



Anthem Country Club Community Association
Desert Area Policy
Adopted October 18, 2012

It is the policy of the Anthem Country Club Community Association, Inc. (ACCCA) that all desert area land owned by the Association is to be managed and maintained pursuant to the Section 404 Clean Water Act Permit under the rules and regulations of the United States Army Operator of Engineers and set forth in the Declaration of Restrictive Covenants; the Declaration of Covenants and Easements for Anthem; the Declaration of Covenants, Conditions and Restrictions For Anthem Country Club; and the policies established by the ACCCA.

Homeowners own the land within their property lines, which end at the view fences and/or walls that border their property. Homeowners do not own the land or have any rights to the land beyond their fence or walls. Homeowners or their agents are not permitted to perform any maintenance or other activity in the Washes/Natural Area Open Space (NAOS) or any other area not within their home property lines.

Background:

The Clean Water Act, Section 404, and Natural Area Open Spaces. The Federal Water Pollution Control Act (known as the Clean Water Act or CWA) is the primary federal law that protects our nation's waters, including lakes, rivers, desert washes and coastal areas. Provisions that relate to Anthem are contained in Section 404 of the act. Those provisions, and later enacted rules and regulations to implement Section 404, control all of the designated 404 Washes and NAOS in Anthem. The 404 permits prohibit any disturbance of the soil or anything that interrupts the natural flow of water before obtaining a permit. The NAOS is land not in the 404 Washes but natural desert land adjacent to them. These areas are not to be managed to achieve a specific appearance or set standard. They should be allowed to develop according to how the ecosystem is driven by the natural processes that are present. These lands are required to be preserved in perpetuity in their natural desert state.

When Del Webb/Pulte first proposed the development to be called Anthem, they were required to obtain a Section 404 permit from the Army Operator of Engineers (ACOE), the agency authorized to administer the 404 permit process, before disturbing any land. The ACOE reviewed Del Webb/Pulte's site plan and determined that the Washes fell within the ACOE

jurisdiction, and except for the 404 Washes permitted to be disturbed, all 404 Washes must be preserved in their natural state. These lands are now commonly referred to as the 404 Washes and NAOS. The ACOE and Del Webb/Pulte entered into recorded agreements, called Declaration of Restrictive Covenants (DORC), setting forth the rules and regulations covering the land that is the 404 Washes and NAOS.

All the lands subject to the DORC rules and regulations are now owned by either the Anthem Country Club Community Association, Inc (ACCCA), Anthem Golf and Country Club (Club Operator), or the Anthem Community Council (ACC). No individual homeowner's land is subject to the CWA rules and regulations.

The ACCCA's CC&Rs There is another document called Declarations of Covenants, Conditions and Restrictions (CC&R) for Anthem Country Club dated January 15, 1999. This document was created by Del E. Webb/Pulte to provide a general framework for the development, administration, maintenance and preservation of the Anthem Country Club Community Association, commonly called the ACCCA.

Following is a list of the CC&Rs most relevant provisions which cover the 404 Washes and the NAOS:

Purpose:

"The purpose of this Restrictive Covenant is to ensure the Restricted Property will be retained in perpetuity in a Natural Condition as defined below."

"The term 'Natural Condition' . . .shall mean the condition of the Restricted Property as it exists at the time this Restrictive Covenant is executed, .. ."

"The Restricted Property is and will remain in a natural condition as defined herein and is intended to be preserved in its natural, scenic, open condition to maintain its ecological, historical, visual and educational values (collectively, 'Conservation Values')."

What the ACCCA and Club Operator must do on the restricted property:

(a) "Undertake all reasonable actions to prevent the unlawful entry and trespass by persons whose activities would be inconsistent with the Conservation Values and would violate the permitted uses of the Restricted Property set forth in this Restrictive Covenant".

(c) "Repair and restore damage to the Restricted Property directly caused by Declarant (ACCCA and Club Operator), Declarant's guests, representatives or agents and third parties; provided, however, Declarant, its successor or assigns shall not engage in any repair or restoration work in the Restricted Property without first consulting with the ACOE".

What Uses or activities are not permitted on the restricted property:

(d) "Use of off-road vehicles and use of any other motorized vehicles except as necessary to restore native plant communities . . .;"

(j)"Dumping of soil, trash, ashes, refuse, waste, bio-solids or any other material;"

(k) "Planting, introduction or dispersal of non-native or exotic plant or animal species;"

(n) "Removing, destroying, or cutting of trees, shrubs or other vegetation, except for (1) firebreaks as required by fire safety officials. . . (2) maintenance of existing trails or paths. . . (3) control of invasive, exotic plants which threaten the integrity of the habitat, (4) prevention or treatment of disease. . .".

The rights given to the owners , the ACCCA and Club Operator, for activities they may do on the restricted property:

(b) "Habitat Enhancement or Restoration Activities. Enhancement or restoration of native plant communities, including the right to plant trees and shrubs of the same type as currently existing on the Restricted Property, so long as such activities do not harm the habitat types identified in the Section 404 Permit. . ." Prior to any habitat enhancement or restoration activities, the Declarant shall have its Biological Monitor submit detailed plans to the ACOE for review and written approval".

(c) "Vegetation, Debris, and Exotic Species Removal. Removal or trimming of vegetation downed or damaged due to natural disaster, removal of man-made debris, removal of parasitic vegetation (as it relates to the health of the host plant) and non-native or exotic plant or animal species. "

(f) "Fire Protection. The right to maintain firebreaks, trim or remove brush, otherwise perform preventative measures required by the fire department to protect structures and other Improvements from potential fires, and perform any other brush management programs of the local jurisdictions in compliance with the terms and conditions of the 404 permits. . .".

Enforcement:

"The Declarant, its successors and or assigns, (now the ACCCA and Club Operator) grant to the ACOE, the U.S. Department of Justice, and the State Attorney General a discretionary right to enforce the restrictive covenants in a judicial or administrative action against any person(s) or other entity(ies) violating or attempting to violate this Restrictive Covenant...".

The Declarant, (the ACCCA and Club Operator) shall undertake all reasonable actions to prevent the unlawful entry and trespass by persons whose activities would be inconsistent with the Conservation Values and would violate the permitted uses of the Restricted Property set forth in the Restrictive Covenants and the ACCCA's policies. Additionally, the Declarant's have a fine policy for violations that will include all costs for restoration.

Fines and Penalties:

Since following the Declaration of Restrictive Covenants within our community is paramount, there will be no warning upon notice of first violation. Fines and restoration costs will be assessed starting with the first violation.

The ACCCA shall impose fines, in accordance with the adopted Fine Schedule against Owners who violate these policies. The restoration costs included in the fine will be to fully restore the disturbed area to the condition it was prior to the violation.

Summary of Maintenance Activities and Prohibited Activities:

Preface: Homeowners own the land within their property lines which end at the view fences and/or walls that border their property. Homeowners do not own the land or have any rights to the land beyond their fence or walls. Homeowners or their agents are not permitted to perform any maintenance or other activity in the Washes/NAOS or any other area not within their home property lines. Any permitted activity on the restricted land may only be performed by the landowner, which is either the ACCCA or Club Operator.

Allowable Maintenance Activities:

Maintenance is limited to the removal or trimming of vegetation downed or damaged due to natural disaster, removal of man-made debris, or removal of parasitic vegetation (as it relates to the health of the host plant) and non-native or exotic plant or animal species.

The ACCCA will maintain firebreaks, trim or remove brush, otherwise perform preventative measures required by the fire department to protect structures and other improvements from potential fires, and perform any other brush management programs of the local jurisdictions in compliance with the terms and conditions of the 404 permits.

The ACCCA will also authorize removal of vegetation at the side or rear of a homeowner's property line as set forth in the View Fence/Wall Vegetation Clearing and Painting Policy.

Prohibited Activities:

Dead plants, like saguaros that have fallen over, cannot be removed because these dead plants are a part of the natural ecology of desert areas. The dead plants provide food and shelter for many desert animals that depend on these dead plants to survive.

Removing, destroying or cutting of trees, shrubs, vegetation or damaged plants that normally would be attended to will not be touched because they are in regulated areas and we are prohibited from those activities.

Supplemental watering and use of herbicides, pesticides, rodenticides, biocides or fertilizers are also prohibited.

Documents Available for Review at the ACCCA Office:

1. The Declaration of Covenants, Conditions and Restrictions (CC&Rs) for Anthem Country Club dated January 14, 1999 which govern the ACCCA. This document is also on the ACCCA website under Documents and Forms.

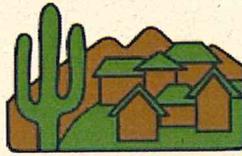
2. The Declaration of Restrictive Covenants, numbers 2 of 8 and 6 of 8, which govern the 404 washes and NAOS, dated March 31, 2005. These documents are also at the website www.onlineatanthem.com. Click on the link for Community Council, then Documents and Forms. Under the heading 404 washes, click on the DORC numbers 2 and 6.

3. The Declaration of Covenants and Easement for Anthem dated January 14, 1999.

4. Maps showing:

A. The owner of each parcel of land in the Country Club, to be used to determine whether the ACCCA or the Club Operator owns the land immediately behind each view fence.

B. The designation of each parcel of land in the Country Club showing if it is subject to the 404 wash/NAOS Declaration of Restrictive Covenants.



ACCCA

**Resolution
of the
Board of Directors
of
Anthem Country Club Community Association, Inc.**

Subject: Desert Maintenance Policies

Submitted by: Policy Development and Implementation Committee

The following resolution was duly adopted by the Board of Directors of the Anthem Country Club Community Association, Inc., (ACCCA) at a regular meeting of the Board of Directors (Board) held on October 18, 2012:

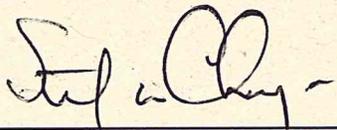
Whereas:

- The Policy Committee (Committee) has reviewed the updated Desert Maintenance Policies (Desert Area and View Fence/Wall Vegetation Clearing and Painting) prepared in conjunction with both the Anthem Community Council and Club Corp., Inc.;
- The revised policies delineate for Owners what can and cannot be done to the land outside their property lines
- The revised policies clarify responsibilities and ownership of common area properties; and
- The Committee members support the revised policy as presented for approval by the Board of Directors;

Therefore be it resolved that the ACCCA Board of Directors:

- Approve the revised Desert Maintenance Policies as presented, to be implemented effective December 1, 2012.

The undersigned, by affixing their signatures hereto, do hereby consent to, authorize, and approve of the foregoing resolutions this 18th day of October, 2012.



Steve Champion, President



Chuck Durrant, Vice President