

January 1, 2024 by the Las Gaviotas HOA Board

THE HOA BOARD

Casey Luna, President	Condo #430
Mary Treder, Secretary	Condo #422
Mike Lehrer, Treasurer	Condo #427
Rick Johnston, Member	Condo #406
Julie Jenkins, Member	Condo #405

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ON SITE ADMINISTRATOR

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LAS GAVIOTAS OFFICE

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PDS/LAS GAVIOTAS WEBSITE www.lasgaviotascondos.com

Las Gaviotas Onsite Webpage: <https://www.las-gaviotas.org/>

Welcome/Bienvenidos

We are happy that you have chosen Las Gaviotas as your home in Puerto Penasco. Las Gaviotas was the first condominium project developed in the Sandy Beach area. The condominium regime was established in 1994 as Condominios Las Gaviotas by the developer, Playas de Penasco. Las Gaviotas has a total of 46 condominium units, making it a unique development distinguished from the large hi-rise condominiums located on Sandy Beach. Another unique element of our community is that about one half of our units are not rented. Also, some owners have made Las Gaviotas their full time residence. Las Gaviotas is truly a community rather than a resort.

Las Gaviotas is located on Playa Hermosa (beautiful beach) and it lives up to the name as it is one of the most beautiful beaches in all of Mexico. Las Gaviotas is located close to the Malecon and harbor, and many stores, restaurants, and bars are in close proximity to our community.

Las Gaviotas is operated and controlled by a Homeowners Association and it is a non-profit Mexican corporation. Las Gaviotas is also unique as it is managed by the HOA Board and an on-site Administrator, rather than by a large management company. This saves a substantial amount of management fees and allows us to respond quickly to issues that impact our community.

The HOA Board is made up of five members and officers who are residents of Las Gaviotas. The Board officers and members volunteer their time and act for the benefit of all the residents of Las Gaviotas. The Board directs the activities of the property administrator and management of the property.

Our on-site administrator is Alberto Gallardo. Alberto has been involved with Las Gaviotas since it was first developed, and he has an intimate knowledge of the property and the local resources necessary to maintain our property. Alberto is a great source of information and resources in Puerto Penasco.

We attempt to provide as much security as possible, including 24/7 front gate security, with a secured parking area. Security personnel also patrol the pool level and beach level areas. Las Gaviotas also has a security camera system, including security cameras at the parking level, pool level and beach level.

The U.S. accounting services are performed by Planned Development Services (PDS) in Phoenix, Arizona. They prepare our financial statements and collect the HOA fees for Las Gaviotas. Lucinda Deschaine is our principal contact at PDS and she is very helpful if you have any questions regarding your HOA fees. PDS has a website for Las Gaviotas, and we encourage you to sign-in so you can access important information in addition to your HOA fees statement.

We hope that you enjoy living in Las Gaviotas and that this welcome packet provides you with helpful information about our community.

Feel free to contact us with any questions you may have.

HOA BOARD MEETINGS

The HOA Board typically meets every other month unless it becomes necessary to meet more often. The meetings are held in the Las Gaviotas Office. Owners are welcome to attend. The Board generally allows a limited time for the owners present to ask questions or to make comments at the meeting. These meetings typically deal with the maintenance and operation of the property as well as special projects.

ANNUAL HOA GENERAL ASSEMBLY MEETING

The annual general assembly meeting for the owners is typically held in October or November each year. For the past couple of years, we have met at Duke's Restaurant across the street. Packets will be sent to you prior to the meeting, with the agenda, and the date and time of the meeting, proxies, etc. Our By Laws require that you must be an owner in good standing to vote, which means that there are no delinquent HOA fees on your account. We encourage you to attend the annual meeting. It is your opportunity to become involved in decisions impacting Las Gaviotas and it is also a great time to meet some of the other owners.

HOA FEES

Currently the HOA fees for Las Gaviotas are \$425.00 per month. The HOA fees are the life blood of our community, as they allow us to provide maintenance and security for Las Gaviotas. The HOA fees pay for our Administrator and our employees, exterior maintenance of the condos and maintenance of the common areas. The owners are responsible for all interior maintenance of their condo unit. The HOA provides water for each condo and for the common areas, as well as limited internet. Each condo is separately metered for electric, and the owner is responsible for the electric services for their condo. The HOA pays for common area electric expenses. Typical additional expenses paid for by the owner include your annual property taxes and insurance for your condo.

TELEVISION SATELLITE TV

Owners can elect to install individual satellite television services and individual telephone and internet services at the owner's own expense. Location of the satellite dish must be approved by the HOA Board.

BILLING AND PAYMENT OF HOA FEES

HOA fees are billed and collected by our U.S. accounting service, Planned Development Services (PDS). The U.S. bank account for the HOA fees is Alliance Bank in Las Vegas, Nevada. Automatic withdrawal and on-line payment are available thru PDS. These services can be accessed thru the PDS/Las Gaviotas website (www.lasgaviotascondos.com). If requested by the owner, PDS will mail a payment book to those owners that wish to pay the HOA fees by check, etc. via mail. You can also access your account records thru the website if you create your on-line account thru the website.

DELINQUENT HOA FEES

HOA fees are due the first of each month. Each owner is responsible for the timely payment of their HOA fees. If your HOA fees are paid by the 15th day of the month, there is no delinquency charge. If the HOA fees are paid after the 15th of each month, there will be a \$50 late fee applied to your account. It is important to manage the timing of the receipt of your payment to avoid a late charge. This is the owner's responsibility. If you feel that there is an error in your account, please contact PDS and our Administrator so we can correct any errors. Please note that our By Laws provide that owners that have delinquent HOA fees cannot vote at the annual general assembly meeting. In the event that your HOA fees are 90 days or more delinquent, various actions may be taken by the HOA to secure payment that may impact your ability to use or rent your condo. Please pay your HOA fees when due so we can maintain our community for everyone's enjoyment.

RENTAL IMPACT FEES

The HOA charges a \$25 Registration Fee and a \$20.00 per night impact fee for ALL rentals at Las Gaviotas, whether you rent your condo yourself or thru a rental company. Impact fees are an important source of revenue to offset the additional maintenance expenses associated with rentals. This is a common practice for the resorts and condos in Puerto Penasco. Please note that failure to timely pay Impact Fees may interfere with your ability to use or rent your condo, as common area access and common services may be denied.

LONG TERM RENTALS (30 DAYS OR LONGER)

For long term rentals (30 days or longer) the impact fees may be offered by the HOA Board at \$205 per month. For long term rentals the first month impact fees must be prepaid by the first day the lease begins and thereafter by the 1st of each month thru the term of the lease. As for parking, long-term renters may park in any designated parking space, however, the first row parking is still restricted to actual owners, due to the limited number of first row parking spaces.

TRANSFER FEE

The HOA charges a \$675 transfer fee each time that a condo is sold. Most Realtors are aware of this fee because it is common for condominium projects to charge such a fee. This fee helps offset the expenses associated with setting up a new account with our U.S. accounting service (PDS) and the HOA. Please make sure that your Realtor and or Escrow Company provide for this fee in the closing documents. If the transfer fee is not paid out of closing, the buyer will be held responsible for paying the transfer fee.

RENTALS

Renters and guests are subject to some rules that apply to all residents, including owners, and some rules that only apply to renters, such as owner parking area restrictions, wristbands, pets and maximum occupancy restrictions. Please be aware that these rules apply to ALL renters and guests at Las Gaviotas. Renters and guests are supplied with a copy of these rules at the time they register at the office. They also sign a copy of these rules stating that they received the rules, read the rules and agree to follow the rules. Failure to follow our rules may result in expulsion from the property. These rules play an important part in maintaining the security and peaceful enjoyment of our community.

*Please refer to the attached Las Gaviotas Rules and Policies for further information.

POOL RULES

The pool rules are posted by the pool, and they apply to everyone, including owners, guests and renters. These rules are for the safety and enjoyment of our common area amenities.

Pool Hours 9:00 a.m. to 10:00 p.m. No one is allowed in the pools after 10:00 p.m.

Only owners, guests and renters are allowed to use pools and other common areas.

Swimsuits are required.

Swim at your own risk. No lifeguard on duty

No pets allowed in pools or pool areas.

No glass containers or food is allowed in the pool area.

Children must be under adult supervision at all times.

Failure to follow pool rules will result in eviction from the pool and pool area.

INTERNET

Las Gaviotas provides basic internet services, such as e-mail and web surfing. There is limited access for streaming. There are separate internet access points for owners and for guests or renters. The internet SSID and password for guests is as follows:

SSID "Gaviotas WiFi" PASSWORD "lasgaviotas"

Owners may also purchase their own internet services and have them installed at their own expense. Installation must comply with Las Gaviotas HOA requirements to preserve the appearance of the property.

EXTERIOR MODIFICATIONS

Our By Laws prohibit changes to the exterior of the condo units. Changes to doors, or entrances, windows, porches and additions are not allowed without prior approval of the HOA Board. Any change or addition that impacts the exterior appearance of a condo or the common areas must be reviewed and approved by the HOA Board prior to making any such change. In general, changes to the common areas are not allowed. If you would like to make any change to the exterior of your condo, you must first apply to the HOA Board for review and consideration. A form is available upon request. Pursuant to our By Laws, the HOA is required to maintain a uniform appearance to the exterior of the condo units at Las Gaviotas. These requirements are necessary to preserve every owner's investment in the property.

EXTERIOR PAINT COLORS

Exterior paint colors for individual condos and common areas are restricted to the uniform colors approved by the HOA Board for the entire property. This restriction includes exterior walls, doors, security doors, window wrought iron, etc. of all individual condo units and all common area improvements.

WORK HOURS

In order to maintain the peace and tranquility of the property, construction and other repair work is limited to the hours of 9:00 a.m. to 5:00 p.m. This rule applies to exterior and interior improvements that create noise that may disturb the other owners and guests.

PARKING

Las Gaviotas issues parking permits to each owner to be displayed on your vehicle's dashboard. The parking area closest to the condos is reserved for owners only. Each condo unit is allowed one vehicle in the owner's parking area. The remaining parking area is for guests and renters. Any additional vehicles must be parked in the renters parking area. All vehicles must have parking permits displayed on their vehicle. If a guest or renter parks in the owner's area, they will be asked to move their vehicle. The guards periodically check the parking area to ensure that all vehicles have parking permits and that the non-owner vehicles are not parked in the owner's parking area. Renters are allowed one vehicle per condo. Trailers, boats, etc. cannot be permanently parked anywhere in the parking area, as parking space is very limited. However, special arrangements for the short-term use of the parking area for boats, trailers, razors, etc. can be made in advance. Violations may also be addressed by having the vehicle towed off the property at the expense of the vehicle owner. Las Gaviotas assumes no liability for the towing expenses or damage to the vehicle.

WRISTBANDS

Las Gaviotas requires LAS GAVIOTAS WRISTBANDS (wristbands from rental companies are not sufficient) for every non-owner, including guests and renters that are on the property. Only six wristbands will be issued per condo and the bands must be put on the renter's wrists at the office. No one will be given wristbands to use at a later time. The colors of wristbands are changed several times during the year, so that old wristbands cannot be used to gain entrance. The wristbands must be worn at all times on the property. This is a serious security issue as the guards must be able to identify people who are authorized to be on the property and to remove people who have no permission to be on the property. To maintain security and keep unauthorized persons from the property, the guards are instructed to enforce the wristband requirement. Therefore, we encourage your family and/or guests to also get wristbands and a parking pass at the office. Owners are not required to have wristbands, but they should display their owners parking pass on the windshield of their vehicle.

VISITORS/GUESTS

Renters or guests are not allowed to have visitors on the property. This policy is necessary to maintain security and control the occupancy of the property as a whole. The guards have been instructed not to allow any visitors for any renters or guests. Owners can have visitors, but we would encourage you to notify the office and/or the guard at the gate that you will be having visitors, because the guards have been instructed to not allow unauthorized persons onto the property. Visitors or guests of owners will be issued a special parking pass. Visitors or guests cannot park in the owner's parking area, which is the FIRST ROW of parking closest to the condo units and office. We also encourage visitors and guests to get wristbands, especially if they will be staying at your condo and using common area amenities. The wristbands should resolve any problems with our security personnel when your visitors or guests arrive at the gate or if they are on the property and/or using the pool area.

MAXIMUM OCCUPANCY

For owners that rent their condos, please be advised that the maximum occupancy for renters is six persons per condo. We have informed all of the rental companies about our maximum occupancy policy; however, some renters still try to avoid the rule. If they arrive at the gate with more than 6 people, they will have to either limit the persons occupying the unit to 6 persons, or elect to rent

another unit if available, or elect to stay elsewhere. This policy became necessary because in the past some renters tried to get many more people into a single condo and this severely overloaded our parking and common areas, especially the pool area.

POOL LEVEL DECK NOISE

Enjoy the beautiful views from our pool level decks. They are a great place to view our sunsets! Please be aware that the decks at the pool level are also the roofs of the beach front condo units below, just as the floor of your condo unit is probably the ceiling of the unit below. Due to the concrete construction which is common in Mexico, sound travels directly thru the decks and floors into the condos below. Please respect the other residents of Las Gaviotas and limit the noise on the decks, especially after 10:00 p.m.

ZERO TOLERANCE POLICY

Chapter III, Section 7 of our By Laws provides that the rights of owners to enjoy their condo unit shall be exercised in an orderly and quiet manner, according to morality and good customs, not taking any actions that may disturb the tranquility of the other owners. Las Gaviotas has a strict policy prohibiting loud music and loud behavior after 10:00 p.m. However, any behavior that significantly disturbs the other owners at any time is also prohibited. Fireworks are also strictly prohibited. The HOA has adopted a zero-tolerance policy due to incidents where renters, guests and owners have complained about persons ignoring the rules and disturbing the peace and tranquility of the other residents. Most of the violations involve unacceptable noise levels, due to people and/or music at a condo unit. If a violation of the rules occurs, the guards will advise the persons in the condo unit to cease their activities. If the disturbance continues further actions may include contacting the police to remove the persons from the property. In cases involving owners, fines may be assessed to the condo owner by the HOA.

* A complete copy of the zero-tolerance policy is included in this packet.

SPECIAL EVENTS

The Las Gaviotas HOA does allow owners to have limited special events on the property, such as parties, weddings, etc. However, due to the impact on the property, owners considering special events are required to file a request with the HOA Board at least 2 weeks prior to the event. The request should state the type of event, the number of persons attending, the date and time of the event, preparations for security and clean up, etc. This allows Las Gaviotas to prepare and schedule employees, and to notify the other owners if necessary. The Las Gaviotas HOA reserves the right to not allow events that may unreasonably impact the property or the owners and guests. The Las Gaviotas HOA may require additional security, clean up, etc. at the owner's expense. The noise restriction is not waived and therefore loud music and loud behavior is still prohibited after 10:00 p.m.

PETS

Owners are allowed to have typical domestic pets at their condo (cats or dogs). However, renters and/or guests are not allowed to have pets at the condos. Please be considerate of the other owners and guests and clean up after your pet. The Las Gaviotas HOA reserves the right to implement restrictions on pets in order to ensure the peace and tranquility of the property.

FIREWORKS/FIREARMS

The use of fireworks is not permitted on the property. Firearms are not permitted on the property.

“TO DO LIST”

The office has copies of a “to do list” form, which is provided to owners to bring to our attention maintenance issues, etc. Please note your concerns and drop the list off at our office. We will do our best to address these issues in a timely manner.