

**STATUTES AND INTERNAL RULES OF THE COMMUNITY OF OWNERS RESIDENCIAL**  
**BAYVIEW HILLS, Torrox Costa**

Extract of the deeds of horizontal division:

**“IV.- COMMON ELEMENTS: In accordance with the provisions of article 396 of the Civil Code, general common elements are all those forming part of the fundamental structure of the whole building and, in general, all that which serves for common use or ownership.**

**Exclusive elements of each entity or group of entities are all those which can be individualised because they are physically delimited by each access, such as entrance doors, gates, staircases and intercoms.**

**=====LEGAL AND STATUTORY SYSTEM=====**

**CHAPTER ONE. COMMON ELEMENTS.**

These are the ground, overhang, foundations, structure, shafts and master walls, party walls and dividing walls, doorways, hallways and stairways leading to the dwellings, façades and exterior decoration, roofs, installations, lifts, car lifts, collective TV aerial., general water and electricity pipes in the building, general rainwater and sewage pipes and downpipes, machine sheds, lift rooms, installations and meters, interior patios, windows and holes which, with their corresponding frames and glass, serve to provide light and ventilation to staircases and, in general, all that which serves for the common use and exploitation of the building, excluding, therefore, private terraces, installations and interior distribution and service pipes of private parts.

The external decoration of the façades may not be altered, however, it shall be authorised with the agreement or consent of the General Meeting of the Building.

Any doubt about the common or private nature of any element will be resolved by the technician determined for this purpose by the Board of Owners.

**CHAPTER TWO.- OWNERS' MEETINGS.**

There shall be a single Board of Owners, made up of all the owners of the different registration units, whose Assembly shall appoint a President and a Secretary in the manner provided for in the Law and with the powers conferred on such positions by the same Law..

**CHAPTER THREE. THE ADMINISTRATOR.**

**"CAORZA TAMAGO HILL, S.L.** initially reserves the right to appoint the Building Manager. Said Administrator will be the only one for the whole Building and his remuneration will therefore be paid by all the owners or owners of independent fractions comprising the building.

The Administrator shall have the powers that are proper to him/her, those attributed to him/her by the General Meeting of the Building or those resulting from the matters entrusted to him/her, apart from those attributed to him/her by Law or which may be attributed to him/her in the future. In particular, he/ she may demand advance payment of the quotas corresponding to six months to cover the expenses that may arise, forming a guarantee deposit, the control of which, through the said Administrator, will initially be carried out by **"CAORZA TAMAGO HILL, S.L."**.

The payment of the quotas to cover the general expenses of conservation, repair, cleaning, etc. of the Building, as well as those of the common elements of which it is composed, constitutes an inherent obligation of ownership of each autonomous fraction of the Building, as well as those of the common elements of which it is composed, and which will be proportional to the surface area of the dwelling, storage room and garage of each owner, without prejudice to the exclusions made in these regulations, therefore affecting in a real way the said autonomous fraction and its current or future owner, being able to act for its collection any collection procedure that is appropriate and that allows maximum efficiency in the fulfilment of this duty.

"**CAORZA TAMAGO HILL, S.L.** may waive the powers reserved in this article. In any case, the Administrator will be the only Administrator in charge, in order to maintain the uniformity and unity of criteria that must exist in the interest of the common good."

**CHAPTER FOUR** - In order to maintain uniformity on the terraces of the properties that make up the building, "CAORZA TAMAGO HILL, S.L." reserves the right to choose the colour or colours it deems appropriate for the awnings to be installed on the terraces of the properties and to demand that the owners comply with this choice.

CHAPTER FIVE.- The owners of the different dwellings which have been assigned the use and enjoyment of the patio or terrace or corridors or outside area, will be responsible for the maintenance, repair and upkeep of the same.

#### CHAPTER SIX. INTERNAL REGULATIONS

It is agreed that the Internal Regulations constitute part of the statutes of the community, being binding and obligatory for all the owners. "

### **INTERNAL RULES AND REGULATIONS OF THE RESIDENTIAL COMMUNITY OF OWNERS**

#### **BAYVIEW HILLS-TAMANGO HILLS**

##### EXPLANATORY MEMORANDUM:

In any community of owners it is necessary to look after the interests of all, so that the rights of each and every one of us in the use of the common elements and services, does not go against the rights of use of those same services and common elements that other owners have.

It is therefore the aim of these regulations to inspire rules of coexistence that will allow us all to enjoy the spaces we are going to share in an orderly manner.

##### REGULATION:

## **THE GOVERNING BODY**

Article 1. The rules must be complied with and the employees of the Urbanisation, in accordance with the indications of the Board of Government, will have the power to make them be observed. The Board of Government will be formed by a minimum of a President, and a secretary-administrator who will be appointed by the Board of proprietors.

Article 2. The employees of the Urbanisation will give written notice to the Administrator, or whoever he/ she may designate, of any breach of the present regulations, observed by them, or denounced by any of the residents of the building, for the purpose of knowledge and appropriate decisions.

Article 3. The Board of Government, once a breach of the rules has occurred, and after having heard the explanations of the owner of the flat or premises, through the Secretary Administrator, will inform the owner of the flat in writing of the decision taken with regard to the offence committed by him/her, his/her relatives, guests and dependents, it being understood, therefore, that the only person responsible will be the owner of the flat or premises. When the flat or premises are occupied by third parties, of whom the Community is aware, communications shall also be made to the users. In any case, the decisions of the Board of Government shall be subject to civil law.

The decisions of the Governing Board shall be enforceable and the person sanctioned may challenge them in writing before the General Meeting.

## **PENALTIES TO BE IMPOSED**

Article 5. The first offence against the rules of the Community will lead to a first simple warning.

Article 6. The second offence will lead to a second warning with the warning that he/she may be deprived, in the manner and for the time established, of the use of services or common elements.

Article 7. In the event of the third offence, as this implies a clear disobedience to the rules of coexistence, it may result in the deprivation of the right to use common elements and services, without prejudice to the decision that may be adopted in this respect by the General Assembly and independently of the economic reparation of the damage caused and of the actions foreseen in article 19 of the Horizontal Property Law.

## **COHABITATION RULES**

Article 8. All the owners observe due care in the use of all the communal installations of the building.

Article 9. The owners must present their complaints, suggestions and observations to the President or to the Administrator of the Community, who will forward them to the Board of Government for the adoption of the appropriate decisions. Communications to the President or to the members of the Board shall be made respecting, in all cases, the hours reserved for rest in these Regulations, and preferably through the Administrator.

Article 10. It is strictly forbidden to use the services and common elements in a manner contrary to their intended use.

Article 11. In addition to the sanctions foreseen in articles 5, 6 and 7, the breakage or deterioration of a common element due to improper use or use contrary to its purpose, will give rise to the economic demand for the amount of the invoice for the repair of the said common element.

Article 12. The hanging out of clothes on the main terraces of the dwellings is strictly forbidden, and must be done exclusively in the places designated for this purpose in the development and in such a way that it does not cause any inconvenience to the dwellings below.

It is forbidden to carry out activities that produce noise and disturbance to the neighbours from 10 p.m. at night until 9 a.m. on working days and holidays, as these hours are for the rest of the inhabitants of the Building.

Article 14. Owners who keep dogs in the Building shall be subject to the following rules, in addition to the rules dictated by the competent Authority:

a) Dogs must always be kept on a leash, and dogs whose size or dangerousness makes it compulsory to wear a muzzle are not allowed to run loose on the premises of the building and/or garages.

b) It will be totally avoided that these dogs do their physiological functions in gardens or other common areas of the building and especially in the swimming pool area, which they are totally forbidden to access.

c) Dogs must be provided with the corresponding health documentation.

d) The owner must prevent barking during the hours of rest established in article 13 of these Regulations.

The Governing Board, in addition to imposing the corresponding sanctions for non-compliance with these rules, may notify the municipal services for the collection of dogs that do not meet the aforementioned requirements.

Article 15. It is forbidden to step on and pass through places that are not foreseen for the passage and especially through possible landscaped areas.

Article 16. Children's games will be played exclusively in the places designated for this purpose, and not in grassy areas or areas near the swimming pool.

Article 17. Small children's bicycles may only be ridden in places where they will not be a nuisance and at moderate speed.

Article 18. It is forbidden to hold loud meetings and gatherings in the communal areas of the building outside the hours indicated in article 13.

Article 19. The installation of awnings, pergolas, enclosures, as well as the installation of other elements that affect common elements must be carried out in a homogeneous manner by all the owners, with the following description:

- i. The awnings shall be of the "coffer" type, lacquered in white and with a plain white canvas.
- ii. Enclosures may only be installed on the covered part of the terraces, and these enclosures must be of Lumon type glass curtain or similar.

The Governing Board must previously approve a specific model for each of the aforementioned elements, and the owner interested in carrying out the installation must present a project to the Governing Board, which will assess its suitability.

#### **USE OF THE ELEVATORS**

Article 20. Each block has elevators, both up and down, which must meet the requirements established by the corresponding legal regulations at all times, in addition to the following when they are not contradictory to the former.

Article 21. Under no circumstances may the capacity indicated in each of them be exceeded, either in total weight or in number of persons, and the corresponding responsibilities shall be demanded in the event of abusive use of these lifts.

Article 22. Children may not use these lifts without being accompanied by adults.

Article 23. It is forbidden to transport objects, packages or packages whose weight exceeds the capacity limit or which, due to their size and characteristics, are likely to cause damage or deterioration.

Article 24. Under no circumstances may the lift be occupied permanently or continuously, leaving the rest of the residents without service.

Article 25. The care and supervision of the lifts will be the exclusive responsibility of the building maintenance staff, who will notify the maintenance company, informing the President or Administrator of the Community of any problems that may exist so that the appropriate measures can be taken. No owner or tenant may manipulate its mechanism in the event of malfunctioning, and must notify the said employees and, where appropriate, the Maintenance Company.

Article 26. For the proper care of the lifts and their periodic greasing, the corresponding contract shall be signed with a company specialising in this task.

Article 27. In accordance with RD 190/1988 it is forbidden to smoke in the lifts.

## **USE OF THE GARAGE**

Article 28. The garage will be destined exclusively for garage use, it being strictly forbidden to deposit, even temporarily, objects, furniture, household goods, machinery or utensils, in the parking spaces, and in short with anything that may hinder normal traffic in the circulation and manoeuvring area for vehicles. Access to the garage shall be exclusively through the pedestrian accesses, and it is forbidden to enter or exit through the vehicle exit.

Article 29. It is strictly forbidden to park in a parking space that is not owned or authorised by the owner of the same. The Governing Board is empowered to proceed to remove the vehicle by means of a tow truck, leaving it parked outside the premises of the Building. The costs incurred shall be borne by the owner.

Article 30. It is not permitted to leave a vehicle parked in a parking space, if it is in a state of abandonment. The Governing Board is empowered to proceed to remove the vehicle by means of a tow truck, leaving it parked outside the premises of the Building. The costs incurred shall be borne by the owner.

Article 31. It is forbidden to park more than one vehicle (car, motorbike...) in the same parking space. It is also expressly forbidden to park in the taxiway area, as well as in the so-called "dead zones", which will be expressly painted for general knowledge.

Article 32. The garage may not be used for playing games and riding bicycles, as well as for any other activities that may cause deterioration or damage to the garage facilities. Likewise, no cleaning, repairs or oil changes may be carried out on vehicles.

Article 33. The circulation of vehicles inside the garage must respect the signposted direction of circulation, as well as any traffic lights installed, and their speed may not exceed 20 km/h.

Article 34. The enclosure, by means of any constructive system, fixed or provisional, of parking spaces is prohibited.

#### **USE OF THE SWIMMING POOL**

Article 35. The swimming pool of the Urbanisation will normally open from the 1st April to the 15th October, although the Board of Government is empowered, according to the opinions gathered and in view of the current weather, to delay or bring forward the opening of the pool.

Article 36. The opening hours of the facility shall be fixed at the beginning of each summer season.

Article 37. In order to enter the swimming pool premises, and with the aim of regulating the attendance of guests if necessary, it will be essential, if so ordered by the Governing Board by majority agreement, to present the membership card, emblem or badge established for each season. If so established, at the beginning of each season the number of such badges to be issued to each dwelling shall be fixed.

Article 38. In order to have the right to use the swimming pool, the owner of the dwelling must first inform the person who is occupying the dwelling with their consent. If this is not

done, the lifeguard or staff of the building is empowered to request the exit of the premises or to call the competent authority.

Article 39. To access and remain in the swimming pool area, suitable clothing must be worn, specifically it is forbidden to wear anything other than a bathing suit and shirt or similar and always with bathing shoes.

Article 40. Within the swimming pool area, the following rules shall be compulsorily observed:

a) Refrain from holding ball games and any other games that are a nuisance to other users.

b) It is forbidden to consume food and drink inside the swimming pool and, likewise, to deposit any kind of waste or objects in the pool. The use of glass in the pool, whether bottles or glasses, is strictly forbidden.

c) Similarly, musical instruments, radios, record players or any other sound reproduction apparatus that may cause noise or disturbance to other users may not be used.

Article 41. Dogs and other animals are particularly forbidden in the swimming pool area, even if they are kept on a leash and muzzled.

Article 42. It is absolutely obligatory to shower before entering the pool, taking the utmost care to clean yourself thoroughly, so as not to leave suntan lotions and other types of creams in the pool water.

Article 43. The instructions of the pool lifeguard, if there is one, shall be followed at all times, who is authorised to remove from the premises any persons whose behaviour may cause problems and dangers for the rest of the users.

Article 44. The responsibility for children in the swimming pool is the sole responsibility of their parents or guardians, and access to the swimming pool is strictly forbidden to children under 10 years of age who are not accompanied by adults.

Article 45. It is strictly forbidden to reserve sun beds with towels without any use. The lifeguard is authorised to remove the towels from the sun beds after 60 minutes without having been used.

### **URBANISATION EMPLOYEES**

Article 46. All personnel working in the Urbanisation will have a mission to fulfil in the building, in order to achieve the correct functioning of all the services and common elements.

Article 47. In view of this, the instructions issued by the Board of Government must be complied with exactly by all the owners or users of the dwellings, the owner being responsible for any incident or non-compliance with these internal regulations.

Article 48. It is, therefore, absolutely forbidden any kind of discussion or complaint directly to the employees; instead, it shall be reported to the President or Administrator of the Urbanisation, according to article 8 of these Regulations, being the Board of Government who will exclusively give instructions, thanks or reprobations to the employees of the Urbanisation.

Article 49. It is totally forbidden the intervention of the employees of the building in the renting or sale of properties of the development, being considered a very serious offence.

### **WASTE MANAGEMENT**

Article 50. For the correct functioning of this service and to avoid bad smells and unhealthy conditions in addition to the lack of aesthetics, it is established that individual rubbish must be taken to the existing containers, and, of course, it is forbidden to leave bags or other types of containers in communal areas.

Article 51. Individual rubbish must always be placed in closed plastic bags or any other similar system, it being forbidden to use other containers that do not meet the characteristics of security and closure, depositing it only in the exterior containers installed.

Article 52. In accordance with the timetable for collection by the municipal services, the Management Committee is empowered to change these timetables.

### **USE OF COMMUNAL SERVICES BY VISITORS**

Article 53. For the use of services and common elements by guests of the owners or occupants of dwellings, it must be taken into account, as a main rule, that this use will always be subject to the stipulations of the internal regulations in accordance with the nature of the common area and common services, to that it is possible and to that the number of guests is limited so as not to deprive at any time the rights of each and every one of the owners or residents in the building.

### **STORAGE ROOMS**

Article 54. The storerooms may be linked to dwellings or be destined for residential use, as long as these are attached or annexed to a dwelling or have a minimum surface area of fifty square metres, and have the necessary services and installations for this purpose.

Article 55. The storerooms with the right to exterior views, number 41 and 42 of block 2, number 43 and 44 of block 2, have the exclusive and excluding right to the areas covered by overhangs that adjoin their storerooms, as well as the common area adjoining the right side and the back up to the limit of the planter, which are enclosed and annexed to their property.

Article 56. When all the store rooms located in the access corridors to stairwells or common corridors, and which are annexed to the property, belong to a single owner, the latter shall be entitled to exclusively use the said common corridor, expressly authorising him/ her to close it.

### **DWELLINGS AND PREMISES WHICH ARE RENTED OR LEASED**

Article 56. Reiterating in full the obligations of the owners contained in these Regulations, each member of the community shall be obliged to inform the President or Administrator of the person and other details of the tenant or assignee of the flat, as otherwise the occupant will have no right to the use and enjoyment of the services and common elements.

Article 57. In this communication, which the President or Administrator of the Community shall send to the Board of Government, the lessee or assignee shall state that he/she is aware of and accepts the Statutes of the building and these Internal Regulations, undertaking to comply with them, without prejudice to any actions which, if applicable, may be brought against the owner by the Community.

Article 58. Consequently, the rights and obligations of the Statutes of the building and of these Regulations are understood to affect the occupants of the dwellings in the same way, whether they are owners, usufructuaries, lessees or by any other title of occupation, or by simple onerous or gratuitous transfer from the owner.

Article 59. The building, through the representative bodies of the Community, may demand from the occupants the damages and losses caused and impose the sanctions foreseen in these Regulations, without prejudice to the direct responsibility of the owner and naturally exercise the actions foreseen in the Horizontal Property Law, the Civil Code and other legal regulations.

### **BARBECUE AREA**

Article 60. The barbecue area is exclusively for the consumption of food and drink and never for the use of glass.

The barbecue will be open all year round and with the timetable approved by the Governing Board.

This use will always be subject to it being possible and that the number of guests is limited so as not to deprive at any time the rights of each and every one of the owners or residents in the building. However, the use of the barbecue area by the cohabitants of the dwelling plus 6 guests must be expressly authorised by the Board of Governors.

In addition, the following rules must be observed within the barbecue area:

a) no musical instruments, radios, record players or any other sound reproduction devices that produce noise or disturb the rest of the users may be used.

b) Refrain from holding ball games and any other games that may cause a nuisance to other users.

### **INDOOR SPORTS AREA**

Article 61. The use of the indoor common sports area will be for the use of those living together in the dwelling, with a maximum of 4 persons per dwelling, and for guests of each owner with a maximum of 2 persons per dwelling. The use of the indoor sports area shall be subject to a maximum capacity limit to be established by the Board of Governors.

The Governing Board may expressly authorise an increase in this limit, and there must be a justified cause for such authorisation.

Likewise, musical instruments, radios, record players or any other sound reproduction devices that produce noise or disturb the rest of the users must not be used.

### **INDOOR LOUNGE AREAS**

Article 62. The rooms for multiple common use shall be for the exclusive use of the occupants of the dwelling, and a maximum of 2 guests per dwelling.

The use of these rooms beyond these limits must be expressly authorised by the Board of Government.

### **WINDOW CLEANING**

It is the obligation of the owners to keep the exterior windows of the dwellings clean, and they are obliged to clean them at least once every two months. In the event that an owner fails to comply with this obligation, and after a request from the Board of Government of the Community, does not proceed with the cleaning, the Community is expressly authorised to carry out the exterior cleaning of the windows, charging the owner for the totality of the costs that this cleaning generates for the Community.

### **COMMUNICATIONS**

Article 63. Communications between the Community and the owners shall be made by means of e-mail communication provided by the owner of the Community Board of Government, as well as on the notice board of the Community.