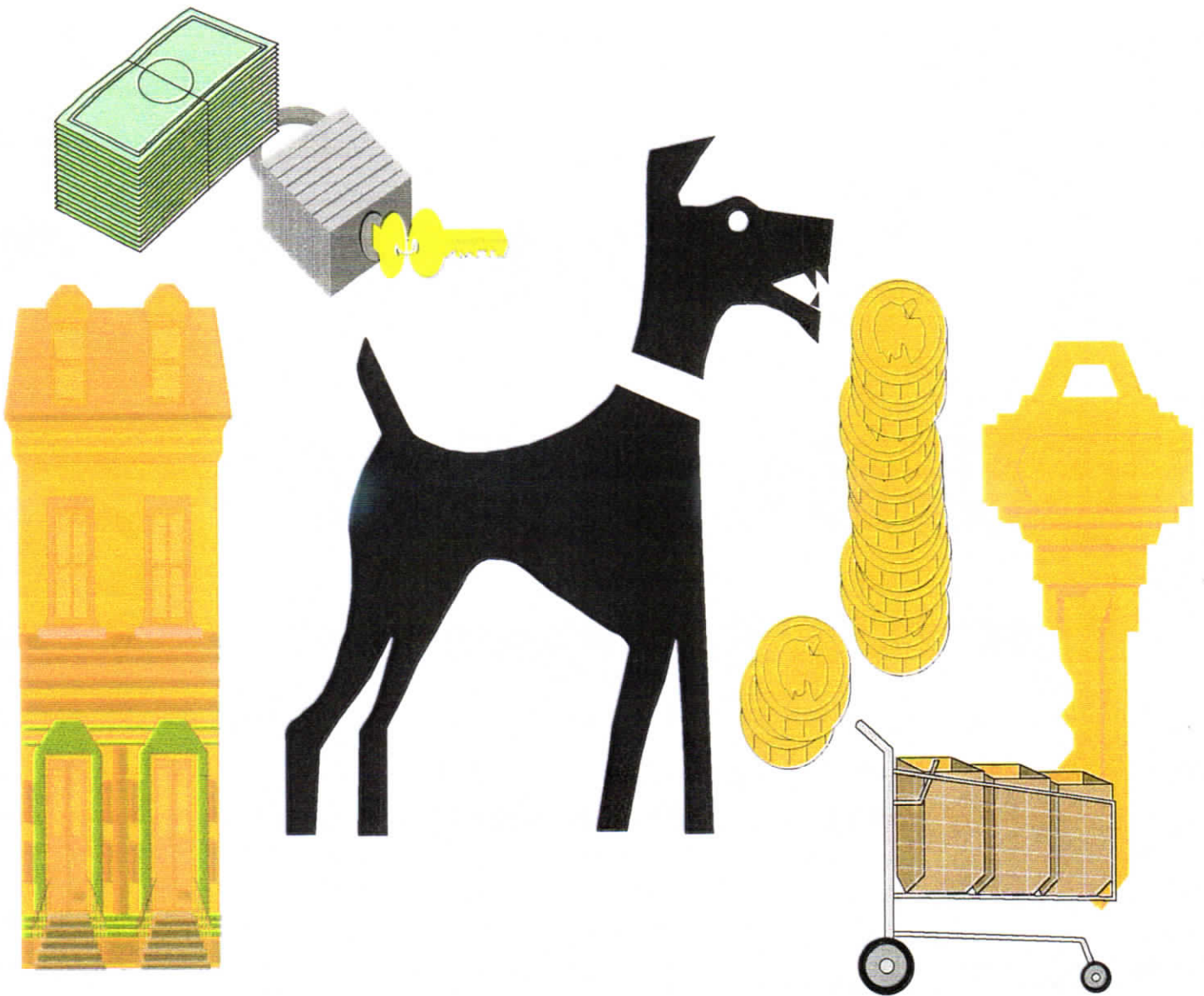


DANA BY THE SEA
HOMEOWNERS ASSOCIATION
RULES AND REGULATIONS



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**DANA BY THE SEA HOMEOWNERS ASSOCIATION
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DANA BY THE SEA HOMEOWNERS ASSOCIATION RULES & REGULATIONS

A. STATEMENT OF GENERAL POLICY

Recognizing the individual and collective property investment represented by the membership of the Dana By The Sea Homeowners Association including the value to all the investors and residents of the serenity and beauty of the community, the Board of Directors has adopted and authorized the preparation and distribution of these Rules and Regulations to all owners and/or tenants, effective October 9, 1993 including revisions dated September 7, 1994, July 31, 1996, and August 1, 1998.

The overriding philosophy is to establish Rules and Regulations that are in the best interest of the Association and its members as a whole. These Rules and Regulations are intended to summarize the main areas of concern as listed in the CC&Rs and Bylaws of Dana By The Sea Homeowners Association. They do not replace the CC&Rs or Bylaws (Bylaws 4.03k.)

The Bylaws of the Dana By The Sea HOA CC&R's, Section 4.03k give the Board the authorization to establish rules and regulations, when and where applicable. Rules may be an amplification or summarization of existing CC&R's. If in conflict with CC&R's, "Rules and Regulations" will be superceded. Rules are not all inclusive and may be amended by the Board at any time.

The terms and conditions set forth in these Rules and Regulations are binding upon all owners, tenants, and invited guests while residing, renting, visiting, and/or traversing or using any part of the common or other designated area therein.

Your cooperation in supporting not only the rules and policies, but also the spirit of these Rules and Regulations will contribute significantly to the protection of the rights and privileges of all.

Tenants are required to comply with these Rules and Regulations. Owners are requested to provide the Association with the name(s), address, and phone number of all tenants. It is the owners responsibility to ensure that the tenant has received the Rules and Regulations and that owners tenants understand they must comply with same.

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B. ANNUAL MEETING (Bylaws 3.03)

The annual meeting of the members shall be held on or about the anniversary date of the first meeting (August or September.) At each annual meeting there shall be elected, by members ballot, a Board of Directors (5) in accordance with the requirements of Article IV, Section 4.05 of the Bylaws. Members will receive required Civil Code disclosures in compliance with California law.

C. BOARD MEETINGS (Bylaws 4.10) (Civil Code Section 1363.05)

New: Civ Code 4900

The Board of Directors shall have a meeting not less than once per quarter or as deemed necessary.

General rule: Any member of the Association may attend meetings of the Board of Directors of the Association.

Exceptions to open meetings: 1) Board adjourns to executive session to consider; litigation - matters relating to formation of contracts with third parties, member discipline, personal matters, or at the request of a member subject to a fine, penalty or other form of discipline. 2) Emergency meetings.

Minutes: To be made available within thirty (30) days of the meeting.

Definition of "meeting": A "meeting" is defined as any congregation of a majority of the members of the Board of Directors at the same time and place to hear, discuss or deliberate upon any item of business scheduled to be heard by the Board of Directors, except those matters that may be discussed in executive session.

Notice of board meetings: Must be given at least four (4) days prior to the meeting, unless the time and place of the meeting is fixed by the bylaws or unless the bylaws provide for a longer period of notice.

D. COMMITTEES (Bylaws 4.15)

The Board of Directors, by resolution, may from time to time designate such committees as it shall desire and establish the purpose and powers of each such committee created. The resolution designating and establishing the committee shall provide for the appointment of its members, chairman, purpose of the committee, appropriate reports, termination and any other administrative matters as deemed appropriate by the Board.

These committees are a forum for homeowners to contribute and participate in the affairs of the community.

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The following committees may be active: 1) Landscape 2) Security 3) Architectural 4) Social 5) Rules and Regulations.

E. POOL, SPA AND BARBECUE AREA (Bylaws 4.03)

The pool, spa and barbecue grill (PSB) area will be open for use by homeowners, tenants and guests during the following hours:

Sunday through Thursday
Friday and Saturday

Dawn to 10:00 PM
Dawn to Midnight

Children ^{less than} ~~fourteen~~ ^{eighteen} (14) years old or less must be accompanied, at all times, by a responsible adult while in or about the PSB area.

No pets are permitted within the PSB area.

Association furniture and other property must not be removed from the PSB area without prior Board approval. Please put all furniture back in its place after using around the pool area.

The PSB area will be left clean after each use, i.e. no food scraps, cigarettes, garbage, etc. Each BBQ user must clean up after themselves.

F. PARKING AND VEHICULAR RESTRICTIONS (CC&Rs 8.02)

Only passenger motor vehicles may be parked in the common area garage and parking spaces which constitute Restricted Common Area.

No owner shall park, store or keep anywhere on the property any large commercial type vehicle, recreational vehicle, bus, trailer, trailer coach, camp trailer, boat, aircraft, mobile home, inoperable vehicle or any other similar vehicle.

Restoring or repairing of vehicles shall not be permitted in any common area.

Additional (guest) parking spaces shall be subject to reasonable control and limitation by the Board of Directors. The Board shall determine if compliance and restrictions are adhered to as set forth in the CC&Rs.

Vehicles shall be parked in the garage, assigned owners space, or owners driveway.

Alta Vista owners area assigned two (2) spaces per unit in the subterranean parking garage. ~~The Klein and Wolverton~~

24446
Alta
Vista

24448
Alta Vista

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Furthermore, the Board shall have the right, and shall be obligated, to enforce all parking restrictions as set forth in the CC&Rs and to remove any vehicles (at the owners expense) in violation thereof in accordance with the provisions of Section 22658 of the California Vehicle Code or other applicable laws, codes and statutes.

G. NUISANCES (CC&Rs 8.03)

No noxious or offensive activities shall be carried on upon the property or on any public street abutting or visible from the property.

H. SIGNS (CC&Rs 8.04)

No signs, posters, displays or other advertising devices are to be posted on the property or on any public street abutting the property or on any public street abutting the property without prior written consent of the Architectural Committee.

This restriction does not apply to any signs or notice of customary and reasonable dimension which states that a residence is for sale or lease. Such sign or notice may be placed within a unit, but not upon any portion of the common area without prior written approval of the Board of Directors.

I. PATIOS AND DECKS (CC&Rs 8.06)

Patios and decks are considered "restricted common area." Items such as patio furniture, barbecues and plants may be kept on the patios and decks. Storage or maintenance of other items such as exercise equipment, firewood and storage cartons is prohibited.

No clothing, household fabrics or other unsightly articles shall be hung, dried or aired on any portion of the residence so as to be visible from other residences or the street.

Per the deck manufacturer's instructions and warranty, the use of outdoor carpet on the deck surface is **NOT AUTHORIZED**. Any damage caused by the owner's improper care shall be the financial responsibility of the owner.

J. ANIMAL REGULATIONS (CC&Rs 8.07)

No animals, livestock, reptiles, insects, poultry or other animals of any kind shall be kept in any residence except that usual and ordinary domestic dogs, cats, fish and birds may be kept as household pets within any residence provided that they are not kept, bred or raised

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therein for commercial purposes or in unreasonable quantities or sizes. "Unreasonable quantities" shall ordinarily mean no more than two (2) pets per residence.

Pets are to be leashed at all times while outside residences on the common areas of the property. It is not permissible to let **ANY** pets roam the property at large (i.e. cats).

Pet owners are required to pickup their pet's waste and dispose of it in a sanitary manner.

Pet sounds and noises (i.e. barking dogs) may not be such as to disturb homeowners.

K. RUBBISH REMOVAL (CC&R's 8.10)

No portion of the property shall be used for the storage of building materials, refuse or other similar materials.

In the communal underground parking area, only bicycles and ladders may be visibly stored. Any other large items must have written approval from the Architectural Committee before such items can be temporarily stored in a visible manner.

All owners, tenants, residents, etc. must comply with state and local government recycling requirements. No exceptions.

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L. ARCHITECTURAL RULES

The Board of Directors is the Architectural Committee.

All additions, replacements, improvements and/or alterations must be in accordance with the guidelines of the CC&Rs, Article IV, entitled "Architectural Review Committee."

Such additions, replacements, improvements and/or alterations, etc. must be submitted to the Architectural Committee on the "Architectural Approval Application" form. Approval by the Architectural Committee must be obtained before work is started.

"Architectural Approval Application" form is attached herewith.

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M. VIOLATION ENFORCEMENT PROCEDURE (CC&Rs, Article XV, and XII and Bylaws)

Failure to comply with any of the terms of these rules and restrictions by an owner, his family, guests, employees, invitees or tenants shall be grounds for relief which may include, without limitation, an action to recover sums due for damages, injunctive relief, foreclosure of any lien, or combination thereof.

If the Board of Directors determines that there is a violation of any provisions of the Bylaws, CC&Rs or these Rules and Regulations, then the Board shall give written notice to the responsible owner of the condition or violation.

The respondent will have the opportunity for an appropriate hearing as prescribed in the Bylaws.

The Board will take one or more of the following actions:

- 1) Dismiss the complaint.
- 2) Levy a special assessment.
- 3) Suspend or condition the right of said member to use of the recreational facilities.
- 4) Suspend said member's voting privileges.
- 5) Enter upon a residence to make necessary repairs.
- 6) Record a notice of noncompliance encumbering the condominium of the respondent
- 7) Assess a schedule of fines.

NOTE: FINES OR PENALTIES MAY ONLY BE ASSESSED BY THE BOARD AFTER PROPER NOTICE AND HEARING.

SCHEDULE OF FINES:

FIRST OFFENSE

- 1) A letter is issued to the owner identifying the violation.
- 2) A time limit for curing the violation will be stated in the letter.
- 3) A fine of **\$50.00** will be imposed if the owner does not cure the violation within the specified time limit.
- 4) Information regarding the next meeting of the Board of Directors will be included in the notice so that the owner may appeal the violation, if desired.

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SECOND OFFENSE

- 1) A letter is issued to the owner advising that the \$50.00 has been imposed to his regular monthly assessment account.
- 2) A time limit for curing the violation will be stated in the letter.
- 3) An additional fine of ***\$50.00*** will be imposed if the owner does not cure the violation within the specified time limit. ***(\$100.00 total)***
- 4) Information regarding the next meeting of the Board of Directors will be included in the notice so that the owner may appeal the violation, if desired.

THIRD OFFENSE

- 1) A letter is issued to the owner advising that the \$100.00 has been imposed to his regular monthly assessment account.
- 2) A time limit for curing the violation will be stated in the letter.
- 3) An additional fine of ***\$100.00*** will be imposed if the owner does not cure the violation within the specified time limit. ***(\$200.00 total)***
- 4) Information regarding the next meeting of the Board of Directors will be included in the notice so that the owner may appeal the violation, if desired.

SUBSEQUENT OFFENSES

The procedure for subsequent violation enforcement is per the enforcement procedure for the third offense.

UNPAID FINES WILL BECOME A LIEN ON THE PROPERTY UNTIL ALL AMOUNTS DUE ARE PAID IN FULL. IN ACCORDANCE WITH THE ASSOCIATION DELINQUENT ASSESSMENT POLICY, FINES WILL BE SUBJECT TO LATE CHARGES, INTEREST, COLLECTION AND LEGAL FEES.

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N. PROCEDURE FOR SALE/TRANSFER OF UNIT

Reference: DBTS CC&Rs, Article II, Section 2.04, page 9.

When a property is sold or transferred, the Association Treasurer will be notified and coordinate to assure the following:

- 1) A transfer fee of \$175.00 will be assessed. Payment will be handled through escrow.
- 2) The HOA Treasurer will assure that the new owner receives an Association telephone list, Dana By The Sea HOA Rules & Regulations, Mortgagee Form, copy of Civil Code Section 1354, and any other data as may be required by the California Civil Code.

Selling/transferring homeowners are reminded, we do not have a full service management company and as such, you must help yourself. The Treasurer will not make copies of CC&Rs, Bylaws, etc. If you have misplaced yours, you will have to borrow a set and start copying.

- 3) Selling/transferring homeowners should advise their escrow company to obtain all pertinent information, as may be required by escrow, from the Association Treasurer.
- 4) All new Alta Vista homeowners should contact ^{→ the BOD President} ~~Jon Krueger~~, at the close of escrow, to have their name and telephone number entered on the Alta Vista telephone entrance system.

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O. ASSESSMENT/FINES COLLECTION POLICY AND PROCEDURE

Reference: DBTS CC&Rs, Article V, Sections 5.01 - 5.10, pages 21 - 27.
Civil Code Section 1365, Section (d), Section 1366 and 1367

Scope: Monthly assessments, unpaid fines, annual and capital improvement assessments, monthly assessment increases, reconstruction and special assessments.

Monthly assessments are due and payable on the first (1st) day of each month and become delinquent on the 15th day of the month. Special assessments are due as determined by the Board of Directors with a minimum thirty (30) day notice. Please remember that assessments are due even though the HOA does not send out an invoice or statement. It is each homeowner's responsibility to insure prompt payment of assessments.

If an assessment payment is not paid by its due date, interest will be imposed on all sums due, including the delinquent assessment, collection costs, late charges, etc. at an annual percentage rate of twelve **(12%) percent**.

Payments received on delinquent assessments will be applied to the owner's account by the balance-forward method, *i.e.*, in reverse order, so that the oldest arrearages are retired first. Thus, an owner's failure to pay interest, late charges, reimbursement assessments, or any other amount due to the Association will result in continued delinquencies. If an owner disputes any late charge or any other charge, the disputed item should be identified in writing by the owner within sixty (60) days of the imposition of said charges.

Regular monthly assessment dues and all special assessments will be treated separately. For example: if a special assessment has been imposed and you pay your regular monthly assessment dues, but do not pay the special assessment, the delinquency procedure will be applied to the non payment of the special assessment. Additionally, if the regular monthly assessment and an imposed special assessment are not paid, the delinquency procedure will be applied to each assessment separately thereby you would incur a total late charge of \$40.00 (\$20 for monthly dues & \$20 for special assessment) when payments are 15 days delinquent.

PAYMENT PROCEDURE:

- o Make check payable to "Dana By The Sea HOA"
- o Mail payment to: Dana By The Sea HOA, 24412 Alta Vista Dr., Dana Point, CA 92629.
- o Receipt of payment is determined by the date payment is **received** by the Association.
- o Allow sufficient time for your payments to be received by the Association to avoid late charges and/or other penalties.

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DELINQUENT PROCEDURE:

15 Days Delinquent: A late charge of **\$20.00** will be assessed to the account.

31 Days Delinquent: A delinquent letter will be sent to the owner stating that if full payment, including the \$20.00 late charge, is not received by the HOA within 10 days, a "Notice of Delinquent Assessment" will be recorded against the property. At this time, an additional fee of **\$30.00** will be assessed to the homeowner's account.

45 Days Delinquent: A "Notice of Assessment Lien" will be recorded at the County Recorder's Office against the property by the HOA. The HOA will also send to the homeowner, by certified mail, a letter stating this action and a copy of the "Notice of Assessment Lien." The delinquent account will be assessed an additional **\$175.00**.

60 Days Delinquent: A "Notice of Default and Intent to Foreclose" letter will be sent to the homeowner by the HOA explaining that the delinquent account has been referred to an attorney to commence foreclosure proceedings. The delinquent account will be assessed an additional **\$30.00**.

75 Days Delinquent: Foreclosure proceedings and/or lawsuit against owner for breach of the CC&Rs to pay assessments will commence. At the present time, the legal costs that will be assessed to the delinquent account, range from **\$600.00** to **\$2,000.00**. This could increase in the future.

AS STATED ABOVE, YOUR ACCOUNT WILL ACCRUE LATE CHARGES, INTEREST, COLLECTION COSTS AND LEGAL FEES FOR EVERY STEP TAKEN.

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P. SECURITY ACCESS KEYS & OPENERS TO COMMON AREAS

Security and safety concerns have caused the Board to have improved keyed-access gates installed at the main pedestrian street access on Alta Vista and the two stairwell entrances to the underground parking garage. For convenience, the Alta Vista gate, stairwell gates, the pool kitchen and bathroom are keyed alike. The elevator is now operated by a separate, easily identified key which has been previously distributed.

The increasing occurrence of unauthorized individuals roaming the property and using the facilities at all hours, as well as the recurring theft of vehicles, bicycles, and other personal property, and the potential for vandalism and assault have necessitated these actions.

The terms and conditions set forth as follows are binding upon all members, residents, and tenants of the Dana By The Sea HOA. Compliance is mandatory.

- 1) Security access keys will be issued only to registered adult members of Dana By The Sea HOA. Members must sign for keys to acknowledge their receipt. Tenants will be issued keys only with the formal authorization of the unit owner.
- 2) Keys and garage gate openers remain the property of Dana By The Sea HOA. Gate/pool building keys will be issued free-of-charge, as follows:
 - 1 key to each Granada level unit
 - 3 keys to each Alta Vista level unit

It is acknowledged that Alta Vista residents will use their keys daily and likely carry them at all times on their normal house key/car key rings. Granada residents should require these keys infrequently to unlock the pool building and occasionally visit the Alta Vista level. They are encouraged to keep these keys on a separate, conspicuous key ring (like a gas station restroom) for infrequent use.

- 3) These expensive, coded keys are available only by special order through the manufacturer with signature card authorization from the Board. They cannot be duplicated by unauthorized individuals.
- 4) Additional keys will not be ordered nor issued without advance payment in full received by the Board. Additional keys may be required for non-refundable fees as follows:
 - \$25.00 each gate/pool building key
 - \$ 5.00 each elevator key
- 5) To minimize the number of keys outstanding and the complexity of key control, members/owners must justify to the Board their legitimate need for additional keys. "Having spare key(s) to give to my friends" is not legitimate and justified use. Additional keys are to be issued at the discretion of the Board and may be denied.

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- 6) All secured access gates are to be kept closed and locked at all times.
- 7) Electronic phone access at the Alta Vista pedestrian gate will be reactivated and is to be used as designated. Gates are not to be propped open for any reasons, including but not limited to:
 - convenience for garage access
 - unimpeded entrance for guests, parties, or service contractors
 - real estate open houses
 - work being done on premises
 - "out walking and don't want to carry my key"

Though street and stairwell gates are "self-closing", please ensure that gates close fully and latch behind you when entering or exiting. Likewise, please firmly close and latch any gate found unsecured and notify the Board of any continued breaches in security.

- 8) Pool kitchen and bathroom are to be kept locked at all times when not in use.
- 9) Keys and openers, as property of the Dana By The Sea HOA, must be accounted for and reissued in the event a unit is sold or tenants change.
- 10) Do not "let in" unidentified or unauthorized individuals who request access to the complex. If they don't have a key and the homeowner or tenant is not present to let them in and accompany them while on the premises, they have no business being here.
- 11) Members, residents and tenants are responsible for controlling, monitoring, and accounting for the use and whereabouts of all common area access keys issued to them and any additional keys acquired.
- 12) Stolen or misappropriated keys which compromise the overall security of the complex may require the re-keying of 5 lock cylinders, the elevator and the manufacture of approximately 50 replacement keys for redistribution to residents. The \$500.00 anticipated costs of cylinder re-keying and key replacement will be assessed to the homeowner(s) who are responsible for the misappropriation of keys. Owners are responsible for any such key related fines levied against their tenants.

Originally Published and Distributed:

June 1993

by William T. Ryan

**DANA BY THE SEA HOMEOWNERS ASSOCIATION
ARCHITECTURAL APPROVAL APPLICATION**

Date:	
Applicant Name:	
Address:	
Telephone Number:	
Modification Requested:	
Work Schedule:	
Commencement Date:	
Contractor:	
Contractor License Number:	
Warranty Information:	
Permit Number:	(To be supplied when available)

You are hereby advised that the work described above is proposed and approval is requested. Attached are drawings of work submitted for approval, as well as types of materials, colors, and any other pertinent information. If any permits are required by the City of Dana Point, or appropriate governing agency, including the cost of permits and subsequent inspection(s), all such costs will be borne by applicant.

The installing owner will be responsible for maintenance and repair of the structure as well as any reimbursement for any damages that result from the installation or use of requested modification. The owner agrees to hold Dana By The Sea Homeowners Association harmless for any costs. Furthermore, the owner agrees to hold Dana By The Sea Homeowners Association harmless from any liability, damage and/or loss resulting from the installation, construction or performance of the proposed modification, whether or not constructed pursuant to approved plans, drawings, and/or specifications.

Homeowner Signature(s): _____

Return application to: Dana By The Sea HOA, 24412 Alta Vista Dr, Dana Point CA 92629

FOR COMMITTEE USE ONLY:

Date Received:	Cost Estimate:
Plans:	Specs:
Hearing Date:	Place:
Decision Date:	
Approved:	Rejected:
By:	
Committee Member	Please print name
By:	
Committee Member	Please print name
By:	
Committee Member	Please print name

Additional Details regarding purchase: (Use more sheets as necessary)

Dana by the Sea HOA
Mailing Address
24412 Alta Vista Drive
Dana Point CA 92629

Utility Information for Owners

Gas Provider: SoCalGas, Customer Service 1-800-427-2200, Web: socalgas.com

Comments: Each unit is covered separately (individual bill). Each unit has a separate cut-off valve. Only the DBTS HOA common gas are expenses included in monthly assessment.

Electric Provider: SDGE, Customer Service 1-800-411-7343, Web: sdge.com

Comments: Each unit is covered separately (individual bill). Note: A break in service may cause the hard wired smoke alarms to activate. Each unit has a house circuit breaker panel. Each unit has a main circuit breaker switch on the Alta Vista panel. Only the DBTS HOA common electric expenses are included in the monthly assessment.

Internet Provider: Owners are responsible for their choice of provider.

Phone: Owners are responsible for their choice of provider. Only the DBTS HOA common phone expense is included in monthly assessment.

Trash: CR&R, Customer Service 877-728-0446, Account 83-0009269-1 Web: crrwasteservices.com

Comments: Normal trash expense is covered in the DBTS HOA monthly assessment. Granada units have a trash bin and recycle bin assigned to each unit. The Alta Vista homes share 5 communal trash and 5 recycle bins, located in the Alta Vista garage. Trash pick-up day is Tuesday. Bulk hauling is available. Contact CR&R directly.

Water: South Coast Water District, Customer Service 949-499-4555, Web: scwd.org

Comments: The water expense is covered in the DBTS HOA monthly assessment. All units have individual water shut off valves. SCWD must be called to shut off a main. DBTS HOA has three water mains. They are all located along the Alta Vista curb.

Water main 3-1038.300 (located near the Alta Vista curb and west parking entrance) services all nine Granada units, the pool, spa and the center home at 24448 Alta Vista.

Water main 3-1039.300 (located near the Alta Vista curb at 24436 Alta Vista) services all 11 units in the Alta Vista building. Their individual shut off valves are located on the ceiling of the parking garage.

Water main 3-1040.300 (located near the Alta Vista curb and east parking entrance) services the irrigation only.

ATS 7/30/18 Utilitycontactinformation.pdf