
Whitney Oaks Association Rules for Use of Common Area and Association Facilities

RECITALS

- A. Whitney Oaks Community Association (the "Association") is the entity formed to manage and govern the Whitney Oaks development (the "Development") in accordance with the *First Restated Master Declaration of Covenants, Conditions and Restrictions for Whitney Oaks*, recorded on March 23, 2015, as Document No. 2015-0021141-00 in the Official Records of the County of Placer, State of California (the "Declaration" or "CC&Rs").
- B. Section 5.6 of the Declaration authorizes the Board of Directors (the "Board") to adopt rules and regulations that regulate the use of the Common Area.
- C. In response to the COVID-19 global health emergency, the State of California has imposed restrictions on the operation of businesses and activities throughout California.
- D. As the sole entity authorized to regulate the use of the Common Area and Association facilities, the Board is tasked with the responsibility of ensuring that the use of the Common Area and all Association facilities comply with all relevant public health orders and that the Association complies with relevant public health guidance and protocols related to the use of the Common Area and Association facilities.
- E. In an effort to balance the Board's responsibility to protect Association Members and prevent the spread of the virus that causes COVID-19, and to protect the Association from harm that would result from an individual filing a lawsuit against the Association because of exposure to COVID-19 in connection with the use of the Common Area and Association facilities, which would likely force the Association to levy special assessments to fund its defense of such a lawsuit, the Board is adopting these operating rules.
- F. The terms defined in the Declaration shall have the same meaning when used herein unless the context clearly indicates a contrary intention. The Board adopted these Rules in accordance with the relevant provisions of the Declaration and the California Civil Code.

RULES

- Application of Rules. These Rules apply to all individuals that intend to enter or use the Common Area and Association facilities. It is the intent of these Rules to protect the Association and its Members from harm associated with an individual not complying with applicable public health orders and guidance and the risk of substantial economic loss that may arise from a lawsuit filed against the Association claiming the Association improperly acted in operating its facilities and the Common Area, regardless of whether the lawsuit has merit. In the absence of these Rules, if an individual filed a lawsuit against the Association claiming that they contracted an infectious disease after using the Common Area and Association facilities, the Association would likely be required to levy special assessments to fund a defense against the lawsuit.
- No Use of Common Area Without Waiver. No individual shall use the Association's Common Area without signing and acknowledging the *Release of Claims and Assumption of Risk for COVID-19* waiver attached to these Rules as Exhibit A, or any subsequently adopted waiver. If an individual fails or refuses to sign and acknowledge the waiver, they shall not use or

access any portion of the Common Area or Association facility that are not essential for the individual's ingress or egress to their separate interest and/or accessing essential services in the Development, such as mailboxes that may be located in the Common Area.

3. Compliance with County, State, and Other Posted Requirements. All individuals that use the Common Area and Association facilities shall act in accordance with all applicable state and county public health orders and guidance, and additional restrictions posted by the Association. This includes the requirement that all individuals in the Common Area and Association facilities must properly wear a face covering, unless they are less than two years old or have written permission from the Association authorizing them to not wear a face mask when in the Common Area and Association facilities.

4. Enforcement. The Board shall be entitled to enforce these Rules in compliance with Section 10.2 of the Declaration and California law.

5. Termination of Rule. These Rules shall be effective until the Board terminates these Rules, which will likely occur at a similar time as when government health officials recommend businesses and activities to be operated without consideration of COVID-19.

CERTIFICATE OF ADOPTION

The undersigned declares that they are the duly elected Secretary of Board of Directors for the Whitney Oaks Community Association and that the foregoing rules were duly approved on _____, 2021, by the vote of the Directors at the regular meeting of the Board at which a quorum of the Board was present.

Dated: _____, 2021 By: _____
_____, Secretary

Exhibit A

Release of Claims and Assumption of Risk for COVID-19