

PINEHURST ESTATES HOMEOWNERS ASSOCIATION

RENTAL AND LEASING RULE

APPROVED BY THE BOARD OF DIRECTORS – JULY 2017

After review of the Pinehurst Estates Homeowners Association (HOA) governing documents regarding the CC&Rs and By-Laws that address the renting and leasing of owner property, the definition and use of owner property and the authority delegated to the Board of Directors to adopt rules and continued inquiries by owners and interested parties about the rental rules of Pinehurst Estates, it has been determined by the current Board of Directors that:

- 1) The following Codes, Covenants and Restrictions and By-Laws were used as legal reference:

Article I, Section 1.14 Owner of Lot or Lot Owner shall mean and refer to the owner of record, of any individual lot. Whether owned by individuals or an entity, there shall be no more than four owners residing in two separate households, or an entity, with no more than four owners residing in not more than two separate households, or a family trust created for the benefit of lineal descendants of any owner of the fee simple title to any lot, including contract buyers, but excluding those having some interest merely as security for performance of an obligation. In no case shall title to the property be held by any entity which makes the house available to a multiplicity of owners in a time share or any other structured availability other than to social guests or tenant, as specifically allowed under the CC&Rs.

Article II, Section 2.1.14 Rental Regulation allows the rental of homes within Pinehurst Estates subject to reasonable control by the Board of Directors of the HOA. The Board of Directors of the HOA may provide guidelines designated to protect the owner's enjoyment and use of properties and also provide opportunity for renting for those owners desiring to do so. Activities deemed offensive and intrusive by the Board of Directors of the HOA, of the rights of other lot owners shall be deemed grounds for withdrawal of the rental opportunity.

Article II, Section 2.3.1 Offensive Activities – Nuisances Prohibited states no nauseous or offensive activity as determined by the Board of Directors of the HOA shall be carried on upon any lot or tract within Pinehurst Estates nor shall anything be done or maintained thereon which may be or become an annoyance or a nuisance to the tracts and lot owners or detract from their value as a high class residential area.

Article II, Section 2.10.1 Use as Private Dwelling Only; Exceptions – Each lot shall be occupied only as a single household private dwelling by its owner or the owner's

tenants, visitors or guests. Subject to compliance with applicable local ordinances and other restrictions of record, an owner may use the owner's dwelling on the lot as a "home office" or a "home occupation," provided that clients, customers, vendors and employees do not regularly visit the home office or occupation.

Article VII, Section 7.2 Delegation of Use. A member may delegate, in accordance with the reasonable rules and regulations adopted from time to time by the HOA Board of Directors, his or her rights of enjoyment to the common property and respective tracts, to the members of his or her family and guests, or his or her tenants providing they reside in his or her residence on a lot.

By-Law 7.3 Duties - The Board of Directors may adopt such additional rules and regulations for the management of the HOA and the carrying out of the HOA's responsibilities as they may deem proper and not inconsistent with the By-Laws or CC&Rs. The adoption of Rules should also include consideration for safety, respect for owner and common area property and all owner's enjoyment of their Pinehurst Estates property.

- 2) The Board of Directors solicited feedback from Pinehurst Estates property owners in the spring of 2017, by newsletter and bulletin correspondence, regarding concerns and recommendations about the renting and leasing of property within Pinehurst Estates.
- 3) The Board of Directors reviewed published rental guidelines of single family home communities, to determine commonly used, accepted and approved rental and leasing rules for residential communities organized as an HOA.

Owners who choose to rent or lease a Pinehurst Estates home, to any outside party, not a member of the HOA, will do so accepting sole responsibility as follows:

- A) For any and all damage, caused by any renter or leaser, granted access by the same owner, to any and all facilities owned by the Pinehurst Estates HOA, regardless of rental or lease agreements between the owner and renter or leaser. All facilities include roads, street lights, gates, locks, mailboxes, fencing, pool and pool equipment, spa and spa equipment, courts, nets, signs, buildings and any other amenity or facility owned by the HOA.
- B) To present applicable CC&R and community rules, that apply to the use of facilities, pet management, State of Oregon pool and spa use laws and driving speed laws, and respectful behavior and actions while present in Pinehurst Estates, to all renters and leasers, without exception.

- C) To notify the Pinehurst Estates gatekeepers of the gate code to be used for the renter or leasers access to the community, prior to each renter or leaser arrival, which will be deleted after the rental agreement for each renter or leaser is terminated, along with the term or dates of the rent or lease agreement, for same.
- D) To provide the renter or leaser necessary access keys and security codes for the home, and keys to Pinehurst Estates facilities. Keys and codes of any kind, will not be provided by the Pinehurst Estates gatekeepers, to the renter or leaser, at any time.
- E) For personally selecting any renter or leaser. The use of a third-party vacation rental or property management companies to initiate the selection of or determine the individual renter or leaser will not be permitted. The owner will be solely responsible for all aspects of the rental management and agreement process.
- F) Advertising or solicitation of Pinehurst Estates homes, as rental or lease properties, in publications or internet sites, of any kind, is prohibited.
- G) Any Pinehurst Estates property owner who chooses to rent or lease property agrees to adhere to these approved and recorded Rental and Leasing Rules and all other Pinehurst Estates governing documents and adopted association rules. If these Rental and Leasing Rules and/or all other association rules which apply to an incident or activity that does not comply, the incident or activity shall be deemed grounds for withdrawal of the rental opportunity and one or more of the other means of enforcement for non-compliance as specified in the CC&Rs, Article IX, Section 9.1

All Pinehurst Estates property owners are members of the HOA and have committed to and are obligated by the CC&Rs, By-Laws and all adopted Rules and Guidelines approved and recorded by the Board of Directors, then distributed to the owners of the community, for reference. As Pinehurst Estates is a common interest development, where owners share in ownership and control in an effort to maintain property values, it is a private community, not subject to City or County Ordinances.

It was moved, seconded, and approved unanimously by the existing Board of Directors, to adopt this Rental and Leasing Rule for the Pinehurst Estates Homeowners Association, at the Board of Directors Meeting held on July 18, 2017.