

COLLINS GROVE

Architectural Guidelines,
Maintenance Standards
&
Rules and Regulations

Revised September 2019

**THIS DOCUMENT REGULATES THE DISPLAY OF POLITICAL SIGNS
AND REGULATES THE DISPLAY OF THE FLAG OF THE UNITED
STATES OF AMERICA OR STATE OF NORTH CAROLINA.**

INTRODUCTION

Purpose of Architectural Guidelines

Collins Grove is a town home owner association. Simply stated, this means that the original tract of property was designed and approved as a self contained, deed restricted community, having its own covenants and order of rule under which all property owners would live and abide and which would provide for the maintenance of all Common Areas and improvements thereon. Restrictions were established so that aesthetics, appearance, and continuity could be defined and written based on the covenants and on precedence established by the Board of Directors. The Developer reviews all architectural requests until an Architectural Control Committee is appointed. These Architectural Guidelines provide an overall framework and comprehensive set of standards and procedures for the development of the community in an orderly and cohesive manner. In addition, these Architectural Guidelines are established to give the homeowner some degree of assurance that the actions of all members of the community would be directed so as not to adversely impact their enjoyment or property values.

The architectural standards and use restrictions set forth in this document are for the purpose of protecting the value and desirability of the real property located in the Collins Grove Community. The Collins Grove By-laws and Declaration of Covenants, Conditions and Restrictions (DCCR) supports the Board's ability to adopt and publish from time to time amend written architectural standards, construction specifications and additional Rules & Regulations..

No improvement of any kind shall be erected, placed or maintained, and no addition, alteration, modification or change to any improvement shall be made without the prior written approval of the ACC. This would include, but is not limited to: any wall, fence, patio, deck, driveway extension, planting, clearing or cutting of trees, play equipment or screened enclosure constructed, installed or placed prior to the termination of the Declarant control. Nor shall a building permit for such improvement or change be applied for or obtained, nor shall any major landscaping or re-landscaping of any Lot be commenced or made (such construction, alteration and landscaping are hereinafter referred to as the "Improvements") until plans and specifications showing the nature, kind, shape, heights, materials, color and location of same shall have been submitted to and approved in writing by the ACC. Construction must be accomplished in strict conformity with such plans as approved, unless otherwise expressly agreed to in writing by the ACC. The ACC shall have the sole right, authority and complete discretion to approve or disapprove the plans and specifications for any reason, including, but not limited to, exterior colors and appearance, landscaping, location of the structure or structures and aesthetics. In addition to setting standards, the Architectural Guidelines establish a process for review of proposed modifications to Lots and Dwellings to ensure that all sites within the community are developed and maintained with the consistency and quality that attracted you to Collins Grove HOA.

Government Permits

To the extent that City and County Ordinances or any local government ordinances, building code or regulation requires a more restrictive standard than the standards set forth in these Architectural Guidelines or the DCCR, the local government standards shall prevail. To the extent that any local government standard is less restrictive, the DCCR and the Architectural Guidelines (in that order) shall prevail.

Review Structure

The ACC of Collins Grove will handle architectural control and design review for the community. The ACC has exclusive jurisdiction over all matters relating to modifications to existing structures and landscaping, as set forth in the DCCR. The ACC shall review plans and specifications for all modifications and landscaping on any Dwelling or Lot, shall be the conclusive interpreter of these Architectural Guidelines, shall monitor the effectiveness of these Architectural Guidelines, and may promulgate additional design standards and review procedures consistent with these Architectural Guidelines.

ARCHITECTURAL REVIEW PROCESS

Review of Proposed Modifications

The review of the proposed modifications shall require the submission of an application to the ACC. An application form can be obtained emailing Alex Brown at abrown@rpmpropertypros.com. Depending on the scope of the modification, the ACC may require the submission

of all or some of the plans and specifications listed below. In the alternative, the ACC may require a less detailed description of the proposed modification.

In accordance with Article 13.01 of the DCCR, “...*The Architectural Control Committee shall have the absolute and exclusive right to approve or disapprove Plans in its sole discretion and may approve or disapprove Plans based on purely aesthetic reasons, which in the sole discretion of the Architectural Control Committee has been deemed sufficient. Absent an approval from the Architectural Control Committee the proposed alteration or improvement may not be commenced...*”

Application Process

The ACC will require a set of modification plans in addition to the submission of an application. The preferred method of receipt is via email to: abrown@rpmpropertypros.com. If the e-mail option is not viable, the application and plans should be submitted to the following address: Resource Property Management P.O. Box 1866, Pittsboro NC 27312. FAX: 919-651-1387. Do not fax if the ACC needs to review colors.

Generally, drawings of the proposed change should be submitted (to scale) which show relationships to existing structures, landscaping, lot lines, and setbacks (distance from property lines) for all proposed improvements. These drawings should include a "site plan" and an elevation plan along with any additional information, which could help the ACC visualize the project. For further descriptions of the five (5) elements that follow [floor plan, elevations, exterior finishes, landscaping plan, and other], please refer to applicable sections of this document.

Floor Plan

Showing decks, patios, related to the residential dwelling, trash enclosures, HVAC equipment and utilities.

Landscaping Plan

Showing location of trees, protection of existing vegetation, use of plants and other landscaping details. For further information see "Landscaping and Site Standards" section of this document.

Other

Such other information, data and drawings as may be reasonably requested, including, without limitation, irrigation systems, drainage, lighting, and other features.

Review Criteria: Recommendations & Variances

While the Architectural Guidelines are intended to provide a framework for modifications, they are not all inclusive. In its review process, the ACC may consider the quality of workmanship and design, harmony of external design with existing structures and location in relation to surrounding structures, topography, and finish grade elevation among other factors; however, the ACC will not grant approval for a proposed modification that is inconsistent with the Architectural Guidelines, unless the ACC grants a variance.

Variances may be granted in some circumstances, which include, but are not limited to, topography, natural obstructions, hardship, municipal requirements or environmental considerations. The ACC shall have the power to grant a variance from strict compliance in such circumstances so long as the variance does not result in a material violation of the DCCR. No variance shall be effective unless in writing and supported by all members of the ACC.

Review Period

Each application and plan submittal shall be approved or disapproved within 45 days of receipt of all materials required by the ACC. **The ACC's decision shall be based upon a majority vote of the ACC and shall be rendered in one of the following forms:**

1. "Approved" - The entire application as submitted is approved.
2. "Approved with Conditions" - The application is not approved as submitted, but the ACC's direction for curing objectionable features or segments are noted. The applicant must correct the plan's objectionable features or segments and the Applicant may be required to resubmit the application and receive approval prior to commencing the construction or alteration.
3. "Disapproved" - The entire application as submitted is rejected in total. The ACC shall specify the particular grounds upon which denial of such application is based.

4. "Request for Additional Information." This response shall be deemed a determination that the information submitted was inadequate, and the forty five (45) day time period for further ACC response shall only commence upon receipt of the requested additional information. .

If the ACC fails to respond within 45 days of receipt of a complete application, approval shall be deemed granted.

As a condition of approval under this section, each Owner and all successors- in-interest, shall assume all responsibilities for maintenance, repair, replacement, and insurance to and on any change, modification, addition, or alteration.

Approval of plans for any proposed modification shall not set a precedent for future applications.

Appeal

Any Owner who submits Plans to the ACC and disagrees with the finding of the ACC may appeal the decision to the Board by giving written notice of appeal to the President of the Association, [through the Managing Agent] within fifteen (15) days following its receipt of notice of denial. The Board shall review the Plans and hold a meeting to hear the case with the Owner and the ACC or its representative. At such meeting the ACC or its representative shall present to the Board specific reasons why the Plans were denied, and the Owner or his agent may present information challenging the findings of the ACC. The decision of the ACC shall only be overridden by a majority vote of the Board. This final appeal shall be only deemed approved if the applicant receives written notification from the Board. As the Board may only meet quarterly, approval shall not be assumed to be granted if the Board does not respond within 30 days.

City / County Approval

The review and approval of plans and specifications by the ACC shall not be a substitute for compliance with the permitting and approval requirements of the City, County or other Governmental Authorities. It is the responsibility of the Applicant to obtain any and all necessary permits and approvals.

Implementation of Approved Plans

All work must conform to approved plans. If it is determined by the ACC that work completed or in progress on any Dwelling or Lot is not in compliance with these Architectural Guidelines or any approval issued by the ACC or Board, the ACC shall, directly or through the Board, notify the Applicant in writing of such noncompliance specifying in reasonable detail the particulars of noncompliance and shall require the Applicant to remedy the same. If the Applicant fails to remedy such noncompliance or fails to commence and continue diligently toward achieving compliance within the time period stated in the notice, then such noncompliance shall be deemed to be in violation of the DCCR and these Architectural Guidelines and the homeowner (property) shall be subject to a daily monetary fine.

Time to Commence

If construction does not commence on a modification for which plans have been approved within one year of approval, such approval shall be deemed withdrawn unless the applicant requests, in writing, additional time from the ACC.

Time to Complete

When construction of any Lot, structure, improvement, or addition thereto has begun, work thereon shall be pursued diligently and continuously until the full completion thereof. All phases of work, including execution of the Landscape Plan must be complete within six (6) months from the date of ACC approval. In the event that the completion is delayed beyond one year from the date of ACC approval and provided the Owner is notified within thirty (3) days of the expiration of the one year construction period, the ACC may, upon unanimous vote of the committee, rescind the original approval and require that the Owner resubmit Plans for approval.

Changes After Approval

All proposed changes to plans, including, but not limited to, changes that affect the exterior of any building, colors, windows, grading, paving, utilities, or landscaping made after plan approval must be submitted by the Applicant and approved in writing by the ACC prior to implementation of such changes. Close cooperation and coordination between the Applicant and the ACC will ensure that changes are approved within 15 days.

If the City or County, or any other authority having jurisdiction, requires that changes be made to final modification plans previously approved by the ACC, the Applicant must notify the ACC of such changes and receive approval from the ACC prior to implementing such changes.

Enforcement, Due Process Hearings, Fines & Fees

Any construction, alteration, or other work done in violation of these Guidelines or the DCCR, shall be deemed to be nonconforming. Upon written request from the Board or the ACC, Owners shall, at their own cost and expense, remove such construction, alteration, or other work and shall restore the land to substantially the same condition as existed prior to the construction, alteration, or other work

When a violation is determined to have occurred, the following steps shall be taken:

1. The ACC will investigate any reported violation and attempt to bring the owner into compliance. Homeowners will be notified in writing of the violation and are expected to bring the violation into compliance within thirty (30) days.
2. Should the owner fail to act upon the recommendations for corrections, the ACC shall submit the matter to the Board.
3. The homeowner shall be invited to hearing with the Board where the homeowner will have opportunity to be heard and present evidence. Failure to appear shall result in a fine, which will begin to accrue five (5) days after the date of the hearing. However, if the violation is brought back into compliance prior to the hearing, no hearing would be necessary.
4. After the hearing, the Board shall respond to the homeowner with a decision. Any penalties or costs relating to the violation (and the date from which the accrual shall begin, which will be no sooner than 5 days after the hearing date) shall be noted in the letter from the Board.
5. Fines will be levied on a daily basis, up to \$100 per day, per violation, until the violation is rectified. The North Carolina Community Act effective in January 2006 allows planned residential communities the ability to fine at a minimum up to \$100/day to uphold standards that will protect and insure homeowners of maintained property values, with regard to holding all property owners accountable for abiding by the existing covenants.

Fees associated with enforcement. Should an Owner fail to remove and restore as required hereunder, the Board or its designees shall have the right to enter the property, remove the violation and restore the property to substantially the same condition as existed prior to the construction, alteration or other work. All costs, together with the interest at the maximum rate then allowed by law, may be assessed against the nonconforming Lot and collected as a special assessment. In addition, the Board shall have the authority and standing, on behalf of the Association to pursue all legal and equitable remedies available to enforce the provisions of the DCCR and Architectural Guidelines and the decisions of the ACC.

ARCHITECTURAL DESIGN STANDARDS

The following specific site criteria shall apply to all proposed modifications within the community unless the ACC or Board grants a variance. These guidelines may be modified from time to time and are not inclusive of all architectural standards which may be adopted by the Homeowners Association, Inc. Applicants are responsible for obtaining all necessary building permits.

Air Conditioning Equipment

Unless other-wise permitted by the ACC, no window-air-conditioning unit (sides or front) shall be installed.

Antennae and Satellite Dishes

In accordance with the federal *Telecommunications Act of 1996*, installation of a satellite dish does not require prior approval, provided that the dish is: a) no more than one (1) meter (39.37 inches) in diameter, b) has a hidden cable, and c) is not placed in front of a home. If the only viable location to obtain a signal is in the front of a home, the Owner must submit a letter from the installation company provides a letter confirming that a signal may not be obtained in any other location. In such an instance, the satellite dish must be placed on the roof, not on a free standing pole in the yard.

Awnings

The installation of awnings on the front of the residence or side(s) of the dwelling is prohibited. Other instances of installation are on a case-by-case basis for approval by the ACC.

Basketball goals

Basketball goals are not allowed in Collins Grove.

Boats, Trailers, and Unlicensed, Unregistered or Inoperable Vehicles **Refer to Exhibit A, Collins Grove Rules and Regulations**

Clotheslines and outside clothes drying

No clothesline or clothes poles shall be erected, and no outside clothes drying is permitted.

Curtains/Window Treatments

No Owner shall place on or about any windows any metallic foil or other coating, substance or material which similarly acts as a reflector of light nor shall an Owner place newspapers, towels, or bedsheets in any window. All window treatments must be in keeping with the overall scheme and aesthetic of the Property. Any window treatments deemed not to be in keeping with the overall scheme and aesthetic of the Property shall be removed by the owner at the discretion and at the direction of the ACC.

Exterior Appearance of Home

1. All yard art, door decorations, plants, plant containers, furniture, and grills must be kept clean and in good condition.
2. All furniture placed on the exterior of the home must be specifically designed for outdoor use.
3. All outdoor furniture, flower pots, freestanding planters and containers placed in front or side of homes must be "earth tone" colors such as tan, brown, rust, dark green, etc. Owners may utilize other color palettes for planters and furniture on rear patio.
4. All grills must be stored on rear patio only.
5. Cleaning equipment such as mops, brooms, buckets, or storage boxes, bins, lawn maintenance equipment, etc. may not be stored anywhere on the exterior of the unit.

Refer also to Exhibit A, Collins Grove Rules and Regulations for additional guidance.

Exterior Lighting

Except for seasonal holiday decorative lighting, all significant exterior lighting changes must be approved by the ACC. The ACC may take into consideration the visibility and style of the fixture and its location. Exterior lighting shall be shielded and must be directed so as not to shine directly on another Lot. Holiday lights should be removed no later than one (1) month after the holiday.

Fences

Five foot black aluminum fencing is the sole fencing material allowed in Collins Grove.. **The approved fencing options are located in Exhibit D.**

Please note that owners in Collins Grove have very specific fencing requirements due to the yard maintenance program provided in this portion of the community. A five (5) foot gate must be installed on both sides of the fence to allow access by the Landscaping Service. **Please refer to Exhibit D for further information.**

The Association shall have no responsibility for lawns or landscaping within the rear yard of any Landscaping Service Area Lot if the yard has been enclosed by fencing unless the fence is not locked and no pets are in the fenced area, in which event the Association shall provide the landscaping services set forth in Section 2.1(a) within the fenced rear yard; provided, however, the Association, nor the landscaping contractor shall incur no liability or obligation with regard to latching or locking any fence gates or securing pets within the fenced areas of any Landscaping Service Area Lot. Each Owner shall be solely responsible for securing its fence gates and securing its pets before, during and after the Association's performance of the landscaping work within the fenced rear yards of such Owner's Lot. Owner also understands that the day and time of landscape service will vary and a set schedule cannot be guaranteed.

Fireplaces, Firepits, Firebowls, Contained Fires

No outdoor fires, except within enclosed outdoor fireplaces and other decorated fire rated devices, shall be permitted other than grilles located within private courtyard areas or within the Common Areas specifically designated for such use by the Board. No fires may be left unattended at any time and all such installations must comply with municipal requirements. Barrels may not be used to contain a fire.

Flags

Flag poles must have a maximum height of 20 feet from grade. They must be a satin finish aluminum pole with internal halyard or have a telescoping design that does not require a halyard. A 4' X 6' US flag and NC flag may be flown on the flag pole, in accordance with §47F-3-121 North Carolina Planned Community Act.

Flags may be displayed using a bracket or other approved device mounted to a dwelling so long as the size of the flag displayed does not exceed the standard size cited above.

Garden Plots, Plant Containers

All flower pots, freestanding planters and containers placed in front or side of homes must be “earth tone” colors such as tan, brown, rust, dark green, etc. Owners may utilize other color palettes for planters on rear patio.

Any garden plots, raised beds or miscellaneous plantings require prior approval of the ACC. Refer to Exhibit F.

Garage Sales

No garage sales or similar activities shall be permitted on any Lot or within the common Areas, except as organized by the Board or designated committee.

Hot Tubs and Saunas

The approval of the ACC is required for the installation of any hot tub, sauna or spa. Any hot tub or spa shall be an integral part of the deck or patio area and/or the rear yard landscaping. Hot tubs or spas shall be located at the rear of the property and shall be installed in such a way that is not immediately visible to adjacent property owners and shall not create an unreasonable level of noise for adjacent property owners. Owners are required to install safety features such as locks or covers for these items when such are not in use. Applicable City and County ordinances govern these requirements.

Noise/Nuisance

A nuisance is described as any noxious or offensive activity carried on in or upon any part of the Community or anything which maybe or become an unreasonable annoyance or inconvenience to the residents. This includes unreasonably interfering with the quiet enjoyment of residents.

Please refer to the Town of Cary Noise Ordinance, of which pertinent excerpts can be found in Exhibit C, attached hereto.

Parking

There shall be a maximum of three (3) vehicles per household for each Lot. Street parking is not permitted and all guests should park in the designated visitor spots. Vehicles left unattended on the streets may be subject to towing.

For additional parking regulations, Refer to Exhibit A, Collins Grove Rules and Regulations

Patios/Decks/Screened Porches

The approval of the ACC is required for the construction of patios and screened porches. Open patios must be an integral part of the landscape plan and must be located so as not to create an unreasonable level of noise for adjacent property owners. The patio product must be similar to or generally accepted as a color and material complementary to the design and color of the residence. Any decks or screened porches must be constructed of wood, with siding and architectural shingles to match existing house.

Pets

No animals, livestock or poultry of any kind shall be kept or maintained on any portion of the Property or in any home except that dogs, cats or other household pets may be kept or maintained provided that they are not kept or maintained for commercial purposes, that they do not create a nuisance (in the judgment of the Board), such as, but without limitation, by number, noise, odor, damage or destruction of property or refuse, and further provided that they are kept and maintained in compliance with all laws and ordinances of applicable governmental authorities relating thereto. In no event shall more than a total of three (3) dogs and/or cats be regularly kept on any Lot except for newborn offspring of such household pets which are under nine (9) months in age. The Board may prohibit or require removal of any dog or animal, which after consideration of factors such as size, breed and disposition of the animal, interference with the peaceful enjoyment by other Owners of their Lots, and the security measures taken by the Owner with respect to such animal, the Board, after affording the Owner of such animal Notice and Opportunity for Hearing, deems to be undesirable, a nuisance or a safety hazard.

Owners shall clean-up after their pets, including without limitation within the Common Areas and Owner's Lot. No animal, *including domesticated cats*, shall not roam free within the Common Areas or be left unattended in enclosed yards. **Pet Owners must comply with the Cary Animal Control Ordinance, of which pertinent excerpts can be found in Exhibit B, attached hereto.**

Planter Bed Edging and Hardscape

Owners who wish to define or enhance the perimeter of planter beds and mulched areas may do so utilizing the materials featured in **Exhibit G**.

The following products are NOT permitted: plastic and metal edging, plastic or composite faux stone or brick, vinyl or metal decorative fencing. Please refer to examples featured in **Exhibit G**.

Play Equipment

Play equipment, such as trampolines, basket ball goals, and play sets of a size which requires being cemented into the ground are not permitted. Small, toddler sized play equipment, constructed out of composite materials is allowed with prior approval of ACC.) This play equipment must be stored behind the home or in garage.

Pools

No above ground pools (except for wading pools no deeper than 2 feet tall and no wider than 10 feet in diameter, which shall be regulated by the ACC) shall be allowed or approved by the ACC on any Lot. Wading pools shall only be used during appropriate weather and must be emptied and stored from view of the street and adjacent Lots when not in use.

Rooftop Equipment

The approval of the ACC is required for all rooftop equipment and accessories, unless specifically accepted in this document. Any installed solar energy equipment may be considered on the rear roof line and shall not be visible from the street. Landscaping or other buffering may be required for solar panels.

Signs

Except as otherwise required by the City, no sign of any kind shall be displayed to the public view on any lot except one sign of not more than nine (9) square feet advertising a Lot for sale, and signs of not more than nine (9) square feet expressing support of or opposition to political candidates or other issues which will appear on the ballot of a primary, general or special election, provided that such political signs shall not be placed on a lot earlier than sixty (60) days before such election and shall be removed within two (2) days after such election. No signs requiring holes be dug in the turf are permitted. For Lease or For Rent signs may not be posted on the property.

Storage of Motor Vehicles and Recreational Vehicles

Please refer to Section C. of the Collins Grove Rules & Regulations, attached as Exhibit A.

Outbuildings or Sheds

Storage sheds and outbuildings are not permitted.

Storm Doors

Storm doors may be installed on the front or rear doors of a home provided that the following criteria are met: 1) door must have full view, single pane of glass with no etchings or tint; 2) frame of door must be the same color as the existing door trim; and 3) the hardware metal on the storm door must match the hardware on the existing door.

Temporary Structures

Temporary structures are prohibited. The approval of the ACC is required for tents other than camping tents that are used for occasional overnight sleeping. Approval by the ACC is also not required for temporary canopies that are erected for special occasions.

Trash, Garbage, Rubbish, Waste

No trash, rubbish, garbage or other waste material shall be kept or permitted upon any Lot or the Common Area, except in sanitary containers located in a garage or in an appropriate area screened and concealed from view of any private rights-of-way or adjoining lots. Trash containers may be placed at the curb the night before the scheduled pick up and must be returned to their storage area within twelve (12) hours after collection.

Examples of approved trash screens may be found in Exhibit D. Other designs may be submitted and will be reviewed on a case-by-case basis.

Trees and Foliage

Any request for the removal of a tree from a Lot or for the removal of a tree in an open space or common area adjacent to a Lot requires prior approval from the ACC, and in certain instances, the Town of Cary. Any architectural request for tree removal on a Lot must contain a plat plan showing location of tree.

Requests for additional plantings on a Lot do require approval from the ACC. A copy of the plat plan with the proposed location of the plantings, along with the type of planting and size at maturity should be noted on the plat plan.

Utilities

Owners are responsible for any damage to the common area as a result of the installation of the installation of service lines from utility companies other than the electric, water, sewer, and gas. Pipes, wires, and other utility facilities shall be kept and maintained underground. Utilities include water, sewer, power, telephone, cable television, and miscellaneous conduits.

Vehicles

There is a maximum of three (3) vehicles permitted per household for each Lot. All motorized vehicles operating within the Property must be properly muffled so as to eliminate noise which might be offensive to others. All motorized vehicles and motorized bicycles are prohibited from being used or operated anywhere other than on the streets, roads, parking lots and driveways within the Property.

Refer to Exhibit A, Collins Grove Rules and Regulations

LANDSCAPING AND SITE STANDARDS

Landscaping is an essential element of design in the neighborhood and is also an integral part of maintaining property value and neighborhood continuity. Preservation of existing vegetation must be considered in establishing and maintaining the landscape design.

It shall be each Owner’s responsibility to water the lawn and the plants on the Lot at regular intervals.

Changes to the existing landscaping plan of the home require prior approval of the ACC. Requests should be accompanied by a plat plan or landscaping plan illustrating the location of the modifications, including hardscape features, plantings, and other information which may requested by ACC.

Drainage

Drainage of the property must conform to all municipality requirements. All drainage and grading must be indicated on the proposed plans submitted to the ACC. There shall be no interference with the established drainage pattern over any property except as approved in writing by the ACC.

The established drainage pattern is defined as the drainage pattern engineered and constructed by the original builder prior to (or in some cases, immediately following) conveyance of title from the builder to the individual homeowner.

No building or other structure shall be placed or permitted to remain on any Lot which may damage or interfere with the use, maintenance, repair or replacement of such drainage facilities and appurtenances and no Lot Owner shall do any work, construct any improvements, place any landscaping or suffer the existence of any condition whatsoever which shall alter or interfere with the drainage pattern for the Lots or common area.

Landscaping shall conform to the established drainage pattern, shall cause water to drain away from the foundation of the house, and shall prevent water from flowing under, ponding near, or against the foundation of the dwelling. Water should flow fully over walkways, sidewalks, or driveways into the street.

All Lots are provided with basic landscaping services as described in the Landscaping Calendar, attached hereto, as Exhibit E. Pursuant to the authority granted in the DCCR, the Association shall be responsible for performing, or causing to be performed, on behalf of the Owners, the following:

(a) Mowing and edging of grass on a weekly basis during the growing season. Applications of fertilizer (4 times per year) and applications of herbicide (3 times per year) for the grass. Each Owner shall water the grass, plants, trees and landscaping on or immediately adjacent to its Lot in areas that are not otherwise irrigated.

(b) The Association shall have no responsibility for lawns or landscaping within the rear yard of any Lot if the yard has been enclosed by fencing unless the fence is not locked and no pets are in the fenced area, in which event the Association shall provide the landscaping services within the fenced rear yard; provided, however, the Association and the landscape maintenance provider, shall incur no liability or obligation with regard to latching or locking any fence gates or securing pets within the fenced areas of any Lot. Each Owner shall be solely responsible for securing its fence gates and securing its pets before, during and after the performance of the landscaping work within the fenced rear yards of such Lot.

Notwithstanding the above, the Board may, upon request of an Owner, permit the Owner to maintain landscaping within the rear yard, subject to the right of the Association to reassume responsibility for such maintenance at any time if the Board determines, in its judgment, that the Owner is not maintaining such landscaping to the community-wide standard. If the Board permits an Owner to maintain landscaping within the rear yard of the Owner's Landscaping Service Area Lot, there shall be no reduction or abatement in the dues on any Lot hereunder by reason of the Owner providing such maintenance. Maintenance of all other portions of the Lot, including any landscaping or improvements installed by the Owners or occupants of any Lot, shall be the responsibility of the respective Owners. All maintenance on Landscaping Service Area Lots shall be performed in a manner and on a schedule consistent with the community-wide standard and all applicable covenants.

Notwithstanding any contrary provision in the DCCR, the cost of all landscaping services performed by the Association hereunder shall be allocated among all of the Lots receiving landscape maintenance services as a specific assessment for said Lot owners.

The Association shall have a perpetual, non-exclusive easement over the Lots for the purpose of performing its landscaping service responsibilities hereunder and under the DCCR, which easement may be exercised by the Association, its officers, directors, employees, agents and contractors, and entry upon any Lot for such purpose shall not be deemed a trespass.

CONSTRUCTION GUIDELINES

Inspections

The ACC may perform periodic informal inspections to ensure that work is being performed in conformance with approved plans and the Architectural guidelines. All inspections are observations only and will not relieve the

owner's obligation to obtain inspection approvals from the City and or County and other governmental entities having jurisdiction.

Job sites not in compliance with these Architectural Guidelines or approved plans will be issued a Notice of Violation. Further construction is prohibited until the homeowner addresses the violations.

Construction Damages

Any damage to vegetation or common area facilities caused by the Applicant, their contractors, subcontractors, agents or employees must be corrected immediately to the satisfaction of the Board and the owner of the damaged property. If the damage is not corrected, the Association may repair such damage and assess the costs of repair to the Applicant.

Conduct

The applicant must ensure that all contractors and subcontractors control the conduct of their employees while working in the community. Loud music, profanity and other behavior, which is unbecoming, will not be tolerated. Employees violating this policy may be asked to leave the premises and may be denied future access to the community.

Site Cleanliness

All **work sites** must be maintained in a clean and orderly manner at all times. The storage of materials should be in an inconspicuous location within the site and stored neatly and orderly. All construction debris shall be cleared on a regular basis.

OWNERS SHOULD REFER TO ARTICLE VII, USE RESTRICTIONS AND ARTICLE 13, ARCHITECTURAL CONTROL, IN THE COLLINS GROVE DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS FOR ADDITIONAL INFORMATION.

LIMITATION OF LIABILITY

Plans and specifications are not approved for engineering or structural design or quality of materials and by approving such plans and specifications, neither the Board of Directors, the members thereof, nor the Association assumes liability or responsibility therefore, nor for any defect in any structure constructed from such plans and specifications. Neither the Association the Board of Directors nor the officers, directors, members employees, and agents of any of them shall be liable in damages to anyone submitting plans and specifications to any of them for approval or to any Owner affected by these restrictions by reason of mistake in judgment, negligence, or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve or disapprove any such plans or specifications. Every person who submits plans or specifications and every Owner agrees that such person or Owner will not bring any action or suit against the Association, committees, or the officers, directors, members employees, and agents of any of them to recover any damages

EXHIBIT A

COLLINS GROVE RULES AND REGULATIONS

A. INTRODUCTION

In order to live harmoniously in a close community, it is necessary to have a few rules. Please keep in mind that each one of these rules is necessary in order to make your day to day life and the day to day lives of your neighbors more pleasant and enjoyable.

By observing these rules, all residents of the Collins Grove community will have the benefit of living in one of the most pleasant and appealing residential communities in the region. If there are any rules with which we just cannot live, your Board of Directors (the “Board”) has the authority to revise them. The following rules were adopted by your Board in accordance with the provisions of Article 8, Section 1(a) of the Bylaws to adopt and publish rules and regulations governing the use of the Common Areas and facilities and the personal conduct of Owners and their guests thereon and in the community. Your Board unanimously approved the following rules.

These rules and regulations are in addition to those covenants, conditions and restrictions for Collins Grove set forth in the Declaration of Covenants, Conditions and Restrictions for Collins Grove governing the community, as amended from time to time (the “Declaration”). If there is a conflict between the provisions of the Declaration and these rules and regulations, the provisions of the Declaration shall control. Capitalized but undefined terms set out in these rules and regulations shall have the meanings ascribed to these terms in the Declaration.

B. APPEARANCE

In addition to any restrictions contained in the Declaration:

1. No portion of the Common Areas shall be decorated in any manner by any Owner or occupant without the prior written consent of the Board.
2. Each Owner shall maintain his or her Lot and the improvements and landscaping thereon in good repair.
3. No Owner shall make any alterations or improvements of or to the Common Areas without the prior written consent of the Board.
4. No tables with umbrellas or grilles of any kind shall be located on any front porches of the homes on the Lots.

5. **It shall be the responsibility of each Owner to regularly water the grass, plants, trees and landscaping on its Lot.**

C. PARKING AND STORAGE

In addition to any restrictions contained in the Declaration:

1. No bicycles, motorcycles, mini-bikes or similar vehicles or other personal articles shall be stored in the Common Areas or on porches except as approved in writing by the Board.

2. No vehicles belonging to any Owner or to a member of the family or guest, or tenant of an Owner shall be parked in such manner to impede or prevent ready access to the remaining parking areas within the community. Owners, visitors, licensees and the Owners' families will obey the posted parking regulations, and any other traffic regulations published in the future for the safety, comfort and convenience of the Owners.

3. No boat, trailer, recreational vehicle, camper, camper truck or commercial vehicle (commercial vehicle being defined as motorized trailers, hitches, vehicles, vans, buses or trucks or eighteen wheelers or tractors whose principal purpose is for use in a trade or business and which contain pipes, ladders, tools, trailers and other equipment hanging off or shown on the exterior of the vehicle, van, bus or truck) shall be parked, stored or left (a) on any undesignated part of the Common Area, (b) in any parking space, (c) on any other part of a Lot, (d) or otherwise within the Property.

4. No inoperable or wrecked vehicles of any type are allowed on the Property, either temporarily or permanently. No repairs to any vehicles or other personal property shall be made in parking spaces or driveways, except in the case of emergency. All vehicles must be properly registered and insured.

5. No vehicles of any type shall be parked or stored on or across any sidewalk in the Property or on any part of a Lot other than in those areas improved for that purpose (i.e., driveway or parking pad), and all parking and storage shall otherwise comply with all governmental and private rules and regulations, including regulations regarding nuisance and on and off-street parking.

6. Each household is limited to a maximum of three (3) vehicles, all of which must be parked in the garage and/or driveway.

6. No garage sales or similar activities shall be permitted on any Lot or within the Common Areas, except as organized by the Board or designated HOA committee.

D. DISTURBANCES

In addition to the restrictions contained in the Declaration:

1. No Owner shall make or permit any noises that will disturb or annoy the occupants of the buildings or permit anything to be done therein which will interfere with the rights, comfort, or convenience of other Owners. PLEASE BE CONSIDERATE OF YOUR NEIGHBORS. EXCESSIVE NOISE FROM PARTIES, STEREOS, TV's, ETC. CAN FRUSTRATE NEIGHBORS. SPECIAL CARE SHOULD BE GIVEN TO NOISE AND DISTURBANCES EMANATING FROM PRIVATE COURTYARD AREAS, PORCHES AND BALCONIES.
2. No discharge of firearms or fireworks shall be permitted.
3. No excessive idling of vehicles shall be permitted.
4. Owners shall ensure that alarm systems associated with their homes and automobiles are in good working order and repair in order to avoid unwarranted disturbances to neighbors.

E. GARBAGE AND UTILITIES

1. All garbage and refuse from homes shall be deposited with care in containers provided for such purposes, shall be transported by each Owner for collection to such location as is required by the garbage service, and shall be retrieved by each Owner and appropriately screened from the view of any private rights-of-way or adjoining Lots within twelve (12) hours after garbage collection. All waste should be bagged and tied before depositing in receptacles.
2. No Owner shall interfere in any manner with any portion of the common lighting apparatus in or about the buildings. No Owner shall install exterior lighting on the Property, except as approved in writing by the Board.
3. No Owner shall dispose of any paint, oil or other similar materials in storm drains or other portions of the Common Areas.
4. Garbage and recycle bins must be stored in an Owner's garage or in an approved enclosure screened from the view of the street and adjacent Lots.

F. SAFETY

1. No outdoor fires, except within enclosed outdoor fireplaces or other decorated fire rated devices, shall be permitted other than grilles located within private courtyard areas or within the Common Areas specifically designated for such use by the Board.
2. Owners shall exercise reasonable care in the enjoyment of fireplaces located within their homes.
3. Each Owner shall secure access to their home and each private courtyard area.

G. PETS

In addition to any restrictions contained in the Declaration:

1. No animals, livestock or poultry of any kind shall be kept or maintained on any portion of the Property or in any home except that dogs, cats or other household pets may be kept or maintained provided that they are not kept or maintained for commercial purposes, that they do not create a nuisance (in the judgment of the Board), such as, but without limitation, by number, noise, odor, damage or destruction of property or refuse, and further provided that they are kept and maintained in compliance with all laws and ordinances of applicable governmental authorities relating thereto. In no event shall more than a total of three (3) dogs and/or cats be regularly kept on any Lot except for newborn offspring of such household pets which are under nine (9) months in age. The Board may prohibit or require removal of any dog or animal, which after consideration of factors such as size, breed and disposition of the animal, interference with the peaceful enjoyment by other Owners of their Lots, and the security measures taken by the Owner with respect to such animal, the Board, after affording the Owner of such animal Notice and Opportunity for Hearing, deems to be undesirable, a nuisance or a safety hazard.
2. Pet owners must comply with the Town of Cary Animal Control Ordinance. Owners who witness or experience violations of the Town of Cary's leash law, tethering ordinance or who have animal nuisance complaints must contact The Town of Cary Animal Control Office at (919) 319-4517 and/or complete a complaint form , which can downloaded at <http://www.townofcary.org/Assets/Police+Department/Police+Department+PDFs/nuisancedogcomplaint.pdf>
3. Owners shall clean-up after their pets, including without limitation within the Common Areas. Pets shall not roam free within the Common Area or be left unattended in fenced yards.

H. USE OF COMMON AREAS

In addition to any restrictions contained in the Declaration:

1. No climbing or horseplay on or near retaining walls located within the Common Areas shall be permitted.
2. No disturbance of any creeks, buffer areas, storm water detention areas or landscaping areas located within the Common Areas (except by the Declarant or the Association) shall be permitted.
3. No decorations of any kind shall be installed in the Common Areas except for any decorations approved in writing by the Board.

I. OWNER AND HOA RESPONSIBILITIES

Item	Association	Home owner
<i>Common areas:</i>		
Driveways and parking	X	
Fencing	X	
Landscaping and grassy areas	X	
Medians located within property	X	
Ponds, including retention ponds	X	
Private roadways, street and alleyways	X	
Private utilities (such as water and sewer) and facilities	X	
Retaining walls	X	
Sidewalks, walking trails paths and nature trails	X	
Signage	X	
<i>Lot:</i>		
Decks and patios		X
Driveways, sidewalks, stoops and sidewalks on lot		X
Entry doors and windows and appurtenant hardware of each		X
Exterior building surfaces maintenance and repair	X	
Exterior glass (windows, patio doors), windows, and window frames		X
Exterior light fixtures attached to unit		X
Fencing (if originally installed)	X	
Foundation/ structural parts of home		X
Garage doors and appurtenant hardware		X
Gutter and downspouts	X	
HCVAC system		X
Improvements to lot/ additional landscaping added by home owner		X
Interior fixtures, electrical/ plumbing equipment/ utility pipes, lines, & fittings		X
Party walls		X
Painting exterior building surfaces	X	
Re-construction or replacement of lot improvements due to casualty		X
Roof repair and replacement (due to normal wear and tear)	X	
Sewer lines and facilities on lot servicing the unit		X
Storm doors		X
Termite inspection/ warranty protection plan	X	
Maintenance of trees, landscaping and grass on lot	X	
Watering grass, plants, trees and landscaping		X
Replacement of dead plantings		X
Damage to landscaping caused by residents, guests, pets		X
Negligence or damage of exterior of unit by home owner		X

J. NON RESIDENT OWNER RESPONSIBILITIES

Non-resident owners are required to provide each tenant a copy of the DCCR and the *Architectural Guidelines, Maintenance Standards & Rules and Regulations* at lease signing. Tenants are required to abide by these documents and the Non-resident owner can be held liable for the actions of their tenants. The minimum lease period is six (6) months. “For Rent or Lease” signs may not be placed anywhere in the community. All advertisement must be via newspaper or electronic media.

EXHIBIT B

TOWN OF CARY ANIMAL CONTROL ORDINANCES

This document contains excerpts from the ordinance that are most commonly referenced in community associations. A full copy of the ordinance is available at http://www.amlegal.com/pdffiles/Cary_pdf/code_CH06.pdf

Sec. 6-64. Defecation on streets and private property.

(a) *Public property.* It shall be unlawful for the owner of any animal to fail or refuse to remove feces deposited by the animal on any street, sidewalk, park or other publicly-owned area.

(b) *Private property.* It shall be unlawful for the owner of any animal to fail or refuse to remove feces deposited by the animal on any private property.

Sec. 6-65. Domestic animals at large.

It is unlawful for the owner of any domestic animal to allow such animal to be at large in the town or on any town property except that dogs may be unleashed in approved, designated areas inside Town of Cary Dog Parks.

Sec. 6-71. Nuisance animals.

(a) *Prohibited generally; exceptions.* It shall be unlawful for any person to own, keep, possess, harbor or maintain an animal in such a manner as to unreasonably annoy humans, endanger the life or health of persons or other animals, or substantially interfere with the rights of citizens (other than their owners) to enjoyment of life or property, or otherwise constitute a public nuisance. By way of example and not of limitation, the following activities are hereby declared to be a public nuisance and are, therefore, unlawful:

- (1) Getting into or turning over waste or garbage containers.
- (2) Walking on or sleeping on automobiles of another.
- (3) Damaging the real or personal property of anyone other than its owner.
- (4) Repeatedly being or running at large.
- (5) Being maintained in an unsanitary condition so as to be noxious or offensive to sight or smell.
- (6) Not being confined to a building or secure enclosure while in estrus.
- (7) Being vicious or chasing, snapping at, attacking, or otherwise molesting others including, pedestrians, bicyclists, motor vehicle passengers, or domestic animals.
- (8) Allowing or permitting an animal or animals to make frequent or long continued sounds, including barking, whining, screeching, calling, howling or yowling in an excessive, continuous, habitual or untimely fashion, or to make other noise in such a manner and at such intervals so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises ("annoying sound"). Any such sound made by cats or dogs which is made for more than fifteen (15) minutes during any thirty (30) minute period shall be deemed to be an annoying sound. The normal clucking of chickens, kept in accordance with provisions of the Land Development Ordinance, shall not constitute an annoying sound. Any person owning, using or possessing premises affected by an annoying sound ("person annoyed by sounds") shall follow the procedures specified in subsection f. below.
- (9) Being housed or restrained less than five feet from a public street, road or sidewalk such that the animal, without provocation, molests, attacks or otherwise interferes with the freedom of movement of persons in a public right of way, or the location of the animal poses a threat to the general safety, health and welfare of the general public.
- (10) By virtue of number or type, being offensive or dangerous to the public health, safety, or welfare.
- (11) Being diseased or dangerous to the health of the public.
- (12) Being kept in such a manner as to attract excessive insects, pests, rodents, raccoons, snakes, or other wild animals.

(b) *Complaint and notice.* Except as to (a)(8) above, upon their own initiative or upon receipt of a detailed written and signed complaint being made to the animal control unit by any of the town residents that any person is maintaining a nuisance animal, the animal control unit may cause the owner of the animal or animals in question to be notified that a complaint has been received and may cause the situation complained of to be investigated and a report and findings thereon to be reduced to writing by the investigating animal control officer.

(c) *Abatement.* If the written findings of the investigating animal control officer indicate that the complaint is justified, then the chief or designee shall cause the owner or keeper of the animal or animals in question to be so notified in writing, served by personal delivery or by certified mail, return receipt requested, and ordered to abate such nuisance within a reasonable time not to exceed seven days after notification, and may issue a citation for the violation. The chief may specify the particular

abatement measures that must be taken, which measures may include, but are not limited to, a requirement that the animal be penned, or that a secure enclosure be erected or improved. In the event the owner of the animal is unknown and cannot be ascertained, the notice and order, along with a general description of the animal, shall be published in a local newspaper.

(d) *Impoundment upon failure to abate.* If any person actually or constructively receiving notice in the manner herein described shall fail or refuse to abate the nuisance upon order of the chief within the specified time, the chief may cause the animal or animals in question to be seized and impounded in accordance with the provisions of section 6-134.

(e) *Redemption; destruction.* If the owner shall so request in writing within five days of the impoundment, an animal that has been impounded may be redeemed upon the owner's execution of a written agreement to comply with the abatement order and payment of all sums due hereunder. If no such written request is made, or if such a request is made, but a written agreement to comply with the abatement order is not delivered to the chief within five days of the impoundment, then the animal(s) shall be deemed abandoned and disposed of in accordance with the provisions of section 6-137.

(f) *Annoying sounds.* A person annoyed by sounds shall follow the procedures specified below.

(i) Upon receipt of a detailed written and signed complaint by a person annoyed by sounds, the animal control unit shall provide written notice to the owner or possessor of the premises on which the animal(s) making annoying sounds is maintained ("animal owner") that a complaint has been received about the animal's (animals') annoying sounds. The notice shall detail the complaint and may make suggestions on ways to correct the situation.

(ii) Upon receipt of such notice of complaint, the animal owner shall cure the violation. If the violation is not cured, or if a second complaint is made to the animal control unit about the same animal(s) within any six (6) month period, the animal control unit shall cause the animal owner to be served by an order to abate the annoying sounds within a reasonable period of time, not to exceed seven (7) days ("Abatement Order"). Such notice shall be served by personal delivery or by certified mail, return receipt requested.

(iii) If the original complainant, or any other affected person notifies the animal control unit that the animal owner has failed or refuses to abate the annoying sounds as provided in the Supp. Abatement Order, the animal control unit shall investigate and may issue a civil citation for the violation in the amount of two hundred dollars (\$200.00). Such citation shall be collected in the manner set forth in section 6-132.

(iv) If the annoying sounds continue after issuance of the citation, the complainant should pursue the action by going to the magistrate and filing a summons against the animal owner. Nothing in this section shall prevent a private citizen from bringing an action at any time against an animal owner.

Tethering

On June 1, 2012, a new ordinance went into effect prohibiting the unattended tethering of dogs in the Town of Cary. Under this ordinance you may not leave a dog tethered (chained to a stationary object) without remaining outside and supervising your dog.

PET RELATED COMPLAINTS. Residents who wish to file animal related complaints may contact the Town of Cary Animal Control Department at (919) 319-4517 and/or complete a complaint form , which can downloaded at

<http://www.townofcary.org/Assets/Police+Department/Police+Department+PDFs/nuisancedogcomplaint.pdf>

Exhibit C

Town of Cary Noise Ordinance

This document contains excerpts from the ordinance that are most commonly referenced in community associations. A full copy of the ordinance is available at http://www.amlegal.com/pdf/files/Cary_pdf/code_CH06.pdf

Sec. 22-102. Statement of purpose and intent; loud, disturbing noises prohibited, generally.

The provisions hereinafter contained are enacted for the purpose of preventing noise disturbances or unreasonably loud noise and are enacted pursuant to the authority granted in G.S. § 160A-184. Above certain levels or durations and during specific times of day, unreasonably loud noise or noise disturbance is detrimental to health, safety and welfare of the citizenry and the individual's right to peaceful and quiet enjoyment. It is the policy of the town to prohibit noise disturbances or unreasonably loud noise from all sources, subject to its police power, in order to secure and promote the public health, comfort, convenience, safety, welfare, and prosperity of the citizens of Cary. Nothing in this Article IV, Division 2 is intended to deter individuals from lawfully exercising the individual right of freedom of speech and commerce, or any other freedom guaranteed under the Constitutions of the United States of America or of the State of North Carolina, and nothing in this Article IV, Division 2 is intended to unreasonably limit or restrain commercial or industrial enterprise.

...It shall be unlawful for any person to create or assist in creating any unreasonably loud, disturbing noise in the town which does frighten, annoy, disturb, injure, or endanger the comfort, repose, health, peace or safety of citizens within the Town of Cary or causes damage to property or business within the Town of Cary. Such sounds do not include the ordinary and usual sounds, noises, commotion or vibration incidental to residential living or operation of business or commercial establishments when conducted in accordance with the usual standards of practice and in a manner which will not unreasonably disturb the peace and comfort of adjacent residences or which will not detrimentally affect the operators of adjacent places of business.

Sec. 22-105. Exceptions.

The following acts and activities are exempt from the provisions of this article unless such acts produce a risk of serious and unnecessary bodily harm: ...

- *Lawn Mowers and Landscaping Equipment.* Lawn mowers, landscaping equipment, and agricultural equipment used between the hours of 7:00 a.m. and 9:00 p.m. on Monday through Friday and between the hours of 9:00 a.m. and 9:00 p.m. on Saturdays and Sundays when operated with all the manufacturer's standard mufflers and noise-reducing equipment in use and in proper operating condition. The mowing of golf course greens is allowed to begin at 6:00 a.m. during the months of April through September
- *Unamplified Recreational Noise.* Unamplified sound originating from recreational activities at public or private recreational, civic or community clubs, and religious institutions, when such noise is created by patrons and/or guests during the legitimate operation of the establishment between the hours of 7:00 a.m. through 9:00 p.m.
- *Refuse Collection.* Operating a front-end loader or other truck for refuse collection Monday through Saturday between the hours of 7:00 a.m. and 8:00 p.m.
- *Construction Work.* Performing construction work or operating construction machinery Monday through Friday between the hours of 7:00 a.m. and 6:00 p.m. or between the

hours of 9:00 a.m. and 6:00 p.m. on Saturdays and holidays which are observed by the state.

Sec. 22-106. Prohibited sounds.

The following actions are hereby declared to be unreasonably loud and disturbing noise...

- *Horns or signal device.* The sounding of any horn or signal device on any automobile, motorcycle, bus or other motor vehicle, except as a warning or danger signal; the creation of any unreasonably loud or harsh sound by means of any such horn or signal device, whether or not such device is on any vehicle, and the sounding of any such device for an unnecessary and unreasonable period of time.
- *Exhaust discharge.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine, except through a muffler or other device which effectively prevents unreasonably loud and disturbing or explosive sounds therefrom...

Sec. 22-107. Sounds impacting residential life.

...It shall be unlawful for anyone to create or cause a sound that exceeds 60 dB(A) affecting any occupied residential structure or unit other than the unit occupied by the person creating the sound.

Sec. 22-108. Motor vehicles.

It shall be unlawful to operate or allow the operation of any motor vehicle in the town:

- (1) By engaging in operations which create unreasonably loud and disturbing noises, or
- (2) By playing any radio, tape player, compact disc player or other sound-making device or instrument from within the motor vehicle so that the sound is plainly audible 30 feet away from the vehicle...

Sec. 22-111. Responsible party.

(a) Persons responsible for remedying any violation under this Article IV, Division 2 or to be held liable for any civil or criminal penalties...shall be any person who creates or assists in creating the unreasonably loud, disturbing noise or other violation. A person shall be deemed to create or assist in creating the unreasonably loud, disturbing noise or other violation if that person owns, manages, or operates any residence, business, or location at which the noise is generated.

(b) When the noise which violates this Article IV, Division 2 is emanating from a motor vehicle, the violator is the operator of the motor vehicle, and/or the employer of the operator if the motor vehicle is being used for commercial purposes, and/or the person which possesses or controls the motor vehicle used by the operator if the motor vehicle is being used for commercial purposes.

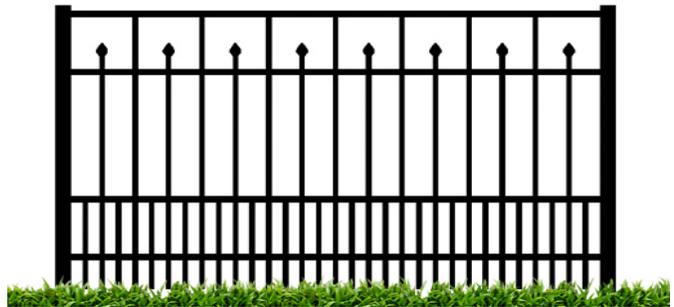
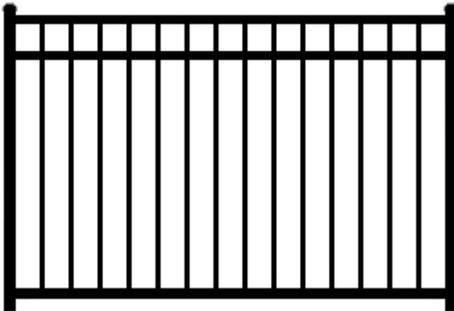
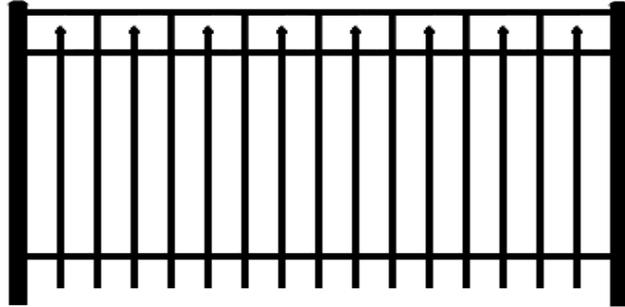
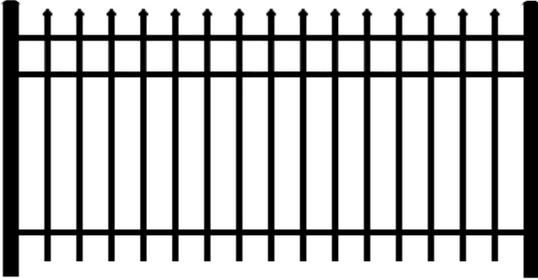
(c) When the noise which violates this Article IV, Division 2 is emanating from construction activities, the violator is the individual doing the activity and/or their employer, the general contractor for the site, or the owner of the property.

EXHIBIT D

FENCING & TRASH /RECYCLE BIN SCREENING

Aluminum Fencing. Aluminum fencing is allowed at a maximum height of 60 inches (5 feet) and must be located wholly within the property lines of the lot. A copy of the plat plan with the location of the fence denoted must be submitted with the architectural application. If any proposed fence line is located within a public easement (sewer, drainage, etc.) of any type, the Lot owner must submit a letter from the municipality governing this area, which authorizes placement of the fence into the easement.

Samples of approved fencing styles:



Example of approved fence with 18" puppy panel

Any fence installation request and subsequent installation must include the installation of a five (5) foot gate on both sides of the rear yard. This is required to allow free access for the landscape maintenance equipment and personnel.

**COLLINS GROVE
TRASH SCREEN OPTIONS**

OPTION 1: 4 panel composite resin screen , available from several different sources on-line . This four panel screen has four stakes that are situated below the hinges for each panel so that they can be inserted into the ground or a mulch bed. This panel would be best suited for owners who store their trash or recycle bin on the side or rear of their home or in the mulch bed between rear access garages. It will take all 4 panels to properly screen 1 trash or recycle bin. These panels will not work well for owners who will be placing their trash bin on the driveway against the garage door.



www.target.com – search for “Suncast Resin Wicker Screen Enclosure” - Price is \$65.00



OPTION 2: [4 panel teak screen available from Rakuten.com or other on- line sites.](http://www.rakuten.com/prod/teak-privacy-screen/210878642.html?listingId=157186710) This four panel screen is quite sturdy and can be used to screen a trash or recycle bin against a garage door or at the side or rear of a unit, as applicable. It will take all 4 panels to properly screen 1 trash or recycle bin.

<http://www.rakuten.com/prod/teak-privacy-screen/210878642.html?listingId=157186710>

Please note: All prices are subject to change at any time.

OPTION 3 FOR END UNITS ONLY. Vinyl fencing panels, which match the existing privacy panels in design and color may be utilized on end units only. One fence panel may be placed flush with the front corner of the garage and a second panel must be placed perpendicular to the other panel. The panels must have a maximum height of 72 inches (6 feet) and posts must be anchored in concrete.



Residents are required to screen any trash or recycle bins stored outside the garage with one of the approved designs or you may submit an alternate design for approval by the HOA.

EXHIBIT E

COLLINS GROVE MAINTENANCE SCHEDULE

DECEMBER – FEBRUARY /WINTER

No mowing, fertilizing, or irrigation of dormant Bermuda grass
Spot weed control of winter weeds in turf, beds, and sidewalks
Trash & debris disposal
Pruning ornamental grasses, roses and tree limbs
Edging beds and along hard surfaces
Maintain dog bag stations

MARCH – MAY/SPRING

Irrigation turned on
Intermittent to regular weekly mowing, edging, blowing, depending on weather conditions
First Pre-emergent granular herbicide applied. Spot spraying weeds.
Second turf application, granular fertilizer applied 6-8 weeks later. Spot Spraying weeds.
Trash and Debris removal
Maintain dog bag stations
Pruning started after the spring flush
Mulch Application
Spring Flowers in common areas

JUNE – AUGUST/ SUMMER

Pruning Complete (mid-June)
Mowing, edging, trimming, blowing continues on a weekly basis
Third turf application, granular fertilizer applied. Spot spraying weeds.
Fourth turf application granular fertilizer applied 6-8 weeks later. Spot spraying weeds.
Trash and Debris removal
Maintain dog bag stations
Spot pruning of ornamental grasses and shrubs

SEPTEMBER – NOVEMBER/ FALL

Mowing, edging, trimming, blowing continues but begins to taper as weather changes
Irrigation shut down
Fifth Turf application Pre-emergent granular herbicide applied. Spot spray weeds
Fall pruning
Replacement or new plants and shrubs should be installed at this time
Trash and Debris removal
Maintain dog bag stations
Winter flowers in common areas

EXHIBIT F

Collins Grove HOA

The following language will be added to the Architectural Guidelines, effective 4/26/16:

Gardens, Garden Containers, Potted Vegetables

Vegetables may be planted in pots and containers and placed on the patio or existing mulch beds located behind each unit. Vegetable plants may not be planted in the front or side yard and potted vegetables may not be placed in the front or side yard of a unit.

Garden plots and/or raised beds are permitted, with approval of the ARC. Owners must submit an architectural application, with plat plan attached indicating the location and dimensions of the bed, along with a description of the type of enclosure/framing material to be used. No construction should begin before ARC approval is received. Listed below are the additional conditions which must be met for approval:

1. the total garden area does not exceed 4 feet X 8 feet (32 sq ft) total area. All of the plantings and resulting fruits/vegetables must be wholly contained within the garden bed and may not extend onto the surrounding turf or neighboring lots;
2. the garden area is located directly behind the home, vegetable plants/gardens are not permitted in the front of the home
3. the perimeter of the bed is constructed of materials specifically designed for outdoor use;
4. concrete blocks or chain link may not be used to define or enclose the perimeter of the garden;
5. if protective netting or fencing is to be used, it may not exceed a height greater than 5 feet and must be constructed within the perimeter garden bed using only the approved materials and configurations identified below;
6. the garden must be properly maintained throughout the growing season and dead plant material and protective netting or fencing must be removed at the end of the growing season, and no later than 10/31;
7. owner is responsible for removing all debris related to construction off-site;
8. owner is responsible for rectifying any drainage issues created by the garden structure;
9. subsequent owners of unit accept responsibility for continuing maintenance of garden;
10. if garden is not being utilized during a growing season, it must be removed and the area returned to its original sodded lawn, at unit owner's expense.

Example of acceptable protective netting and fencing materials. Any other design, materials or configuration requires ARC approval. (Must be removed by 10/31 each year)



Examples of acceptable materials and bed configurations are shown below. Alternative materials may be submitted for approval. Concrete blocks are NOT allowed.



Exhibit G

Examples of approved planter bed edging:



scalloped or interlocking brick colored masonry edging



Manufactured landscaping stones/blocks



brick/masonry



Stacked stone/masonry

Products NOT PERMITTED: Decorative vinyl or metal fencing, plastic or composite edging materials, as shown below

