

Leffingwell Creek Rules & Regulations

POOL USE RULES

1. All persons using the pool are expected to observe all posted pool rules. All city and County health codes must also be observed. **USE OF THE POOL IS AT YOUR OWN RISK. LEFFINGWELL CREEK HOMEOWNERS ASSOCIATION PROVIDES NO LIFEGUARDS.**
2. The board reserves the right to refuse the use of the pool to anyone continually violating the pool rules and to cite said person, to limit the numbers of persons using the pool, or to close the pool for reasons of safety and health.
3. Climbing or walking on the roof is prohibited. Should a homeowner, a person residing with the homeowner, guest of a homeowner, or resident commit this offense, a fine of \$100.00 will be levied against the homeowner. No diving or jumping from roofs into pool ever-no exceptions. Violators will be fined and or warned immediately. The 2nd violation will result in being banned from pool privileges for the season.
4. Entry to the pool is by key only. Persons entering the pool without using a key will be asked to leave the pool area. Homeowners may be cited if they permit such behavior by their children, tenants or guests.
5. One (1) pool key per unit is issued. The keys cannot be duplicated. A \$50.00 charge will be made for the replacement of lost keys.
6. The gates to the pool must remain closed at ALL TIMES. Propping open a gate or otherwise obstructing its proper closure is prohibited in order to protect small children from entering unsupervised and to keep out trespassers. Violators will be cited.
7. The gates to the pool must remain closed at ALL TIMES. Propping open a gate or otherwise obstructing its proper closure is prohibited in order to protect small children from entering unsupervised and to keep out trespassers. Violators will be cited.
8. The following are prohibited in the pool area: animals, diving, running or horseplay, lewd conduct, cursing, noisy behavior, bicycles, skateboards, skates, and mobile recreational equipment including surfboards, rubber rafts, scuba gear and jumping off the roof. Water games are allowed as long as they do not interfere with the use of the pool by other residents or when the pool has many users.
9. No more than four (4) flotation devices are allowed in the pool at the same time, excluding "water wings" and governmentally approved safety devices. The Board reserves the right to require removal of flotation devices when the pool has many users.
10. No food or chewing gum is allowed in the pool area, except for special functions that have Board approval. Beverages are permitted in non-breakable containers. No glass containers of any type are allowed.

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11. Proper bathing attire is required at all times. No one may enter the pool in street clothes, shorts, etc. Hairpins, barrettes, and bobby pins are not permitted to avoid clogging of the pool filters. For health reasons, infants and small children who are not toilet-trained may not enter the pool unless they are wearing waterproof pants.
12. All trash must be put into trash containers, including those provided in the pool area.
13. NO ALCOHOL OR DRUGS are permitted in the pool area. The use of the pool facilities while under the influence of alcohol or drugs is prohibited.
14. All visitors to the pool area must be accompanied by a homeowner or person residing with a homeowner who is age 18 or older. No minors (persons under age 18) are allowed in the pool area without an adult present. Supervising adults are responsible for enforcing all rules pertaining to the pool area. Any persons under the age of 13 must be supervised by an adult of 18 years of age or older at all times- No exceptions.
15. Up to four (4) visitors per unit are allowed in the pool area at one time, in addition to the homeowner/tenant and persons who reside with the homeowner/tenant. Request to have more than four (4) visitors must be submitted on the "Pool Use Form" to a member of the Board, no less than two (2) days prior to the desired date of use.
16. Loud noise, shouting, and water games are prohibited after 10:00 p. m.
17. Request for use of the pool area for personal parties or functions must be submitted on the "Pool Use Form" to the Board or its designee no less than 30 days prior to the desired date of use.

Request for such use will be approved only if made by:

- a) An adult homeowner
- b) A tenant with authorized delegation of facility usage.

The Board or its designee reserves the right to approve or disapprove any request.

A Deposit of \$ 25.00 must be made at the time of the request. If the pool area is left in satisfactory condition after its use, the deposit will be refunded. If the amount of the deposit is not sufficient to cover the costs of extra cleaning or damage, and additional assessment may be charged.

Association functions, approved by the board, have priority over any other reservations.

18. No trespassing is allowed in the pool area. A trespasser is defined as anyone who is not a homeowner, tenant, person residing with a homeowner or tenant, or a guest of one of the above.

Leffingwell Creek Rules & Regulations**LEFFINGWHEEL CREEK
HOMEOWNERS ASSOCIATION****POOL USE FORM**

DATE: _____.

Name, Address and telephone number of homeowner or eligible resident* requesting use of the pool facility:

Home Phone: _____.

Work Phone: _____

Date Requested: _____.

Hours Requested: _____

Type of Function:

Received by Association / Management Company: _____ (Date)

Deposit Received: Yes _____ No _____ Amount _____

*Delegation of Facility Usage Rights form on file

Leffingwell Creek Rules & Regulations**VANDALISM**

1. When an individual resident is caught in the act of vandalism to association property, the resident will be subject to fines in accordance with the penalty assessment schedule. The resident will also be assessed for the cost of the damage.
2. Tampering with any sprinkler, electrical, or timers is strictly prohibited and will be considered an act of vandalism.
3. Tampering with any doors, security devices including locks and alarms are strictly prohibited and will be considered an act of vandalism.
4. If the vandal is a non-resident but is a guest of a resident, the resident will be held responsible. This includes those individuals not expressly invited by a homeowner, tenant or resident but on the property as a result of, or related to, the homeowner, tenant, or resident but on the property as a result of, or related to, the homeowner, tenant, or resident or any given thereof.
5. If the vandal is a non-resident and does not have permission to be on Leffingwell Creek property, the act will be considered a criminal offense and the vandal will be reported to the Whittier Police Department for trespassing.
6. If the vandalism is not witnessed directly by a member of the Board of Directors, at least one witness must be able to supply reasonable proof of guilt. It will then be up to the board to take appropriate action, whether it is a fine or reporting the incident to the Police Department.
7. Fines will be levied against the owner of record, and not, when applicable, against a renter or tenant of the owner.
8. Home vandalism should be reported to the POLICE and to the Board of Directors.

ALL ACTS OF VANDALISM ARE SUBJECT TO PENALTY ASSESSMENTS IN ACCORDANCE WITH THE PENALTY ASSESSMENT SCHEDULE PER OCCURRENCE PLUS REPAIR COSTS, IF ANY, AND CRIMINAL PROSECUTION WHENEVER APPROPRIATE.

Leffingwell Creek Rules & Regulations**ALTERNATIVE DISPUTE RESOLUTION**
CALIFORNIA CIVIL CODE SECTION 1354**Section 1354. Covenants and restrictions in declaration as equitable servitudes; enforcement; alternative dispute resolution**

- (a) The covenants and restrictions in the declaration shall be enforceable equitable servitudes, unless unreasonable, and shall inure to the benefit of and bind all owners of separate interests in the development. Unless the declaration states otherwise, these servitudes may be enforced by any owner of a separate interest or by the association, or by both.
- (b) Unless the applicable time limitation for commencing the action would run within 120 days, prior to the filing of a civil action by either an association or an owner or a member of a common interest development solely for declaratory relief or injunctive relief, or for declaratory relief or injunctive relief in conjunction with a claim for monetary damages, other than association assessment, not in excess of five thousand dollars (\$5,000), related to the enforcement of the governing documents, the parties shall endeavor, as provided in this subdivision, to submit their dispute to a form of alternative dispute resolution such as mediation or arbitration. The form of alternative dispute resolution chosen may be binding or nonbinding at the option of the parties. Any party to such a dispute may initiate this process by serving on another party to the dispute a Request for Resolution. The Request for Resolution shall include (1) a brief description of the dispute between the parties, (2) a request for alternative dispute resolution, and (3) a notice that the party receiving the Request for Resolution is required to respond thereto within 30 days of receipt or it will be deemed rejected. Service of the Request for Resolutions shall be in the same manner as prescribed for service in a small claims action as provided in Section 113.340 of the Code of Civil Procedure. Parties of the Request for Resolution to accept or reject alternative dispute resolution and, if not accepted within the 30-day period by a party, shall be deemed rejected by that party. If alternative dispute resolution is accepted the party upon whom the Request for Resolution is served. The alternative dispute resolution shall be completed within 90 days of receipt of the acceptance by the party initiating the Request for Resolution, unless extended by written stipulation signed by both parties. The costs of the alternative dispute resolution shall be borne by both parties.

CALIFORNIA CIVIL CODE SECTION 1354, PAGE 1

- (c) At the time of filing a civil action by either an association or an owner or a member of a common interest development solely for declaratory relief or injunctive relief, or for declaratory relief or injunctive relief in conjunction with a claim for monetary damages not in excess of five thousand dollars (\$5,000), related to the enforcement of the governing document, the party filing the action shall file with the complaint a certificate stating that alternative dispute resolution has been completed in compliance with subdivision (b). The failure to file a certificate as required by

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subdivision (b) shall be grounds for a demurrer pursuant to Section 430.10 of the Code of Civil Procedure or a motion to strike pursuant to Section 435 of the Code of Civil Procedure unless the filing party certifies in writing that one of the other filing of the complaint, that preliminary or temporary injunctive relief is necessary, or that alternative dispute resolution is not required by subdivision (b), because the limitation period for bringing the action would have run within the 120-day period next following the filing of the action, or the court finds that dismissal of the action for failure to comply with subdivision (b) would result in substantial prejudice to one of the parties.

- (d) Once a civil action specified in subdivision (a) to enforce the governing documents has been filed by either an association or an owner or member of a common interest development, upon written stipulation of and stayed. The costs of the alternative dispute resolution shall be borne by the parties. During this referral, the action shall not be subject to the rules implementing subdivision (c) of Section 68603 of the Government Code.
- (e) The requirements of subdivision (b) and (c) shall not apply to the filing of a cross-complaint.
- (f) In any action specified in subdivision (a) to enforce the governing documents, the prevailing party shall be awarded reasonable attorney's fees and costs. Upon motion by any party for attorney's fees and costs to be awarded to the prevailing party in these actions, the court, in determining the amount of the award, may consider a party's refusal to participate in alternative dispute resolution prior to the filing of the action.

CALIFORNIA CIVIL CODE SECTION 1354, PAGE 2

- (g) Unless consented to by both parties to alternative dispute resolution that is initiated by a Request for Resolution under subdivision (b), evidence of anything said or of admission made in the course of the alternative dispute resolution process shall not be admissible in evidence, and testimony or disclosure of such a statement or admission may not be compelled, in any civil action in which, pursuant to law, testimony can be compelled or given.
- (h) Unless consented to by both parties to alternative dispute resolution that is initiated by a Request for Resolution under subdivision (b), documents prepared for the purpose or in the course of, or pursuant to, the alternative dispute resolution shall not be admissible in evidence, and disclosure of these documents may not be compelled, in any civil action in which, pursuant to law, testimony can be compelled to be given.

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- (i) Members of the association shall annually be provided a summary of the provisions of this section, which specifically references this section. The summary shall include the following language:

“Failure by any member of the association to comply with the profiling requirements of Section 1354 of the civil code may result in the loss of your rights to sue the association or another member of the association regarding enforcement of the governing documents.”

The summary shall be provided either at the time the pro forma budget required by Section 1365 is distributed or in the manner specified in Section 5016 of the Corporations Code.

- (j) Any Request for Resolution sent to the owner of a separate interest Pursuant to subdivision (b) shall include a copy of this section.

CALIFORNIA CIVIL CODE SECTION 1354, PAGE 3