

THIS "GUIDELINES AND STANDARDS" BOOKLET IS THE CURRENT PROPOSED AND BOARD APPROVED REVISION AS OF **SEPTEMBER 2016**. THIS REVISED EDITION WILL BE ADOPTED UPON THE OFFICIAL NOTIFICATION AND PUBLICATION OF A 30-DAY NOTICE TO ALL HOME OWNERS.

ARCHITECTURAL CONTROL COMMITTEE

GUIDELINES & STANDARDS

Current Revision Approved by the Board of Directors: September 2016

Current Revision Adopted _____, 2016

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Article I

OVERVIEW

These Architectural Standards have been adopted by the Board of Directors in accordance with its authority under Article IX, Section 1 of the Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Jess Ranch Master Association ("CC&Rs"). The purpose of the Architectural Guidelines is to protect, preserve and maintain the aesthetics and the property values of the residences at Jess Ranch Master Association. The Architectural Guidelines serve to augment the Association's CC&Rs by addressing typical proposed improvements to residences. The Architectural Guidelines further provide owners with a basic understanding of the function of the **Architectural Control Committee (ACC)**, the architectural approval process, and the enforcement procedures.

The Design Guidelines are subject to modification from time to time as determined by the Jess Ranch Master Association Board of Directors. Homeowners are responsible for obtaining the most current revision of these guidelines prior to preparation of plans.

All owners and residents within the Jess Ranch Master Association Community should be familiar with, and are obligated to comply with, the CC&Rs and other governing documents. If the Design Guidelines are in conflict with the CC&Rs and By-laws, the CC&Rs and By-laws take precedence over the Design Guidelines.

Article II

REQUIRED APPROVAL

- 21 Prior Approval Required. No Improvement of any kind shall be built, constructed, erected, installed, modified, altered or planted by any owner or resident on any lot within the Jess Ranch Master Association until the plans and specifications have been submitted to and approved, in writing, by the Architectural Control Committee.**

Unapproved construction, installation, alteration or removal of an Improvement is a violation of the governing documents. Failure to comply with the governing documents may result in enforcement action. Such enforcement action can include removal or modification of the unapproved improvement at the homeowner's expense; and may include imposition of a fine, assessment and/or other penalty, and/or legal action.

- 2.2 "Improvement" Defined. The term "Improvement" includes, but is not limited to, any structure and any accessory thereto, including a building, walkway, irrigation system, garage, gazebo, storage shed, controlled access facility, recreational facility, road, driveway, parking area, fence, wall, awning, stairs, deck, landscaping and planting, hardscape, softscape, planter, doghouse, dog run, gutter, downspout, lighting, antennae, windbreak, the exterior surface of any visible structure and the paint on such surface, pole, sign, exterior air conditioning, water-softener fixture or equipment, permanent or built-in barbecue, patio cover, arch, swimming pool, spa, fountain, exterior ornament, lawn ornament, statue, screen doors, window bars, water feature, pond, and solar energy system as well as any changes, alterations or other modifications to the exterior of any existing Improvements, any variance, and any similar structure or feature discussed in these Architectural Guidelines. Improvement(s) does not constitute the ongoing maintenance of an owner's property as stipulated in the Declaration of Covenants, Conditions for Jess Ranch Master Association.**

- 2.3 Neighbor Agreements.No Substitute. Agreements between neighbors will not, under any circumstances, circumvent the Architectural Guidelines, replace the requirements for prior approval from the Architectural Control Committee, or otherwise impact the homeowner's obligations to comply with Architectural Guidelines and the Association's governing documents.**

- 2.4 New Home Buyers. Within ninety (90) days from the close of escrow of a new home, the owner must install and thereafter maintain the landscape at the residence. This includes regular maintenance and the periodic replacement of trees, plants, grass and other vegetation at the residence when needed or requested by the Architectural Control Committee. The Board of Directors will enforce the CC&Rs and Architectural Guidelines where disrepair such as overgrowth, weeds insufficient plant material, unattractive paint condition, or any other poor maintenance, has been determined to exist.**

- 25 Resale's. Prospective owners in the Jess Ranch Master Association intending to make Improvements on any portion of the land and/or building(s) to be acquired may submit and obtain advance approval(s) by the ACC prior to closing title. Advanced approval is subject to the requirement that the application for said Improvements must be signed by both the current owner and the prospective owner and that all of the other requirements of the application and processing procedure must also be complied with in full. No construction or installation of any Improvement may be made prior to both receiving a Home Improvement Permit from the Architectural Control Committee and the close of escrow. Nothing shall preclude the prospective owner from first closing title on the property before submitting an application for the proposed Improvements in accordance with all of the requirements as set forth in this document**

Article III

REVIEW CRITERIA

The Architectural Control Committee (**ACC**) will review each proposed Improvement on its individual merit. This includes a consideration of many factors, including, but not limited to, the proposed overall design, the characteristics of the applicant's residence, whether the proposed Improvement will be detrimental to the appearance of the development, whether the appearance of the proposed Improvement will be in harmony with surrounding structures, whether the construction of the proposed Improvement will detract from the attractiveness of the development and whether the proposed Improvement meets or complies with the Architectural Guidelines and the provisions of any Association governing document, as the same may be revised and amended.

The Association is not responsible for and does not review applications for or make any decision regarding the application's compliance with building codes or other laws. Association approval does not relieve the owner of any duties to obtain city permit(s) nor does Association approval reflect compliance with any other public agency requirements. If a provision of law mandates or requires the installation of all or any part of any proposed Improvement, the applicant must specify, in writing, what law and how it pertains to the proposed Improvement.

Article IV

APPLICATION PROCEDURE

- 4.1 **Required Submittals.** In order to seek approval for a proposed Improvement, an owner or resident must submit the following materials to the Design Review Committee:
- a. A Home Improvement Application (available at Jess Ranch Master Association Office).
 - b. Complete plans and specifications for any and all proposed Improvements, including, as appropriate, elevations, scale drawings, engineering reports, architect's renderings, plot plans and the like, showing the nature, kind, shape, height, width, color, materials and location of the proposed Improvement, the relation of the proposed Improvement to surrounding Improvements, as well as any other pertinent information regarding the Improvement or any other information required by these Design Guidelines or other governing documents.
 - c. Incomplete Applications. The Architectural Control Committee may reject an application for approval if the application is incomplete. The **ACC** may also require submission of additional materials before it will consider an application.
 - d. Recommendation. When a contractor is being used, the association recommends that the homeowner obtain copies of (i) the contractor's insurance, (ii) the business license, and (iii) the California State Contractor's license. The Association does not require copies to be submitted with the application.
- 4.2 **Neighbor Awareness.** The Neighbor Awareness section on the Home Improvement application requires the owner of each residence bordering your property to sign your application prior to you submitting it to the Design Review Committee. This could include owners on all sides as well as across the street and behind your property. The signatures of your neighbor owners on your application only signify that they are aware that you are proposing to construct and/or install the Improvement(s) you have listed on the application. Their signatures are not an approval of any kind. Although neighbor owners sign a Home Improvement Application, one or more may be opposed to the proposal. Neighbor owners who wish to express their opposition may make an objection, in writing, to the **ACC** through the on-site Manager's Office.
- 4.3 **Application Processing.** After the Design Review Committee has received the complete Home Improvement Application, including all of the required attachments, the Architectural Control Committee will communicate a decision regarding your application to you within 30 days of the date on which the Design Review Committee received your application.
- 4.4 **Appeal.** If the proposed application is disapproved, the decision will include an explanation for the disapproval. The owner may resubmit to the **ACC** if the resubmission includes a change to the original application/plans. If there is no change, then the appeal must be redirected to the Board of Directors. The owner may appeal the disapproval to the Board of Directors by sending the Association a written request for an appeal within 30 days of the date of the disapproval. The Board of Directors will hear such an appeal within 60 days of the date the request for an appeal is received, or at such other date as is agreed upon between the Association and the owner.

4.5 **Variances.** The Design Review Committee has, at its discretion, the ability to grant variances from homeowner's obligation to comply with any remaining provisions of the Association's governing documents and Architectural Guidelines, nor does it waive or otherwise impact the Architectural Control Committee's ability to deny tie same or similar variances for other homeowners, The **ACC** must also review all requests for variances from the Architectural Guidelines. In the event you are requesting a variance from the Architectural Guidelines, you must submit the following materials:

- a. A written request for a variance
- b. Complete plans and specifications for the requested variance showing the nature, kind, shape, height, width, color, materials and location of the proposed variance
- c. A written statement of the special circumstances that would justify the proposed variance in accordance of the CC&Rs
- d. Neighbor awareness signatures

4.6 **Contractors.** The owner of the residence is the party responsible for obtaining Architectural Control Committee approval for a proposed Improvement. However, a contractor may submit a completed Home Improvement Application on an owner's behalf.

ARTICLE V

PERMITS AND INSPECTIONS

- 5.1 City/County Permits.** Approval granted to a Jess Ranch Master Association property owner by the Architectural control Committee for any Improvement does not waive the necessity for an owner to obtain all required city and county building permits. Conversely, obtaining city and county building permits for a proposed Improvement does not waive the requirement for an owner to submit a Home Improvement Application to the **ACC** and receive approval prior to the start of construction or installation. It is the responsibility of the homeowner to ensure that all required permits have been obtained.
- 5.2 Homeowner Improvement Permit.** An owner who has been granted approval for an Improvement will receive a Home Improvement Permit from the Association. The Home Improvement Permit must be posted on the inside of the garage door window of the residence, or on the inside of a window visible from the street, at all times during the course of construction.
- 5.3 Completion Time.** The length of time to complete an approved Improvement (under the approved permit) is 90 days from the date of approval, Requests for extensions will be evaluated by the **ACC** on a case-by-case basis. A letter will be provided to you stating the approximate time and date of the inspection.
- 5.4 Return of Permit.** The Home Improvement Permit must be returned to the HOA Office when the Improvement is completed. Return of the permit serves to notify the Architectural Control Committee that the Improvement is complete and ready for inspection.
- 5.5 Inspections.** After the owner gives the Architectural Control Committee notice the Improvement is complete (by returning the Home Improvement Permit), the **ACC** may inspect the property for compliance with the approval. If it is found that an Improvement was not completed in accordance with the approved Home Improvement Application and related materials, the owner will then be notified of the noncompliance, in writing, within 30 days of the inspection date. An owner shall correct the noncompliance within 30 days of the date of the notice of the same.

The Association may also inspect, at any time, for compliance with the governing documents and may take such action as is appropriate under the governing documents if a violation is observed. If, during construction of an approved Improvement, the Association observes a deviation from the plan as approved, it may issue a courtesy notice to the homeowner of the discrepancy; however, the Association has no obligation to periodically inspect during the construction process. It is the homeowner's responsibility to ensure the construction proceeds in accordance with the Association's approval.

Article VI

CONTRACTORS

- 6.1 Owner Responsibility.** Owners are responsible for ensuring their contractor's, and the contractor's Employees, agents and so forth, comply with the Association's governing documents, including, but not limited to, the CC&Rs, the Association's Rules, and these Architectural Standards. A contractor's violation of any of the governing documents may result in the Association's levy of a Compliance Assessment against the responsible owner pursuant to the CC&Rs.
- 6.2 Adherence to Governing Documents.** Contractors and/or their employees found not abiding by the Association's governing documents may be subject to having the Contractors and/or their employees face revocation or restriction of access into the Jess Ranch Master Association community.
- 6.3 Alcoholic Beverages and Drugs.** Contractors and their employees are not permitted to consume or have possession of any alcoholic beverage or illegal drug on Jess Ranch Master Association property. Contractors and/or their employees found under the influence of alcohol or drugs will be banned from the Jess Ranch Master Association property.
- 6.4 Business Solicitation.** Soliciting business is not permitted on Jess Ranch Master Association property.
- 6.5 Disposal of Debris.** Contractors are responsible for disposing of their own excess materials and waste. Disposal of excess materials and waste must be done daily, and there is to be no washing or cleaning of tools on the streets or in the gutters.
- 6.6 Dumping.** Dumping on Jess Ranch Master Association property is strictly prohibited.
- 6.7 Entry Arrangements.** Homeowners are responsible for making arrangements for contractors to enter into the community. The homeowner is not to allow the contractor to use a homeowner's gate key card or remote transmitter under any circumstances.
- 6.8 Gate Usage/Speed Limits.** Owners are responsible for their contractors. Contractors will be required to disclose the address of where they will perform work and homeowner will arrange for a temporary parking pass to park at or near that address. Owners are responsible for any damage to common property caused by their contractor.
- Contractors are subject to the Association's speed limits on the Association's private streets and are subject to fines pursuant to the fine schedule in the Association's Rules.
- 6.9 Hours of Work.** Workdays for contractors will start no earlier than 7:00 a.m. and the workers' must be off the premises by 7:00 p.m. This applies to setup in the morning and cleanup in the evening. (Use of power tools and/or equipment is to be stopped no later than 5:30 p.m.) Work is permitted Monday through Saturday only.
- 6.10 I.D. Requirements.** Absentee contractors with employee's who require access to the community, must provide the employee with identification stating the company or contractors name, employee name, and signature of employee. Everything must be legible.

- 6.11 Insurance.** Homeowners should verify that contractors have a valid certificate of insurance Providing coverage for workers' compensation, personal liability, property damage, and commercial auto/vehicle coverage. A contractor shall also maintain a Town of Apple Valley Business License and a California State Contractor's License throughout the period of approval and construction.
- 6.12 Registration.** All contractors working in the Jess Ranch Master Association community on a regular basis must register with the Administrative Office annually. Contractors must have valid California State required automobile insurance for all of their vehicles and should be prepared to show proof of such when requested. Contractors must have a California State Contractors License and a current Town of Apple Valley Business License when working within the Jess Ranch Master Association Community.
- 6.13 Use of Restrooms.** Contractors and their employees are not to use clubhouse restrooms.
- 6.14 Visitors.** Contractors and their employees are not permitted to bring children, family members, guests or visitors on the premises at any time.
- 6.15 Noise.** Contractors and their employees must maintain noise level to a minimum. Among the prohibited noises are use of radios and yelling.

ARTICLE VII

SPECIFIC GUIDELINES & STANDARDS

71 **Air Conditioners.**

- a. Window-mounted units are prohibited. Through-the-wall type air-conditioner units shall be considered on a case-by-case basis. Such units will generally not be approved unless a pressing need can be established. Requests for approval must include the reason the unit is needed, the unit size, placement in regard to neighbors, and neighbor awareness signatures. The portion extending outside of the house shall not be greater than the minimum recommended by the manufacturer and in no case greater than two inches.
- b. The moving of air conditioning compressors from the position as installed by the builder is strictly prohibited without the prior approval of the **ACC**. A Home Improvement Application must be submitted to the Committee, with plans showing the original and proposed sites for the compressor unit. Neighbor awareness as per the Architectural Guidelines must be followed.

72 **Antenna/Satellite Dishes.** Outside television antennas, aerial, satellite dish or similar devices for the transmission or reception of television, radio, satellite, or other signals of any kind are prohibited.

However, an FCC approved satellite dish may be installed provided that the Satellite Dish Guidelines/ Regulations form is signed. After signing the guidelines acknowledgement form, an FCC permitted satellite dish antenna may be installed upon property within the exclusive use or control of the owner of the unit.

The FCC rule permits the Association to regulate the placement of FCC permitted antennas, and the Association's regulations apply as long as they do not cause an unreasonable delay or cost in the installation of a FCC permitted satellite dish antenna or prevent the reception of an acceptable quality signal. Accordingly, as long as there is no unreasonable cost or delay and an acceptable quality signal can be received, the Association hereby establishes the following guidelines for installation of FCC permitted satellite dish antennas upon property within the exclusive use or control of the owner:

- a. The satellite dish must be installed in the most unobtrusive location possible.
- b. The satellite dish must be of a color to blend in with the background.
- c. The number of satellite dish antennas allowed at any given lot is (2) two. No lot may exceed (2) satellite dishes and/or antenna at one time.
- d. Should the satellite dish antenna be installed over a common area, the Association will require the owner to install supporting wires or take other reasonable safety precautions, including, but not limited to, relocation of the satellite dish antenna or alteration of the method of installation.
- e. Satellite dishes may not exceed 1.5 meters in total circumference.

- f. No satellite dish antenna with a diameter greater than one (1) meter may be installed within the Association. Under the FCC rule, the Association cannot prohibit, but can regulate, installation of a satellite dish with a diameter of one (1) meter or less upon property within the exclusive use or control of the owner. All exposed wires must be painted the color of trim and/or stucco of your existing home as needed.

7.3 **Arches.** An arch is a passageway with a minimum height of 6-feet 8-inches and a maximum height of 8-feet 0-inches. If constructed of wood, the minimum frame material required shall be 1" x 3" or 2" x 2". It must be painted white or to match stucco or trim of house. If an arch is placed upon two columns constructed of masonry material, the columns cannot exceed 5-feet 2-inches in height, total height not to exceed 8-feet 0-inches.

7.4 **Attic Ventilation.** Ventilators and/or other mechanical apparatus requiring roof installation are generally not permitted. There are new designs for ventilators which may be considered on a case-by-case basis.

7.5 **Awnings/Shades.** The use of awnings/shades is reviewed by the DRC on a case-by-case basis. For the ACC to consider an Owners application for installation of awnings/shades, the homeowner must provide information to show that the awnings/shades meet the following, minimum, criteria:

- a. Awnings/ shades must be professionally installed to ensure quality and consistency.
- b. Awnings/ shades must be made of the highest wind resistance material (highest MPH) possible to sustain the high winds associated with the High Desert.
- c. The color of the awnings/ shades must match the exterior trim or stucco of the home. Other colors may be considered if the color compliments the overall exterior color scheme of the home. No stripes or patterns will be considered —solid shades only.
- d. Awnings/ shades must be as unobtrusive as possible. Awnings/ shades should be kept as close to the exterior wall of the home as possible while preserving the intended purpose of the awning/ shade. (See Figure 1)
- e. The use of window awnings/window shades will be considered on a case by case basis for installments in the rear/side yard (behind the vinyl fence) only. No awnings in the front will be approved.
- f. For sun control, tinted screens may be approved on a case-by-case basis.
- g. Patio shades that are attached to the patio cover or patio shall be installed on the inside of the patio cover and must be secure at the bottom of the shade to the ground in order to avoid flapping in the wind.

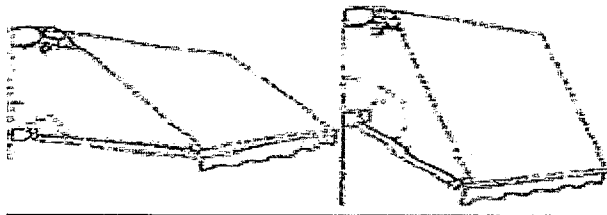


Figure 1

- 7.6 Barbecues.** Barbecues shall be located in rear and side yards only and shall not be constructed on or attached to any property line, common wall or fence. Permanent structures of any kind are not permitted in an easement area. In determining the location of a barbecue, consideration of one's neighbor(s) should be given with regard to smoke drift and visual impact.
- 7.7 Bird Feeders.** Bird feeders may not be installed at a location where they could cause a nuisance to the adjoining neighbors. There may be no more than two bird feeders per residence; none are allowed in the front yard.
- 7.8 Clotheslines.** Outside clotheslines or other drying facilities for drying or airing clothes shall not be erected, placed or maintained on any lot so as to be visible from neighboring properties. Clotheslines must be erected below the fence line (fence height), free standing and cannot be affixed to the fence or any part of the house.
- 7.9 Concrete / Hardscape** is defined by the **ACC** as concrete, bricks, pavers, flagstone, and other solid surfaces. **ACC** approval is required prior to the installation of hardscape on any Lot. Hardscape installations that are not approved or that do not comply with the Design Guidelines will be subject to removal at the Owners expense. The established positive drainage shall be maintained when additional concrete is installed.

Once the installation of hardscape has been approved, Owners must advise their contractor (or abide by the following if the work is being done by the Owner):

- a. All concrete must be at least one (1) inch away from all fences, walls, and structures. This will allow the concrete to expand and contract during climate fluctuations and as it ages and hardens.
- b. Fences and/or walls may not be used as a form when pouring concrete. Using the fence or wall to form the concrete may cause the fence to bow under the weight.
- c. Concrete must be lower than the weep screed to ensure proper function and drainage.

ACC approval is required for decorative concrete "overlays" and concrete tinting on driveways and front walkways. The proposed color for the concrete must be consistent with the concrete in the community and shall be reviewed on a case by case basis.

- 7.10 Doghouses and Dog Runs.** Installation of doghouses and dog runs are permitted provided they are not visible from any street or common area. Doghouses and dog runs must be maintained in a neat and clean manner at all times. (Dogs are not allowed to stay outside unattended)
- 7.11 Dry Streambeds.** Dry streambeds should have the appearance of a natural stream. The width of a dry streambed should be kept in proportion to the space in which the streambed is being constructed. The color of the proposed rock being used in a dry streambed must be identified on the submitted landscape plan. Length will be considered on a case-by-case basis.
- 7.12 Exterior Lighting.** No lighting will be permitted which causes unreasonable glare to neighboring owners or the Common Area. Lights are not to be directed outside a resident's property. Proposed fixtures are to be compatible with a residence in style and scale. The maximum length for a front exterior light(s) is 24 inches in height and 15 inches wide.

light posts with multiple fixtures are not permitted in the front of any lot. Incandescent light fixtures with multiple lights are limited to 45 watts per fixture and fixtures with a single light are limited to 40 watts. Non-incandescent bulbs are limited to the above equivalent lumens.

ACC approval is required for the installation of lampposts. Approvals shall be granted on a case-

by-case basis. Lampposts shall be installed no closer than twelve (12) feet from the front yard property line, five (5) feet from the side yard property line, and eight (8) feet from the rear property line. Lampposts shall be compatible with the overall architectural theme of the Jess Ranch Master Association and shall be no more than six (6) feet in height.

- b. Replacement of exterior garage lights will be considered on a case by case basis. A picture, drawing, or sketch of the proposed light(s) must be provided to the Architectural Control Committee (**ACC**) for approval prior to installation. Please also include the dimensions, the material and the proposed color of the proposed fixture(s).
- c. String and icicle type lighting are not permitted on any structure of any lot (except during December holiday usage).
- d. Motion lights shall not be installed higher than 6 feet — Approved on a case-by-case basis and shall not be pointed in the direction of any neighboring properties causing an unreasonable glare and must be set on the sensor at all times while on and are limited to 40 watts incandescent or 9 CFL bulbs.

7.13 Exterior Ornaments/Objects. An ornament is any inanimate object, constructed with any type of material that has the sole purpose of decoration.

The display of novelty ornaments or decorations on any portion of a lot visible from any street, or common area requires **ACC** approval provided the ornament **exceeds 18"** in height. The maximum number of novelty ornaments permitted in the front yard area shall not exceed (5) five.

The rear-yard area of a common area lot is also limited to a maximum number of five novelty ornaments. In addition to the submittal requirements, an owner should provide sketches or pictures of the ornament(s).

7.14 Fascia/Soffit Covering. Installation of permanent vinyl, metal or aluminum covering on existing fascia eaves and/or soffits may be approved, but must be either white or match existing stucco or trim. All changes must have the prior approval of the Architectural Control Committee.

7.15 Fences and Walls/Retaining Wall/Courtyards/Pony Wall.

- a. Materials and colors used for fences, gates and/or walls are subject to approval. Replacement fences and/or walls separating adjacent lots, both on and off the common areas are subject to approval on a case-by-case basis.
- b. Fence heights shall not exceed 5-feet unless the original fence is higher. Front side yard fence is subject to approval on a case-by-case basis. Replacement block walls must match existing color and style. Vinyl, wrought-iron or other fences and gates will be approved on a case by case basis. Pony wall fences must be of wrought iron and same color and height as neighbor's walls. and fences between properties are subject to joint ownership. When a wall or fence is located between two properties is being replaced or changed, both

property owners must acknowledge, in writing that they are in agreement with the proposed change. The written agreement shall be included with the Home Improvement Application. In the event that an owner chooses to replace a fence without the approval of the adjacent owner, the new fence must be contained on the property of the owner who is replacing the fence and can be no higher than the existing fence that remains. All disputes must be resolved before an application will be approved.

- c. Wrought iron may be used to enclose an existing front patio.

- d. Wrought iron may be used to extend the height above the pony wall. The maximum height from top of the pony wall to the top of the wrought iron, shall be no higher than 3' but in no case should the installation be higher than the neighbor's existing wrought iron.
- e. Chain link fences are not allowed on any lot.
- f. Common area walls may not be used as retaining walls. Retaining walls and/or curbs, when erected parallel or adjacent to a property-line fence, may not abut or be attached to the fence and must not retain soil above the bottom of the fence line.
- g. Courtyard walls are approved on a case-by-case basis depending upon the location of the courtyard wall and how well it complements the overall aesthetics of the property. Courtyard walls shall be no less than 18 inches high and may not exceed 36 inches in height measured on the face of the wall (the side of the courtyard wall visible from the street). Front courtyards will be considered hardscape, as identified in these Design Guidelines. Rather than set specific size limitations, the Design Review Committee will consider the effect of a courtyard design on the overall aesthetics of the individual property and the neighborhood. To properly assess a proposed courtyard complete, dimensioned drawings must be submitted and will be considered on a case-by-case basis.

* At no time will flagstone, pavers and/or a cement slab be allowed for the placement of patio furniture without erecting a courtyard wall.

7.16 Fireplace. A change to the interior fireplace requires ventilation on the roof, unless the vent does not face a neighboring property and will be reviewed on a case-by-case basis.

7.17 Flags and Flag Pole/Signs, Posters and Banners. The display of the flag of the United States shall be permitted in accordance with applicable law.

- a. Except as required by law, if a permanent flagpole is to be erected, approval of the Design Review Committee is required prior to the installation, and the height can be no more than 20 feet when measured from the original grade, even if the flagpole is not attached at the ground level.
- b. Normally, the American flag is to be displayed only from sunrise to sunset. The flag may be displayed at night only if properly illuminated. The flag should not be used on days when the weather is inclement, except when an all-weather flag is displayed.
- c. Flagpoles shall not be used for any purpose other than flying flags. In particular, flagpoles shall not be used as antennas, nor may they have guy wires attached to them.
- d. Noncommercial signs, posters, flags and banners are permitted only in accordance with applicable law.

7.18 Gates and Driveways.

- a. Gates shall not exceed the height of the existing fence or wall, nor shall the gate have an arch that exceeds 6 inches above the fence or wall. Gates are considered for approval upon submittal of the pattern, color, dimensions and material to be used which will be approved on a case-by-case basis.

- b. Driveway expansion or replacement at a residence for the purpose of additional parking is not permitted. Proposed driveway coatings or decorative designs are subject to approval by the ACC.
- c. Chain link gates are not allowed on any lot, per the CC&Rs.

7.19 Golf Cart Parking at a Residence. If a garage was built with space that will permit a golf cart to be parked, then that space must be used for golf cart parking (if applicable). Automobile and golf cart parking within a garage must always take precedence over any other use of the garage such as "built-in" cabinets, workbenches, storage, etc. Any deviation from these parking procedures must have prior written approval from the ACC. If the garage does not provide sufficient space for golf cart parking, a written request may be made to the ACC for approval of parking either in the side or rear yard area. If a golf cart is to be parked in an outside yard area, only a small portion of re top (less ran 12", measured vertically) may be visible to the street and/or the side or back yard neighbors.

7.20 Gutters and Downspouts

- a. Gutters and downspouts must be compatible with the existing exterior color scheme. Runoff from roofs with or without gutters, downspouts and/or an area drainage system must not affect adjacent properties. Runoff must be directed to the street. The use of association walls for the purpose of securing downspouts is not permitted.
- b. All gutters must be installed ending with a down spout at the ground level.

7.21 Holidays/Decorating. Appropriate decorations may be displayed outside a residence To commemorate holidays. Decorations may be displayed 30 days prior to the holiday. Decorations and holiday lighting must be removed within 10 days following the holiday.

(Exception: Christmas Holiday lighting may be installed as early as November 1st around the roof line only. This exception does not include: lights on shrubs, trees and/or land ornaments and shall not be lit until 30 days prior to the Christmas Holiday or November 25t^h)

7.22 Landscape.

- a. Within 90 days from the close of escrow of a new home, the owners must install and thereafter maintain the landscape at their residence. This includes regular maintenance and the periodic replacement of trees, plants, grass and other vegetation at the residence when needed or requested by the Design Review Committee.
- b. All trees must be at least five feet from all fences, walls and structures. (Trees must be at least 5' from tree to house and 5' from tree to wall/fence). Trees, shrubs, plants and other vegetation are not to encroach into or onto adjoining lots or common areas. This includes the root ball or root system, as well as the crown or foliage of a tree, shrub or other vegetation at maturity. Planting of trees on a property line is not permitted. In these easement conditions, the trees and shrubs cannot encroach into or onto the adjoining lots, as defined by the easement line and not the lot line.
- c. When using softscape material in the front yard plants and shrubs must be disbursed evenly throughout the landscape.
- d. The front-yard landscape of each lot shall have a minimum of one 15-gallon, or greater, tree and a maximum of four trees. The 15.gallon tree must be at least 5.feet in height and have a main trunk at least 3 inches in circumference when planted. The front-yard

area is defined as the outside area between the street and/or sidewalk and the front side of the home; the front of the home, generally, has a driveway for garage entry. A corner lot, generally, has two areas that are defined as the front-yard area. They are the outside areas between the home and both streets and/or sidewalks. The front yard is the area that is dominantly visible from the street(s). (For example, when planting the required tree in the front yard, areas such as side yards and/or planters that are secluded and located significantly back away from the street(s) will not be considered as the required front yard tree.) Other front yard trees, to a maximum of three (3), may be of a smaller size, when and if planted. (This requirement does not apply to xeriscape landscape.)

- e. The visual aspect of the front-yard landscaping is very important. The **ACC** will require that landscaping which can be seen from the street or streets (corner lots) have a balance between the front-yard softscape and front yard-hardscape. As a guideline, the **ACC** will generally look for the front-yard area (not including the driveway at its original width) to have a minimum of 50 percent softscape. The Design Review Committee may consider front-yard areas (not including the driveway at its original width) with less than 50 percent softscape as an exception. One condition where the **ACC** may consider less than 50 percent softscape for the front yard is when, at the front of a house, there is a significant difference in vertical elevation between the street and lot. Elevation drawings may be required.

When a large area of the front yard is being planted with only one variety of soft-scape plant material, the maximum height generally should not be more than 48" at maturity (excluding trees). When the front yard softscape plant material must have a variety in height, the maximum height of any species generally should not be more than 48" at maturity and at least 50% softscape plant material must be less than 48" at maturity which provides a variety of heights. All softscape plant material shall be maintained at a height that is considered normal for the variety of the plant material, within the above limits. Generally, all plant material, in areas other than the front yard, should not exceed 6' (except trees). No front or side yard plant material can be installed or maintained in a manner that would interfere with the visual safety of vehicular traffic.

- f. In order to preserve an attractive streetscape within the Jess Ranch Master Association Community, hardscape materials such as concrete, bricks, pavers, flagstone, and other solid surfaces shall be less than 50% of the front yard area (not including the driveway at its original width). The **ACC** may consider hardscape in the front yard area that exceeds 50% when special circumstances warrant the exception. Courtyards are allowed as part of the front yard hardscape and will be considered for approval by the **ACC** on a case-by-case basis.

Courtyards shall not exceed 50% of the front yard of any lot. All courtyards are approved on a caseby-case basis.

- h. When placing rock on a property line as a ground cover, a ridged separation (i.e. concrete mow strip) must be installed along the property line. Installation of a hardscape mow curb will help alleviate any errant rocks getting caught in lawnmower and creating damage to property, people, and the lawnmower itself.
- i. When rock is used as a method of ground cover, color and size variation of the rock is encouraged to provide depth and design to the yard.
- j. The use of rock in desert tones or in tones that match or compliment the exterior color scheme of a home is encouraged.
- k. **Large amounts of bright or high contrast rock is prohibited.** The use of rock in colors such as

Crystal White Quartz and Wintergreen Quartzite will be considered in the rear yard only.

1. **All irrigation lines** are to be subterranean. The type and placement of sprinkler heads should be such that the spray (as much as is reasonable) is limited to the owner's property and does not encroach upon neighboring property.
- m. **Appropriate subterranean** drainage is to be supplied and directed to the street to prevent runoff onto adjacent lots, or common areas. Drainage shall not be directed onto sidewalks, curbs, walkways or driveways.
- n. **All use of potted plants**, when visible from any street or common area, must complement the landscape. The **ACC** must approve their size, quantity, color, material and location. Artificial plants or flowers are not permitted.
- o. **Prohibited Plants** - The following plants and/or trees are prohibited: Mulberry (Morus Alba); Oleander (Nerium Oleander); Olive Trees (Oleo) (Seedless variety allowed) Modesto Ash (Swanbill and Wilsonii)
- p. Whereas a lawn will be permitted to reach a "brown" condition during a state declared emergency based on drought conditions, homeowners are still responsible for maintain a yard that meets minimum community standards. This includes regular maintenance and the periodic replacement of trees, plants, grass and other vegetation at the residence when needed or requested by the Architectural Control Committee. It is the homeowner's responsibility to make sure these requirements are adhered to. Failure to comply with these requirements could result in HOA Board sanctioned action.

* Note: Although fruit trees are allowed in the resident's rear yard, under no circumstance will they be allowed in the front yard, unless the specific variety does not bear fruit.

7.23 Lattice/ Trellises. All vertical latticework must receive prior approval from the **ACC**. Lattice work that can be seen from a street, or common areas will only be approved in limited amounts and areas. The following are some guidelines to consider when planning the use of latticework:

- a. Latticework composed of crossed diagonal or perpendicular members must be constructed of a good quality wood stock having a minimum cross section of 1/4-inch x 1-1/2 inches. The openings between the wood members should be a minimum of 1 inch and a maximum of 3 inches. Simulated wood PVC latticework may be approved by the **ACC**.
- b. Latticework shall be supported or framed securely to prevent warping or sagging. The use of lattice work set horizontally is strictly prohibited.
- c. Latticework may not be used to enclose a patio cover or gazebo. It may not be used on the side of a patio cover that is parallel to the house where the patio cover is attached. The latticework that is being used on the perpendicular side of the patio cover may not have a total width of more than 10 feet; nor may any latticework extend beyond the patio post that is farthest from the house.
- d. Latticework may not be used on the roof of a patio and/or gazebo, and latticework may not be used on a patio cover to architecturally tie two roof structures together. Latticework may not be used for fencing but may be used to enclose a ground-level air-conditioning unit or swimming pool and spa equipment.
- e. Lattice or trellises used to support climbing plants and/or vines shall not be attached or anchored to the vinyl fences in any way. All lattice and/or trellises used for climbing plants and/or vines must be free standing, no higher than 7 feet and of a neutral color.

7.25 Painting-Exterior Maintenance. The CC&Rs provide that no Improvement anywhere in the Jess Ranch Master Association Community shall be permitted to fall into disrepair. Additionally, each homeowner is required to paint and refurbish as necessary.

- a. No approval shall be required to repaint the exterior of a structure in accordance with previously approved plans or in accordance with the original color scheme of the home. Any other repainting requires approval by the **ACC**. Base and trim colors used in repainting shall be from the same color palate used by the Declarant at the time of the Declarant's initial construction of the Jess Ranch Master Association Community.
- b. Paint shall be of the same type (flat, enamel, semi-gloss) as the original color scheme. Side and rear wrought iron, facing the common areas, shall be painted to match the color palate when installed by the Declarant and shall be maintained with good maintenance practices to avoid the appearance of rust.
- c. The CC&Rs, provides that no improvement anywhere within a subject property shall be permitted to fall into disrepair.
- d. The stucco is defined as all of the exterior stucco surfaces of a property, including all pop-outs and masonry stucco walls.
- e. All color samples must be submitted on wooden paint sticks.

7.26 Patio Covers/Gazebos.

- a. Patio covers are to be constructed of good quality wood, alum-a-wood or vinyl and all patio cover material will be approved by the Committee on a case-by-case basis. Patio covers may not be enclosed. Patio covers shall be painted to match the existing trim or stucco of a residence. A patio cover may also be painted white.
- b. In addition to the submittal materials, applicants should provide a scale plot plan showing the location of the patio cover in relation to the applicant's residence and property lines.
- c. The horizontal runners on the top portion of the patio cover roof shall be a minimum size of 2 inches' x 3 inches.
- d. Patio covers are permitted provided they are of a good quality and have a simulated wood appearance. The finish must be non-reflective. Roof runners on the top portion (roof) of a patio cover shall be a minimum size of 1.1/2 inches' x 1 1/2 inches.
- e. A patio cover with a solid covered roof must have a minimum pitch of 1/4 inch per foot and a maximum of 1 inch per foot. Any greater pitch will be considered on a case-by-case basis and must be approved in writing by the **ACC**. A pitch greater than 1 inch per foot will require a tiled roof to match the residence.
- g. Patio covers constructed with less than a 5-foot roof setback from the property line can be rebuilt to the location as exists. For homes that do not have a patio cover, a five 5-foot setback from the property line should be maintained. A patio cover in the side yard of any lot shall have at least a three (3) foot clearance from the neighboring lots property line and must have rain gutters installed. The **ACC** will review each submission to rule on the set back requirement.

- h. Common area lots or properties that do not back up to another lot will be allowed to construct a patio cover three (3) feet from the property line.
- i. Sun decks over a patio cover are not permitted.
- j. Patio covers, including the patio roof, must be at least five (5) feet from the property line with the exception of three (3) feet from the property line on a golf course lot. Patio covers installed on the rear side yard must include rain gutters.

7.27 Room Additions.

- a. Room additions are to be compatible in scale, materials and color with the existing residence. Roof, walls and slab must be connected to the existing structure as required by building code.
- b. Pitched roofs must match the existing structure in slope and material.
- c. Existing landscape grades must be maintained. Provisions must be made to prevent storm water runoff to adjacent property.
- d. Materials that are to be used for construction shall be stored in an inconspicuous area. Debris and waste material must be removed from the site daily.
- e. Major features of the residence, such as the vertical and horizontal lines, projections and trim details, are to be shown in the plans being submitted for the addition.
- f. Room additions with exposed wood, such as wood siding, are not permitted.
- g. Enclosing or altering any portion of a garage, that restricts the intended parking, is not permitted.

7.28 Solar Energy. All solar energy systems must be approved. Installation of a solar energy system shall meet applicable standards and requirements imposed by state and local authorities and law. All wiring, piping and conduit shall be painted to match the stucco.

7.29 Storage Sheds. All storage sheds are to be located in rear or side yards behind a solid fence or wall and shall not be visible from any street, or common area.

7.30 Swimming Pools/Spas.

- a. Pools, spas, and related equipment are to be placed at least 5 feet from property lines and must conform to all applicable codes. In these easement conditions, a pool, spa, or related equipment must be set back 5 feet from the easement line and not the property line.
- b. Plumbing and electrical lines to pool and/or spa must be subterranean or otherwise concealed.
- c. All pool and/or spa equipment is to be enclosed. Adequate ventilation and noise prevention provisions must be made for this type of equipment.
- d. In addition to the submittal requirements, applicants should also submit information on the location of pool and/or spa in relation to existing residence and property lines on a plot plan drawn to scale,

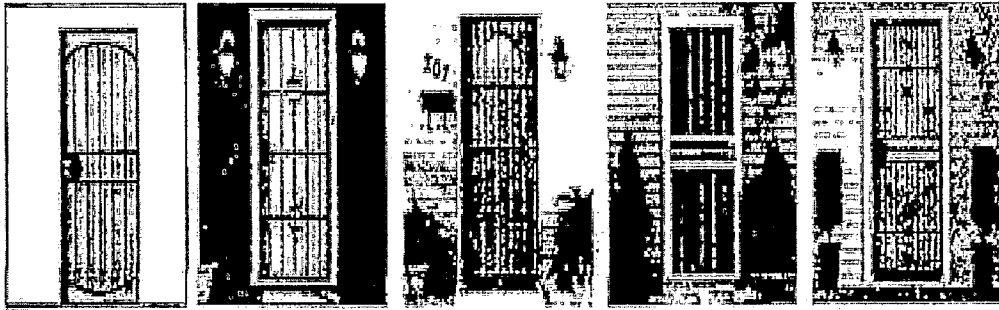
dimensions of pool and/or spa, drainage detail, material for decking, location of equipment, and detail on fencing that surrounds the pool and/or spa.

7.31 Waterfalls, Fountains and Decorative Ponds.

- a. Proposed waterfalls, fountains and decorative ponds must be submitted with the location, dimensions and a picture or diagram and color. A piping diagram of the re-circulation system and drainage must be included.
- b. Proposed waterfalls, fountains and ponds shall not be constructed on a property line or attached to any common wall or fence, including the common areas.
- c. Total area allowed for waterfalls will be reviewed by the on a case-by-case basis.
- d. Fountains are limited to a maximum height of 5 feet from the original lot grade. Diameter or width is to be approved on a case-by-case basis. Any portion of a fountain that encroaches into the restricted zone of a common area cannot exceed a height of 36 inches from the original grade.
- e. No ponds or waterfalls shall be erected or constructed in the front yard of any lot.

7.32 Windows, Doors, (Security) Screen Doors, Skylights and Solar Tubes.

- a. Windows and Doors: Proposed windows and/or doors should be consistent with the appearance and finish of the original windows and/or doors. Any proposed variance from the foregoing would be considered on a case-by-case basis. Window tinting is approved on a case-by-case basis. Applicants must submit all pertinent information with regard to the percentage of tinting, etc. No aluminum foil or other similar material is permitted. Bars and roll down security shutters are not permitted on the exterior of windows and/or doorways. No security bars will be allowed on any window of any lot.
- b. Skylights and Solar Tubes: Skylights and solar tubes intended to generate additional interior light are reviewed on a case-by-case basis, depending upon the location, dimensions and the overall finished height above the existing roof and shall be painted to match the existing roof in color and/or style.
- c. Security Screen Doors: Although security screen doors are allowed, these are the security doors that **will not** be permitted. All other security screen doors will be considered on a case-by-case basis.



7.33 Xeriscape/Water Conserving Landscape: By definition, xeriscape is "an environmentally friendly form of landscaping that uses a variety of indigenous and draught tolerant plants, shrubs, and ground cover".

In October 2006, the Town of Apple Valley, in collaboration with the Alliance for Water Awareness and Conservation (AWAC) adopted a landscaping and water conservation ordinance for all new homes in Apple Valley. To date, the Town of Apple Valley has not set forth any specific guidelines regarding water conserving landscape, but information and ideas are available at AWAC's website (www.hdawac.org). As a part of the water conserving landscape, the Jess Ranch Master Association will allow artificial turf within the xeriscape design.

Please note that hardscape materials such as concrete, bricks, pavers, flagstone, and other solid surfaces shall be less than 50% of the front yard area (not including the driveway at its original width). The **ACC** may consider hardscape in the front yard area that exceeds 50% when special circumstances warrant the exception. Consequently, landscape, softscape, and/ or xeriscape shall not be less than 50% of the front yard area. Landscape, softscape and/or xeriscape includes, but is not limited to grass, plants, trees, rock and/or mulch.

If an Owner chooses to remove all softscape from their front yard and use loose gravel and/or rock as a ground cover, the Owner **MUST** create a design element in the front yard using various sizes and colors of rock. Additionally, a minimum of one (1) plant is required for every *40 square* feet of yard, in addition to the one (1) required tree as set forth in the Architectural Guidelines. To comply with this requirement, an Owner may disburse the plants equally throughout the yard or cluster the plants in a planter or in a design element within the yard.

Front yards having a xeriscape style landscaping design must have an undulating feature that demonstrate a change in rise between the lowest point of the yard to the highest. To accomplish this, mounds must be created and placed throughout the property design area. This topography shall be defined as a minimum of 1" elevation for every 12" of area diameter. An example of this requirement would be a mound that covers 10' of area (diameter) must have 10" of vertical height from bottom to top. For the purpose of this requirement, boulders are not to be considered as an undulating feature. The front yard area is defined as the outside area between the street and/or sidewalk and the front side of the home, which generally has a driveway for garage entry. This requirement applies to both sides of the driveway. The **ACC** will review all landscape designs on a case-by-case scenario.

Artificial Turf/ Water Conserving Landscape. In an ongoing effort to recognize the need for water conservation, homeowners will be allowed to incorporate artificial grass into their xeriscape (rock)

design throughout the front yard area. Any artificial turf that abuts against a neighboring yard must have an approved rigid separation installed such as a concrete mow strip or other materials that will help define the property lines between residences. Artificial turf must be perforated for proper drainage and must be installed in accordance with professional techniques and requirements. The DRC will review all request to make sure the quality of product meets the specification outlined below.

1 st Acceptable Turf Description		Unacceptable Turf Description	
<u>Turf Characteristics</u>		<u>Turf Characteristics</u>	
* Pile/Face weight	74 oz.	* Pile/Face weight	67 oz.
* Pile height	1.75 in.	* Pile height	2.0 in.
* Machine Gauge:	3/8 in.	* Machine Gauge:	3/8 in.
<u>Yarn Characteristics</u>		<u>Yarn Characteristics</u>	
*Type:	Monofilament	*Type:	Slit Film/Monofilament

<input type="checkbox"/> Composition/Structure	Polyethylene with nylon Thatch
<input type="checkbox"/> Yarn Denier:	8000/5250/4200 respectively

Infill
Must use a Durafill infill

The installer's product must meet these qualifications to be considered for front yard installation.

- a. Erosion prevention —sub-grade must be at least 2 —4 inches
- b. Installer must allow for water drainage
- c. Once installed, artificial turf must be maintained.
- d. A sample of the proposed turf must be submitted with your proposed plans.
- e. If requested, the installer will need to attend the Design Review Committee (DRC) meeting.
- f. Installer must be willing to provide homeowners with an installation warranty
- g. Shall not install a lead base product.

ARTICLE VIII

ARCHITECTURAL STANDARDS COMPLIANCE POLICY

- 8.01** **Board Findings** The CC&Rs and the By-laws establish procedures and criteria that shall be used to develop, retain, control and enforce the architectural character and aesthetics of the Jess Ranch Master Association community. The Board of Directors has made the following findings:
- a. Property and aesthetic values diminish when resident properties are not in compliance with CC&Rs, Architectural Guidelines and Standards, and other governing documents.
 - b. The Board Resolutions, augmenting the CC&Rs, including the Architectural Guideline and Standards, requires homeowners to maintain their properties in accordance with the CC&Rs and governing documents.
 - c. Homeowners expect the Jess Ranch Master Association Board of Directors to enforce the compliance requirements of the CC&Rs and governing documents.
 - d. The Board has developed and adopted by resolution, the Design Guidelines and Standards, as provided in the CC&Rs. The Board has determined that Homeowners are responsible for following the CC&Rs, By-laws, Board Resolutions and governing documents.
 - e. The Board does hereby establish the following procedures to enforce the Architectural Standards.

ARCHITECTURAL STANDARDS ENFORCEMENT PROCEDURES

9.01 Enforcement Procedure When the Architectural Control Committee or its agent has determined that a resident may be in noncompliance with the Architectural Standards, the following Enforcement Procedure will generally be followed. However, the Association reserves the right to initiate any other enforcement action(s) which the Associations Board of Directors determines, in its discretion, to be reasonable at any stage of the enforcement process to the extent such enforcement remedies are provided for by the Association's governing documents and California Civil Code.

Letter #1

Community Reminder: A Community Reminder is a written notice to the homeowner, from the Association, that something at your home is in violation of the Covenants, Conditions, and Restrictions (CC&Rs) and/or the Rules & Regulations of the community. Once management either sees the violation personally, or another resident of the community reports the violation to management (in writing), a Community Reminder will be sent to the homeowner in question. A Community Reminder is just that... "a reminder" of the Associations Rules & Regulations.

Letter #2

Second Notice of Violation: A second notice will be issued if compliance is not obtained after the issuance of the Community Reminder. A second letter may also be issued if the homeowner corrects the violation, but fails to report correction of the violation to management.

Letter #3

Notice of Hearing: As a result of the continuing violation, you will be invited to a hearing before the Board of Directors. You will then be given the opportunity to discuss the violation in question directly with the Committee.

Letter #4

Result of Hearing Letter: The "Hearing Results" letter is to be determined by the Board of Directors. This letter will inform you of the action the Board resolved to take.