

**CASCADES AT ESTERO**  
**RULES AND REGULATIONS**  
**(final version adopted August 28, 2007)**

**INTRODUCTION**

The Cascades at Estero is a deed-restricted single-family residential community and is a “55 and over” community. The Clubhouse Complex and Other Common Areas are for the primary use of Members, the great majority of whom have attained the age of fifty-five years and for the use of their guests subject to reasonable limitations to preserve and foster an environment enjoyable for retirees and other mature adults, all in accordance with provisions of law pertaining to housing for persons in that category.

**Section 1. AUTHORITY**

(a) In order to better provide for continued use, enjoyment, and care of the Clubhouse Complex and Other Common Areas, and to foster respect for community standards, the Rules and Regulations herein are adopted pursuant to the authority in (a) the Declaration of Restrictions and Covenants for Cascades (Declaration) at Estero, Article III, Section 5; Article V, Section 1, section 5 (paragraph B) and Section 9; Article VI; Article VII section 1 (paragraph C); Article VIII, Section 10; and Article XIII, Section 3; (b) The Articles of Incorporation for the Cascades of Estero Residents’ Association, Inc., Article III, paragraphs (1) and (3) and Article IV, paragraph (2); and (c) Bylaws of Cascades at Estero Residents’ Association, Inc., Article V, Section 11 (paragraphs (f) and (i) and Section 15.

(b) The Rules and Regulations are intended to clarify, define, emphasize or implement the governing documents. Adoption of Rules and Regulations in no way supplants the governing documents or relieves any person of the obligations, restrictions, or limitations in those documents whether or not implemented by the Rules and Regulations.

**PART A - GENERAL USE REGULATIONS**  
**CLUBHOUSE COMPLEX AND OTHER COMMON AREAS**

The Rules and Regulations in Part A are general in nature and apply to the Clubhouse Complex and/or Other Common Areas as stated. More specific Rules and Regulations for each facility are in Part B.

**Section 2. DEFINITIONS**

The definitions contained in Article I of the Declaration of Restrictions and Protective Covenants for the Cascades at Estero (Declaration) are applicable to the Rules and Regulations. The following definitions also apply to the Rules and Regulations:

(a) Clubhouse Complex: the Clubhouse, Tennis Courts, Fitness Center, Pool Areas, spa, Bocce Courts, parking lots and all surrounding grounds or facilities appurtenant thereto;

(b) Main Pool Area: the indoor and outdoor portions of the Clubhouse swimming pool, the pool deck and Clubhouse veranda, the spa, and all other grounds or facilities enclosed

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by the white fence around the pool and rear façade of the Clubhouse, except for the Fitness Center;

(c) Management: the Board of Directors (Board) or the Board's agent acting pursuant to lawful duly delegated written authority which may include, among others, committee chairpersons, a management company, the Activities Director, or the Tennis Pro;

(d) Other Common Areas: the Common Areas as defined in the Declaration, except for the Clubhouse Complex;

(e) Group Use: preferential and/or exclusive use of a portion of the Clubhouse Complex by a number of Members or Lessees usually consisting of no fewer than eight people, for a particular activity including, but not limited to, social events, meetings, ceremonies, tournaments, performances, classes, games, and arts and crafts endeavors;

(f) Satellite Pool Area: the swimming pool located at the far end of Cascades Isle Boulevard, the deck, covered pavilion, restroom facilities, and any other areas around the satellite pool enclosed on three sides by the fence and on one end by the restrooms and pavilion;

(g) Pool Areas - Main and Satellite Pool Areas;

(h) Fitness Center: all areas and facilities in the building containing the exercise equipment including, but not limited to the exercise and weight rooms, the saunas, the aerobics room, and restroom and shower facilities exiting to the inside Clubhouse Pool Area and to the back of the Fitness Center beside the Pro Shop, but excluding the Pro Shop;

(i) Pro Shop: the room in the back of the Fitness Center used by the Tennis Pro as an office and check-in site for tennis players;

(j) Resident Member: One or more Members of the Association, related by blood, marriage or adoption, OR any two unrelated people, at least one of whom is a Member:

- (i) who reside together on the property AND
- (ii) who pay fees to the Association or have such fees paid by another in his or her behalf; AND
- (iii) who have not entered into a lease agreement that allows another to occupy the property and use the clubhouse Complex, in lieu of the Member.

(k) Qualified Lessee: Any person(s):

- (i) who reside(s) on the property in lieu of the Member(s) pursuant to a valid lease agreement approved by Management AND
- (ii) at least one of whom has attained the age of fifty-five (55) years and neither of whom are under the age of eighteen (18) years; AND
- (iii) who pay(s) fees to the Association or has such fees paid by another on his or her behalf; AND

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(iv) who has been granted the Member's rights to use the Clubhouse Complex in writing.

(l) Guest: A person who has been personally invited into the Cascades at Estero by a specific Resident Member or Qualified Lessee for a social purpose, including, but not limited to general visitation, participation in an authorized group use or a family gathering.

(m) Permanent Household Resident: Any person who has attained the age of eighteen (18) years who is related to a Resident Member by blood, marriage or adoption and who permanently resides with the Resident Member;

(p) House Sitter: A person who is not a lessee and who resides in a Resident Member's or Qualified lessee's residence while the Member or lessee is not residing on the property, regardless of what functions are or are not being performed or whether any payment is being made by the Member or lessee. Can be one or two persons, both of whom have attained the age of twenty-one (21) years, having one stay per calendar year, occupying the home for a period not to exceed thirty (30) days in any calendar year or consecutive twelve month period, whichever is the shorter time.

(q) Extended Stay Temporary Resident: A child, parent (and spouse), grandchild, or sibling (and spouse) of a Resident Member or Qualified Lessee who is (are) temporarily living with the Member or Qualified Lessee due to a financial, health, or other family emergency. Up to two (2) extended stay temporary residents are permitted, not to exceed one hundred and twenty (120) days. However, no person who has not attained the age of eighteen (18) years, as set forth in the Declaration, may reside over sixty (60) days in any calendar year or consecutive twelve (12) month period, whichever is the shorter period.

**Section 3. ASSUMPTION OF THE RISK AND LIABILITY**

(a) Any Member, lessee, other resident, Guest, House Sitter, or Invitee or any other person who, in any manner enters, uses or occupies any part of the Clubhouse Complex or Other Common Areas of the Cascades at Estero (Cascades), whatsoever owned or operated by the Association, including without limitation, one who engages in any contest, game, function, exercise, competition, or other activity operated, organized, arranged or sponsored by the Association, either at or away from the Cascades shall do so at his/her own risk. All such persons using the Clubhouse Complex or Other Common Areas agree to release and indemnify the Association, Directors, officers, Members, employees, representatives and agents (collectively the "Indemnified Parties") from and against any and all losses, expenses, liens, claims, demands and causes of action of every kind for death, personal injury, debilitating condition, property damage, or any other liability, damages, fines or penalties, including costs, attorneys' fees and settlements, whether or not based on the acts or omissions of the Indemnified Parties, resulting from, arising out of, or in any way connected with the use of the Clubhouse Complex or any Other Common Areas.

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(b) Should any party bound by these Rules and Regulations (except any party subject to applicable dispute resolution procedures) bring a suit against any of the Indemnified Parties in connection with any event operated, organized, arranged or sponsored by the Association or on any other claim or matter in connection with membership in the Association and fail to obtain judgment therein against any one or more of them, said party shall be liable to the prevailing Indemnified Parties for all costs and expenses incurred by them in the defense of the suit, including court costs and attorneys' fees and expenses through all proceedings.

(c) Each person using the Clubhouse Complex or Other Common Areas, as a condition of such use privilege, assumes sole responsibility for his/her property. The Association shall not be responsible for any loss to any personal property brought into, used or stored at the Clubhouse Complex. Any personal property left at the Clubhouse Complex for six (6) months or more without the payment of storage fees (or as specifically permitted in writing for the benefit of the Association) may be sold by the Association, with or without notice, or may be otherwise discarded. Any proceeds from such sale may be retained by the Association.

**Section 4. APPLICABILITY OF RULES AND REGULATIONS; MEMBER RESPONSIBILITY FOR REGISTRATION**

(a) The Rules and Regulations shall apply equally to and be binding upon all Members and other residents within the Cascades. Each Member is responsible for seeing that his/her residents, Guests, Lessees, Invitees, and any other person for whom he/she is responsible are aware of and obey the Rules and Regulations. The Association is responsible for ensuring that its employees and vendors are aware of and obey these Rules and Regulations.

(b) Violation of the Rules and Regulations may subject the violator to any and all remedies available to the Association and other Members pursuant to the terms of the Declaration and the Articles of Incorporation and the By-laws of the Association. The Association may remedy violations by fines, injunction or other legal means. Any waiver, consent or approval given under these Rules and Regulations by the Board shall be revocable and shall not be considered a waiver, consent or approval of identical or similar situations unless specified in writing by the Board.

(c) Members shall be personally and financially responsible for any violation of the Association's governing documents or the Rules and Regulations by the Member's Guests, Lessees, Invitees, household members, or any other person visiting or residing with the Member or in the Member's absence from the property. Members shall be personally and financially responsible for any act or omission by such persons resulting in monetary or other damage to any part of the Clubhouse Complex or Other Common Areas or resulting in any condition or situation requiring closure, or any other reduction in or limitation in use of any portion of the Clubhouse Complex.

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(d) Registration and Identification of Authorized Users:

(1) All Resident Members and Qualified Lessees must register as such and shall register any other authorized resident in his or her household with Management immediately upon commencing residence and shall obtain from Management, identification as an authorized user of the Clubhouse Complex and Other Common Areas. This identification will provide entry to the Clubhouse Complex and Other Common Areas.

(2) Resident Members, Qualified Lessees and their authorized residents must obtain from Management a bar code sticker to gain access to the Cascades.

(e) Except as it may be prescribed by Management: (1) failure to comply with the registration and notice requirements in this Section; (2) the copying, duplicating, giving, selling, lending or otherwise providing to any unauthorized person, or assisting such person to obtain any card, sticker, pass, key or other indicia of ownership; or (3) providing, facilitating, or enhancing the ability of such person to gain access to or use of any portion of the Clubhouse Complex or Other Common Areas is absolutely prohibited and may result in the imposition of fines, suspension or removal of authorization to use the Clubhouse Complex and/or other penalties prescribed by the Board as well as institution of available legal proceedings.

GENERAL REGULATIONS FOR USE OF THE CLUBHOUSE COMPLEX

Section 101. HOURS OF OPERATION AND AVAILABILITY

(a) Unless otherwise set forth in special regulations for a particular facility, the Clubhouse Complex is open for use from 6:00AM to 11:00PM daily, but hours may be extended or curtailed for authorized group uses, or for management purposes at the discretion of Management, consistent with guidelines adopted by the Board.

(b) Group use will be given priority over individual use, but any part of the Clubhouse Complex area not needed for the group use will remain open to any use for which it would otherwise be available.

(c) Use of the Clubhouse Complex for private parties is prohibited. Contemporaneous use of any one particular facility of the Clubhouse Complex by a group of eight (8) or more authorized users shall be considered a private party and is prohibited, unless authorized under the Group Use rules in Section 105 below.

(d) Use of the Clubhouse Complex for the conduct of private business is prohibited. No one is permitted to profit from the use thereof unless, consistent with guidelines adopted by the Board, Management determines that such use will most adequately and economically meet the needs or desires of the Association for a particular service or

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group use.

(e) All uses shall afford priority to Resident Members and Qualified Lessees over guests or other non-members.

Section 102. AUTHORIZED USERS.

(a) This Section defines categories of persons who are authorized to use the Clubhouse Complex or any part thereof, hereinafter referred to as Authorized Users. In addition to meeting the criteria in this Section, all authorized use is subject to compliance with any limitations in the Rules and Regulations, including, but not limited to the age and category of the user, frequency of use, and restrictions on use of a specific facility.

(b) Authorized users: The following are the only authorized users of the Clubhouse Complex:

(1) Resident Member: One or more Members of the Association, related by blood, marriage or adoption, OR any two unrelated people, at least one of whom is a Member:

- (i) who reside together on the property AND
- (ii) who pay fees to the Association or have such fees paid by another in his or her behalf; AND
- (iii) who have not entered into a lease agreement that allows another to occupy the property and use the clubhouse Complex, in lieu of the Member.

(2) Qualified Lessee: Any person(s):

- (i) who reside(s) on the property in lieu of the Member(s) pursuant to a valid lease agreement approved by Management AND
- (ii) at least one of whom has attained the age of fifty-five (55) years and neither of whom are under the age of eighteen (18) years; AND
- (iii) who pay(s) fees to the Association or has such fees paid by another on his or her behalf; AND
- (iv) who has been granted the Member's rights to use the Clubhouse Complex in writing.

(3) Guest: A person who has been personally invited into the Cascades at Estero by a specific Resident Member or Qualified Lessee for a social purpose, including, but not limited to general visitation, participation in an authorized group use or a family gathering. A guest may use the Clubhouse facilities ONLY when the Resident Member or Qualified Lessee is present on the property.

(4) Permanent Household Resident: Any person who has attained the age of eighteen (18) years who is related to a Resident Member by blood, marriage or adoption and who permanently resides with the Resident Member;

(5) House Sitter: A person who is not a lessee and who resides in a Resident Member's or Qualified lessee's residence while the Member or lessee is not residing on the property, regardless of what functions are or are not being performed or whether any

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payment is being made by the Member or lessee. Can be one or two persons, both of whom have attained the age of twenty-one (21) years, having one stay per calendar year, occupying the home for a period not to exceed thirty (30) days in any calendar year or consecutive twelve month period, whichever is the shorter time.

(6) Extended Stay Temporary Resident: a child, parent (and spouse), grandchild, or sibling (and spouse) of a Resident Member or Qualified Lessee who is (are) temporarily living with the Member or Qualified Lessee due to a financial, health, or other family emergency. Up to two (2) extended stay temporary residents are permitted, not to exceed one hundred and twenty (120) days. However, no person who has not attained the age of eighteen (18) years, as set forth in the Declaration, may reside over sixty (60) days in any calendar year or consecutive twelve (12) month period, whichever is the shorter period.

Section 103. CONDUCT AND ATTIRE

(a) Members and lessees are responsible for familiarizing their authorized residents, Guests and House Sitters with the Rules and Regulations and proper decorum pertaining to the Clubhouse Complex and conduct while in the Cascades community in accordance with established administrative procedures.

(b) Members and lessees are responsible for their own conduct, as well as their Guests, family members and other authorized residents, users and Invitees. Courtesy, decorum, good conduct and safe behavior must be observed. No foul language, disruptive, unruly, boisterous, threatening, argumentative or disorderly behavior will be tolerated. Rude behavior toward a Member, lessee or other resident inquiring as to whether the person is an authorized user or advising another person about apparent violations of Rules and Regulations, constitutes a separate violation of the Rules and Regulations.

(c) Appropriate attire is required at all times. No swimsuits, bare feet or bare chests are permitted in the Clubhouse Complex, except in the Pool Areas and restrooms and shower facilities in the Fitness Center and in the parking lots on the way to or from the Pool Areas.

(d) Smoking is prohibited in the Clubhouse Complex and within a five-foot distance of any part thereof, except in the parking lots where receptacles are provided for disposal of smoking refuse. Disposal of smoking refuse anywhere except in receptacles so provided or in the smoker's automobile is prohibited.

(e) Pets are prohibited in the Clubhouse Complex except (1) in an automobile with a Member or lessee; and (2) while walking through the Clubhouse parking lot to or from the sidewalk leading to Castlemaine Avenue.

(f) No glass, pottery or porcelain containers or any other similarly breakable items may be brought to or used at the Clubhouse Complex except with specific permission of Management in connection with a Group Use as provided in group use rules in Section

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105 below.

(g) No food or beverages are permitted except:

- (1) water in a closing plastic container that remains closed when not in actual use;
- (2) as specifically permitted by Management for a Group Use as provided in Group Use Rules in Section 105 below;
- (3) as permitted in subsection 204(t);
- (4) beverages in the immediate vicinity of the soda vending machine located between the Fitness Center and Tennis Courts; and
- (5) beverages in a closing plastic container or aluminum can adjacent to the Tennis Courts or Bocce Courts.

(h) Except as specifically permitted in this subsection, no group, sect, or cult may use the Clubhouse Complex for religious services or similar expressions. Management may place a decorated artificial Christmas tree and an electrified Chanukah Menorah and similar decorations in the Clubhouse lobby during the holiday season. No person may erect and/or display decorations in the Clubhouse Complex and Other Common Areas without the authorization of Management. Any unauthorized display and/or decorations may be removed by Management without notice and without any responsibility for damage to the item.

(i) The dumpster and refuse container in the back of the Clubhouse parking lot next to the Tennis Courts and Fitness Center are for Clubhouse Complex use only and may not be used by residents or any other persons to dispose of household trash, pet refuse or tennis or bocce related refuse. However, with permission from Management, the dumpster and refuse container may be used for disposal of a reasonable amount of refuse collected from the common areas for the beautification and benefit of the Cascades community.

**Section 104. PROPERTY MAINTENANCE; DAMAGE**

(a) Any Member, lessee, or organization(s) using the Clubhouse Complex shall be responsible for the cost of repair or replacement of any Association property misused, damaged or stolen while under their, their authorized users' or their organizations' care, custody or control and shall be responsible for any expenses and damages incurred, including loss of use of the item during cleaning, repair, or replacement.

(b) The unauthorized adjustment or resetting of any timer, thermostat, pumps, lighting or other electrical equipment, or other similar interference is strictly prohibited. Equipment programming and adjustment functions are reserved for Management.

(c) The unauthorized posting of signs, notices, or photos is prohibited. Bulletin boards and their contents and maintenance are reserved to Management.

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(d) No equipment, furniture, decorations, supplies, landscaping materials, or any property not belonging personally to Members, lessees or other authorized users may be moved or removed without permission of the Management.

(e) Members and lessees shall report to Management any theft, damage or loss of property (or any abusive conduct or situation likely to result in such damage or loss) as soon as practicable.

**Section 105. GROUP USE**

(a) After the passage of forty-five (45) days from the effective date of this Section, no part of the Clubhouse Complex may be used for a Group Use, other than for Board, General Membership, authorized Committee meetings, or other Management meetings, unless it has been approved and authorized under the provisions of this Section.

(b) Any Member may apply to Management for authorization for a Group Use. An application must be completed and submitted for approval at least one week before the intended use and approved prior to such use.

(c) An application for Group Use must be made on the form provided by Management.

(d) Management shall develop criteria for authorizations under this Section including assurances that Resident Members and Qualified Lessees will be given priority over non-Members, and shall evaluate any application within such framework.

(e) All authorized Group Uses shall be placed on a single community calendar maintained by Management and published each month, or, if application was not made in time, a written notice of the activity placed on an appropriate bulletin board by Management.

(f) Authorization under this Section shall be conditioned upon such requirements and limitations as Management may impose for the benefit of the Association including, but not limited to, a deposit to cover any damage or clean-up costs, a charge to a provider who has a profit-making venture on the premises, or other appropriate cost recovery measures.

(g) Authorized Group Use shall be reviewed at least once a year to determine what, if any, changes are needed by Management and/or group users. Any potential changes must be submitted to Management in time to be included.

(h) Authorizations under this Section are in effect under the terms and for the period specified by Management, unless there has been a significant change in circumstances of the use or the other potential uses of facility applied for, or whenever Management determines that the Group Use under those terms no longer benefits a sufficient number

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of Members of the Association to justify its continuation.

(i) No authorization may be granted for any Group Use that Management determines would conflict with, or otherwise undermine, any activity or event sponsored by Management for the benefit or enjoyment of the Members of the Association.

(j) Management shall make a semi-annual report to the Board summarizing group use authorizations granted and denied during the six-month period covered by the report, including among other things, information regarding profit-making ventures and identifiable Association costs incurred due to group uses.

**PART B  
SPECIAL RULES AND REGULATIONS**

In addition to the Rules and Regulations contained in Part A, the Rules and Regulations in Part B applies to the specific portions of the Clubhouse Complex as indicated and the activities conducted therein. The Rules and Regulations in Part B are tailored to the use of each specific facility. Therefore they may further restrict or modify the General Rules and Regulations in Part A.

**Section 201. CLUBHOUSE BUILDING**

(a) Children under eighteen (18) years of age must be accompanied by and remain under the constant direct personal supervision of a Resident Member or Qualified Lessee while in the Clubhouse.

(b) The kitchen is intended for use for community functions. No unauthorized person may use the kitchen facilities for any purpose, including storage of personal items. Persons or organizations that are authorized by Management to use the kitchen facilities pursuant to group use rules are responsible for the care and cleaning up thereof. Urns, coffee canisters, counters, etc., shall be thoroughly cleaned and garbage must be disposed of promptly in suitable bags and or receptacles and furniture and equipment must be restored to the proper location. Leftover food items must be dated and labeled and shall be removed from the refrigerator as soon as practicable, but no later than forty-eight (48) hours after an event.

(c) Supplies or equipment may be stored only in those areas or storage locations of the Clubhouse that are approved by Management. Such approval does not confer any responsibility on the Association for any damage or loss sustained by the stored property.

(d) The Clubhouse Ballroom may be used for table game playing during the day and evening hours if no other functions have been scheduled.

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(e) Use of the stage and the wooden dance floor in the Clubhouse Ballroom is prohibited except as authorized by Management under the group rules.

(f) Except for the use of billiard equipment in the Billiard Room, and occasional controlled use of toy items in conjunction with events sponsored by Management, carrying or use of play equipment, including but not limited to, roller blades, bicycles, skateboards, balls or other missiles or swimming pool equipment, is prohibited.

(g) No person shall enter the Clubhouse wearing or carrying shoes that have been used on the Bocce or Tennis Courts unless the shoes have been thoroughly washed and dried since the last use or the shoes are carried in a closed container.

(h) The Arts and Crafts Room may be used for any arts and crafts related activity when open and not occupied by a group use. Arts and crafts related group uses will be given preference over other group uses. Persons using the Room are responsible for cleaning up and putting away or removing any supplies or equipment. No activity that could damage the finish of the floor or the tables may be undertaken except with proper padding, covering, or other protections of the surface. No hazardous or toxic material, including paint, glazes, glass shards, or tools may be stored except as specifically permitted by Management and must be contained in a locked area. The “cubbies” may be used for temporary storage of non-toxic, non-hazardous items, but the Association assumes no responsibility for their condition, loss or unauthorized removal.

(i) Media Room/Library [RESERVED]

(j) Users of the Clubhouse Billiard Room, Ballroom, Media Room, Card Rooms, and Arts and Crafts Room are responsible for turning off lights, fans and televisions and putting furniture back in the proper place before leaving the room.

#### Section 202 BILLIARD ROOM

(a) The Billiard Room is available for Resident Members, Qualified Lessees and other authorized users as set forth in subsection 102(b) at all times during regular Clubhouse hours, except when reserved for tournaments authorized pursuant to the Group Use rules.

(b) No person under eighteen (18) years of age is permitted to use the Billiard Room facility. They may observe if accompanied by a Resident Member or Qualified Lessee.

(c) Sitting on tables is prohibited.

(d) Proper attire is required. Swimsuits and cover-ups are prohibited.

(e) Length of play is limited to five racks or one hour, whichever is less, from the time it is noticeable that other players are waiting.

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- (f) Players must brush the tables when finished.
- (g) Players must return pool sticks, chalk, brushes, etc., to proper racks and storage areas at the conclusion of play.
- (h) The last person to exit the Billiard Room shall turn off the lights and fans.

**Section 203 COMPUTER AND COMPUTER ROOM USE**

- (a) Persons under the age of eighteen (18) must be accompanied by and remain under the constant direct personal supervision of a Resident Member or Qualified Lessee while in the Computer Room.
- (b) No individual may print over five sheets of paper per day. Users should bring their own paper.
- (c) The High Speed Internet Connection can be used for download only.
- (d) Attachment of additional peripheral equipment is prohibited. A “jump drive” is not considered additional peripheral equipment.
- (e) Use of the Computer Room is at the discretion of the individual using it. The Association assumes no responsibility for lost files, or for any damage done to personal disks or data used, imported or downloaded from the computers by the persons using it.
- (f) If necessary, Management may curtail use of the Computer Room or the equipment therein due to needed repair or adjustments and will so indicate with appropriate signs.
- (g) Use of the Computer Room and/or equipment therein for activities that are illegal, inappropriate, or offensive to Members, lessees or the public is prohibited. Such activities include, but are not limited to, hate speech and material that ridicules others on the basis of race, creed, religion, color, sex, disability, national origin, or sexual orientation.
- (h) Use of the Computer Room or equipment therein to create, download, view, store, copy, or transmit sexually explicit or sexually-oriented materials is prohibited.
- (i) Any person using the Computer Room and equipment therein shall notify Management promptly of any malfunction, damage, or other operational problem encountered in such use.
- (l) Use of computer equipment is limited to one one-half (½) hour period at a time unless there is no one waiting to use it at the conclusion of that period.

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Section 204 POOL AREAS

(a) THERE IS NO LIFEGUARD ON DUTY IN THE POOL AREAS. THEREFORE, ALL PERSONS USING THE POOL AREAS DO SO AT THEIR OWN RISK.

(b) Pursuant to Lee County Regulations, pool and spa hours of use are from dawn to dusk. Persons are authorized and encouraged to report to local law enforcement authorities the presence of individuals in the Pool Areas outside of pool hours. Use of the Pool Areas by Guests or House Sitters is prohibited until 10:00 AM. Users of the Pool Areas must respect the comfort and privacy of persons residing nearby, must attempt to keep noise at an acceptable level, and must strive to eliminate all noise audible to other residents in their homes before 9:00AM and after 9:30PM. This especially applies to those using the Pool Deck Area after dusk. Entrance to and exit from the Main Pool should be through the pool gate leading to the parking lot.

(c) NO CHILD UNDER THE AGE OF THREE (3) YEARS IS PERMITTED IN THE POOLS REGARDLESS OF ACTUAL OR ASSUMED TOILET-TRAINED ABILITY. NO CHILD AGE THREE AND OVER IS PERMITTED IN THE POOL UNLESS HE/SHE IS COMPLETELY TOILET TRAINED. NO INCONTINENT PERSON IS PERMITTED IN THE POOLS.

(d) NO PERSON WEARING DIAPERS OR SIMILAR ITEMS FOR USE BY CHILDREN OR OTHER PERSONS WHO ARE INCONTINENT IS PERMITTED IN THE POOLS OR SPA.

(e) No child who has not attained the age of eighteen (18) years may enter the Pool Areas unless accompanied by and under the direct supervision of a Resident Member or Qualified Lessee. If the child's parent or legal guardian is not present, a written waiver of liability must be obtained on behalf of the Association from that child's parent or legal guardian.

(f) No person who has not attained the age of sixteen (16) years is permitted in the spa.

(g) Everyone must shower prior to entering the pools or spa. No soaps, shampoos, or other similar hair or skin products other than sunscreens may be used in the Pool Areas except in the indoor shower areas.

(h) Use of the shower facilities in the Fitness Center is limited to authorized users immediately before pool or spa use and directly following use of the pool, spa, sauna, Fitness Center, Bocce Courts or Tennis Courts.

(i) Lounging on the steps leading to the pools and leaving shoes or other articles at the top of the steps or anywhere that impedes use of the handrails are prohibited.

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(j) Lounges or chairs may not be removed from the pool deck or from the inside pool area. If lounges or chairs are moved within the Pool Areas, they must not block pathways and cannot be placed within six (6) feet of the edge of the pool. Furniture must be returned to the proper site after use. Umbrellas must be left in the closed position after use. Wicker furniture and cushions may not be moved from the covered veranda area. Towels must be used on all furniture.

(k) No audio equipment may be used in the pool Area except with the use of earphones so that the sound is not audible to others or except in connection with an approved Group Use.

(l) Diving, running, or jumping into the pool, wrestling, horseplay, ball playing, throwing of objects, and loud, profane or disorderly conduct are prohibited.

(m) (1) Climbing, hanging or sitting on or jumping from the waterfall or water curtain features, fences, lion head fountains and supporting wall, or other fountain areas and (2) playing on or jumping from or otherwise placing undue stress on the railings at the steps of the pool, are all prohibited.

(n) Play equipment, including but not limited to, skates, roller blades, bicycles, or other vehicles, balls, floats, kick boards, "Boogie Boards," scuba gear, diving sticks, or other missile type toys are prohibited. Motorized vehicles except when used by a handicapped person other than handicap equipment are prohibited.

(o) "Noodles," goggles, and children's and adults' swimming aids are permitted.

(p) Styrofoam or other light exercise aids such as weights, kickboards and snorkels may be used by adults as part of a water exercise routine.

(q) Shoes, sandals, or suitable footwear must be used when entering and exiting all restroom facilities and care must be taken to avoid tracking of water.

(r) Use of the Clubhouse to enter or exit the Main Pool Area after use of the Main Pool or spa is prohibited. Use of the main entrance to the Fitness Center to enter or exit the Main Pool Area in swimming attire is prohibited.

(s) No cooking or grilling of any kind is permitted in the Pool Area. If outdoor cooking or grilling is necessary as part of an authorized Group Use, it must be confined to the parking lots.

(t) Notwithstanding any other regulation to the contrary, the verandah and the adjacent area of the Main Pool deck and the pavilion and the deck adjacent to the parking lot at the Satellite Pool Area may be used by Resident Members, Qualified Lessees and their Guests after 5:30 PM for LIGHT hors d'oeuvres and beverages of choice before dinner,

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subject to the following limitations:

- (1) No group using this provision may exceed eight people. A larger group is considered to be a private party making use of the Clubhouse Complex and is prohibited;
  - (2) No minors may be included in any group;
  - (3) All food and drink must be transported in and served from plastic containers which are designed to be closed securely and are in fact closed when not in use;
  - (4) All trash, refuse, crumbs, or other evidence of use must be removed from the Clubhouse Complex and disposed of at a Member's or lessee's residence. The dumpster and trash receptacles at the Pool Area and parking lots may not be used for the disposal of these materials;
  - (5) No delivery of food or drinks to the Pool Area by a commercial establishment is permitted;
  - (6) No reservation, saving of seats or putting tables together are permitted; and
  - (7) All food and beverage, except water, must remain at least ten (10) feet from the edge of the pools.
  - (8) All furniture must be returned to its proper place before leaving.
- (9) Nothing in this subsection (t) shall be interpreted to authorize impromptu potluck dinners, or to regulate or prevent authorized Group Use or the customary Sunday Potluck event.

**Section 205 FITNESS CENTER**

- (a) The hours of use of the Fitness Center are between 5:00AM and 10:00PM for Resident Members, Qualified Lessees, and their permanent or temporary household residents. Guests are authorized to use these facilities only between 10:00AM and 5:00PM.
- (b) No person who has not attained the age of eighteen (18) years of age may use any portion of the Fitness Center, including the saunas, except the shower facilities and restrooms, both of which must be entered from the door in the inside portion of the Pool Area or at the rear of the Fitness Center next to the Pro Shop. No person who has not attained the age of eighteen (18) years of age may enter any other portion of the Fitness Center, unless accompanied by and under the constant direct supervision of a Resident Member or Qualified Lessee.
- (c) Sneakers are required when using treadmills. Sneakers and/or laced, rubber-soled athletic shoes must be worn when using other equipment. Shoes that have been worn on the Har-Tru Tennis Courts or Bocce Courts are not permitted in the Fitness Center at all except to reach restrooms and showers from the rear of the Fitness Center near the Pro Shop or from the inside portion of the Main Pool.
- (d) Users must familiarize themselves with operating instructions before using any equipment and must promptly report any malfunctioning equipment to Management.

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- (e) Bare chests, bare feet and bathing suits are not permitted while using the exercise or weight equipment.
- (f) Use of each type of equipment is limited to thirty (30) minutes, unless no one is waiting.
- (g) No loud noise or disorderly conduct is permitted.
- (h) After each use, machines are to be thoroughly wiped off for the next person.
- (i) The volume of the televisions must be kept at a reasonable level consistent with room noise. The television remote controls shall be returned to and kept on the reception counter in plain view when not in actual use.
- (j) Removal of equipment from its proper place in the Fitness Center or from the Fitness Center is prohibited.
- (k) The door to the Fitness Center must be kept closed. Propping it open is prohibited.
- (l) The last person to leave the Fitness Center must turn off equipment, lights, fans, TV, water, sauna, etc.
- (m) Persons using the sauna must first read the instructions.
- (n) Resetting or otherwise tampering with the sauna temperature is prohibited.
- (o) The Aerobics Room is intended primarily for authorized group use for classes. Authorized users of the Fitness Center may use the Aerobics Room on an individual basis when it is not in use for classes.
- (p) Mats, weights, stability balls, and other equipment which may be stored in the Aerobics Room are the property of the class instructors, ongoing classes or other individuals. These items do not belong to the Association and may not be used by other persons who are visiting the Aerobics Room on an individual basis.
- (q) Use of the shower facilities is limited to authorized users immediately before pool or spa use and directly following use of the pools, spa, sauna, Fitness Center, Bocce Courts or Tennis Courts.
- (r) Entering the Fitness Center to enter or exit the Main Pool Area in swimming attire is prohibited.

**Section 206. TENNIS GUIDELINES**

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- a) All tennis play is at your own risk. The Residents Association, acting through the Board, assumes no responsibility for any accident or injury in connection with such use or for any loss or damage to personal property.
- b) All residents may use the courts during the designated hours for each season. They are as follows: Winter season: November-March 8:30am-9:00pm. Summer season: April-October 8:00AM – 9:00pm. (exact dates will be determined annually).
- c) ONLY RESIDENTS OF THE CASCADES AT ESTERO OR QUALIFIED LESSEES MAY RESERVE AND PLAY ON THE COURTS DURING PRIME TIME.
- d) All guests of a Cascades resident or Qualified lessee must register their guest or guests at the pro shop. If the pro shop is closed, then it is the responsibility of the resident/lessee to notify the pro shop of their guest or guests and provide the following information: names, guests name and home address. Once a guest is registered a resident then may reserve a court during non prime time or become a "walk on" if a court is available. Guests residing in Collier and Lee County will be limited to playing two times a month.
- e) Prime time is from 8am-11am 7 days a week and 6pm-9pm Monday-Friday in the summer season and 8:30am-11:30am 7 days a week and 6pm-9pm in the winter season. The block times are 8am-9:30am and 9:30am-11am in the summer and 8:30am-10am in the winter. The block times in the evening are 6pm-7:30pm and 7:30pm-9pm in summer and winter.
- f) No Lee County or Collier County guest may enter or use the courts unless accompanied by a Resident Member or Qualified Lessee and must play with their guest. **All guests are to register in the Pro Shop.**
- g) A reservation for a court time may be made two days ahead beginning at 7am by calling the Pro Shop and leaving a message. When calling for a court, please state the time you wish to reserve a court, the day, and the players' names. Reservations require 2 names for singles play and 3 names for doubles play. The Pro Shop will only call you back if there is no reservation. You may also come into the Pro Shop and reserve a court. All morning and early afternoon court reservations are in the Pro Shop from Monday-Friday. Sunday and all court reservations after 3 pm Monday-Saturday are to be made by the resident on the small outside court

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board next to court number 1. The two day rule and the required number of players for sign up are observed here also.

- h) Prime time hours may be adjusted by the tennis pro seasonally or otherwise from time to time to better meet the needs of the “players” when such changes are included on the monthly newsletter and/or posted on the tennis court bulletin board.
- i) Play is limited to one hour for singles (2 players) and 1.5 hours for doubles (3 or 4 players). If no one is scheduled to play, you may continue to use the court.
- j) The Tennis Pro may temporarily close or suspend play on designated courts for maintenance, league play, team practices, social events, Drop In Round Robins, or special events. This is to be posted on the courts' sheets, tennis calendar, and tennis bulletin board.
- k) Proper tennis attire is required to play. Cut offs, swim suits, and halter tops are prohibited.
- l) No smoking on the courts, under court canopies or surrounding court areas.
- m) Only flat sole tennis shoes are permitted on the courts. Please check with the resident Pro or the bulletin board if you have a question concerning the type shoe you are wearing.
- n) Courtesy and proper tennis etiquette are to be observed at all times. Players who abuse the etiquette will be asked to leave the courts and failure to do so will result in a separate violation of The Rules and Regulations and will be reported to the Board of Directors. The guidelines for proper etiquette are available in the Pro Shop.
- o) Players should use the respective court gates to enter and exit their assigned court.
- p) Players are expected to use the court trash cans for any litter.
- q) Whenever a net is down, the court is not playable and play is prohibited.
- r) After a rain, play is suspended until the Pro has determined that the court is playable. If the pro Shop is closed, a player should check the court and use good judgment before continuing to play.

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- s) All tennis gear should be placed on the benches under the canopies. No tennis gear may hang on the fences or be on the court playing area.
- t) Players should consult THE TENNIS BULLETIN BOARD for all information regarding events and meetings, or call the Pro Shop.
- u) Players are asked to use the “tread blasters and shoe baths” located on the outside of the court area to remove any court material before entering the Clubhouse, Exercise area or Pool area.
- v) No person under the age of 16 may enter or use the courts unless accompanied by and under the direct supervision of a resident Member or Qualified Lessee, and may only play during non-prime time.
- w) Court number 1 is designated as the “Pro's Court and practice court. This court will be used primarily for lessons and practice with the ball machines. The Pro has priority to use this court. If this court is not used for lessons, ball machine practice or Pro’s skill enhancement, it may be reserved for court time.
- x) When using the lights for evening play, please use only the lights for your court. Do not put on additional lights unless the court is to be used. When exiting the court before the lights go off, remember to let the timer run out, do not turn off manually.

Section 207. BOCCE COURTS

- (a) Hours of use are from dawn to dusk.
- (b) Players must sign in for the use of a court.
- (c) The Bocce Courts are open on a first-come, first-serve basis to all persons who are authorized users under the provisions of Section 102 of the Rules and Regulations subject to the following limitations:
  - (1) Between 7:00AM and 11:00AM, Resident Members, Qualified Lessees, and their respective guests accompanying them have preference to play.
  - (2) Guests may not use the courts unless accompanied by a Resident Member or Qualified Lessee at all times.
  - (3) No person who has not attained the age of eighteen (18) years of age is permitted to use the courts unless accompanied by and under the direct supervision of a Resident Member or Qualified Lessee. No person who has not

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attained the age of ten (10) years may use the courts.

(4) The courts are not available for individual use during any Social Bocce, League play, or authorized special events which are included in the monthly community calendar and/or posted on a Clubhouse bulletin board.

(d) Events that utilize any portion of the Clubhouse must be authorized under the Group Use provisions of the Rules and Regulations by that part of Management that has primary responsibility for Clubhouse functions.

(e) When there are Resident Members or Qualified Lessees waiting, play will be limited to thirty (30) minutes.

(f) Proper attire is required: no bathing suits, halter-tops, tank tops, cut-offs, or similar attire is permitted. Only flat sole shoes are permitted while playing on the courts. Shoes with HEELS or SPIKES are prohibited.

(g) The players may get Bocce equipment from the plastic storage container on site, but players may bring their own equipment if desired.

(h) Players MUST sweep and DRESS the courts after play, leave the equipment clean, and return the equipment to the storage container.

(i) Courtesy and proper etiquette are required of all players and observers. Loud, abusive language and/or disorderly conduct will not be tolerated.

(j) Before starting play, players must ascertain that the courts are dry. Play on wet courts is prohibited.

(k) All litter must be placed in the refuse receptacle in the immediate area of the courts or must be removed from the Clubhouse Complex and disposed of at an appropriate location elsewhere.

(l) A player must use the "shoe bath" located at the Tennis Courts to remove clay from his/her shoes when leaving the courts and must wash and dry or remove his/her shoes before entering any portion of the Clubhouse. Shoes worn on the Bocce Courts are completely prohibited in the Fitness Center except to use the showers and restrooms. When entering and departing the shower facility or restrooms, anyone wearing shoes that have been used on the Bocce Courts must use the doors in the inside portion of the pool or the doors at the rear of the Fitness Center next to the Pro shop.

**PART C**  
**COMMUNITY LIVING**

**Section 301. VEHICLES, PARKING AND TRAFFIC.**

(a) A speed limit of twenty-nine (29) miles per hour shall be observed on all roads within the Cascades, unless a slower speed is posted.

(b) All rules of the road applicable to the public roads, except for permitting the use of golf carts on the roadways, shall be observed within the Cascades with special care being given to pedestrian and bicycle use.

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(c) **GENERAL PARKING RESTRICTIONS:** Except as specifically permitted in subsection (e) of this Section, **NO** parking of any vehicle is permitted:

- (1) Directly across the street from another vehicle;
- (2) In front of any mailbox before 6:00 P.M.;
- (3) In parking lots overnight without a permit as provided in subsection (e) of this Section;
- (4) In front of a fire hydrant;
- (5) In front of or in another person's driveway except with that person's express written permission, even if that person is not residing there at the time;
- (6) That blocks emergency access at the emergency access point (fire lane) on Foxworth Circle in the rear of the Cascades;
- (7) On the street overnight without a permit as provided in subsection (e) of this Section;
- (8) Where the area is posted "No Parking" by Management, or where it is clear to a reasonable person that parking the vehicle in question would constitute an impediment to entering or exiting the driveway safely, or to other normal and customary use of the roadway;
- (9) Left of the center of the roadway, so that the left side of the vehicle (driver's side) is at the curb; or
- (10) In a space set aside for the handicapped, unless a license plate or other official designation of handicapped status is displayed on the vehicle. Upon request, Management shall issue a permit for the use of a handicapped space by a golf cart used by a handicapped person and may provide the user some form of designation visible when the golf cart is using the space.

(d) **ADDITIONAL RESTRICTIONS ON CERTAIN TYPES OF VEHICLES AND RELATED EQUIPMENT:**

- (1) No vehicle other than conventional private automobiles or small unmarked pickup trucks or vans customarily used as passenger vehicles, golf carts, motorcycles may be parked outside the garage;
- (2) No motorized vehicle which is unlicensed or clearly not operational shall be parked outside the garage; and
- (3) No camper, mobile home, trailer of any kind or cart or wagon or any similar item shall be parked or stored anywhere other than in a garage.
- (4) Within the Clubhouse Complex, bicycles and other similar vehicles may be parked **ONLY** in available bicycle racks provided. If there is no space in the bicycle rack, the vehicles must be parked in the immediate vicinity of a rack so that they do not block the sidewalk or impede pedestrian or vehicular traffic.

(e) **LIMITED EXCEPTIONS:** Notwithstanding the prohibitions in subsections (c) and (d) above:

- (1) Temporary street parking of trucks and commercial vehicles for pickup, delivery or other commercial services in front of or in the driveway of the residence receiving the service is permitted only while the service is actually being performed;

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(2) Residents are encouraged to park their own vehicles in the garage or driveway so that additional space for guest parking will be available.

(3) Resident Members and lessees may obtain a permit from Management (to be displayed on the vehicle) to park a motor home, mobile home, camper, boat, and trailer in the driveway or on the street in front of the resident's home for a period not to exceed twenty-four (24) hours while the resident is in the process of packing or unpacking in connection with an extended out-of-town stay, so long as the vehicle does not unduly interfere with the view of the road or present an unreasonable danger to health and safety. The vehicle may be parked in one of the parking lots for an additional twelve (12) hours upon completion of the packing or unpacking and just prior to departure.

**(f) CARE OF VEHICLES:**

(1) Washing or other cleaning of any vehicle on the street or in the parking lots is prohibited;

(2) No repair work on a vehicle or boat or related equipment shall be conducted on any private lot other than minor repairs, cleaning or waxing which is completed in less than twenty-four (24) hours.

**(g) REQUIREMENTS FOR OPERATORS OF VEHICLES:**

(1) With the exception of handicap equipment by a handicapped person, no person may operate any motorized vehicle in the Cascades, except a person who is licensed under applicable State and local law to operate an automobile.

(2) All Resident Members, Qualified Lessees, other authorized residents, Guests and House Sitters must register their motorized vehicles with Management and provide such information as is required by Management.

**(h) GOLF CARTS:**

(1) Golf carts are permissible on the roads in the Cascades and subject to the same Rules and Regulations as automobiles, including parking restrictions. As such, golf carts are not permitted on sidewalks, or in any area designated as "No Parking" or any other space where cars cannot park. However, they may be parked in any spaces designated by Management for golf cart parking only.

(2) Golf carts should be driven as close to the right side of the road as possible.

(3) Golf carts should allow vehicles behind them to pass them whenever it is safe.

(i) Signs on or in vehicles indicating open houses, home for sale or rent or vehicles for sale are prohibited.

**Section 302. PETS:**

(a) Up to two pets per household are permitted in the Cascades subject to the following limitations:

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- (1) Any animal other than cats, dogs, and other usual and common household pets are prohibited. No reptiles are permitted.
- (2) Dogs and cats, other than those accompanying Guests, must be registered with Management in the manner designated by Management. Registration shall include proof of vaccination in accordance with applicable law and a photo and/or descriptive material sufficient to identify the animal should it escape from the owner's home into the community.
- (b) All pets must be kept on a leash no longer than a six (6) foot lead at all times when outside the owner's home or other building. Use of extending leashes is not permitted within the Cascades.
- (c) The pet owner is responsible for any damage to persons or property by his/her pets. Violations may be deemed to constitute a nuisance by Management and as such can result in the removal of the animal.
- (d) (1) Pet owners may permit pets to defecate or urinate on their own property, on roadways or on common areas EXCEPT:
- the Clubhouse Complex;
  - common areas that border the water retention ponds or grass areas at the rear of another person's property; or
  - in grass areas adjoining the front of another person's property.
- The person walking a pet shall immediately remove excrement with an appropriate tool and deposit the waste in a trash receptacle on the property where the pet resides or is visiting.
- (2) Disposal of pet refuse in the trash bags or receptacles of another person, in the water retention ponds or in the Preserve areas, is strictly prohibited.
- (e) No dog may be confined on a lanai or in a cage or fenced area outside the home while the owner is not on the property or the owner is in a part of the property where barking cannot be clearly heard. It is the responsibility of a dog owner to promptly attend to a barking dog and, if the barking is habitual, confine that dog to the inside of the house except while being walked.
- (f) As stated elsewhere in the Rules and Regulations, pets are not permitted in the Clubhouse Complex, except while walking through the Clubhouse parking lot to or from the sidewalk leading to Castlemaine Avenue. Pool decks may not be used for shortcuts, cut-throughs or exercise areas while walking a pet.
- (g) Pets accompanying Day Guests shall not leave the property of the host Resident Member or lessee during the visit unless confined to a vehicle.
- (h) No animal that is prohibited under subsection (a)(1) of this Section shall be brought into the Cascades by any person, regardless of whether it is for a temporary stay

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and regardless of whether the animal will be confined in a house or vehicle.

(i) Dog owners shall use due care to assure that their pets do not disturb any person by barking at or by making unwanted approaches to other people while on a leash outside the home.

**Section 303. TRASH SET OUT AND PICKUP**

(a) It is the responsibility of the Resident Member or Qualified Lessee to correctly ascertain the day of the week on which trash, recyclables or brush will be picked up, and to place all such items at the curb in the prescribed containers for pickup no earlier than 6:00PM on the day prior to the pickup. Dumpsters in the Cascades may not be used for household trash disposal.

(b) Trash, brush, and other refuse may not be placed at the curb or elsewhere so as to alter or otherwise interfere with drainage or to impede access to or use of the roadway.

(c) The placement of one's pet's refuse or other refuse in the trash bags or other refuse containers placed at the curb of any property for pickup other than one's own is prohibited. The placement of one's refuse containers at the curb of any property within the Cascades other than one's own property is prohibited.

**Section 304. SIGNS**

(a) Subject to subsection (d) of the Section, "For Sale," "For Rent," and "Open House" signs are not permitted on any private property or common area, on or in any vehicle, or in windows of the homes in the Cascades, except uniform signs developed and/or approved by the Management and/or available from Management after approval of the Architectural Control Board (ACB).

(b) ACB and the Board of Directors has approved and provided for uniform attractive real estate signs for the purpose of selling a home within Cascades at Estero.

(1) "Open House" Signage Specifications:

Material: Coroplastic board in beige and dark green colors to blend with the existing signage for Cascades at Estero.

Dimensions: The flat portion of the sign shall be 24 inches wide by 18 inches high.

Contents: The words "**Open House**" shall appear on both sides of the sign. The color of the words Open House shall be dark green and can be either painted or vinyl lettering against a beige background.

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Attachment &

Signage Mounting: The sign shall be supported by a wire stand and may not exceed a height of thirty six (36”).

(2) “Real Estate ” or “By Owner” Signage Specifications:

Material: ¾ inch Medium Density Overlay (MDO) wood in beige and dark brown colors to blend with the existing signage for Cascades at Estero.

Dimensions: The flat portion of the main sign shall be 24" wide by 18" high. Advertising riders shall be 24” wide by 4” high and placed 2” under the main sign.

Contents: The words shall appear on one side of the main sign and advertising riders. The color of the words shall be dark brown and can be either painted or vinyl lettering against a beige background.

Copy: The copy that is allowed for use on signs and advertising riders is included in the approved Rules and Regulations for Real Estate Signage.

Attachment &

Signage Mounting: The sign shall be attached to or mounted on a 4”x 4” wood post and 38” high with a metal spike at the end of the post for installation.

(c) Real Estate and Open House Signage

(1) General

- a. All signage must conform to Cascades at Estero Residents’ Association Architectural Control Board design criteria.
- b. The real estate agent or homeowner will pay for the cost of all signage and will be responsible for the placement and removal of their own signs.
- c. No “For Lease” or “For Rent” signs will be allowed to be displayed at anytime in the community.
- d. No attention-getting devices, such as ribbons, flags or balloons, are permitted.
- e. No other signs of any type other than those approved may be placed outside or inside of any dwelling unit within Cascades at Estero. This includes, but is not limited to “Rentals”, “Garage Sale” or “Realtor” signs. If it becomes necessary for Management to remove any unapproved or

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unauthorized signs, the homeowner will be charged a disposal fee of \$200.00 for each occurrence.

- f. The Property Manager will remove any sign which does not meet the specifications or is placed in the wrong location.
- g. No signs may be placed in the rear or side of any property (i.e., lakes, common areas, bulletin boards or mail boxes).
- h. Signs may not be illuminated.
- i. Sign must be straight and plumb at all times.
- j. Signs that do not comply with these policies may be removed by the Association staff by way of a Notice of Corrective Action. The notice to the Homeowner shall state that unless corrective action is taken immediately, the Board of Directors may cause such action to be taken at the Homeowner's expense. All costs incurred in correcting or eliminating this violation will be added to, and become part of, the Assessment to which the offending Homeowner is subject, and shall be secured by the Assessment Lien.
- k. The Association may also elect to:
  - i. Have the sign removed by a third party, in which event the cost of removal shall be charged to the owner.
  - ii. Levy a fine as a penalty for the infraction.
  - iii. Exercise any other remedy available through the governing documents or law for failure to comply with sign policies.

(2) Open House Signage

- a. One (1) approved Open House sign may be placed in the front yard of a home. No signs are to be placed on public right of ways and Association common area. No signage will be allowed anywhere at the front entrance into Cascades at Estero or along Estero Parkway.
- b. Open House signs can only be displayed during the actual hours a home is "Open" for inspection which is between the hours of 1PM and 5PM on Saturday or Sunday and must be removed by 5PM each night, even if the event is to reconvene the following day.
- c. Open House signs are restricted to one (1) per event; in front of the home where the event is being held. Whenever there is an "Open House" sign displayed, there shall be a real estate agent or homeowner present on the property at all times.

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- d. No banners, flags, balloons or any other promotional eye-catching materials or objects may be displayed to embellish the sign permitted by the Association.
- e. No "TAKEONE" boxes, flyers, tubes or containers are permitted.
- f. No "Directional Signs" shall be permitted.
- g. Open House signs shall not be permitted in windows, on fences, courtyard walls or any portion of any structure located on a property.
- h. Open House signs may not exceed a height of thirty six inches (36") or width of twenty four inches (24") and must be in good repair and well maintained.
- i. Sign must be placed perpendicular to the roadway and a minimum of thirty six inches (36") from the edge of the roadway.

(3) Realtor / Owner For Sale Signage

- a. Only one (1) approved 18"x24" wood sign on 4"x 4" post per residence is permitted.
- b. Sign must be placed parallel to the street and placed in the planting area directly in front of the home out of the grass for ease of lawn care.
- c. Copy on signs will all indicate "**Offered By**" (smaller lettering located at the top of the left corner of the sign) and may only include any of the following:
  - Name of Real Estate Company (No company or agent logos)
  - Telephone of Real Estate Company
  - Name of Agent(s)
  - Telephone or cell phone of agent(s)
  - Email address
- d. A homeowner selling their own property without a realtor will include on the signs "**Offered By**" and is permitted to only include any of the following information:
  - Owner
  - Telephone number
  - Second phone number if desired
  - Email address

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- e. Advertising Riders (4"x24") are allowed to be placed 2" under the main sign with only one (1) of the following descriptions: POOL, POOL / SPA or LAKEFRONT.
- f. No signs indicating "PENDING", "UNDER CONTRACT" or "SOLD" are allowed on or attached to the approved sign or any structure located on the property.
- g. No "TAKEONE" boxes, flyers, tubes or containers are permitted.
- h. No banners, flags, balloons or any other promotional eye-catching materials or objects may be displayed to embellish the sign permitted by the Association.
- i. Realtor / Owner For Sale signs shall not be permitted in windows, on fences, courtyard walls or any portion of any structure located on a property.
- j. Realtor / Owner For Sale sign must be mounted on an approved sign post and shall be installed so that the top of the sign is no more than thirty eight inches (38") above ground level.
- k. Realtor / Owner For Sale signs must be removed when the property is taken off the market or within seven (7) days after the close of escrow. "Sold" riders shall not be permitted.
- l. All signs need to be maintained in good condition at all times. Any sign that is not maintained in good condition, i.e., paint chipping or wood rot, will need to be replaced with a new sign or the sign will be removed.

(d) Open House Procedures and Registration:

(1) Open House Procedures

- a. Advertised and realtor's Open Houses may be held by realtors or residents from 1PM to 5PM on Saturdays and Sundays for the purpose of showing homes currently for sale. Days and times are subject to future change to accommodate any future changes.
- b. Realtors or Owners must complete a registration form for ALL Open Houses with the Cascades at Estero Management Office in person or by fax. Deadline for registration is 3PM Thursday for following weekend Open Houses. Lists of all registered Open Houses will be maintained by the Property Manager.

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- c. A list of all “Open Houses” that are registered for that particular weekend will be copied and placed in the information box on the Cascades Open House Sign located just inside the security gates along the resident’s entrance. A prospective buyer may take a copy of the list attached with a map of the community on the reverse side.
- d. A listing of homes that are registered For Rent / For Lease will be copied and placed in the second information box. It will be the responsibility of the homeowner to contact the Cascades at Estero Management Office to have their home listed For Rent / For Lease. The procedure will be the same as for an Open House.

(2) Procedures for Listing and Showing Agents

- a. The homeowner must inform the Cascades at Estero Management Office, in writing that the home is either for rent or for sale and also provide the name of the listing agent, the agency affiliation and appropriate contact information. For the purpose of these procedures and rules, the owner will be considered the listing/showing agent if the home is “For Sale by Owner”.
- b. The listing agent for a rental is responsible for contacting the Management Office and securing information on the lease form approved for use at Cascades at Estero. No other lease forms will be accepted.
- c. The selling or leasing agent of a home in Cascades at Estero has the responsibility of becoming familiar with the limitations imposed on a lessee or prospective owner by the various association documents and the Rules and Regulations of the Cascades at Estero Community Association and insuring that no conditions exist which would place the lessee or prospective owner in violation of the above documents.
- d. Open Houses must be registered with the Cascades at Estero Management Office, and hours are limited to Saturday and Sunday between 1PM and 5PM. Deadline for registration is 3PM Thursday for weekend Open Houses.
- e. No announcement or directional signs may be displayed within or anywhere at the front entrance into Cascades at Estero or along Estero Parkway except one (1) approved “Open House” sign which may be displayed at curbside at the driveway to the home. This Board approved “Open House” sign and its specifications, developed by the ACB, are the only real estate temporary sign that is permitted in Cascades at Estero.

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f. Agents and prospective buyers or renters are guests of Cascades at Estero and are expected to conduct themselves appropriately, i.e., obeying speed limits, observing parking restrictions and not creating a disturbance for the residents. Prospects may not make use of the amenities.

(e) Contractors' signs shall not be placed on any property within the Cascades except as required by law.

**Section 305. MISCELLANEOUS COMMUNITY MATTERS**

(a) (1) No Member, lessee, other resident, Guest or House Sitter may reprimand, instruct, order, or interfere with an employee, vendor, or contractor of the Association or Management during the lawful performance of their duties. No person shall act or behave in any manner of authority so as to supersede the authority of Management. Complaints and/or suggestions and recommendations must be submitted to Management in the manner provided.

(2) Personal contact by any Member, lessee or other resident, Guest, or House Sitter via telephone, mail or face-to-face with the superior or supervisor of vendors, contractors, or providers to the Association on matters which are the prerogatives of Management, is prohibited.

(b) The views, conclusions and recommendations of volunteer committees and their members, or of any individual volunteer, contractor, or consultant appointed or engaged by Management are advisory only. Such persons or entities have no authority to make final decisions, financial commitments, or contracts on behalf of Management in absence of a limited express written delegation of authority from the Board to a single specific named person.

(c) Members, lessees, and other residents of the Cascades may not speak for or otherwise represent themselves as an authorized representative of the Cascades without an express written delegation of authority from the Board.

(d) No fireworks may be ignited or used within the Cascades. Storage of fireworks is discouraged.

(e) Holiday decorations, such as Halloween, Thanksgiving, St. Patrick's Day, July 4th, etc, may be used on the residences and other private property within the Cascades. Such decorations may not be put up earlier than 10 days prior and removed no later than 10 days after said holidays, subject to the following limitations:

(1) No electrical equipment may be used that has not been approved for that purpose by the industry and may only be used for the purpose intended;

(2) All electrical and other equipment and decorations must be located and installed so that they do not impede the landscaping contractors or other persons

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authorized to be on the property in carrying out their responsibilities or present a hazard to their safety; and

(3) The Association is not responsible for any removal of or damage to decorations caused by normal landscaping or other maintenance carried out on behalf of the Association.

(f) No garage door may remain open for more than two (2) hours on a continuous basis.

(g) Soliciting of any type shall be strictly PROHIBITED within the Cascades at Estero. Outsiders, guests as well as residents shall not be permitted to solicit in any manner.

(h) As a Security concern the distribution of any printed matter, on a house to house basis other than by U.S. Mail, or any other commonly recognized forms of Common Carrier which require a fee for said distribution shall be PROHIBITED within the Cascades at Estero. This shall include Residents as well as non-residents. Further more, if this provision should be violated by the placing of said printed matter in or around a mailbox within the Cascades, in violation of Federal Postal Laws, the person responsible for the placing of said printed material shall bear the FULL PERSONAL RESPONSIBILITY of any monetary or other penalties placed upon the Cascades at Estero Residents Association by any Authorized Representative of the United States Postal Service or any other duly empowered judicial or regulatory agency.

(i) The two wall mounted bulletin boards in the main hallway of the clubhouse shall be used for community activities and notices. No single notice shall be larger than a sheet of 8 1/2" by 11" paper. NO RESIDENT SHALL POST ANY ITEM WITHOUT THE PERMISSION OF THE ON SIGHT MANAGER. It shall be at the manager's discretion as to whether or not the item shall be posted. It shall be the manager's responsibility to make periodic inspections of these bulletin boards and to promptly remove any outdated or unauthorized notices or printed material of any type.

The glass enclosed bulletin board, located across from the manager's office shall be used for the placing of all pertinent association business. The manager shall ensure that this board is kept neat and up to date.

There shall be no placing of temporary signs, easels or any other device to disseminate information without the specific authorization of the Board of Directors at an authorized meeting of said body. The only EXCEPTION shall be:

- A. Matters of exigency, determined by the Board of Directors or the Security Committee.
- B. Notice of an impending storm or other natural disaster.
- C. Information of an Emergency nature AFTER a storm or other natural disaster.
- D. Information of an Urgent nature supplied by a duly authorized Law Enforcement Agency.
- E. Any other information which, at the determination of the Board of Directors, is in the best interests of the residents.

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The use of such posting devices shall be by the members of the Board of Directors, the property manager or his authorized representative, or the Chairperson of the Security Disaster Preparedness Committees ONLY.

**PART D  
LANDSCAPING, EXTERIOR CHANGES IN THE RESIDENCE, SHUTTERS,  
ETC.**

**Section 401. LANDSCAPING**

(a) No trees or landscaping installed by the Developer or Management can be changed without approval of the ACB. No additions to the landscaping can be installed without approval of the ACB. A proposal or application for such changes or additions must be drawn in detail on a copy of the survey of the property that was provided at closing, and submitted to the ACB. The drawing must include all trees and landscaping that are already on the property.

(b) No trees or other plants may be installed in the swale areas between the homes or in any part of the property that would impede or otherwise alter the pattern of natural runoff of rainwater between the lots.

**Section 402. EXTERIOR OF THE HOME**

(a) Any proposed change in or addition to the exterior of the home must be submitted to the ACB for approval and must be approved before the commencement of construction or other work to be done. Changes covered under this subsection include, but are not limited to, painting, addition or alteration of screen enclosures, change in lighting and lighting fixtures, outdoor décor on the home and in the yard, statuary, mailboxes, window boxes, fountains, gas tanks, water filtration systems, generators (except in response to temporary use in emergency situations), and other permanent or stationary equipment, or large stationary pots or planters.

(b) No sheds, tents, trailers, or freestanding manufactured housing components may be erected or stored on any lot.

**Section 403. INSTALLATION AND REMOVAL OF STORM SHUTTERS**

The purpose of this Section is to recognize and codify the general types and styles of storm shutters that already have been authorized for installation in the Cascades and to regulate their actual use. Nothing in this Section affects the applicability of the requirements and limitations in Article VI of the Declaration of Restrictions and Protective Covenants for Cascades at Estero (Declaration) relating to additions,

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alterations, or changes to a Member's property and the obligation to comply therewith.

(a) The following are the only types of storm shutters that have been authorized for or permitted on some or all locations on the houses in the Cascades before November 1, 2006: (1) steel or aluminum panels or any type of storm shutters provided by the Developer at the time of the purchase of the house; (2) accordion shutters approved by the ACB; (3) roll-down shutters approved by the ACB; and (4) clear storm panels approved by the ACB.

(b) Replacement of Approved Shutters: (1) All houses come with approved storm panels or other shutters. If a request for roll-down or accordion shutters is made to the ACB, an approval will be issued, but with certain exceptions.

(2) If a request is made to the ACB for clear, steel or aluminum panels or any types of shutters not specifically mentioned in this Section, an approval may be issued and may be subject to certain exceptions.

(c) Selection of effective shutters is the responsibility and choice of the Member subject to approval by the ACB. Approval by the ACB does not constitute endorsement of or warranty or guarantee regarding the effectiveness of the shutters for prevention or reduction of storm damage.

(d) Use of Storm Shutters: The installation of storm shutters or the closing or lowering of any storm shutters that are permanently affixed to the house (such as accordion or roll-downs) is permitted only in accordance with this Section and only for the protection from storm (hurricane) damage. Use of storm shutters for any other purpose, including but not limited to, security purposes, protection from the sun or rain, ventilation, or privacy, IS PROHIBITED unless specifically permitted by the ACB under criteria and/or rules issued to address these uses on a case-by-case basis. Approval or disapproval of the aforementioned additional uses by the ACB is not subject to the time limitations for approval in Article VI of the Declaration (since it does not constitute approval of a change or alteration on the home) and is revocable at any time.

**(e) Timing of Installation of Storm Shutters:**

Except as provided in paragraphs (1) and (2) of this subsection, storm shutters may not be installed and, in the case of any storm shutters that are permanently affixed to the house, may not be closed or lowered, until some part of the southwest coast of Florida or any part of the Florida Keys is included in a National Weather Service hurricane tracking cone; OR when a "hurricane watch" or "hurricane warning" is issued for Lee County, **WHICHEVER IS EARLIER.**

(1) **All residents occupying a home** in the Cascades are not permitted to install shutters of any type until one of the criteria has been met as described above for the Timing of Installation and no sooner than 72 hours prior to the anticipated arrival of the storm.

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(2) **Residents who are not occupying their home** and/or leave for an extended period of time during the summer months may install shutters and leave the shutters closed from the commencement of the official Hurricane Season as designated by the National Weather Service to be JUNE 1 to NOVEMBER 30.

**Note: (1) No shutters of any type are permitted on the front windows, front doors, garage entry doors on the front of the house except 72 hours prior to the anticipated arrival of a storm. These shutters must also be removed within the 72 hours of the storm leaving the Lee County, Fla. area. (2) Permanently installed accordion shutters or other shutter systems approved by the ACB, may be affixed to the front windows, front doors, and garage entry doors on the front of the house, but must not be in a closed or in a protective position and must abide by the 72 hour provision.**

All shutter types that can be installed in accordance with the above provision must be:

- clear storm panels
- steel or aluminum storm panels painted the color of the home
- Accordion shutters
- Roll-down shutters

Transom windows are permitted to have any of the above types of shutters installed during the June 1 to November 30 time frame. A custom fitted Lexan panel may be permanently attached to the Transom for year-round use.

(f) Removal or Opening of Storm Shutters:

(1) All Residents who are occupying a home in the Cascades, must remove/open their Storm Shutters within 72 hours after the storm has passed the Lee County Area. In the event of sustaining damage to your property, residents are obligated to perform all requirements determined by their Insurance Company to secure their home.

(2) All Residents who are returning to the Cascades after an extended absence must remove/open their Storm Shutters within forty-eight (48) hours of the Residents' return to the property or by NOVEMBER 30 of that calendar year, whichever occurs first.

(g) Closing accordion shutters or lowering roll-down shutters or allowing them to remain closed or lowered other than in compliance with these Rules and Regulations may be subject to the same penalty provisions as any other violation involving failure to timely remove storm shutters.

(h) The Board shall establish criteria and emergency procedures for temporarily waiving the Rules and Regulations in this section, if necessary, due to continuing storm activity or threat over a short period of time; and shall take reasonable steps to notify all Residents, including but not limited to, a recorded phone message to that effect.

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(i) The Board of Directors is authorized to entertain individual petitions for Limited waivers of the time limits in this Section due to health or other family emergency or upon receipt of documentation that good faith efforts to comply with the Rules and Regulations have not been successful through no fault of the Resident.

**PART E**  
**REGULATORY IMPLEMENTATION AND REVIEW**

Section 901. IMPLEMENTATION

(a) Rules and Regulations shall become effective as soon after their adoption as applicable requirements for notice to the Members have been met.

(b) No later than sixty (60) days from date of the adoption of these Rules and Regulations, the Board of Directors shall put in place an implementation plan, including but not limited to identification and assignment of implementation tasks and goals for completion thereof.

(c) This section is equally applicable to any Rules and Regulations adopted regardless of the date of adoption.

Section 902. REVIEW

Management shall undertake a review of the Rules and Regulations no later than two hundred and seventy (270) days after the effective date thereof to ascertain fairness, completeness, and effectiveness and to address any other related inquiry the Board desires to include. Thereafter, such a review shall be undertaken every twenty-four (24) months.