

The Orchard Estates Home Owner's Association
Bulletin - October 24, 2011

Pest Control

There has been a problem with fire ants (also called red ants) this summer. Vector Control has been out to treat the common areas at The Orchard, however, you should be cautious of this problem on your personal lawns. If you do have a problem with fire ants or with mosquitoes, you can contact Vector Control at (760) 342-8287 or you can contact a local pest control company. Unfortunately, due to the many calls that Vector Control has been receiving, Vector Control may not provide prompt response.

Ballot for changes to the CC&Rs

We still need many of you to respond. PLEASE SEND IN YOUR BALLOTS. If you have not received your ballot, please immediately contact Avail at (760) 771-9546.

Outline of the changes:

Change #1 - Permitting homeowners to park in their own driveways

Under rule 3.16(b), the CC&Rs now say "Parking is permitted in driveways, as long as it does not obstruct free traffic flow, constitute a nuisance, violate the Rules and Regulations, or otherwise create a safety hazard."

We are simply taking out "violate the Rules and Regulations" so 3.16(b) will now read as follows: "Parking is permitted in driveways, as long as it does not obstruct free traffic flow, constitute a nuisance, or otherwise create a safety hazard." This change is being made so that, somewhere down the road, another board cannot change this permission via a change to the Rules and Regulations.

This change does not change the rule 3.16 (f) that allows only passenger motor vehicles to be parked in the parking areas. Nor does it change 3.16 (g) which still forbids parking buses, trailers, campers, etc. on driveways, or repairing vehicles on driveways, etc.

Change #2 - homeowners may not rent or lease their property for less than 30 consecutive days.

The following clause is added to the CC&Rs under 3.15 Leasing

"No Lot within the Development shall be rented or leased for a period of less than thirty (30) consecutive days, and no Lot Owner shall rent, lease, or otherwise permit his or her Lot to be used for hotel or transient purposes. Further, any rental or lease must be for the entire Unit and not portions thereof."

Please note that this further clarification in no way affects those homeowners who are renting their homes for a period of a month or longer. Also, if you rent your home, please make sure that the names of the renters are filed with Avail and that these renters are properly following the CC&Rs in the same way as the property owners.

Here is a more detailed explanation of the issue relative to renting property from our parliamentarian:

There seems to be confusion in regards to rentals. The Orchard Estates has a set of governing documents. These include: Bylaws, CC&R's and Rules and Regulations. Bylaws establish the governing process of an HOA. CC&R's describe the rights and obligation of the membership to the association and the association to the membership. The Rules and Regulations further define CC&R's. The Rules and Regulations have always further defined rental restrictions with the no less than 30 day rental clause. This is nothing new to The Orchard. However, despite the clear definition of rentals in The Orchard, several homeowners continue to violate the governing documents. In order to address the issue, the BOD, with legal counsel, agreed that by including the same verbiage in the CC&R's that already exists in the Rules and Regulations, it might finally get the attention of those homeowners that are in violation. Adding this information to the CC&R's does not change any rental policy in The Orchard that has not already been in existence. The BOD did not need to have an open forum or debate, because the Rule already exists and is enforceable. Those that are in violation of the governing documents will be fined and the BOD in association with the Management Company and legal counsel will continue to enforce the Rules and Regulations. If there are any questions regarding governing documents or the issues being discussed, please feel free to email me directly at Geniluv@aol.com.

Your Community Management Company

Avail Property Management, 51350 Desert Club Drive, #4, La Quinta, CA 92253

Phone: (760) 771-9546, Fax: (760) 771-1655. service@availhoa.com

www.availhoa.com Office hours: 9am to 5pm.

Your Board of Directors

- Sandra Rifman: President
- Jim deBoer: Vice President & Welcome/Events Committee Chair
- Milt Jones: Treasurer & Finance Committee Chair, gate camera liaison.
- John Hinojosa: Secretary, Neighborhood Watch Chair, gate repair liaison.
- Desera Charat: Director & Architectural Committee Chair.

Next Board Meeting:

When: Wednesday, November 2nd, 2011 at 5PM.

Where: Clubhouse, Palm Royale Country Club,
78259 Indigo Dr., La Quinta, CA, 92253

Note: Ballots will be counted at the start of this meeting.