

When recorded return to:

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Scottsdale, Arizona 85253

EAGLE MOUNTAIN COMMUNITY ASSOCIATION

Solar Energy Device Resolution and Policy

I. Introduction

- A. The Eagle Mountain Community Association ("Association") is governed by a Declaration of Covenants, Conditions and Restrictions for Eagle Mountain ("Declaration"), recorded at Recording No. 1995-0070250 in the office of the Maricopa County Recorder. This Declaration applies to the real property described in Exhibit A thereto, along with such other property as is or may become subject to the Declaration.
- B. Section 4.3(a) of the Declaration states "The exterior (and those interior portions of structures visible from the outside of the applicable structure) of any building, fence, wall, residence or other structure shall not be commenced, erected, maintained, improved, altered, or made without the prior written approval of the Residential Design Review Committee. All subsequent additions to or changes or alterations in any building, fence, wall or other structure, including exterior color scheme, and all changes in the grade of Residential Parcels shall be subject to the prior written approval of the Residential Design Review Committee."
- C. The Association recognizes the Owners' right to install and use solar energy devices, as set forth in A.R.S. § 33-1816.
- D. The Association hereby adopts this Resolution and Policy in order to regulate the placement of solar energy devices that are governed by A.R.S. § 33-1816 and A.R.S. § 44-1761.

- E. While this Resolution and Policy applies to all owners, tenants and occupants within the Association, the owner of a particular lot is ultimately responsible for compliance with this Resolution and Policy.

II. Types of Solar Energy Devices

- A. This Resolution applies only to the following types of solar energy devices listed in A.R.S. § 44-1761:
 - 1. A system or series of mechanisms designed primarily to provide heating, to provide cooling, to produce electrical power, to produce mechanical power, to provide solar daylighting or to provide any combination of the foregoing by means of collecting and transferring solar generated energy into such uses either by active or passive means. Such systems may also have the capability of storing such energy for future utilization. Passive systems shall clearly be designed as a solar energy device such as a trombe wall and not merely a part of a normal structure such as a window.
 - 2. If A.R.S. § 44-1761 is expanded to include other types of solar energy devices, this Resolution and Policy shall encompass those solar energy devices as well. Unofficial Document
- B. All other solar energy devices, except the ones listed above, are prohibited unless approved by the Residential Design Review Committee.

III. Placement

If the solar energy device is one of the devices listed in A.R.S. § 44-1761, the placement of the solar energy device must be approved in advance by the Residential Design Review Committee. Such solar energy device must comply with the following regulations, to the extent that they do not impair the functioning of the device, or adversely affect the cost or efficiency of the device:

- A. No solar energy device may encroach upon the common area or the property of another owner.
- B. A solar energy device must be placed in the back yard or on a portion of the roof so as not to be Visible From Neighboring Property.
- C. The solar energy device must be shielded from view so as not to be Visible From Neighboring Property to the maximum extent possible. The landscaping or

structure used to shield the solar energy device must be approved in advance by the Residential Design Review Committee.

- D. The solar energy device must comply with all applicable city, county and state laws, regulations and codes. The Association must be provided with a copy of any applicable governmental permits.
- E. Placement and installation must be pursuant to the manufacturer's instructions.
- F. In order to protect against personal injury and property damage, the solar energy device may not be placed in a location where it may come into contact with a power line.
- G. In order to protect against personal injury and property damage, all solar energy devices must be properly grounded and secured.
- H. In order to protect against personal injury, solar energy devices may not block or obstruct any driver's view of an intersection or street.

IV. Maintenance

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- A. The owner is responsible for all costs associated with the installation and maintenance of the solar energy device.
- B. The owner is responsible for all damage caused by or connected with the solar energy device.
- C. The owner must hold the Association harmless and indemnify the Association in the event that someone is injured by the solar energy device.
- D. The owner shall keep the solar energy device in good repair so that it does not violate any portion of this Resolution and Policy.
- E. When installing a solar energy device, the owner needs to take into consideration the landscaping and other improvements on neighboring property. The Association is only able to enforce the provisions of its governing documents. If a neighbor's landscaping other improvement grows or is moved so as to obscure or otherwise negatively affect the owner's solar energy device, the Association cannot take enforcement action unless there is a violation of the governing documents. Therefore, the owner needs to keep this in mind when planning to install solar energy devices.

V. Fees; Enforcement

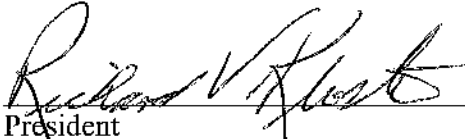
- A. The Design Review Fee shall be waived for applications for Residential Design Review Committee review of solar energy devices.
- B. The Board of Directors shall have the authority to enforce the provisions of this Resolution in any manner provided by law.
- C. Notwithstanding anything contained in this Resolution, the Design Review Guidelines, the Declaration, or any other document governing the Association, this Resolution shall not be enforced in a way that (1) prevents the installation of a solar energy device; (2) impairs the functioning a solar energy device; (3) restricts the use of a solar energy device; or (4) adversely affects the cost or efficiency a solar energy device.

VI. Severability

- A. If any provision of this Resolution and Policy is ruled invalid, the remainder of these rules shall remain in full force and effect.
- B. If the Legislature of the State of Arizona modifies A.R.S. § 33-1816 or A.R.S. § 44-1761, the modified laws shall be incorporated into this Resolution as if fully set forth herein.

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This Solar Energy Device Resolution and Policy is adopted and is immediately effective
this 24th day of June, 2009.



President



Chairman, Architectural Committee

Unofficial Document

STATE OF ARIZONA)
)
) ss.
COUNTY OF MARICOPA)

On the 24th day of June, 2009, before me, the undersigned Notary Public in and for the County of Maricopa in the State of Arizona, personally appeared Richard Kloster, who acknowledged that he is the President of the Association and being authorized to do so, executed the above document on behalf of the Association for the purposes expressly stated herein.

Elaine Anghel
Notary Public

My commission expires:

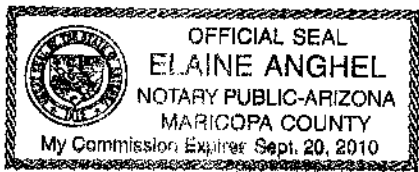
STATE OF ARIZONA)
)
) ss.
COUNTY OF MARICOPA)

Unofficial Document

On the 24th day of June, 2009, before me, the undersigned Notary Public in and for the County of Maricopa in the State of Arizona, personally appeared Rick Campbell, who acknowledged that he is the Architectural Committee Chairman for the Association and being authorized to do so, executed the above document on behalf of the Association for the purposes expressly stated herein.

Elaine Anghel
Notary Public

My commission expires:



EAGLE MOUNTAIN COMMUNITY ASSOCIATION
EXHIBIT A
Application for Placement of Solar Energy Device

Homeowner(s): _____

Address: _____

Phone (Day) _____ (Evening) _____

Type of Device: _____

Identify Placement Location: Roof (Front) Roof (Back) Roof (Side)
Patio/Deck/^{Unofficial Document} (Front) Patio/Deck/Yard (Back)
Other Indicate "other": _____

Will the solar energy devices be placed so as to be Visible From Neighboring Property?
Yes No If "Yes", please provide information or an explanation supporting the necessity for
placement so as to be Visible From Neighboring Property. _____

Will the placement be in compliance with all Association guidelines (which include manufacturers'
guidelines and applicable building codes)? Yes No

I will comply with all of the Association's rules for placing, installing, and maintaining solar energy
devices. I assume liability for any damage to Association and other owners' property that occurs due
to solar energy device placement, installation, and maintenance.

Signed: _____ Date: _____