fines and/or penalties should be rescinded or removed. If the complaining party decline to participate in the hearing or to be identified, in the absence of other substantial evidence sufficient to find that a violation has occurred, the Board shall dismiss the complaint. Substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion, and the term is not synonymous with any evidence. All hearings conducted pursuant to these procedures shall be recorded, and the record thereof shall be maintained by the Board for a period of at least five (5) years.

● **5. Right to Appeal:** The decision of the Board in any such matter may be appealed to the appropriate court of the State of New Mexico.

● **6. Enforcement of Sanctions and Right to Seek Relief in Court:** The Board may file a claim of lien on the individual unit owned by the violator who has failed to pay any fine imposed within the time specified by the Board, and may take legal action in a court of lawful jurisdiction to seek enforcement of the payment of any fine assessed pursuant to these provisions. If any unit owner fails to comply with the Rules and Regulations or By-Laws, or with any decision rendered under the Rules and Regulations and By-Laws, the unit owner may be sued for damages or injunctive relief, or both, by the Board. When a violation involves the use of the common area, the Board may request a court to determine that the violator has thereby forfeited his or her right to the use of such portion of the common area that is the subject of the complaint and violation. The prevailing party in any such proceeding may be entitled to an award for legal fees and costs, as determined by the court.

Extraordinary Circumstances and Remedies: Whenever in the judgment of the Board, the circumstance justify, and upon a finding based on substantial evidence that a hazard and a dangerous situation exists and has been caused by a unit owner or tenant, or if the safety and well-being of the residents or employees of Park Plaza are placed at risk by the behavior of an owner or tenant, the Board may take such immediate action as is necessary, including seeking injunctive relief in a court of lawful jurisdiction against the offending owner or tenant and the filing of a complaint with law enforcement agencies and the Bernalillo County District Attorney, in order to protect the safety of the resident and employees of Park Plaza.

The rules and regulations contained in this Handbook were adopted by the Board of Directors of Park Plaza Association, Inc., on January 18, 2022 and supersede all previous versions. Homeowners, residents, and guests of Park Plaza Condominiums are required to abide by these rules. If any provision or provisions of this Agreement shall be held to be invalid, illegal and unenforceable or in conflict with the law of any jurisdiction, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby. No covenants, restrictions, conditions, obligations, rules, regulation or provisions contained in the CC&Rs, By-Laws and this Resident Handbook shall be deemed to have been abrogated or waived by reason of any failure to enforce the same, irrespective of the number of violations or breaches which may occur.

PARK PLAZA HOMEOWNER'S ASSOCIATION HANDBOOK

PART 2 OF HANDBOOK FOR OWNERS

Adopted Jan 17, 2022

Park Plaza Homeowner's Association

PUPOSE OF THE ASSOCIATION

Park Plaza is a condominium, the legal term used to mean a group of housing units where each homeowner owns his or her individual unit space and all the homeowners share ownership of areas of common use. Use of and access to common facilities such as hallways, heating and cooling systems, elevators and exterior area are regulated by legal rights associated with the individual ownership and controlled by the association of owners that jointly represents the ownership of the entire property.

Condominiums are regulated by state law. However, individual condominiums are unique communities with many residents living in close proximity to one another and sharing common areas. Condominium rules should be reasonable and address the needs of the community residents.

The purpose of your Association is to maintain, repair and/or care for the property and assets of the Association for the mutual benefit of all residents. In addition, its purpose is to enhance the environmental quality and economic value of the property through architectural controls. Your cooperation is essential in order to accomplish these goals.

Owners of condominiums in Park Plaza are automatically members of the Association. As a member of a homeowners' association, you have certain contractual obligations. Most of these contractual obligations also apply to your guests. Residential responsibility and cooperation have many rewards. One is that the quality of the community is preserved, maintained and enhanced. Residents of any Homeowner's association must realize that they yield certain "rights" of a traditional individual homeowner. But this is in exchange for the many benefits of being part of a homeowners' association. Common sense and consideration for your neighbors are key to the Association's success. It is important to become familiar with your Association's governing documents, including the Resident Handbook, as New Mexico state statutes require your compliance.

ANNUAL MEETING

The Association holds its annual meeting on the first Tuesday of December, at which time Board members are elected to fill expired terms. Owners will be notified in advance of the Annual Meeting. Notice is provided to each Owner of record, either hand-delivered in the building or by USPS to the address provided to the Association by offsite owners no less than ten days prior to the meeting. Owners should notify the Association of any change in the mailing address. Attendance at the Annual Meeting in person or by proxy is critical to the operation of the Association. In order to conduct official business at an Annual Meeting, a quorum of owners must be present in person or by proxy. A quorum is present when fifty percent of all voting rights are present or represented. See CC&Rs for additional information.

ASSESSMENTS AND ASSOCIATION FEES

Each owner is required to pay, on time, to the Association all regular and special assessments levied by the Association for the maintenance, repair, operation, and improvement of the Association property. Regular assessments are called monthly assessments, or monthly fees, and are due in regular installments or may be prepaid. These fees are collected to pay the operating expenses of the Association, and to build reserves for the eventual replacement of Association property. The fees are based on the percentage ownership of each member of the Association, which is based on the square footage of each condominium owned. Association fees are due and payable on the first (1st) day of every month. Homeowners are encouraged to use an ACH or auto-debit payment service, whereby monthly Association fees are automatically paid from a bank account specified by the owner. Forms for this service are available in the Association office. Cash is not accepted in the Association Management office. Payments for extraordinary assessments or services rendered may be sent by mail to Park Plaza Association Management office at

1331 Park Ave., SW, Albuquerque NM 87102-2822. Payments are also accepted in person during office hours, or you may drop your payment in the office mail slot at any time or added to ACH payments. See Procedures, Sanctions Applicable to Rules Enforcement
Also See Collection Policy and Special Assessments

WHAT DO I GET FOR MY MONTHLY ASSESSMENT FEE?

The cost of the following items and services is included in your monthly assessment fee:

- 24-Hour Courtesy Patrol Service
- On-Site Association Manager
- Electricity
- Natural Gas ● Water
- Sewer Service
- Refuse Pick-up
- Landscape Maintenance
- Pest Control Service
- Controlled Access Entry System
- Maintenance of all Common Area Property, Systems and Equipment
- Housekeeping Service for Common Areas
- Community Social Events
- Copy, Fax and Notary Available (fees may apply)
- Back-up Emergency Power Generator
- Insurance for the Building, all Common Area Systems and Amenities
- Monitoring of Safety Procedures, Systems, Fire Sprinklers and Alarms
- Association Taxes, Required Licenses and Inspection Fees
- Elevator Maintenance
- Management of Building by a Professional Management Firm, including Accounting, Rule enforcement, and Oversight of Maintenance and Repairs.

Also included in your assessment fee is use of the following amenities:

- Heated Swimming Pool
- Fitness Center
- Gated and Covered Parking
- 2 Computers (Technology Center)
- Laundry Facility
- Patio Dining Area with Barbeque Grill
- Hospitality Room
- Library and Conference Room
- Conference Room
- Three Elevators – 2 Passenger and 1 Service
- Assigned Storage Areas
- Bicycle Rack

The Association depends on the monthly assessment payments each month to cover expenses. Failure to promptly pay your monthly assessment creates additional burdens for your association. All members are asked to remember that their assessments, as well as other members' assessments, are the primary source of income for the Association. If an owner does not pay his or her assessment in a timely manner, the Association is legally empowered to invoke monetary penalties, to cause a lien to be filed against the owner's property, to file a lawsuit against the owner, and even to sell the owner's property in a foreclosure

proceeding. Additionally, the legal expenses incurred in the collection of past due assessments are the responsibility of the delinquent owner.

See also Procedures and Sanctions Applicable to Enforcement of Rules

ASSOCIATION GOVERNANCE

Living in a community governed by a homeowner's association can be a happy and rewarding experience. An HOA helps ensure that the original planning concepts and design that went into creating the community are preserved, protected, maintained and enhanced. The advantage of having an association is that the authority, as well as the responsibility for maintaining the association property are retained by those with vested interests in the community's welfare – the Owners. Park Plaza is professionally managed. All staff members at Park Plaza are employed by the management company. The Association Manager oversees the staff and the Management team is overseen by the five-member Board of Directors.

● Board of Directors

The membership of Park Plaza holds its annual meeting on the first Tuesday of December. At this meeting, the membership elects homeowners to serve on the Board. These Directors serve voluntarily for staggered 2-year terms. The owners elect the Board as their representatives to act on their behalf.

As such, homeowners do not vote on individual items, policies, or projects. This authority is given to the Board of Directors, which acts in the best interest of the homeowners, making all decisions for the Association. A homeowners' association is a representative government. The Board of Directors bears the ultimate responsibility for operating your homeowners' association. The Board also has the authority and responsibility to legally enforce collection of past due assessments. The duties of the Board of Directors also include the following:

- Provide for the necessary operating personnel through solicitation of volunteers and contracting with a professional association management company.
- Make and amend the Association's rules.
- Enforce all provisions of the governing documents, conduct due process hearings for violations of the governing documents and impose monetary fines for non-compliance.
- Procure insurance required by statutes and the governing documents such as coverage for the common areas and liability insurance.
- Faithfully fulfill the fiduciary obligations as set forth in the governing documents. This includes maintaining detailed accounting records.
- Provide for the care, maintenance and replacement of common areas and common area facilities or improvements.
- Perform all duties necessary for the Association's administration.
- Respect the definitions provided and the limitations of authority set forth in the governing documents.

The five-member Board elects officers from among the members of the Board. The officers are President, Vice President, Treasurer and Secretary. Any homeowner who wishes to run for election should request a Candidate Filing Form from the Association Management office. The Board holds four meetings which Association members are encouraged to attend. If a homeowner or resident would like to discuss a matter with the Board, they may request a meeting at any time or inquire about the Board's regular meeting schedule. For maintenance requests, please contact the Association Manager.

Residents must recognize that Board and Committee members willingly volunteer their time to work for the Association. Residents should respect the privacy and free time of these individuals. If you have a matter that you wish to discuss with a Board or Committee member, please contact them in writing or leave a message for them.

Emergencies should be reported to the Association Manager during office hours and to Courtesy Patrol after hours.

- **Budgets**

The Board of Directors establishes an annual operating budget, which is presented to the membership on or before the first Tuesday of November at the Annual Budget Meeting. If the budget is not amended by the membership at the Annual Meeting, the budget stands as approved by the Board of Directors.

- **Financial Statements**

Financial statements are prepared by the management company. A copy of these statements may be obtained by any owner in the Association Management office. Financial statements and records may also be viewed by owners in the Association Management office during regular business hours by appointment. Homeowners may also request a copy of their account statement in the Association Management office.

- Association Governing Documents:

- a) Covenants, Conditions & Restrictions (CC&Rs)

- b) By-Laws

See CC&Rs and Bylaws for Further Information on Board of Directors. If you do not have a copy of these documents, see the Association Manager. You also find them on the Association website.

MANAGEMENT

An independent management company manages Park Plaza. An on-site Association Manager oversees clerical, maintenance, housekeeping and courtesy patrol personnel. The Management Company employs all Park Plaza staff members. THE ASSOCIATION MANAGER WILL HANDLE ALL MATTERS REGARDING THE EMPLOYEES

ASSOCIATION MANAGEMENT OFFICE

The Association Management office is open Monday through Friday from 8:00 a.m. until 5:00 p.m. The office is closed on Saturdays and Sundays as well as most Federal holidays. Courtesy Patrol is available to provide residents with services including:

1. Accepting packages, deliveries and certified and registered mail, if the resident has given authorization
2. Handling visitors and guests
3. Controlling the keys to residents' units and making sure all keys are properly signed out
4. Assisting residents with the use of fax, copier and computer.
5. Assisting contractors, vendors and delivery personnel with access and parking
6. Periodic inspection of common areas
7. Reporting inappropriate behavior in common areas

Please do not ask Courtesy Patrol to do personal work for you beyond the scope of the duties laid out above.

The Office Manager is responsible for the smooth day to day running of the building which includes supervision of staff, collecting payments from residents and contracting for services approved by the board. The manager is available to provide residents with services including:

1. Providing account and balance information to homeowners
2. Processing applications for remodeling or major repair, private use of Plaza Room, etc. and approval of contractors/suppliers.
3. Posting notices to residents by email, mail and on bulletin boards.

4. Controlling and reporting inappropriate behavior in the building to the board.

If you need to leave anything for the Association Manager when the office is closed, please use the office mail drop box located on the south wall of the library to the left of the manager's office door. Should you experience an emergency maintenance problem (flood, loss of heat or electricity, etc.), call the Association Management office at 242-2731, during business hours.

Any such emergencies arising outside of business hours should be reported to the Courtesy Patrol officer at 681-5657.

COLLECTION POLICY

Homeowners are encouraged to use an auto debit payment plan, whereby monthly Association fees are automatically paid from a bank account specified by the owner. The collection policy for Park Plaza Association, Inc., is as follows:

Monthly Association fees are due on the first of each month. To avoid a late fee, homeowners must ensure that the monthly Association fee is received in Management office on or before the 15th of the month by the close of business, which is 5:00 p.m. A late fee (at the current rate of 10% of monthly unit fees) or 10% per annum (whichever is greater) will be charged to the homeowner's account for payments received after 5:00 p.m. on the 15th of the month.

On the 1st DAY OF THE SECOND MONTH – Second demand letter is sent to homeowner.

16th DAY OF THE SECOND MONTH – Notice of Intent to File Lien is sent to homeowner, (certified mail and regular mail.) The notice states amount due and references "second notice" and "16 days to pay or Lien will be filed". An Intent-to-File-Lien fee (at the current rate) will be charged to the homeowner's account and Account Ledger is sent to attorney for collection process. When homeowner's account and attorney fees are paid in full, lien is released.

COMMITTEES

The By-Laws authorize the President of the Board to set up advisory committees to assist the Board with specific projects. Committees are also helpful in meeting the needs and expectations of the Association members and to conduct long-range planning that will maintain and improve the quality of the Park Plaza community. The President appoints the Chairs of those committees and the Chairs appoint the members of their respective committees. Following are the three advisory committees that are active at this time:

● Architectural Review Committee (ARC): This committee is responsible for advising the Board on matters involving the structural and aesthetic integrity of the building. Included is the regulation of all unit renovations and alterations. Among the items regulated by ARC are:

1. Window alterations and replacements
2. Glass door alterations and replacements
3. Window treatments, awnings, shades and shutters visible from the building exterior
4. Balcony alterations of any kind
5. Exterior painting/balcony painting
6. Balcony awnings, shutters, shade devices
7. Placement of satellite dishes
8. Anything visible from the outside of the building
9. Removal or moving of any walls
10. Flooring – specs are available from Management Office
11. Washers/dryers
12. Plumbing work/changes
13. Changes to electric wiring or panels

The homeowner must submit required Design Approval Forms, which are available at the Management Office. Any costs incurred for professional services will be charged to the homeowner. No work is to commence on any project until ARC has given written approval. ARC has 30 days to respond to a Request for Design Approval. Any applicant who has a request denied may appeal and ask for a hearing with the Board of Directors, whose decision will be final.

SEE AND READ CAREFULLY: CONTRACTORS RULES AND REGULATIONS

- Conservation Committee: The purpose of the Conservation Committee is to assist and encourage Park Plaza in conserving environmental resources, thereby reducing its negative environmental impact while controlling utility bills. The ultimate goal is for Park Plaza to become an environmental leader in the community.

- Reserve Committee: The Reserve Committee proposes courses of action which maintain, upgrade or replace Park Plaza infrastructure (long-lasting and often expensive items such as elevators, boilers, roofs and coolers) to ensure the safety and quality of life for all homeowners.

The Committee:

1. Makes recommendations to the Board of Directors regarding an adequate reserve for infrastructure expenses.
2. Drafts and proposes budgets and plans to maintain, up-grade or replace infrastructure in an orderly and timely manner, while attempting to make the cost of depreciation and maintenance of the value of Park Plaza equitable to all homeowners.
3. Provides oversight on Board-approved projects.

The Committee follows national standards and recommendations such as those provided by the National Reserve Association or other similar organizations. These are balanced by conducting inspections of infrastructure with management and other experts to determine the state of health of infrastructure items and recommending action, if necessary. Once the state of Park Plaza infrastructure is determined, the Committee sets priorities for action wherein: A (highest) is a Safety and Code issue which must be completed as soon as possible; B (second highest) is an infrastructure issue which can be planned and programmed into the budget; and C (third highest) issues such as Quality of Life which can be done if funds are available.

RECORDS AND INFORMATION

Homeowners may review official minutes and financial records of the Association and minutes from Board of Directors' meetings when requested in writing.

Park Plaza Association, Inc., complies with New Mexico state law with respect to providing owners with access to records and information. Non-owner residents are precluded from access to documents. No records containing information about individual owners, tenants, or employees will be available to any owner other than members of the Board of Directors or those designated by the Board of Directors. Management and the Board of Directors have the right to deny a request for information because it is considered to violate the privacy of individual owners, residents, tenants or employees.

RESERVES

The Association maintains funds in reserve which are set aside from the general operating account. The money in the reserve account is allocated for specific infrastructure projects according to a schedule provided by the Reserve Committee for Board approval and is up-dated regularly. Reserves may also be used under extraordinary or emergency circumstances. A portion of each homeowner's monthly assessment fee goes directly into the reserve account.

This is the Association's "savings account" and is designated for infrastructure projects.

RESIDENT DIRECTORY

A resident directory is published twice a year. The directory lists residents and their telephone and unit numbers. It also contains contact information for the Association, the Management Company and a list of staff members. The directory is posted on the association website and may be obtained from the manager's office.

PROCEDURES and SANCTIONS APPLICABLE TO ENFORCEMENT OF RULES

Park Plaza is a condominium, the legal term used to mean a group of housing units where each homeowner owns his or her individual unit space and all the homeowners share ownership of areas of common use. Use of and access to common facilities such as hallways, heating and cooling systems, elevators and exterior area are regulated by legal rights associated with the individual ownership and controlled by the association of owners that jointly represents the ownership of the entire property.

Condominiums are regulated by state law. However, individual condominiums are unique communities with many residents living in close proximity to one another and sharing common areas. Condominium rules should be reasonable and address the needs of the community residents. For various reasons, such rules will always be violated on occasion.

The Park Plaza Association desires to provide an adequate remedy when an owner, or a tenant renting from an owner, disturbs the right of quiet enjoyment of the premises or presents a risk of harm to other residents. Unit owners are responsible for any fines imposed on their tenants or guests pursuant to these rules. The house rules include those in the Handbook as well as the Declaration of Covenants, Conditions and Restrictions (commonly referred to as the CC&Rs) creating the condominium. It is the intent of the Association to minimize confrontational encounters involving the house rules. Doing so requires several steps. First, homeowners must be given an opportunity to learn exactly what the house rules require and do not permit. This is an ongoing process that requires communication among the Board of Directors, the management agent and the residents. Second, open communication among owners, Board members and the property manager is essential to resolving problems before they become serious issues. This includes the need to report apparent violations of the house rules. Finally, consistent enforcement of the house rules is essential.

Park Plaza Association is responsible for ensuring compliance with its rules and regulations. The Association has adopted the following procedures which apply to disciplinary proceedings that are necessary to ensure such compliance. The intent is to have rules that are as least intrusive as possible and to encourage voluntary compliance to the extent possible. Whenever violations are observed, informal notice to the management agent is encouraged, followed by a discussion by the resident manager with the alleged violator in an effort to informally resolve the matter. It is intended that the process by which the house rules are enforced be consistent with the notion of fundamental fairness, with a right of the accused to be heard. Alleged violators are to be afforded basic rights:

(a) adequate notice of any complaint; (b) a right to be informed of the specific allegations in the complaint; (c) a right to a fair hearing; and (d) a right to be heard, question witnesses, and to present his or her side of the story before the Association Board of Directors. In turn, Park Plaza Association has not only a right but a duty to impose sanctions on those found to have violated the rules, and to ensure adequate enforcement of sanctions occurs.

Following is the process to be followed in the event of an alleged violation of the house rules:

1. Filing of a Complaint: If a violation of the rules is alleged, the complaint must be in writing and submitted to the Board through Park Plaza Management. The written complaint shall be sufficiently specific to identify the nature of the complaint and the identity of any persons who are allegedly responsible. A signed complaint may be disclosed to the alleged violator at the discretion of the Board and unless the complainant requests anonymity.

2. Investigation by Board and Notification to Alleged Violator: Upon receipt of a complaint, the Board will instruct the Association Manager to investigate the complaint and determine whether there is a reasonable factual basis to find that a violation has occurred. The Board shall review the findings and

conclusion of the Association manager and determine whether a violation has occurred and whether further action in response to the complaint should be undertaken. If it determines that a violation has occurred, the Board will notify the alleged violator in writing by hand-delivering a copy of the complaint or by mailing a copy of the complaint. The notice shall instruct the alleged violator to cease and desist from the violation and shall include: (a) the nature of the alleged violation; (b) the action required to remove the violation, and (c) notification of a grace period of ten (1) days within which the violation may be removed without penalty. Should the violation continue beyond the grace period, a fine will be imposed.

3. Penalties and Fines: The Board may impose a fine ranging from \$ 50. to \$500., which amount in its discretion is commensurate with the severity of the violation and any history of prior violation by the violator. Fines must be paid within thirty (30) days. Failure to pay a fine within the prescribed thirty (30) days shall result in the imposition of a late fee of 18% per month. A continuing violation on the part of the Respondent may be made subject to an additional fine imposed each thirty (30) days at the discretion of the Board. If a violation is repeated within twelve (12) months of the first notice, a fine will be imposed without a grace period.

4. Right to a Hearing: The violator may request a hearing no later than ten (10) days after imposition of the fine. The request must be made in writing and be addressed to the Board of Directors. The Board may also decide to conduct a hearing on its own initiative after providing notice of such hearing at least ten (10) days before such hearing to the violator. If the violator requests a hearing, or if the Board decides to conduct a hearing, it shall be scheduled before the Board at its next regularly scheduled meeting or within a reasonable time and not more than thirty (30) days following the complaint. The hearing shall be held in executive session (that is, a closed session) of the Board, and will afford the violator a reasonable opportunity to be heard. The violator may present his or her case to the Board, and the Board will decide, based on the available information regarding the alleged violation, whether or not any fines and/or penalties should be rescinded or removed. If the complaining party decline to participate in the hearing or to be identified, in the absence of other substantial evidence sufficient to find that a violation has occurred, the Board shall dismiss the complaint. "Substantial evidence" means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion, and the term is not synonymous with "any" evidence. All hearings conducted pursuant to these procedures shall be recorded, and the record thereof shall be maintained by the Board for a period of at least one (1) year.

5. Right to Appeal: The decision of the Board in any such matter may be appealed to the appropriate court of the State of New Mexico..

6. Enforcement of Sanctions and Right to Seek Relief in Court: The Board may file a claim of lien on the individual unit owned by the violator who has failed to pay any fine imposed within the time specified by the Board, and may take legal action in a court of lawful jurisdiction to seek enforcement of the payment of any fine assessed pursuant to these provisions. If any unit owner fails to comply with the Rules and Regulations or By-Laws, or with any decision rendered under the Rules and Regulations and By-Laws, the unit owner may be sued for damages or injunctive relief, or both, by the Board. When a violation involves the use of the common area, the Board may request a court to determine that the violator has thereby forfeited his or her right to the use of such portion of the common area that is the subject of the complaint and violation. The prevailing party in any such proceeding may be entitled to an award for legal fees and costs, as determined by the court.

Extraordinary Circumstances and Remedies: Whenever in the judgment of the Board, the circumstance justify, and upon a finding based on substantial evidence that a hazard and a dangerous situation exists and has been caused by a unit owner or tenant, or if the safety and well-being of the residents or employees of Park Plaza are placed at risk by the behavior of an owner or tenant, the Board may take such immediate action as is necessary, including seeking injunctive relief in a court of lawful jurisdiction against the offending owner or tenant and the filing of a complaint with law enforcement agencies and the Bernalillo County District Attorney, in order to protect the safety of the resident and employees of Park Plaza.

The rules and regulations contained in this Handbook were adopted by the Board of Directors of Park Plaza Association, Inc., on November 2, 2021 and supersede all previous versions. Homeowners, residents, and guests of Park Plaza Condominiums are required to abide by these rules. If any provision or provisions of this Agreement shall be held to be invalid, illegal and unenforceable or in conflict with the law of any jurisdiction, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby. No covenants, restrictions, conditions, obligations, rules, regulation or provisions contained in the CC&Rs, By-Laws and this Resident Handbook shall be deemed to have been abrogated or waived by reason of any failure to enforce the same, irrespective of the number of violations or breaches which may occur.