

VALLEY CREST HOMEOWNERS ASSOCIATION
BOARD OF DIRECTORS RESOLUTION
RE: TOWING POLICY AND PROCEDURE

WHEREAS, Valley Crest Homeowners Association (the "Association") is a Nevada non-profit corporation, governed by the laws of the State of Nevada, including Nevada Revised Statutes ("NRS"), Chapter 116 which governs common-interest communities in Nevada; and

WHEREAS, NRS 116.3102(1) (a) provides that "subject to the provisions of the declaration, the association, may . . . [a]dopt and amend bylaws, rules and regulations"; and

WHEREAS, NRS 116.3102(1)(s) provides that "subject to the provisions of the declaration, the association may . . . [d]irect the removal of vehicles improperly parked on property owned or leased by the association, as authorized pursuant to NRS 487.038 . . . in violation of the governing documents"; and

WHEREAS, Article 8, Section 8.1 of the Bylaws of Valley Crest Homeowners Association (the "Bylaws") reads, in pertinent part, as follows:

The Association shall all of the powers given to such a corporation by law, subject only to such limitations upon the exercise of such powers as are expressly set forth in the Declaration.

WHEREAS, Article 2, Section 2.1(b) of the Declaration of Covenants, Conditions and Restrictions and Reservation of Easements of Valley Crest (the "Declaration") reads, as follows:

Each Owner shall have a non-exclusive right and easement of ingress and egress and of use and enjoyment in, to and over the Common Elements, which easement shall be appurtenant to and shall pass with title to the Owner's Unit, subject to the following:

. . . .

(b) the right of the Association to establish uniform Rules and Regulations regarding use, maintenance and/or upkeep of the Common Elements and to amend same from time to time

WHEREAS, Article 2, Section 2.2 of the Declaration reads, in pertinent part, as follows:

Subject to the parking and vehicular restrictions set forth in Section 10.19 below, the Association, through the Board, is hereby empowered to establish "parking" and/or "no parking" areas within the Common Elements, and to establish Rules and Regulations governing such matters, as well as to reasonably enforce such parking rules and limitations by all means which would be lawful for such enforcement on public streets, including the removal of any violating vehicle, by those so empowered, at the expense of the Owner of the violating vehicle.

WHEREAS, Article 1, Section 1.19 of the Declaration defines Common Elements to include the Private Streets; and

WHEREAS, Article 1, Section 1.50 of the Declaration defines Private Streets as streets identified as such on the Plat; and

WHEREAS, Article 10, Section 10.19 of the Declaration reads, in pertinent part, as follows:

No parking of any vehicle shall be permitted along any curb or otherwise on any street within the Properties, except only for ordinary and reasonable guest parking, subject to parking regulations established by the Board.

WHEREAS, the Board of Directors has recently determined that Owners are regularly improperly parking on the Private Streets after midnight, in areas designated as fire lanes, and in front of fire hydrants and driveways; and

WHEREAS, the Board of Directors believes that it is in the best interest of the Association to adopt a rule pursuant to which the Association may immediately tow cars parked in fire lanes or in front of fire hydrants, to protect the residents and the ability of the emergency vehicles to access units and fire hydrants; and

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Board of Directors of the Association adopts the following rules with respect to enforcement of improperly parked vehicles within the Association.

1. Subject to the Association's duty to comply with NRS 487, or any successor statute, by posting the appropriate signs, the Association, without notice to the Owners, may immediately tow any vehicle which is parked:

- (a) in such a manner as to block a fire hydrant, fire land or parking space designated for the handicapped; or
- (b) in such a manner as to pose an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the Owners or residents of the Association.

See NRS 116.3102 (1) (s).

2. Subject to the Association's duty to comply with NRS 487, or any successor statute, by posting the appropriate signs, the Association may tow any improperly parked vehicle, not covered by Paragraph 1 above, by giving notice to the owner or operator of the vehicle at least forty-eight (48) hours before the Association tows the vehicle. For the purposes of this Resolution, the term "improperly parked vehicle" shall mean: (a) any vehicle blocking all or any portion of a driveway; (b) any vehicle parked on any portion of the sidewalks on the Private Streets within the Association; (c) any vehicle parked on any Private Street after midnight; and (d) any other vehicle parked within the Association in violation of Article 10, Section 10.19 of the Declaration or any provision of the governing documents.

3. For the purpose of this Resolution, the requisite forty-eight (48) hour notice may be given at any time prior to the actual towing in connection with any unauthorized parking, blocking driveways or improper parking on any private road, street, alley or other thoroughfare within the community in violation of the governing documents, and need not be given in connection with the particular parking violation for which the vehicle is ultimately towed.

4. The officers of the Association may take any steps reasonably necessary to effectuate the foregoing resolution.

5. Any fees and expenses associated with the removal of a violating vehicle from the community shall be at the sole cost and expense of the owner of the violating vehicle.

6. The Owner of a Unit is responsible for providing notice of this Resolution, as well as any other provisions of the Association's governing documents, to the Owner's, tenants, guests, invitees and contractors, and, for purposes of this Resolution, notice to an Owner shall be deemed to be notice to that owner's tenants, guests or contractors.

7. The Owner of a Unit is responsible for the actions and conduct of any occupant, tenant, guest, invitee or family member of the foregoing. See Declaration, Article 17, Section 17.1(d).

8. This Resolution will go into effect 30 days from the date of mailing of this Resolution to the Owners within the community.

9. The sanctions and penalties set forth herein are cumulative in nature and do not prevent the Association from taking all necessary legal action to enforce any violation of the Association's governing documents by injunctive relief.

DATED this 28 day of February, 2007. VALLEY CREST HOMEOWNERS ASSOCIATION

By: James C. Munn

Its: Director

By: Judith D. Greenwood

Its: Director

By: Elaine Evans-Hampton

Its: Director

By: David E. Koppe

Its: Director

By: _____

Its: Director