

DEFINITIONS

The following definitions shall apply unless they conflict with California law:

1. **ASSOCIATION** means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development (CID).
2. **STOCK COOPERATIVE** means a development in which a corporation is formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, and all or substantially all of the shareholders of the corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation.

The owners' interest in the corporation, whether evidenced by a share of stock, a certificate of membership, or otherwise, shall be deemed to be an interest in a common interest development and a real estate development for purposes of subdivision (f) of Section 25100 of the Corporations Code.

A "stock cooperative" includes a limited equity housing cooperative which is a stock cooperative that meets the criteria of Section 33007.5 of the Health and Safety Code.

3. **GOVERNING DOCUMENTS** means the declaration and any other documents, such as bylaws, operating rules of the association, articles of incorporation, or articles of association, which govern the operation of the common interest development or association.
4. **BOARD OF DIRECTORS** denotes the five members and two alternates who have been elected by the membership. The term of the Directors is one year and at the discretion of the outgoing Board, two (2) Directors shall continue in office for a period not to exceed one additional year and shall expire when a successor(s) have been elected at the Annual Meeting and when a successor(s) hold their first meeting. The Board of Directors is a decision-making body for the cooperative corporation.
5. **BOARD APPROVAL** refers to written approval from a majority of the then recorded Board of Directors for Eastern Gardens Cooperative, Inc.
6. **BOARD OF DIRECTORS MEETING** Regular meetings of the Board of Directors may be held at such time and place and shall be determined from time-to-time by a majority of the Directors, but at least four such meetings shall be held during each fiscal year. The membership is invited to attend all regular meetings of the Board of Directors.
7. **MANAGING AGENT** refers to the Management Company hired by Eastern Gardens to oversee the daily operations, including maintenance of the common areas, financial affairs, including collections of monthly carrying charges, and/or late fees, clubhouse rental fees, payment of invoices, budgetary oversight, and liaison with HUD and the Board of Directors. The Management Company is overseen by HUD and the Board of Directors.

8. RESIDENT MEMBER describes and includes all certificate membership holders and all persons residing in a dwelling unit as their domicile or legal residence. Resident members will be responsible for guests visiting their units.
9. RESIDENT MEMBERS HANDBOOK denotes the collection of written governing documents including, but not limited to, the Articles of Incorporation, HUD's Regulatory Agreement, Bylaws, Rules, Regulations and Policies issued to the resident members of Eastern Gardens Cooperative, Incorporated.
10. DWELLING UNIT includes the upper surface of the sub-flooring and the upper surface of the concrete slabs, the plane of the lower surface of the ceiling joist, the plane of the interior walls, with wall stud or furring, the plane of the surface of the wall studding or furring, the interior surface of the concrete walls, the plane of the interior surface of the concrete walls, or in the case of the walls, with wall studs, the surface of the wall studs, the exterior surface of the doors, the exterior surfaces of the glass and window frames. Simply put, it's the apartment unit.
11. COMMON ELEMENTS & AREAS Amended 10/10/2013 ~~Include picnic & barbeque area, lawns, flower gardens, driveways & carports, walkways, breezeways, swimming pool, clubhouse, laundry rooms, and storage buildings, exterior steps, exterior lighting fixtures, installation of central services, such as, power, telephone D-mark boxes, gas, water, all utility lines, sewer, drainage, water and other pipes and conduits.~~ **Common Area is defined as the entire common interest development except for the separate interests in the development. In accordance with, Civil Code 4075 "Definitions".**
 - a. **Separate Interest. The "separate interest" of your apartment unit is the air space bounded by the interior surfaces of the perimeter walls, floors, ceilings, windows, and door for which you receive an appurtenant for your purchased share a "Certificate of Membership", granting you an exclusive right to occupy a selected apartment unit in accordance with the terms of the Occupancy Agreement and the Corporations governing documents.**
 - b. **Exclusive Use Common Area. Exclusive use common area, sometimes referred to as "restricted common area", is defined as those common areas outside the memberships separate interest, as defined above. Restricted Common Areas shall not be used for the exclusive use by the membership, for example, no construction, building, erecting or assembling of structures of any kind. Other purposeful items but not limited to are, security/screen doors, sun screens on windows and door bells, the member must comply with Article 13 of the occupancy agreement by writing a letter to the board prior to installation.**
12. ANNUAL OPERATING BUDGET is established by a joint effort with Management and the Board of Directors. The Annual Operating Budget is the basis for the monthly carrying charge/maintenance fee and is comprised of normal operating expenses and capital reserve funding. The Annual Operating Budget for each fiscal year will be available to resident members through the Management Office no less than 30 days prior to the start of each fiscal year. The fiscal year of Eastern Gardens Cooperative, Inc. begins on January 1st and ends on December 31st.

13. ANNUAL MEETING is a meeting of all certificate membership holders held on the second Tuesday in December to elect new Directors and review the operations of the Corporation for the preceding year, the Annual Operating Budget for the upcoming year, and to present other plans or objectives for the upcoming year. Notice of this meeting is made at least 10 days in advance by mail or delivery to each resident member at his/her dwelling unit. Members are encouraged to attend the Annual Meeting and to participate in the open portion of the meeting.
14. CAPITAL RESERVE REPLACEMENT represents funds set aside for the future replacement of specific common area elements and capital assets (such as roofs, roads, walkways, parking lots, painting, and appliances). Note: Responsible maintenance of capital reserves eliminates the need for "special" assessments for future withdrawals from the reserve account.
15. SUGGESTIONS/REQUEST/COMPLAINTS Questions, suggestions, comments or complaints should be communicated to the Board of Directors by submitting a written letter by using the Board's mail box located inside the business office. All letters of concern are read privately and discussed amongst the board and are kept confidential. All service/building requests for work to be performed within the dwelling unit or the common areas should be reported to Eastern Gardens Management Office who will then review and prioritize the requests.