

**RULES AND REGULATIONS  
FOR  
THE ORCHARD AT CARNEROS**

These Rules and Regulations supplement the Declaration of Covenants, Conditions and Restrictions for The Orchard at Carneros (the “Declaration”) but do not change your obligations as an Owner under either the Declaration or the other Governing Instruments. These Rules and Regulations may be amended from time to time by the Board of Directors of the Association. Compliance by you, your family and your guests with these Rules and Regulations will permit the Fractional Interest Program at The Orchard at Carneros to run smoothly and efficiently. Please note that the failure by you or your guests to comply with these Rules and Regulations may result in the suspension of your rights and privileges as an Owner. For your convenience, a summary of the Rules and Regulations is set forth in the table below.

Orchard at Carneros Fractional Interests Overview of Rules and Regulations			
	Three Types of Use Rights		
	Planned Vacation Use	Space Available Vacation Use	Getaway Vacation Use
Which Cottage?	Any of the 17 Cottages	Any of the 17 Cottages	Any of the 17 Cottages
Max. number of reservations?	2 for a total of 7 nights per Season	No limit, but only 1 reservation at a time	No limit, but only 1 reservation at a time
How many Seasons per Year?	<u>3 Seasons</u> • Summer/Harvest • Winter • Spring	<u>3 Seasons</u> • Summer/Harvest • Winter • Spring	<u>3 Seasons</u> • Summer/Harvest • Winter • Spring
Length of Use Period per Season	•7 consecutive nights, or •2 reservations of any length for total of 7 nights (but only 1 can include Friday or Saturday night)	Up to 7 consecutive nights	Up to 7 consecutive nights
What are the dates of the Seasons?	<ul style="list-style-type: none"> <li>• Summer/Harvest - July through October</li> <li>• Winter - November through February</li> <li>• Spring - March through June</li> </ul>		
How many Cottages may be reserved at the same time?	•Up to 2 Cottages at the same time, if 7 night Use Period is split into 2 Use Periods	1 Cottage	1 Cottage
Reservation Necessary?	Yes	Yes	Yes

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How many Holiday Reservations per Fractional Interest per Year?	No Limit, but if there is more demand for any particular holiday than there are Cottages, Reservation Priority Chart used by Manager to assure fairness	No Limit, if a holiday is still available when Space Available Vacation Use reservations commence; reservations confirmed on first reserved, first served basis	No Limit, if a holiday is still available when Getaway Vacation Use reservations commence: reservations confirmed on first reserved, first served basis
Is Reservation subject to availability of Cottage (prior reservation by another owner)?	Yes	Yes	Yes
Reservation Window	<ul style="list-style-type: none"> <li>•Earliest: 90 days before first day of Season; first pool of reservation requests received 90 days to 83 days confirmed (using Reservation Priority Chart, if necessary) 83 days in advance</li> <li>•Latest: 1<sup>st</sup> day before start of Season</li> </ul>	<ul style="list-style-type: none"> <li>•Earliest: 60 days before first day of Season</li> <li>•Latest: None</li> </ul>	<ul style="list-style-type: none"> <li>•Earliest: 7 days before first day of requested occupancy</li> <li>•Latest: None</li> </ul>
Priority System	Reservation Priority Chart	First Reserved, First Served	First Reserved, First Served
Can I rent my reserved time in a Cottage?	Yes	No	No
Check-In Time	4:30 PM	4:30 PM	4:30 PM
Check-Out Time	11 AM	11 AM	11 AM

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Housekeeping included as part of your Basic Assessment?	<ul style="list-style-type: none"> <li>• Between each Check-Out Time and Check-In Time</li> <li>• Daily trash and tidy</li> <li>• Every 3<sup>rd</sup> day of stay of 6 days or more - major housekeeping, including fresh sheets and towels</li> </ul>	<ul style="list-style-type: none"> <li>• Between each Check-Out Time and Check-In Time</li> <li>• Daily trash and tidy</li> <li>• Every 3<sup>rd</sup> day of stay of 6 days or more - major housekeeping, including fresh sheets and towels</li> </ul>	<ul style="list-style-type: none"> <li>• Between each Check-Out Time and Check-In Time</li> <li>• Daily trash and tidy</li> <li>• Every 3<sup>rd</sup> day of stay of 6 days or more - major housekeeping, including fresh sheets and towels</li> </ul>
Additional Housekeeping Available?	Yes – for extra fee	Yes – for extra fee	Yes – for extra fee
Max. Occupancy	6 Persons	6 Persons	6 Persons
Guests	<ul style="list-style-type: none"> <li>• Accompanied by Owner-Yes</li> <li>• Not Accompanied by Owner- Yes, if over 21</li> </ul>	<ul style="list-style-type: none"> <li>• Accompanied by Owner-Yes</li> <li>• Not Accompanied by Owner- No</li> </ul>	<ul style="list-style-type: none"> <li>• Accompanied by Owner-Yes</li> <li>• Not Accompanied by Owner- No</li> </ul>
Pets	Generally, no; but dogs allowed in certain of 17 Cottages	Generally, no; but dogs allowed in certain of 17 Cottages	Generally, no; but dogs allowed in certain of 17 Cottages
Smoking	No	No	No
Parking	1 space per cottage, additional parking in public lot nearby	1 space per cottage, additional parking in public lot nearby	1 space per cottage, additional parking in public lot nearby
Recreational Amenities Available?	<ul style="list-style-type: none"> <li>• Fitness Center</li> <li>• Children’s pool</li> </ul>	<ul style="list-style-type: none"> <li>• Yoga /Pilates Center</li> <li>• Full Spa</li> </ul>	<ul style="list-style-type: none"> <li>• 2 full-size pools</li> </ul>
Is there a charge for use of recreational facilities?	Basic use of the above-described recreational facilities is covered by the assessments you pay to your association. However, there are charges for certain classes, treatments, goods and services offered beyond your basic use of these recreational amenities.		

## I. DEFINITIONS

To assist you in reading the Rules and Regulations, the legal terms used in the Declaration have been dispensed with here in favor of plainer language. The context should make the meaning clear. To the extent there is any conflict between any provision of these Rules

and Regulations and any provision of the Declaration, however, the provisions of the Declaration shall control.

## **II. USE RESERVATIONS**

### **A. For each Fractional Interest I own, how many nights of use am I entitled to?**

Answer:     **Planned Vacation Use.** For each Fractional Interest you own, subject to availability, you may reserve a seven (7) night Use Period in a Cottage during each of the three (3) Seasons per year as “Planned Vacation Use.” You also have the option to break up any of your seven (7) night Use Periods into two Use Periods not to exceed, together, seven (7) nights, but only one of the Use Periods can include a Friday or Saturday night. Reservations for Planned Vacation Use may be made up to ninety (90) days in advance of the first day of any of the three Seasons.

**Space Available and Getaway Vacation Use.** For more spontaneous vacations, you may reserve additional time in one of the Cottages for Space Available Vacation Use or Getaway Vacation Use. The differences between these two types of use are described below.

**Space Available Vacation Use.** For each Fractional Interest you own, you may reserve, subject to availability, a Cottage for an unlimited number of Use Periods of up to seven (7) consecutive nights in each Season. To insure that the system stays as flexible as possible for owners, once you make a Space Available Vacation reservation, you may not make another until 24 hours prior to your scheduled departure date. Reservations for Space Available Vacation Use may be made up to sixty (60) days in advance of the first day of any of the three Seasons. Subject to availability, you may make as many reservations for Space Available Vacation Use Periods as you like.

**Getaway Vacation Use.** In addition to Space Available Vacation Use, for each Fractional Interest you own, you may reserve, subject to availability, a Cottage for an unlimited number of Use Periods of up to seven (7) consecutive nights in each Season. Once you make a Getaway Vacation reservation, you may not make another until 24 hours prior to your scheduled departure date. Reservations for Getaway Vacation Use may be made up to seven (7) days in advance of the first day of the Use Period you desire to reserve. Subject to availability, you may make as many reservations for Getaway Vacation Use Periods as you like.

### **B. Do I have to make a reservation to use a Cottage?**

Answer:     Yes. A reservation is necessary to use a Cottage during a Planned Vacation, Space Available Vacation or a Getaway Vacation Use Period. Email requests can be made to the following address: [concierge@theorchardatcarneros.com](mailto:concierge@theorchardatcarneros.com).

Telephone requests may be made by telephoning Owner Services. In-person requests may be made at the Cottages reception desk located in the on-site Clubhouse reception area during regular business hours.

Written reservation requests should be addressed as follows:

The Orchard at Carneros  
attn: Concierge  
4048 Sonoma Highway  
Napa, CA 94559

**C. How far in advance of the date I would like to arrive may I submit a reservation request for a Use Period?**

Answer: The reservation system for The Orchard at Carneros has been carefully designed to accommodate those who prefer to plan vacations in advance, and those who, by necessity or inclination, prefer to plan vacations on a more spontaneous basis. You may make a reservation for a Planned Vacation up to ninety (90) days in advance of the first day of any of the three Seasons. You may make a reservation for a Space Available Vacation up to sixty (60) days in advance of the first day of the Use Period you desire to reserve. Similarly, you may make a reservation for a Getaway Vacation up to seven (7) days in advance of the first day of the Use Period you desire to reserve.

**D. How will I know if my reservation request has been confirmed?**

Answer: Your reservation will be confirmed by fax or email. No reservation request will be honored unless it has been confirmed by the Manager.

**E. How much advance notice must I give to the Manager?**

Answer: You may make reservation requests up until the day you desire to arrive.

**F. What if there are more requests for a particular Use Period than there are Cottages?**

Answer: In order to assure fairness to all Owners, if there are more reservation requests for a particular Use Period than there are Cottages, reservations for Planned Vacation Use Periods will be confirmed by the Manager using the Priority Reservation Chart attached to the Declaration as an exhibit. Your reservation priority right rotates under this chart so that all Owners enjoy, over time, an equal number of high reservation priority rights. Reservations for Space Available and Getaway Use Periods are confirmed by the Manager on a first requested, first served basis.

Just in case there are more reservation requests for a particular Planned Vacation Use Period than there are unreserved Cottages available during

that Use Period, you will be asked to specify three (3) Planned Vacation Use Periods that you would like to reserve, in the order of your preference. If your first preference is not available due to reservation requests by other Owners who have a higher reservation priority than you do, then the Manager will make every effort to confirm your second or third choice, using your reservation priority number in each case where there are more reservation requests than Cottages.

**G. May I share my Cottage with guests?**

Answer: Yes. You may share your Cottage with guests, or you may have guests use some or all of the time which you have reserved on a Planned Vacation basis even if you are not present. Please refer to the specific rules governing occupancy of a Cottage by guests set forth in Section XII, below.

**H. Can I change my reservation once I have made it?**

Answer: You may cancel a reservation by giving notice to Manager at least fifteen (15) days prior to Check-In Time on the first day of the period which you reserved. If you cancel your Planned Vacation reservation earlier than fifteen days in advance of your reserved Use Period, you will not be deemed to have used your Planned Vacation Use Period for that Season, but if you cancel it fifteen or fewer days in advance, you will be deemed to have used it for that Season. With respect to Space Available and Getaway Vacations, any owner who does not use a reserved Use Period and fails to cancel such reservation within seven days of scheduled arrival will lose the right to reserve other Space Available or Getaway vacations for the remainder of the current season.

**I. May I rent my reserved time in a Cottage?**

Answer: You may rent your Planned Vacation reservation, but in order to create a sufficient amount of Space Available Vacation use and Getaway Vacation use for all Owners to enjoy, you may not rent your Space Available Vacation or Getaway Vacation reservations.

**III. CHECK-IN AND CHECK-OUT TIMES**

**A. When may I check-in to my Cottage?**

Answer: Check-In Time is after 4:30 p.m.

**B. When must I check-out of my Cottage?**

Answer: Check-Out Time is before 11:00 a.m.

#### **IV. HOUSEKEEPING**

The time between Check-Out Time and Check-In Time is reserved exclusively for the cleaning, inventory, repair and maintenance of units by the housekeeping and maintenance personnel.

Upon arrival you will find your Cottage fresh and clean. For Owners whose Use Periods comprise a full seven (7) nights an expanded mid-week service will also be provided.. Additional housekeeping services are available by contacting the reception desk. An hourly charge for additional housekeeping services will be made and must be paid prior to your departure.

#### **V. OCCUPANCY RESTRICTIONS**

**A. Could I be prevented from occupying a Cottage?**

Answer: Yes. You may be denied occupancy if (a) you are delinquent in the payment of any amounts owed to the Association, or (b) your use rights have been suspended by the Association.

**B. How many persons may occupy my Cottage?**

Answer: The maximum allowable occupancy of a Cottage, including children, is six (6) persons.

#### **VI. DAMAGES AND LOSSES**

**A. What if any damage or loss to my Cottage or any of its contents is discovered at check-in?**

Answer: Any such damage or loss should be reported to the Manager as soon as possible after check-in. You may be charged for damage or loss to your Cottage or its contents which is not reported promptly after check-in.

#### **VII. UNIT INTERIOR**

**A. May I redecorate my Cottage?**

Answer: No. No structural changes or removal of furniture, wall hangings or floor coverings, or redecorating of any type within your Cottage or any other areas within the Project are permitted to be made by you or any of your guests

#### **VIII. EMERGENCY ACCESS TO YOUR COTTAGE**

**A. What should I do if I lock myself out of my Cottage?**

Answer: Manager and the security staff have master keys to all of the units. In case of an emergency, they may enter your Cottage.

## **IX. EXCHANGE**

### **A. May I exchange my Use Period(s) for time in other resorts?**

Answer: Yes. Although your board of directors has not affiliated with an exchange program at this time, there are plans to do so in the near future.

## **X. PERSONAL ITEMS & STORAGE**

The Orchard at Carneros provides personal storage for miscellaneous personal items and wine on the property. Up to two large bins will be provided for personal items and each owner will have private, secure wine storage. Owners can elect to have the staff unpack the bins prior to the Owner's arrival. Bins should be packed by the Owner prior to departure. If an Owner or guest leaves personal belongings in his Cottage after checking out, the Manager will notify the Owner and the items will be stored in the Owner's personal storage.

No sidewalks, driveways, or other common areas of The Orchard at Carneros, or in the adjoining Carneros Inn property, may be used for the storage of any personal property without the prior written consent of the Manager.

The Association and Manager are not responsible for personal property lost, stolen or damaged at the Project.

## **XI. AMENDMENT OF RULES AND REGULATIONS**

### **A. Are the Rules and Regulations subject to change?**

Answer: Yes. The Board of Directors may amend the Rules and Regulations from time to time. If you see room for improvement of the Rules and Regulations, you are encouraged to recommend changes to the Board of Directors. Remember that no change may be inconsistent with the Declaration. You will be notified of any changes.

## **XII. GUESTS**

Whether or not you are present, you may permit another person to occupy your Cottage during your Planned Vacation Use Period without charge by the Association. When you are present, you may invite others to share occupancy of your Cottage during any of your Space Available Vacation or Getaway Vacation Use Periods, provided that the maximum allowable occupancy limit for the Cottage is not exceeded. Manager will not give access to any Cottage to a guest without permission from the Owner in whose name there is a confirmed reservation. If you intend for a person other than yourself to use your confirmed reservation or to accompany you during your reservation, you must provide Manager with the name and address of such person(s) in writing prior to commencement of the occupancy period. When checking in, your guests will be asked to show proof of identification, to sign a registration card and to provide a

credit card imprint. You will be responsible for all personal charges and/or damages to the Cottage resulting from use by your guests.

You may permit persons under 21 years of age to occupy your Cottage under the condition that such persons are accompanied by you or a guest 21 years of age or older. Additional rules and regulations governing the recreational areas and the use of such areas by guests will be adopted by the Association and/or Manager and may be amended from time to time.

### **XIII. RESTRICTED ACTIVITIES**

Dangerous or unlawful substances may not be stored, introduced, or used within The Orchard at Carneros. All obnoxious or offensive activities are prohibited in any Cottage or other area of the Project. You are requested to control noise and your activities so that you do not disturb other occupants of the Project. In addition, you are requested to monitor your children's activity so they do not disturb activities of others.

The use of personal portable grills or hibachis or other personal outdoor cooking equipment, other than those provided, at the Cottage is strictly prohibited.

Your board of directors, acting through the Manager, reserves the right to establish specific rules governing potentially loud or unsafe activities such as use of musical instruments, stereo equipment, or late-evening entertaining, if it determines that there is a need to do so in the best interests of all the Owners.

### **XIV. PETS**

Generally, no animals or pets of any kind are allowed in any Cottage or upon any portion of The Orchard at Carneros (except those certified to provide aid to the handicapped when accompanied by the handicapped individual). However, your board of directors has the power under the Declaration to declare certain of the Cottages as "Pet Cottages" for dogs only. A maximum of two dogs are permitted in "Pet Cottages" at any time and should never be left alone in a residence. Currently, Cottage Nos. Lauritsen 1 and 2, and Robledo 3, 4 and 5 have been declared as "Pet Cottages." Once your reservation for a Use Period has been confirmed, these are available to all Owners with confirmed reservations on a first requested, first served basis. With respect to your Planned Vacation Use Period reservation requests, if you only wish to occupy a Pet Cottage, you must inform the Manager of your desire when you make your reservation request. Owners bringing animals for the service of handicapped individuals or Owners bringing dogs which will occupy a Pet Cottage will be required to pay an additional \$50 housekeeping fee. Owners will be charged directly for any damage caused by a service animal or pet to a Cottage or other parts of the Project. In the event that any pet damages a Cottage or other property on the Project or becomes a nuisance for any reason more than once, such pet will not be allowed to return.

### **XV. APPEARANCE OF THE ORCHARD AT CARNEROS**

No sunshades, awnings or other similar devices may be used on any Cottage or deck, unless provided by your Association as part of the furnishings of the Cottage. Draping of any

article, including towels, swimsuits, etc., on the fences surrounding your Cottage is not permitted.

#### **XVI. SOLICITING**

No commercial soliciting by any Owner, guest, or member of the general public is permitted at any time at the Project.

#### **XVII. TELEPHONE CALLS**

Each Cottage is furnished with a private telephone with direct line access; a record of all calls will be maintained by the Association. Any long distance calls made during your occupancy of a Cottage will be charged to you at check-out.

#### **XVIII. PERSONAL CHARGES**

All Personal Charges are payable when you check out. Your Association requests that you self-report your Personal Charges which are not itemized by Manager when you check out. The Association will charge a minimum fee of \$10.00 for any personal charges required to be billed to you after you check out. All Personal Charges, including, but not limited to, extra services or damages, for guests are considered the responsibility of the Owner who requested access for such guest. If a guest has no valid credit card, or is not in residence at the Cottages, all goods and services must be paid for in cash or by accepted credit cards at the time goods or services are purchased. Any unpaid Personal Charges payable to the Association will bear interest at the maximum rate specified in Article VI of the Declaration.

#### **XIX. PARKING**

Each Owner must park his motor vehicle(s) in the space(s) designated by the Manager. No vehicle may be parked in any other area of the Project, except temporarily for loading or unloading.

#### **XX. ENFORCEMENT OF THE RULES AND REGULATIONS**

Your Association expects all Owners and their guests to adhere to the requirements set forth in these Rules and Regulations and the Declaration. To assist the Association in the enforcement of the provisions of these two documents, the Association has delegated enforcement authority to the Manager. Any Owner or guest who has been advised by the Manager that they are in violation of the Rules and Regulations or the Declaration will immediately cease and desist that activity.

#### **XXI. EMERGENCIES**

In case of an emergency, contact the reception desk, or contact the appropriate authority by dialing 911.

#### **XXII. FAILURE TO VACATE**

If an Owner or guest fails to vacate a Cottage on time at the end of his reserved Use Period, such Owner may be subject to actions set forth in the Declaration.

### **XXIII. CONTROL OF CHILDREN**

Parents are responsible for the conduct of their children. Children under 13 years of age must be accompanied by an adult. Parents will be held financially responsible for disturbance or damage caused by minor children. Failure to pay for damages caused by such behavior may affect the Owner's right to use The Orchard at Carneros.

### **XXIV. RECREATIONAL AMENITIES**

Recreational amenities available for Owner use include a Yoga/Pilates Center, Fitness Center, Full Spa, two full size swimming pools and a children's pool. Your Association does not own, maintain or operate these facilities, but has a license to use them. These facilities are also subject to use by guests at the Carneros Inn and others. Hours of operation and any rules with respect to the use of such amenities are posted and subject to change at the sole discretion of the owner of these facilities. The owner of these facilities currently charges fees for certain classes, treatment, goods and services beyond your basic use of these facilities, and is free to amend these charges from time to time. You may call 707.299.4900 if you have any questions as to what the hours of operation, rules and additional charges are. Use of the amenities is solely at your own risk. Children under 13 years of age are not permitted to use any of the amenities without parental supervision.

### **XXV. SIGNS**

No signs (including, without limitation "For Sale" or "For Rent" signs) or flags of any kind shall be placed in the windows or on doors or other exterior surfaces of any portion of The Orchard at Carneros, without the prior written approval of the Manager. The Manager may revoke such approval at any time, with or without cause.

### **XXVI. FIRE REGULATIONS**

The Association has posted fire regulations in conspicuous places throughout the Project which must be adhered to by you and your guests during your stay at The Orchards at Carneros. Your conscientious compliance with these rules and regulations will help maintain the beauty of The Orchards at Carneros.

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