

# *Park Plaza* Association, Inc.

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## **RESIDENT HANDBOOK**

**Procedures Safety Guidelines Rules and Regulations**

**Important Information Booklet – Keep with Important Papers  
February 9, 2019**

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## ***Welcome to Park Plaza!***

Park Plaza enjoys a long-standing reputation as one of New Mexico's finest condominium communities. Situated to the west of Albuquerque's downtown central business district, Park Plaza has been a landmark on the perimeter of the Albuquerque Country Club neighborhood for many years. The success of Park Plaza is built on the outstanding service of its professional management and staff, as well as the guidance of its elected Board of Directors and volunteer committee members.

Park Plaza was built in 1964 and was soon known as one of Albuquerque's finest luxury apartment buildings. It was converted to condominiums in 1979, and the Park Plaza Association, Inc., was formed that same year – one of Albuquerque's first homeowners associations. The building is fifteen stories (there is not a floor designated as the thirteenth) containing 192,260 square feet and sits on 1.942 acres. The building is constructed principally of steel, concrete and masonry. There are 135 units and approximately 170 people call Park Plaza home.

Park Plaza residents enjoy magnificent panoramic views of the downtown skyline and the Sandia Mountains, the Rio Grande valley to the south, the Jemez Mountain range to the north and the west mesa volcanoes and the Rio Grande to the west. The elevation of Park Plaza is 4,950 feet above sea level. Located at the west end of downtown Albuquerque, Park Plaza is within close proximity to many cultural, shopping, dining and entertainment sites. Downtown Albuquerque's ever-growing selection of restaurants, galleries, theaters and shops offer a wide variety of activities to area residents.

**This handbook is a guide for living communally at Park Plaza. It is a supplement to the Covenants, Conditions and Restrictions (CC&Rs), and the By-Laws documents that govern Park Plaza. This handbook does not supersede either of those recorded documents. It is meant to clarify the above-mentioned two documents and their contents in order to make them easier to follow. It contains rules for all owners of condominiums at Park Plaza, whether presently living at Park Plaza or absentee. In the case of an absentee owner renting or leasing their condominiums, her/his renter/lessee is expected to read this handbook and to cooperate fully with the intent of its contents.**

### **NEARBY ATTRACTIONS**

All 18 of these attractions are not far from Park Plaza, many within easy walking distance:

- |   |  |   |
|---|--|---|
| * <u>Old Town</u>                                     | * <u>Rio Grande Zoo</u>                          | * <u>Albuquerque Aquarium</u>                             |
| * <u>Rio Grande Botanic Gardens</u>                   | * <u>Tingley Beach</u>                           | * <u>National Atomic Museum</u>                           |
| * <u>Lode Star Astronomy Center</u>                   | * <u>Albuquerque Little Theatre</u>              | * <u>Kimo Theatre</u>                                     |
| * <u>Popejoy Hall (UNM Campus)</u>                    | * <u>Indian Pueblo Cultural Center</u>           | * <u>National Hispanic Cultural Center</u>                |
| * <u>Rio Grande Nature Center</u>                     | * <u>Albuquerque Museum of Art and History</u>   | * <u>New Mexico Museum of Natural History and Science</u> |
| * <u>Explora Science Center and Children's Museum</u> | * <u>University Arena (The Pit) - Basketball</u> | * <u>University Stadium - Football</u>                    |

### **ASSOCIATION OFFICE**

Office hours are Monday through Friday from 8:00 a.m. until 5:00 p.m. The office is closed on Saturdays and Sundays, as well as all Federal holidays. Should a resident experience a maintenance emergency (flood, loss of heat or electricity, etc.) please call the the Courtesy Patrol (Front Desk) at 681-5657. In case of fire, call 911.

## Important Phone Numbers

Association Management Office	505-242-2731
Fax Line	505-242-2596
Email Address	parkplazacondos@monarchnm.com
Courtesy Patrol Cell Phone	505-681-5657
After Hours Maintenance Emergency	505-681-5657
Fire Non-Emergency	505-833-7300
Police Non-Emergency	505-242-2677
<b>Fire/Police Emergency</b>	<b>911</b>

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**Park Plaza is professionally managed by:**

**Monarch Properties, Inc.  
1720 Louisiana Blvd., NW  
Albuquerque NM 87110  
505-250-4800**

## **RESIDENT HANDBOOK – PROCEDURES, GUIDELINES, RULES AND REGULATIONS**

This informational handbook is a guide for living communally at Park Plaza. It 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.** It is meant to clarify the above-mentioned documents and their contents in order to make them easier to follow. In order to maintain a responsible and successful community, the governing documents must be observed. This handbook contains rules for all owners of condominiums at Park Plaza, whether living on-site or as an absentee owner. **If an absentee owner rents or leases his or her condominium, the renter/lessee is expected to read this handbook and to cooperate fully with the rules of the community contained herein. Please read this information carefully and be certain that your family, guests and tenants understand the rules and regulations entirely. Each homeowner and resident is expected to follow these rules. 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.

## **PURPOSE OF PARK PLAZA ASSOCIATION, Inc.**

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. Not only is membership automatic, it is mandatory. As a member of a homeowners association, you have certain contractual obligations. Most, if not all, 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 homeowners 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 this Resident Handbook, as New Mexico state statutes require your compliance.

The rules and regulations in this Resident Handbook were adopted by the Board of Directors of Park Plaza on February 9, 2019, and supersede all previous versions. Homeowners, residents and guests of Park Plaza are required to abide by these rules. If any provision or provisions of this Agreement shall be held to be invalid, illegal, 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, regulations or provisions contained in the CC&Rs and this Resident Handbook shall be deemed to have been abrogated or waived by reason of any failures to enforce the same, irrespective of the number of violations or breaches which may occur.

## **THE GOLDEN RULE**

In your use of community facilities, care for your home, and enjoyment of privilege, rights and the ambience afforded you by your homeowners association, PLEASE TAKE CARE NOT TO INTERFERE, BY YOUR ACTION OR INACTION, WITH YOUR NEIGHBORS' PRIVILEGES AND RIGHTS TO ENJOY THEIR HOMES.

### **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, television reception 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. Park Plaza employees must be able to enter units to conduct periodic scheduled pest control and for changing air conditioning/heater filters. Except in the case of an emergency, an attempt will be made to contact the resident for consent to enter. **All residents must participate in the pest control program unless the resident has a medical reason why the unit should not be sprayed.** Any time maintenance staff enters a unit, that staff member is authorized to check for any water leaks or drips in the bathrooms and kitchen. Access must be granted for these routine maintenance issues and anything that impacts the common good of all residents. **Residents may not deny access for these purposes even when they are out-of-town.** This is required since a problem in your unit may affect neighboring units or the building as a whole. It is also necessary in case an emergency situation, such as fire or flood, arises while you are away. Therefore, you must provide the Association Management office with copies of the key(s) to your unit. All keys are kept in a locked box in the office and strict control is maintained. 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.** Efforts will be made to give owners/residents reasonable advance notice, and to make such inspections with reasonable timing according to the circumstances. A Park Plaza employee will, at all times, accompany outside contractors hired for common good activities when they enter a resident's unit unless other provisions have been made to ensure that the worker(s) entering are bonded. **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.**

Also See Key Log Procedures

Air Conditioning – see Heating and Cooling

Alarm – See Emergency Preparedness

Alarms – Car, Vehicle – see Car Alarms

Alterations – See Contractor Rules & Regulations and Architectural Committee

### **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. 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 proxy. A quorum is present when fifty percent of all voting rights are present or represented. See CC&Rs for additional information.

### **ANTENNAS**

Traditional style television antennas, as well as antennas for AM/FM radio, amateur ((ham) radio, Citizen's Band (CB) radio or Digital Audio Radio Services (DARS) may *not* be installed on unit balconies ( See SATELLITE TV). The use of any type of electronic equipment in a unit must not interfere with radio or television reception in other units. A violation of this regulation may result in a fine amount at the discretion of the Board.



## **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. The larger the condominium, the higher the fee. Association fees are due and payable on the first (1<sup>st</sup>) day of every month. Homeowners are strongly encouraged to use the 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. Fees can also be paid by check or money order made payable to Park Plaza Association, Inc. Cash is not accepted in the Association Management office. Payments 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.

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:

- Electricity
- Natural Gas
- Water
- Sewer Service
- Refuse Pick-up (4 times/week)
- Cable Television
- Laundry Facility (fee)
- Landscape Maintenance
- Pest Control Service
- Gated and Covered Parking
- Controlled Access Entry System
- 24-Hour Staff
- On-Site Association Manager and Clerical Staff
- Maintenance of all Common Area Property, Systems and Equipment
- Housekeeping Service for Common Areas
- Courtesy Patrol Service
- Community Social Events
- Copy, Fax and Notary Service 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 Association Business by a Professional Homeowners Association 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
- 2 MAC Computers (Technology Center)
- Patio Dining Area with Barbeque Grill

- Hospitality Room
- Library
- Conference Room
- Three Elevators – 2 Passenger and 1 Service
- Assigned Storage Bins
- Covered Parking
- 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 homeowners 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. That way, the individuals can contact you at their convenience. Please do not call them at home or work or monopolize their free time when you see them in the lobby or parking lot. **If a matter is important enough to discuss, then it is important enough to put in writing.** 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.

**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 Federal holidays. Office staff 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 and copier.
5. Assisting contractors, vendors and delivery personnel with access and parking.
6. Providing account and balance information to homeowners.
7. Periodic inspection of common areas.
8. Controlling and reporting inappropriate behavior in common areas.

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.

### **AWNINGS AND SHUTTERS**

Shutters on balconies are to be either beige or off-white metal slats. Awnings are to be beige or off-white canvas. Specification alternatives with suggested vendors are available in the Association Management office for residents wishing to install either component on their balcony. All shutters and 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 over windows.

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**

Residents are asked to keep their balcony neat and clean at all times. Please do not throw anything, from the balconies. For the overall safety of the community, these areas are not to be used for storage of any type. 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. If a flag pole is used, it must be secured so that it will not become loose in the wind and fall. Patio furniture and plants are acceptable items in the balcony areas. Residents are urged to select items that are unlikely to be blown off in the event of a strong wind. Wind chimes are not allowed due to noise concerns. Do not sweep or wash debris off the balcony. No one may allow anything whatsoever to fall from windows, doors or balconies of the building. Special care should be observed when watering plants to ensure that water does not overflow and spill onto lower balconies. **Under no circumstances should anyone attempt to feed birds or other animals by placing food on the balcony or dropping it to the ground below. Bug lights, bird houses and bird feeders are not allowed (hummingbird feeders are permitted.) Allowing any animals (e.g. pigeons, wasps) to build nests on balconies is prohibited. If a 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. Only electric grills may be used on balconies. Charcoal grills are not allowed.

### **BARBECUE GRILL**

A grill located in the patio area near the pool, is available for residents' use. The grill is available for use year-round from the hours of 8:00 a.m. to 10:00 p.m. Residents wishing to use the grill must check



before using to be sure the propane bottle has adequate fuel and if the propane bottle needs to be filled, please notify the Association Management office. Since it is difficult to adequately clean the grill while it is hot, the grill may be left to cool. Residents should expect to have to clean the grill before they use it. Please replace the protective cover when the grill has cooled. **Residents taking food to and from the grill and patio area must use the service elevator. Food and drink must be covered when it is being carried into or out of common areas.** The grill is available on a first come, first served basis and may not be reserved.

#### **BICYCLES**

**Bicycles should be locked to the racks provided by the Association. All bicycles kept in racks provided by the Association should be registered with the Association Management office. Bicycles should be clearly labeled with the name and unit of the owner.** Park Plaza Association is not responsible for damage, loss, or theft of bicycles or other equipment left on Park Plaza premises.

BOARD OF DIRECTORS – See ASSOCIATION GOVERNANCE

Budgets – See Association Governance

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. Please submit your items 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. Only items submitted to the Association Management office will be considered for posting on the community bulletin board.

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. This bulletin board is used to post notices of units for sale or lease, and to notify residents of upcoming Association meetings and other official communication. Be sure to read the items posted on the bulletin boards. Residents requiring notices to be delivered to their door due to disability should notify the Association Management office.

The notice boards in the elevators are used to post official notices from the Association and Management. Residents may not post anything in the elevators or elsewhere in the building or in any place on the property. Notices or literature of any type may not be left by residents in the lobby. All types of soliciting by those outside the building are forbidden at Park Plaza. This applies to all outside businesses and individuals. This rule includes notices placed under or on unit doors, as well as telephone calls and notices placed on vehicles. 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

#### **CABLE TELEVISION**

The Association provides basic cable television service to Park Plaza residents. The cost of this service is included in the monthly assessment fee. If a resident would like additional premium services, such as

internet connection, the cable company should be contacted directly. The resident will be billed directly by the cable company for any additional services.

ALSO – See Satellite TV

#### **CAR ALARMS**

**Residents should not allow their vehicle alarms to be an annoyance to other residents.** Residents who allow their alarm to be an annoyance or nuisance repeatedly may be fined.

#### **CARTS**

The building has a supply of grocery carts and flat bed carts available for resident use. These carts are stored in the service area on the first floor. Grocery carts and flat bed carts are not allowed on the passenger elevators. The service elevator is to be used for all carts and deliveries. Carts are to be returned to their designated space in the service area on the first floor 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**

The safety of children is a major concern for Park Plaza residents. All children under the age of twelve (12) must be accompanied or supervised by an adult when in the common areas. Any young guests who are visitors to the property must also be supervised. Children should be in their homes, unless accompanied or supervised by a parent or responsible adult.

Children using the pool must be accompanied by an adult at all times. Children under the age of sixteen (16) are not to utilize exercise equipment in the Fitness Center unless accompanied by a responsible adult familiar with the proper use of the equipment.

#### **COLLECTION POLICY**

To avoid late fees, homeowners are strongly encouraged to use the auto debit payment plan, whereby monthly Association fees are automatically paid from a bank account specified by the owner. Forms for this service are available in the Association Management office.

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 15<sup>th</sup> 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 15<sup>th</sup> of the month.**

1<sup>st</sup> DAY OF THE MONTH – Monthly Assessment is due.

16<sup>th</sup> DAY OF THE FIRST MONTH – Late Fee is added to homeowner's account and demand letter sent to homeowner.

1<sup>st</sup> DAY OF THE SECOND MONTH – Second demand letter is sent to homeowner.

16<sup>th</sup> 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. Cable television service will be disconnected from any unit that has an unpaid balance for more than 30 days.

See PROCEDURES, SANCTIONS APPLICABLE TO RULES ENFORCEMENT

## **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. Kitchen countertops
  13. Plumbing work/changes
  14. Changes to electric 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:

- Makes recommendations to the Board of Directors regarding an adequate reserve for infrastructure expenses.
- 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.
- 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.

### **COMMON AREAS**

The common areas of Park Plaza consist of all areas not within the confines of a condominium unit, including, but not limited to, the following: Lobby, Entrances, Corridors, Elevators, Hallways, Offices, Hospitality Room, Kitchen, Fitness Center, Restrooms, Service Area, Storage Bin Areas, Storerooms, Maintenance Shop, Mail Room, Library, Patio, Swimming Pool, Grounds, Gardens and Parking Lot. The entire ground floor and top floor (16<sup>th</sup> – mechanical) are common areas.

Residents may reserve certain common areas for private events. If an area is reserved, non-invited residents and homeowners may not use the area during the private event. The Hospitality Room (including the kitchen) and Conference Room may be reserved for private use, subject to the provisions of the reservation agreement. The host/sponsor of an event or meeting assumes all responsibilities and liabilities with respect to noise, damage, behavior of guests, proper use of facilities, compliance with Park Plaza Association Rules and Regulations, and payment of any fees. The host/sponsor of an event or meeting must be present for its duration. In the instance where more than one resident is a host/sponsor of an event, at least one must be present at all times during the event. **Nothing can be removed from Common Areas without permission from the Association Manager.**

### **CONFERENCE/COMPUTER/BOARDROOM**

The Conference/Computer/Board Room, located on the first floor next to the office in the south hallway, is used by the Park Plaza Association for meetings. This room may be used by residents at other times for private meetings, studying, reading, computer use, etc. Residents may reserve this room for use at a specific time for meetings or study time. Please contact the Association Management office to be sure it is available. **PLEASE SEE POSTED RULES IN THIS ROOM.**

### **CONTRACTOR RULES AND REGULATIONS**

1. Before beginning work, the Contractor must provide her/his license number to the Association. The Contractor also must issue a certificate of insurance evidencing liability insurance, automobile and other vehicle insurance and worker's compensation insurance. The liability insurance must list Park Plaza Association, Inc., as additional insured and be mailed or faxed to the address provided. The certificate must provide notice to the named parties ten days prior to cancellation.



2. Any notification required by the Contractor to the Association will be to the Management Company.
3. Before beginning work, the Contractor must provide to the Association a primary on-site contact person's name and a way to contact him or her. In addition, an after hours emergency number must be provided to be used in the event of an emergency relating to the scope of work.
4. Before beginning work, the Contractor must provide to the Association a list of subcontractors, with telephone numbers and contact names. The owner must complete and submit the Project Information form.
5. Work can only be performed between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday. Construction or remodeling work by outside contractors, or any work by a homeowner or resident which causes noise, is not allowed before 8:00 a.m. or after 5:00 p.m. Monday through Friday or at any time on Sundays or Federal holidays. Light construction such as painting, cleaning and moving may be done on Saturdays during normal work hours of 8 a.m. to 5 p.m. Work scheduled outside these work hours requires the authorization of the Association Manager. **If a hardship is known to a unit owner of why certain work needs to be done on a Saturday, it will require the Board's approval.**
6. Construction debris dumpsters and material storage trailers will be placed on the property only with the prior authorization of the Association Manager.
7. Contractor must make arrangements in advance with the Association for the supply of electricity, gas, or water.
8. All contractor and subcontractor vehicles must be parked off-site or in reserved spaces specifically designated for contractors or guests, or as directed by the Association Manager. Contractors will not park in any space within the Park Plaza parking lot without express permission and direction from Management. **Under no circumstances will a contractor park in spaces designated as Resident Loading Zones, Fire Lanes, or Reserved Parking.** Residents will be held responsible for parking violations by their contractors.
9. Contractor agrees to remove all rubbish and debris daily and to leave the work site in a clean and safe condition at the end of each day. This includes vacuuming the hallway carpeting if there is any rubbish or debris there. Contractors also must leave the service elevator, service area, loading and parking areas clean and free of all debris. Contractor may not place debris in any Park Plaza bins or receptacles and must haul all construction waste and debris off-site daily.
10. Contractors and residents will not allow paint, solvents, or construction debris of any kind to be put down any drain or toilet. Hazardous materials and fluids must be disposed of properly and legally.
11. Contractors and residents must provide proper ventilation of units when painting or using any product which gives off fumes. Special effort must be made to minimize noxious fumes entering the hallways, common areas and surrounding units.
12. Contractors will be responsible for securing safety barricades if necessary and properly identifying areas of risk to members of the Association and residents affected by the Contractor's work.
13. Contractor agrees to notify the Association Manager immediately of any changes in schedule due to weather or unforeseen conditions.
14. Contractor agrees that his crew members will not smoke, consume alcohol, use illegal drugs, play loud music or use profanity while on Association property.
15. Contractor is responsible for informing all subcontractors of these Rules and Regulations and for insuring compliance.
16. Contractor will provide all equipment necessary to complete the Contractor's work.

17. Contractor agrees to notify the Association Manager at least forty-eight (48) hours in advance of any required shut-off of electricity, gas, water, or disconnection of any heating or cooling apparatus. Water shutoff for the entire building will require three day's notice. The 48-hour and 3-day notices must be counted on regular business days, not to include weekends or holidays. As an example, a 48-hour notice given on a Friday at 1:00 p.m. would allow a shut-off on the following Tuesday at 1:00 p.m., at the earliest. Only regular business days are counted. Management needs to give residents adequate notice of a disruption in their water or electric service. All water and electrical shut-offs should be scheduled for mornings, but may not be scheduled earlier than 10:00 a.m. This allows time for unexpected problems to be resolved before the maintenance staff leaves for the day. Water and electrical service is to be restored by 4:00 p.m. A fee for the labor required for a shut-off will be billed to the homeowner.
18. Contractor will notify the Association Manager immediately in the event of any accident, loss, or property damage.
19. Contractors who do not follow these guidelines may, at the discretion of the Association manager, be barred from doing work in the building.
20. Homeowner is responsible for making sure any required permits are obtained for all projects. Construction must meet all zoning, building codes, and City and County laws.
21. Weekend work must not generate loud noise such as replacing tile, cabinets, etc.

**Homeowners and residents performing their own remodeling work or acting as their own contractor must comply with all Contractor Rules and Regulations (with the exception of Item #11).**

Also see Committees: Architectural Review Committee

#### **COURTESY PATROL**

The Association provides courtesy patrol service 24 hours a day, 7 days a week. The Courtesy Patrol Officer is available to greet residents and guests, assist residents with copy and fax services and picking up packages in the Association Management office. They also patrol the building and grounds, monitor building operating systems and assist residents with emergency maintenance emergencies. In addition, they also assist emergency personnel such as police, fire and rescue in accessing the building and guiding them to residents in distress. Courtesy Patrol officers monitor the building and grounds and watch for unsafe conditions. Residents are asked not to monopolize these officers' time with extended conversations, etc., as they must attend to their assigned duties. 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.

Directory – See Resident Directory

CC&Rs – see Governing Documents

#### **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. The main entrance to the lobby off 14<sup>th</sup> Street may also be opened with the square Medeco key. The Medeco key is also used to open the wrought iron gates entering the pool and patio area. 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. 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. The following items are acceptable on the outside of the doors: large unit numbers on doors made of brass or similar material, wreaths appropriate to the season from Thanksgiving to New Year's, "Do Not Disturb" signs, signs or symbols required for religious observances, brass door knockers, signs required for medical purposes, such as "Oxygen in Use". Not allowable are: paper decorations on doors, i.e., paper turkey or Halloween decorations and decorations inside fireboxes. Doors from the hallway into residents' units must be kept closed at all times other than for entry and exit. It is recommended that residents keep their doors locked at all times.

### **DRAINS AND GARBAGE DISPOSALS**

Clogged drains are an ongoing problem in any high-rise building. Most of our back-ups can be attributed to three problems: garbage disposal debris and improper items and excessive amounts of hair going down drains and toilets. **Please follow these guidelines and do not put the following items down your sink drains or garbage disposals:**

- Grease, bones or fat of any kind
- Peelings, stems, skins, leaves of any kind
- Coffee grounds or egg shells
- Bread or tortillas
- 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.
- Don't overload the disposal. Feed items down a little at a time while running the water full force. (Yes, this wastes water, also).

If you have long hair, please make sure you have drain covers/strainers in place in your tub and shower to stop the hair from going down the drain. This applies to the kitchen sink, too, if that's where you wash your hair. Also, remember to use a strainer if you wash a pet in your bathtub, shower or sink. 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. Feminine hygiene products, disposable diapers, paper towels, etc., must never be flushed down a toilet.

**Although the main lines and drains are cleaned out on a regular schedule, residents' help is needed with these items to keep plumbing problems to a minimum. If a resident notices that a sink or tub is draining slowly, or if they hear unusual noises from the drain or see liquid, suds or debris coming up in the sink, they should report it immediately. Quick action can keep a simple incident from becoming a problem.**

Elections – See Association Governance

### **ELEVATORS**

**Food and beverages must be covered if carried onto elevators. Residents taking food to and from the grill and patio area must use the service elevator. Food and beverages may not be consumed on the elevators. The service elevator must, when available, 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.** Please return shopping carts to the service area on the first floor. 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. If the letters "IS" are displayed on the service elevator panel, it indicates that the elevator is reserved and is in "Independent Service" mode. This indicates that the elevator is being used by someone moving in or out, or by a contractor, etc. Residents should use one of the passenger elevators if the service elevator is reserved. Use of the passenger elevators for pets, shopping carts and small deliveries is only permitted if the services elevator is unavailable. Pets are to be taken in and out of the building on the service elevator. Pets are not allowed on the passenger elevators unless the service elevator is not available .

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.

Do not hold the elevator doors open for more than a few seconds. Serious injuries could result from trying to keep a door from closing. **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.**

Knowledge of emergency preparedness is essential. An emergency results from any situation that poses immediate and extreme danger to people, property or process. Most emergencies are sudden, severe and unexpected so it is extremely important to be prepared for a possible emergency. We must be prepared to cope with emergencies to help ensure safety and survival. 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	505-833-7300
Albuquerque Police Department	505-242-2677
Federal Bureau of Investigation	505-224-2000

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.**

How to evacuate:

1. **Rescue:** Rescue any person in immediate danger if it does not put you in imminent danger.
2. **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.

When reporting a fire or other emergency, speak slowly and clearly and give the following information:

Physical Location: 1331 Park Avenue SW.

Your Name, unit number and number of floor.

Location of the Problem.

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.

3. **Confine:** Keep fire doors closed and stairways and corridors clear. 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.
4. **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.

### **BUILDING FIRE SAFETY TIPS**

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. There are two sets of stairways located on the north and south ends of each floor and they should be used to get to the first floor.

**When the Fire Alarm Sounds, Get Out!**

**Take the stairs, NOT THE ELEVATOR.** Elevators are programmed to travel to the ground floor and stay there upon activation of the fire alarm system. Stairways are your emergency pathways to safety. They are designed to keep smoke, heat and flame out, and they have emergency lighting systems when building power is lost.

### **GET DOWN FOR LIFE**

Remember to always go down to exit. Fire ladders may not reach to upper floors or the roof of our high-rise building but deadly smoke, heat and flames do.

### **CLOSE DOORS**

This can help prevent the fire from spreading. Keep residences, storage spaces, corridors and other Common Areas clean. Fire hazards are magnified in a multi-story building. Make sure no materials are blocking sprinklers or smoke detectors, and be sure that flammable chemicals are stored correctly.

Ensure materials are at least 18 inches below sprinkler heads.

### **Know the Location of the Fire Extinguishers**

Fire extinguishers are 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 and are not endangering yourself in the process, 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 building provides for automatic emergency power during electrical outages with an emergency generator. The emergency power only supports building services, such as life safety equipment, 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. Power outages disrupt the conveniences of modern day living. Please be patient in case of a power loss. Park Plaza Management will work vigorously to restore power and full operations.

### **ESTATE SALES**

The following procedures apply when a unit owner/resident schedules an Estate or Personal Property Sale (defined below as "sales") within Park Plaza.

1. All "sales" must be scheduled with Management and take place Monday through Saturday between the hours of 9:00 a.m. and 5:00 p.m. The Management Agent shall have the authority to prohibit any "sales" that have not been properly scheduled and authorized.
2. In order to schedule a "sale", the Owner or Lessee must notify Management in writing of the desired date and time of the authorized "sale" at least 5 calendar days prior to the date requested for the "sale". In order to complete the "sale" request, the resident must provide her/his full name, address, home and work phone numbers, email address and name of company overseeing/organizing the "sale" if applicable.
3. The Owner of the Unit is responsible for any damage done to the common areas, including but not limited to hallways, elevators and carports.
4. All "sales" shall require the payment of a non-refundable fee. A minimum half-day fee of \$100 will be charged for "sales" lasting less than 4 hours. A fee of \$200 will be charged for "sales" of 4 to 8 hours in duration. This fee is to defray the Association's cost and is not refundable. Payment of the fee is the responsibility of the Homeowner. Included in this fee, the Owner/Lessee will be assigned a designated Park Plaza employee for the duration of the "sale". The Management designated Park Plaza employee will assist and guide guests to and from the Unit.
5. At no time during the "sale" shall the common areas be blocked in a manner to prohibit access by residents. Every effort should be made during the "sale" to reduce noise so that residents are not disturbed.
6. Within two days after a "sale" the Management designated representative will perform an inspection of the common elements to reveal any damage caused at the time of the "sale". The Owner who hosted the "sale" will be liable for all costs incurred by the Association in repairing any damage to the common elements or clean-up of said elements, including disposal of any trash that results from the "sale". If damage is found, the cost of repair will be assessed against the Owner of the unit. All fees collected under this Resolution shall be collectible in the same manner as any assessment.
7. The Unit Owner agrees to abide by the Estate Sales Procedures listed above and further agrees to accept total responsibility for the cost of any damage, repair, cleaning, losses or other liabilities that occur.

### **FITNESS CENTER**

The Fitness Center is just one of the many fine amenities available to residents of Park Plaza. Residents appreciate the convenience of being able to use the on-site equipment 24 hours each day. They also enjoy the time and money they save by not belonging to a health club.

*Hours of Operation:* The Fitness Center is available to residents 24 hours a day, seven days a week.

*Guests:* Only 2 guests per unit are allowed in the Fitness Center.

*Children:* 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.

*Dress Code:* Dress codes are at best a difficult thing to enforce as there are always gray areas as to what might be considered appropriate attire. The intent of the Association's dress code for the Fitness Center is to prohibit attire that might be deemed offensive to others or that might detract from the image the Association is striving to project with regard to this facility. **Proper attire should be worn at all times while using the facility.** Shirts must be worn at all times. Rubber-soled athletic footwear should be worn for protection. Residents are responsible for the appearance of their guests as well when they are using the facility.

*Facility Use:* The use of all equipment in the Fitness Center may be utilized by Park Plaza residents and their guests as defined above. 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.** Remember that courtesy pays when exercising. 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 the Fitness Center. Please use this towel to protect benches and seats. Remember to wipe the seats and surfaces of the machines before and after each use. 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.

Residents and guests are asked to clean up after themselves. **Do not leave dumbbells, mats, or other portable objects sitting in the middle of the floor. This is a trip hazard. It is not the job of the service staff to put the equipment away. Equipment and weights are not to be removed from the facility.**

**Only residents, homeowners, their guests and their trainers/therapists may use the Fitness Center. Domestic employees may not use the Fitness Center other than to assist their resident employer.**

**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 head-phones 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. No shouting is permitted.

### **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.

### **FOOD AND BEVERAGES**

Other than the Hospitality Room, Conference Room or lobby area, no food or beverages may be consumed in common areas within the building (Association and private meetings in the Board Room as well as staff members' personal work areas are excluded.) Non-alcoholic beverages in covered, unbreakable containers are allowed in the Fitness Center. Food and beverages must be covered while being carried into or out of Common Areas. Food and beverages may not be consumed while in the elevators. All beverages brought into the Fitness Center must be in covered, unbreakable containers. No glass is permitted.

Garbage – See REFUSE REMOVAL

Garbage Disposals – See DRAINS AND GARBAGE DISPOSALS

### **GATES**

#### **Automatic Vehicle Gates**

The community's automatic gates are for the security and privacy 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 gates are constructed of heavy steel and move automatically by use of electric motors. Do not stop or park your vehicle in such a manner that the gate can make contact with your vehicle. Do not touch gates or gate operators. Children and pets should never be allowed to play on or around gates or gate operators. Do not stand or hang on gates at any time.. 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 DO "TAILGATE" IN BEHIND 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. Residents should use the gates properly. Residents and their guests are responsible for any damage they may cause to the gates.

#### **Pedestrian Gates**

Pedestrian gates are located at the end of the sidewalks leading into the property at the north and south ends of the building and at the north and south entrances to the patio/pool area. These gates are locked and may be opened with the fob. Do not prop open the pedestrian gates. Make sure they close securely behind you. These gates are one element in keeping unattended children from entering the swimming pool area.

### **GENERATOR**

The Park Plaza building provides for automatic emergency power during electrical outages with an emergency generator. The emergency power only supports building services, such as life safety equipment, 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. Power outages disrupt many of the conveniences of modern day living; please be patient in case of

power loss. Park Plaza Management will work vigorously to restore power and full operation. The generator is run through a test cycle each Wednesday at 11 a.m. to ensure its readiness in case of an emergency.

GROCERY CARTS – See CARTS

**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 are liable for the actions and behavior of their guests. For their safety, Park Plaza asks that all children under the age of twelve (12) be accompanied or supervised by an adult when in the common areas. Any young guests who are visitors to the property must also be supervised. At all times, an adult must accompany children under the age of sixteen (16) when using the pool. Children under the age of sixteen (16) are not to utilize the equipment in the Fitness Center unless accompanied by a responsible adult familiar with the proper use of exercise equipment.

Residents may allow non-paying friends or relatives to stay in their unit during their absence. NO SHORT-TERM stays (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. Residents are liable for the behavior and actions of their guests. Overnight guests have full resident access to the common areas, including the Fitness Center, pool and patio area. It is the responsibility of residents to ensure that all guests are fully informed as to the rules and regulations pertaining to the building and all facilities. The owner will be held responsible for any violation of the rules committed by his or her guest.

**Guests at Park Plaza are bound by all Association rules concerning pets. (SEE PETS)**

**HALLWAYS AND STAIRWAYS**

**All hallways, stairways and doors into the stairways must be kept clear of any obstructions at all times. 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.**

**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. Separate switches at each unit regulate the fan speed and individual thermostats control the temperature. 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. During the transition period between seasons, there may be times after the heat is turned off when the overnight and early morning temperatures are cool, requiring an extra blanket on the bed and maybe wearing a sweater around the house. Likewise, before we switch to cooling, the afternoons may be a bit too warm. Opening the windows to circulate some fresh air or using an electric fan can remedy this. Also, some residents have installed awnings and/or window tinting which helps minimize the heat and keeps their units cooler. (See AWNINGS AND SHUTTERS)

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. Management monitors the temperature and weather forecasts daily during each transition period to determine the optimum date to make the switch. We also place the system in neutral at times when we are between seasons. This keeps the air temperature more comfortable and saves money as well. The heating season *generally* runs from sometime around the first of October to the first of May 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. However, it can occur anytime after a rain or when the humidity level is high. If this situation occurs, residents may place a small container or towel under the drip to catch the water. They may also report this to the Association Management office and request that Maintenance 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 non-standard equipment which was not original or provided by the Association will be the responsibility of the homeowner. Residents should consider the matter of condensation when placing furnishings and other items directly under the cooling units. Neither the Association nor Management is responsible for damage caused by condensation or other liquid dripping from the cooling units.

#### **HOMEOWNER REQUESTS For UNIT MAINTENANCE**

**RESIDENTS SHOULD COMPLETE A WORK ORDER REQUEST.** There is an hourly charge for labor and a charge for all materials and supplies used. Residents must complete a work order before any work can be scheduled (forms are available in the Association Management office). All requests for routine maintenance must go through the Management office. When work order forms are completed, they should be submitted to the Management office or deposited in the office mail slot when the office is closed. Repairs will be addressed in the order in which they were received. The Management office will bill the resident for the repair work. If the problem is beyond the ability of the staff, the resident will need to hire an outside contractor.

### **HOSPITALITY ROOM**

The Hospitality 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. For their safety, Park Plaza asks that all children under the age of twelve (12) be accompanied or supervised by an adult when in the Common Areas. All young guests who are visitors to the property at any time must be supervised. Adults are responsible for supervising the children under their care. 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. Children under the age of sixteen (16) using the pool must be accompanied by an adult at all times. 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. Litter boxes should be emptied regularly. When cooking, please use the vent fan over the stove to help keep the common areas free of food odors.

**Do not sweep or wash debris off the balcony. No one may allow anything whatsoever to fall from windows, doors or balconies of the building. Do not sweep debris from your condominium into the hallway. 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.**

Residents are asked to help keep the laundry rooms clean. The washers and dryers should be left clean after each load. Empty laundry product containers and lint should be put down the garbage chute. All items placed down the trash chute must be bagged.

Housekeeping personnel care for the common areas of Park Plaza.

### **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 if you so desire. 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, which has already been programmed into the system's memory, and your telephone will ring. The use of long distance numbers may incur an additional charge. The system keeps your telephone and unit number confidential. Neither your telephone number nor your unit number is displayed on the directory. The code numbers listed by the intercom do not correspond to your unit number. When you answer your telephone, you may conduct a normal conversation with the visitor. The entry system allows conversations for about one minute and will then automatically hang up. (Note: A short beep will be heard 10 seconds before it hangs up). Be sure to speak clearly and loudly enough so the visitor can hear you.

If you wish to admit a guest, pressing the number "9" on the telephone will open the door. On some cell phones, you must press the number "9" twice. If a guest is not to be admitted, hanging up the phone will disconnect the person from the caller from the entry system. Visitors may hear a busy signal if a resident is on the phone. This problem can be eliminated by ordering "Call Waiting" from the local telephone company.

### **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, for any reason. The key log must be filled out completely in each instance. 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. 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 Management office if locks are changed.

### **LATE FEES –See Collection Policy**

### **LANDSCAPE**

The landscaped areas of the community are maintained by Park Plaza staff. Reports of excessive water drainage, ponding or malfunctioning irrigation valves should be directed to the staff at once..

## **LAUNDRY**

The laundry room facilities and trash chutes are to be used between the hours of 7:00 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. Please assist the staff in keeping the laundry facility tidy by disposing of lint and other debris in the trash chute. **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 the flooring or any common area element will be responsible for the cost of repair. Residents are asked to promptly remove their laundry from the machines so that others may use them.** 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.**

Owners and residents are allowed to install washing machines and dryers in their units. The work must be done by a licensed plumber/electrician. An ARC 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. Residents are asked to be considerate of their neighbors and return items that have been borrowed, within a reasonable time frame. 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. **See also CONFERENCE, COMPUTER, BOARD ROOM which share the room with the Library.**

## **LOADING ZONE – See PARKING**

## **MAIL SERVICE**

Mail is delivered to residents' mailboxes located near the main entrance. There is an outgoing mail slot in the lobby, on the wall next to the mailboxes. The Postal Service will not deliver mail that does not have a complete return address.

Your address should read:

(YOUR NAME)

1331 Park Avenue SW

Unit#

Albuquerque NM 87102

Questions regarding mail delivery can be addressed at the Main Post Office located at 1135 Broadway NE (at Mountain Road). Hours are M-F 8 a.m. to 5:30 p.m. and Saturdays 9 a.m. to 12



p.m. and the Phone Number is 800-275-8777. If you will be out of town for an extended period of time, please pick up Form 8076 at the front desk or online, complete it and leave it at the front desk for our mail carrier. Be sure to show your return date, and whether you want your mail held for your pick-up or if you want our carrier to deliver it when you return. If you opt to pick it up, it will be at the Main Post Office.

If you receive a package that will not fit in your mailbox, a staff member may sign for it and place it on the package shelves in the Association Management office. You will receive an email or text message from the Management Office, informing you of a delivery. You may then pick up your package at the front desk after signing for it. After business hours, the Courtesy Patrol officer may assist residents in picking up their packages. Residents must sign a form giving staff your permission to sign for all deliveries, including packages, registered or certified mail, or internal correspondence left by residents with the Courtesy Patrol officer. 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. This would be items such as large parcels that do not fit in the parcel area of the Association Management office.

#### **MAINTENANCE AND REPAIRS**

The Association staff will provide some courtesy services during regular business hours to residents who are unable to perform light maintenance functions themselves. These services include replacement of light bulbs, help putting screens back on windows and 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 and supplies used. Residents must complete a work order request before any work can be scheduled (forms are available in the Association Management office). **All requests for routine maintenance must go through the Management office.** When work order forms are completed, they should be handed in to the Management office or deposited in the office mail slot next to the Manager's office door when the office is closed. Repairs will be addressed in the order in which they are received. The Management office will bill the resident for the repair work. If the problem is beyond the ability of the staff, the resident will be informed to hire an outside contractor. **If you hire an outside contractor, electrician or other maintenance person, he or she must be licensed. Tools and equipment belonging to the Association may not be loaned to anyone.**

**Under no circumstances should a resident pay the maintenance staff person directly or with cash for work done with a work order on Association time.** Staff members are not available to assist residents with major repairs, renovations or construction during their duty hours. Requests for emergency repairs (such as a major leak) should be made directly to the Association Management office. If the emergency occurs when the Management office is closed, the Courtesy Patrol staff will assist the resident in obtaining the help needed either by contacting a Park Plaza service employee or directing the resident to outside assistance. Individual homeowners are responsible for cleaning out drains throughout a unit. Park Plaza will provide scheduled maintenance of the main drains on a regularly scheduled basis. Residents also have the option of contracting with their own plumber, electrician, etc., for work within their unit. Maintenance, housekeeping, and other staff members may be hired to perform jobs for residents during their off hours. Residents are urged to only hire staff to work for them during off hours so as not to put the employee's job at risk.

Certain types of maintenance within each unit have a direct impact on the community. This involves things such as the plumbing and electrical systems which are connected throughout the building.



Therefore the maintenance staff will need to enter your unit on a periodic basis to inspect and repair certain equipment. **You are required to allow access to your unit for necessary inspection and maintenance of community and equipment.** 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 as a result of some type of intrusion from a neighbor's unit, you should immediately inform the Association Management office. If the situation is an emergency, such as a serious leak, and it is not during office hours, immediately notify 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.

#### **MOVING FEES AND PROCEDURES**

The following procedures apply when a unit owner/resident moves into or out of a unit in Park Plaza:

- 1. Move-in or move-out is defined as the initial move into a unit to establish occupancy or the move out to end occupancy by an owner or lessee.
- 2. All move-ins and move-outs must be scheduled with Management and take place Monday through Saturday between the hours of 9:00 a.m. and 5:00 p.m., and no moving company trucks will be allowed to enter the gated parking lot after 3:00 p.m. The Association manager shall have the authority to prohibit any moves that have not been properly scheduled and authorized.
- 3. In order to schedule a move, the Owner or Lessee must notify Management in writing of the desired date and time of the authorized move at least 5 calendar days prior to the date requested for the move. In order to complete the move-in/out request, the resident must provide his/her full name, address, home and work phone numbers, email address, name of the moving company along with required proof of insurance, and contact information for the moving company representative.
- 4. The Owner of the Unit is responsible for any damage done to the common areas, including but not limited to hallways, elevators, carpets. The moving company must supply the Association with a current certificate of liability insurance for a minimum of \$1,000,000, at least 48 hours before the move may take place.
- 5. All move-in/move-outs require the payment of a non-refundable fee. A minimum half-day fee of \$100 will be charged for moves lasting less than 4 hours. A fee of \$200 will be charged for moves 4 to 8 hours in duration. This fee is to defray the Association's cost and is not refundable. Payment of the Fee is the responsibility of the homeowner. Included in this fee, the Owner/Lessee will be assigned a designated Park Plaza employee for the duration of the move. The designated Park Plaza employee will guide the moving truck onto the property and ensure a designated/reserved parking space, secure and retain the Freight

elevator during loading and unloading of personal belongings and escort the moving truck off the property at the completion of the move.

- 6. At no time during the move shall the common areas be blocked in a manner to prohibit access by residents. All trash including corrugated boxes shall be removed from the common areas and disposed of in the trash enclosures. Corrugated boxes should be flattened and/or removed from the premises. Every effort should be made during the move to reduce noise so that residents are not disturbed.
- 7. Within two days after a move-in or move-out, the Management designated representative will perform an inspection of the common elements to reveal any damage caused at the time of the move. The Owner who is moving in or moving out is liable for all costs incurred by the Association to repair any damage or perform any clean-up of the common elements, including disposal of any trash that results from the move. If damage is found, the cost of the repair will be assessed against the Owner of the unit. Such damages may include, but are not limited to, the cost to repair nicks, gouges, marks to the walls, damage to light fixtures, or carpeting stains. Amounts collected pursuant to this Resolution will be used to provide funds for expenses incurred by the Association as a result of such moves. All fees collected under this Resolution shall be collectible in the same manner as any assessment.
- 8. A move-in permit will not be issued to prospective tenants, lessees or occupants until the Association manager has received a copy of the executed Lease Agreement that contains a term of not less than six (6) months.
- 9. **Note: the freight elevator door measurements are approximately 42" x 84". The elevator cab measures approximately 60" x 68" x 98". The weight capacity of the elevator is 2,500 pounds.**
- 10. **Owner is required to sign the following agreement: I have read and agree to abide by the Move-In/Move-Out Procedures listed above. I understand and agree that if damage is incurred as a result of my move (or the move of any resident into my unit (i.e., tenant), I will accept total responsibility for the cost of any damage, repair, cleaning, losses or other liabilities that occur.**

#### **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. Any issues regarding Park Plaza staff members should be referred to the Association Manager. THE ASSOCIATION MANAGER WILL HANDLE ALL MATTERS REGARDING THE EMPLOYEES.

#### **NEWSPAPERS**

Residents should contact newspapers directly regarding subscription and delivery issues.

Albuquerque Journal (morning paper)	505-823-4400 (Circulation Dept.)
New York Times	800-698-4637
Wall Street Journal	800-568-7625

#### **NOISE**

Residents living in a multi-family building such as Park Plaza should expect to tolerate some level of noise from neighbors. Although everyone tries to keep it to a minimum, some noise is normal for this type of housing environment. The everyday sounds of living are often shared in a

configuration such as this. Residents can expect to hear TV, stereo and radio, as well as doors closing, heavy walking and other normal sounds from surrounding units. Individuals who are sensitive to noise should not live in such close proximity to neighbors. 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, as much as possible. **The hours of 11:00 p.m. to 6:00 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. Subwoofers, loud bass, boom boxes and percussion instruments (excluding pianos) are prohibited in Park Plaza units. Speakers should be placed on a sheet of Styrofoam or on folded towels. Please do not place speakers or televisions on the wall adjoining a neighbor's home or on an uncarpeted floor. The Association requests that TVs, radios, stereos, conversations and animal noise be kept at levels that will not disturb neighbors. **Wind chimes on balconies are not allowed due to noise. The laundry room facilities and trash chutes may be used only between the hours of 7:00 a.m. and 10:00 p.m. so as not to disturb residents living near the laundry rooms.**

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.

#### NOTICES/POSTINGS – See BULLETIN BOARDS and SOLICITING

#### 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 505-242-2596. Residents may pick up faxes in the Management office at their convenience. Notary service is available from the Association Manager free-of-charge to Park Plaza residents. During regular office hours, a staff person may be available to assist you. If you wish the staff to do the work for you, such as make copies or send a fax, you may ask, but if the staff person is busy, you may be asked to return later or leave the item so it can be copied or faxed later.

#### PACKAGE DELIVERY

We accept delivery of packages and other items 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 the "packaging delivery confirmation" form to verify that they are taking possession of the package. Notifications of packages are left in the individual's mailbox or sent by email or text to the resident. Packages are left in the Management office and may be claimed at any time. If the Management office is closed, please ask a Courtesy Patrol officer to retrieve your package. Packages should be claimed and removed from the office within three business days. Unclaimed packages will be returned to Sender. Residents must sign a form giving permission to staff members to sign for all deliveries. This authorization is contained on the "Resident Data Sheet".

#### PARKING

##### **Resident Parking**

Residents of Park Plaza are assigned parking spaces by the Association. **Only one (1) vehicle is allowed per assigned parking space. All vehicles must be parked within the lines of the designated space.** Every effort should be made to keep a reasonable distance between parked

vehicles. For maximum safety and to minimize inconvenience to your neighbors, please park in the designated parking space assigned to your unit. Parking spaces that are assigned to the unit are considered common area, 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. Leasing to non-residents is not allowed.** Should a resident desire to trade spaces with another resident, he or she must coordinate such a trade with the Association office. The Association requires unit owners to keep their spaces free of debris and unsightly stains such as those caused by automobile fluids. Repairs for asphalt damage in parking spaces caused by automobile fluids will be assessed to the unit owner to whom the space is assigned. Gate operators may be purchased in the Association office.

**Trailers, campers, recreational vehicles and boats may not be parked on the Park Plaza premises. Recreational vehicles, campers, boats and/or trailers are ONLY allowed in the parking area for the purpose of loading and unloading. Additionally, no inoperable vehicle may be kept on the premises. Operable vehicles are defined as vehicles displaying license plates with current registration tags, with windows and windshields intact, inflated tires, headlights in working order, and capable of being driven on City streets. No dismantled, inoperable or wrecked vehicles will be parked, stored or deposited on Association property. All vehicles in Park Plaza parking lot must have license plates with current registration.**

**Residents entering the parking lot should watch for cars or individuals on foot who might try to follow them into the lot. Notify the Association office or Courtesy Patrol if anyone you don't know follows you. To reduce the risk of auto theft from the parking lot, residents are asked not to leave their gate openers in their vehicles.**

**All vehicles traveling through the Park Plaza property should not exceed five miles per hour. Drivers must take special care to watch for pedestrians. No motorized vehicles of any kind may be operated in any manner which is dangerous, noisy, or creates a nuisance.**

**Residents should not allow their vehicle alarms to be an ongoing annoyance or nuisance to other residents. Residents should take action to silence their vehicle alarm as soon as possible when it sounds. 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. Towing will be at the vehicle owner's expense.

Homeowners are responsible for any damage to Association property caused by their vehicles, the vehicles of their guests or renters, or any vehicle they allow to be parked in the space assigned to their unit.

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. Park Plaza Association, Inc., assumes no responsibility for any such damage.

#### **Loading Zones**

For safety reasons, parking is not allowed along the curbing throughout Park Plaza. The east side of 14<sup>th</sup> Street from Park Avenue to Central is designated "No Parking" with the exception of the loading zone in front of Park Plaza. This 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.

#### **Staff/Employee Parking**

Staff members will park in spaces reserved for their use. **Homeowners, residents, guests, vendors, etc., are not to park in spaces reserved for staff. Staff parking spaces are not to be used by residents at any time.** Vehicles parked in reserved spaces may be towed at the owner's expense.

#### **Thirty (30) minute Loading & Unloading, Contractor and Vendor Parking**

Your guests should never park in your neighbor's parking space. Along with contractors, they 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. Please note the carport clearance restrictions. 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.

#### **Accommodations for Residents Needing Handicapped Parking**

It is the policy of Park Plaza Association, Inc., to make short or long term accommodations for residents needing handicapped parking.

**Purpose:** To provide acceptable parking accommodations for residents who have a parking space that makes it difficult for them to access the building.

**Procedure:** Notify the Association Manager of your need for handicapped parking. The Association Manager will evaluate your request. A parking space that is best suited for your condition may be assigned to you. Requests will be reviewed on a case-by-case basis. In the event that your needs are short-term, you may have to return to your previously assigned parking space when you are again able.

All parking spaces are common areas as specified in the CC&Rs and are not deeded to the unit owners. The Association Manager will take into consideration the exchange of parking spaces that do not restrict other unit owners' ability to utilize the parking area. When a unit is sold, the parking space will be evaluated for current special 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.

#### **PATIO AREA**

The patio area is available for use by Park Plaza residents and their guests during the hours of 8:00 a.m. to 10 p.m. Smoking is not allowed any place in Park Plaza. 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 or supervised by an adult.

See Also Barbeque Grill



### **PEST CONTROL**

Pest control service is provided to Park Plaza residents by the Association. The cost of this service is included in the monthly assessment fee. 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 per unit. A common household pet is defined as a dog, cat, bird or fish. Each pet may not weigh over 20 pounds. The number, type and weight limit applies to all animals brought onto Park Plaza property, whether owned by a resident or homeowner, being kept by a resident or homeowner or belonging to a guest. Any pets other than those expressly permitted are prohibited. 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. Pets are not allowed on the passenger elevators unless the service elevator is unavailable. Owners are encouraged to carry their dogs in passenger elevators.

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 be bagged and disposed of in outdoor trash containers. Pet waste must never be brought into the building. Pet odors must not be obvious in common areas or adjoining units. Litter boxes should be emptied regularly. 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 with the Association through the Association Management office, and every pet 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.

Pets are not allowed in the common areas of the Park Plaza community except as they are being taken to and from units, or in and out of the building. When passing through common areas, pets must be accompanied by an adult capable of controlling the animal and the animal must be restrained on a leash or contained in a pet carrier. Residents must maintain total control over their pets while they are passing through common areas. Dogs must not, under any circumstances, be permitted to jump on other residents. Animals are to be kept off all common area furniture. Pets are not permitted in the lobby for extended periods. 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. No pets or animals are permitted in the enclosed pool.

**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.

Residents are responsible and liable for any personal injury or property damages caused by their pets. 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. This includes, but is not limited to, cleaning up any accidents their pets have in the hallways, elevators, lobby or other common areas. 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.

**All of these pet rules apply to all pets in the building, whether owned by a resident or belonging to a guest.**

**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.**

#### **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

#### **RECORDS AND INFORMATION**

Homeowners may review financial records of the Association and minutes from Board of Directors' meetings. Management or the Board of Directors have the right to determine if any request is excessive either because of the burden it places on employees' time or other costs. Minutes of board meetings will be emailed to owners promptly after Board meetings. 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 official documents. No records containing information about individual owners, tenants, or employees will be made 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.

#### **RECREATIONAL EQUIPMENT**

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 in owner units (accessed only by the service elevator). All bicycles kept in the provided rack should be registered with the Association office. 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 that is bagged and placed down the chute may not be transported on the passenger elevators. Boxes and other 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. Please do not force trash down the chutes as items may jam and block the chute. **GLASS ITEMS ARE NOT TO BE THROWN DOWN THE TRASH CHUTES UNDER ANY CIRCUMSTANCES.** Glass items are to be taken to the service area on the first floor and placed in one of the smaller bins next to the vending machine, designated for glass. **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. 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.**

The laundry room facilities and trash chutes are to be used between the hours of 7:00 a.m. and 10:00 p.m. **ONLY** so as not to disturb residents living in units near the laundry room.

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

**RENTALS – See UNIT SALES AND LEASES**

**REPAIRS – See MAINTENANCE AND REPAIRS**

#### **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.

### **RETURNED CHECKS**

A service charge (at the current rate) will be applied to accounts after the return of a check for non-sufficient funds, plus late charges where applicable. If two (2) NSF checks are received, checks will no longer be an acceptable form of payment for that account. Should this occur, the resident will have to make all future payments by a money order or cashier's check.

### **SAFETY – See SECURITY AND PERSONAL SAFETY**

### **SATELLITE TV**

Satellite "dish" antennas may be installed on unit balconies. The size of the dish may not exceed 40" 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 may not extend out past the edge of the balcony railing. 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.

### **SECURITY AND PERSONAL SAFETY**

Park Plaza has a controlled access entry system to the grounds and building. All outside doors and gates to the building are secured and require electronic openers to enter. When residents are contacted through the intercom system, the identity of persons requesting admittance should be known before allowing entrance for any individual. Workers, repair people, movers and others who require entrance through the service area are to be admitted only by Association staff or a resident of Park Plaza. Residents are asked to notify the Association Management office in advance when workers or movers will be present so that proper parking directions can be given to the workers.

Residents entering the parking lot should watch for vehicles or individuals on foot who might try to follow them into the lot. Notify the Association Management office or Courtesy Patrol if anyone you don't know follows you in. Nonresidents and guests should be directed to the intercom in the outer lobby at the front entrance. Doors and gates must not be propped open or left unattended. To reduce the risk of auto theft from the parking lot, residents are asked not to leave their gate openers in their vehicles or their vehicles unlocked.

Residents arriving late at night or leaving before dawn are encouraged to notify Courtesy Patrol so they may be escorted to and from their vehicles. Residents should call 681-5657 to arrange for an escort. A Courtesy Patrol officer will be happy to escort you in the parking lot at any time.

Illegal or illicit activity will not be tolerated at Park Plaza. This includes the use of illegal drugs and controlled substances. All illegal activity will be immediately reported to the Albuquerque Police Department. Park Plaza homeowners, residents and guests should be aware that security cameras and/or recording devices may be in use in the common areas.

### **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 is prohibited on the entire premises of Park Plaza, except as stated herein. This prohibition applies to the common areas and the individual units, including those units rented to tenants of members. The common area includes the lobby, elevators, hallways, laundry rooms, stairwells, pool and patio areas and parking lot. 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.

### SOLICITING

All types of soliciting by those outside the building are forbidden at Park Plaza. This applies to all outside businesses and individuals. 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.

### SPECIAL ASSESSMENTS

In addition to the monthly assessments, the Board of Directors may levy special assessments for items such as unexpected repairs, construction or reconstruction and capital improvements.

ALSO SEE CC&Rs

### SPEED LIMIT

All vehicles traveling through the Park Plaza property should not exceed five (5) miles per hour. Drivers must take special care to watch for pedestrians.

### 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 STAFF 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. STAFF MEMBERS CANNOT TAKE ORDERS DIRECTLY FROM THE 170 OR SO INDIVIDUAL RESIDENTS AT PARK PLAZA. 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. Residents are urged to only hire staff to work for them during off hours so as not to put the employee's job at risk.

STAIRWAYS – see HALLWAYS and STAIRWAYS



### **STORAGE BINS**

Storage bins are common areas that are assigned to each unit by the Association. Residents may use these bins to store their 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 1<sup>st</sup> to October 1<sup>st</sup> with a two-week leeway at the Association discretion, based on temperature and weather. **NO LIFEGUARD IS ON DUTY.** Our pool is a "Quiet Pool". No loud screaming or yelling is permitted. No loud noises of any kind. **Pool hours are 8:00 a.m. to 10:00 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 sixteen (16) 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. No nudity or semi-nudity are permitted . Men must wear trunks or shorts; women must wear both an upper and lower garment. 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. Swimmers with long hair are encouraged to wear a bathing cap.**
- 7. Boisterous or rough play (including running, horseplay, or using foul language) will not be permitted in or around the swimming pool.**
- 8. Water aerobic exercise classes will be announced seasonally.**
- 9. Radios and all types of audio emitting equipment will be permitted in the pool area only if headphones are used. No portable stereos will be permitted without the use of headphones.**
- 10. Wet bathing suits are not allowed in the lobby or elevators. When in an elevator, 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.**
- 11. 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

Sales and leasing arrangements are not handled through the Park Plaza Association Management office. Prospective buyers or renters should contact the owners/agents directly. **Prospective buyers and renters of units are to be met in the lobby and escorted by the real estate salesperson or unit owner while in the building.** PARK PLAZA STAFF MEMBERS WILL NOT SHOW UNITS. Sales/rental signs are not allowed at Park Plaza. Notices for unit sale/lease may be placed with the Association Management office. Information on units for sale or lease is published on a master listing that is up-dated regularly and posted on the Park Plaza bulletin boards located in the west entrance vestibule and outside the Management office.

#### Sales

Park Plaza Association requires any title company closing a conveyance of a building unit or recording the re-financing of a building unit within Park Plaza Condominiums to act as follows:

- 1. Notify the Association of the pendency of the closing or re-financing and obtain from the Association a current homeowner statement showing the amount of any unpaid assessments and any transfer or re-financing fees required to be paid in connection with the closing or re-financing fees.
- 2. Collect at closing or re-financing the amount of any assessments which are due and unpaid at that time, along with any such re-financing fees, in order to enable the collection by the Association of such items.
- 3. **Notify Park Plaza Association, Inc., in writing, in care of the Management Company, with the Building Unit Number and the name and address of the purchaser of the unit, plus a copy of the signed deed.**
- 4. If the assessments are not totally paid through the closing of the sale or re-financing of a unit within Park Plaza, the purchaser's building unit remains responsible for payment of the assessments and the associated lien is subject to foreclosure to collect the assessments.
- 5. The Association advises purchasers not to close on the purchase of a unit within Park Plaza without assurance from the title company that assessments have been paid and are current through the closing date.

**The Association charges a processing fee of \$50 on all unit sales, re-finances and transfers.** This fee covers CC&Rs, By-Laws and Resident Handbook documents, as well as paper work completed by the Association for mortgage, title, and new resident information purposes.

#### Leases

**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. All windows and doors should be securely closed and locked. 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 \$500.00 WILL BE APPLIED TO THE ACCOUNT OF ANY HOMEOWNER OR RESIDENT FOUND VANDALIZING A COMMON AREA, ASSOCIATION PROPERTY OR THE PROPERTY OF ANOTHER RESIDENT.**

### **VENDING MACHINES**

For the convenience of residents and guests, a vending machine dispensing soft drinks, juice and bottled water is located in the service area on the ground floor.

### **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. Some residents may feel the house rules are just "on paper" and are not actually going to be enforced. Others may not see the necessity for any rules and will choose to ignore them. Many who have not been involved in the drafting of the house rules will probably not even read them and will thus be unaware of their provisions.

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, which is usually defined in law as "due process", a term usually applied to government and which protects certain legal rights owed to a person in a legal proceeding. However, because Park Plaza proceedings are not legal proceedings in a strict sense, the formal rules of evidence do not apply. Hearings will be somewhat informal but conducted in a manner that assures fairness and the right to a fair hearing on the part of anyone who is the subject in a complaint. 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 is determined 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 (10) 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 \$ 50.00 to \$500.00, 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 declines 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 justifies, 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.

#### **WINDOWS/DOORS (Individual Units)**

During high windstorms, residents are reminded to lock glass doors and windows. Doors and windows should also be closed and locked if the resident is to be away from the unit for any length of time.



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

The rules and regulations contained in this Handbook were adopted by the Board of Directors of Park Plaza Association, Inc., on February 9, 2019, 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.