

WATERFORD PLACE RULES (revised July 2018)

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WATERFORD PLACE RULES (revised July 2018)

The following rules, procedures, and policies are intended to provide consistent guidance to all Waterford residents. In the absence of specific guidance, common sense and consideration for your neighbors should be our guide.

WPPOA Board of Directors and Committees: Waterford Place is essentially a self-managing community. Volunteers make up the Board of Directors and the various committees charged with such tasks as supervising our water and sewer systems and our grounds as well as providing communications and social events among many other activities. Board members are elected at our Annual Meeting in August. Committees are appointed soon thereafter. The names and addresses of Board and committee members are circulated regularly electronically and are posted on the bulletin board in the clubhouse.

Amending this Document: Meetings of the WPPOA Board of Directors are held monthly and are open to all residents. Any resident who feels there is a good reason to amend, abolish, or enact a rule, policy, or procedure may present his or her case for such action at a regularly scheduled meeting of the Board. The proposer should contact the Board's President to be placed on the "new business" agenda of a meeting. It is recommended that a written draft of the proposed change be submitted to the Board. After any discussion, the proposal will be tabled until the next regular Board meeting. At the subsequent meeting, a vote of the Board will be taken on the proposal. If approved, the change will take place immediately. The outcome of the vote by the Board is final unless it is reversed or modified by a majority of qualified voters at the Annual Meeting.

Landlord Responsibilities: An owner who leases or rents out all or a portion of her or his property shall provide their lessee(s) or renter(s) with a copy of the WPPOA Rules. Lessees and renters are required to sign an agreement indicating that they have read and will comply with the rules while residing at Waterford Place. Landlords will sign a certificate indicating that they have provided their lessees or renters with a copy of the Rules. The appropriate forms are available from the Secretary of the Board of Directors who maintains a file of signed agreement and certificates

1.0 COMMUNITY SERVICES

1.1 Assessments. The monthly WPPOA assessment fees provide funding for the operation of our utility systems, the maintenance of community property, and the provision of services. The amount of the monthly assessment is determined

annually by the Board of Directors in December in conjunction with the adoption of the WPPOA budget for the coming year. The assessment amount is based upon community needs identified in the annual budget. If any service is not used or is refused by an owner, no adjustment is made to the assessment fee. The Waterford Place Condominium Association (WPCA) imposes an additional assessment in conjunction with services it provides to condominium owners.

2.0 TRASH

2.1 Collection. This is a weekly contract service provided to Waterford residents. Trash should be placed at the street curb not later than 9 AM on the designated collection day, *currently Saturday*. Trash should be contained in heavy duty plastic bags or sturdy plastic containers with lids. The latter is recommended if you place your trash at the curb the night before collection day. The clean-up of trash that has been spilled from bags torn open by birds and animals or spilled from containers is the responsibility of the resident. Our contractor is not required to perform this clean-up.

2.2 Trash Content. Trash should be limited to normal household waste. Tree and shrub trimmings and yard waste should be taken to our Waterford disposal area. Disposal of moving and packing boxes, used furniture and carpets, or items other than normal household waste are the responsibility of the resident and should not be placed at curbside for pick-up nor left at the Waterford Yard Waste Site. Instead, such items must be taken to the Transylvania County Landfill or to the Transylvania County Recycling Center.

2.3 Residential Yard Waste Site. Waterford Place maintains an area where residents may deposit light yard waste. This is located at the end of the road that passes the front of the Clubhouse. This area is maintained and periodically cleared out at the expense of the Association.

2.3.1 Location. The deposit area is at the bottom of the Waterford Drive extension (also known as Club House Drive). The allowed deposit area is opposite the Community Garden plot, directly across the drive that leads to the sand beds.

a. No dumping of yard waste or of any other materials is permitted within 50 feet of the power pole at the bottom of the drive.

b. No dumping is permitted that in any way obstructs the drive leading to the sand beds.

2.3.2 Allowed Materials. Residents may deposit light yard waste, including leaves, grass clippings, brush, and small saplings and tree limbs.

- a. Only natural organic materials may be deposited.
- b. Saplings and tree limbs must be less than 3 inches in diameter.

2.3.3 Prohibited Materials. General trash, large tree trunks or limbs, and hazardous materials may not be deposited in this area. Prohibited materials include but are not limited to the following:

- a. Household waste of any kind;
- b. Animal waste;
- c. Construction debris of any kind;
- d. Tree trunks or tree limbs greater than 3 inches in diameter;
- e. Tree roots or trunks greater than 3 inches in diameter at the point at which the trunk has been cut;
- f. Hazardous materials, especially including paint and creosote;
- g. Railroad ties and landscaping timbers;
- h. Any materials that could pose a hazard to workers compressing or removing the debris pile.

2.3.4 Responsibility. The waste area is solely for the private use of Waterford residents, who are individually responsible for the security of the area and the observance of these rules.

a. Contractors employed by any resident must be informed of these rules. The resident hiring the contractor is personally responsible for the actions of the contractor and may be required to pay the costs of correcting violations by the contractor.

b. If contractors produce any kind of waste not permitted by the above restrictions, such waste must be removed from the neighborhood and disposed of elsewhere.

c. The gates to the waste area must be kept closed and locked. Residents or contractors making multiple trips to the area may leave the gate open between trips, but the gate must be locked at the end of each day. The individual opening the gate is responsible for re-locking it.

d. No resident may permit any non-resident (except contractors hired by the resident) to use the area for depositing waste of any kind. The combination to the lock to the area may not be given out to any contractor employed by a resident. The gate can be unlocked only by the resident employing the contractor or by a member of the Grounds Committee. The person unlocking the gate is responsible for re-locking it and for ensuring that the contractor complies fully with these rules.

2.4 Recycling. Recycling is necessary and is encouraged. Accumulated newspapers, magazines, cardboard boxes, glass containers, plastic containers, and steel and aluminum containers may be taken to the Transylvania Recycling Center for disposal. The Recycling Center is located on the Old Hendersonville Highway in Pisgah Forest. In addition to being environmentally friendly, this reduces both the cost of our trash pick-up service and the trash load in the County Landfill.

3.0. GUTTER CLEANING

Cleaning of gutters on residences is a service provided in the spring and fall through the assessment fee. Gutter cleaning is limited to blowing out leaves accumulated in the gutters on buildings. Gutters protected by any form of gutter guard will not be cleaned, but leaves that have accumulated on top of the guards will be blown off if the owner so requests. Downspouts and underground pipes, such as gutter, foundation, and sump pump drains are the responsibility of homeowner.

4.0 SNOW REMOVAL

4.1 Waterford Roads. *The WPPOA provides snow removal from our streets through a contract with the service that maintains our common space and seasonally cuts grass on owners' lawns. In general, scraping less than two inches of snow is unwise because of the damage it does to road surfaces. We rely on the experienced judgment of our contractor to determine when snow is deep enough to scrape.*

4.2 Private Driveways. *Our contract for removing snow from the streets does not cover individual driveways and parking areas. Residents, at their own expense, may wish to employ our contractor to clear these areas.*

4.3 Order of Streets to be Cleared. *The order in which streets are cleared is at the discretion of the contractor in consultation with the Grounds Committee. However, we will try to give priority to streets that are home to residents with serious medical conditions and employment obligations.*

5.0 UTILITIES MAINTENANCE

5.1 Supervision. *Under the supervision of the Utilities Committee, the WPPOA contracts with a professional environmental management company to maintain our water and sewer systems.*

5.2 Water System. *Our water comes from two deep wells on Waterford property and is regularly tested for purity in conformity with State regulations. It is not fluoridated. The distribution system is the original, and there are occasional leaks from pipes or valves or outages at the pumps. If you see a leak, please notify a member of the Utilities Committee. Please note that the maintenance of plumbing within the walls of your residence is your responsibility.*

5.3 Sewer System. *Our sewer system uses septic tanks at residences. The effluent from the tanks then drains down to sand beds located near the Yard Waste Site for further purification before eventually emptying into a local creek. The Utilities Committee arranges to have individual septic tanks pumped out once every six years. Please note that the maintenance of the waste system within your residence is the responsibility of the resident. Repairing or replacing a septic tank is also a resident's responsibility.*

6.0 TERMITE AND PEST CONTROL

As a service to residents, the WPPOA contracts with a local provider for regular termite inspection and pest control. The contract provides for regular spraying outdoors and for reimbursement to homeowners if termites damage a residence that has been sprayed. The contract does not provide for inspection or abatement inside a residence. You may ask personnel from Terminix to check inside your property at your expense.

7.0 PETS AND OTHER ANIMALS

7.1 Type Pets Allowed. Dogs, cats, fish, and caged birds are allowed as pets. Livestock (horses, ponies, cows, sheep, goats, chickens and ducks), exotic and unconventional animals, wild animals, and pets potentially hazardous to neighbors are not allowed as pets. A resident may petition the WPPOA Board of Directors for permission, with justification, to have a prohibited pet.

7.1.2 Pet Limits. Pets shall be limited to two per household. Pets for the purpose of this rule are defined as dogs and cats.

7.1.3 Animal Control. In general, pets should be managed so as not to be a nuisance to one's neighbors. Dogs shall be kept under the owner's control and shall be on a leash when off the owner's property. Cats shall be kept under the owner's control and not become a nuisance to other residents.

7.1.4 Animal Waste. Pet litter (feces) shall be removed by the owner from residential areas and community property.

7.1.5 Feeding Wild Animals. It is permissible to feed wild birds (except Canada geese), squirrels, rabbits, and ground squirrels within reason. Intentional feeding of skunks, raccoons, bears, deer and Canada geese is not permitted.

8.0 FIREARMS, HUNTING, AND TRAPPING

8.1.1 Hunting. There shall be no hunting of animals and birds within the boundaries of the Waterford Place development.

8.1.2 Firearms. There shall be no discharge of firearms within the boundaries of the Waterford Place development.

8.1.3 Trapping. Residents shall not trap or capture uncontrolled animals within the boundaries of Waterford Place, unless such action is approved by the WPPOA Board of Directors.

8.1.4 Exceptions. The WPPOA Board of Directors is authorized to approve exceptions to the above hunting, firearms, and trapping rules under extraordinary circumstances, if allowed by the State of North Carolina and Transylvania County and no legal liabilities will be incurred by the WPPOA, its Board of Directors, or individual officers of the ass

9.0 ARCHITECTURAL REQUIREMENTS AND RESIDENTIAL APPEARANCE

9.1.1 Architectural Requirements. Permanent and long-term modifications to residences, buildings, and property in Waterford Place shall comply with the provisions of the Waterford Place Development Guidelines (AKA “Architectural Review Committee” requirements). The Guidelines are Addendum #2 to this document. *Property owners should submit a detailed proposal for any changes they wish to make to their residences to the Architectural Review Committee well in advance of beginning work.*

9.1.2 Residential Appearance. Residents are expected to maintain their property in an attractive condition to themselves and to their neighbors. Litter should not be allowed to accumulate. Recognizable fire and safety hazards shall be eliminated.

9.1.3 Duplex Porch and Entryway Areas. In consideration of the neighboring condominium residents, ground areas under the porches and entryways of duplex units shall be kept tidy and non-offensive in appearance to duplex and condominium neighbors.

9.1.4 Outside Lighting. Outside lighting will be maintained near the entrance of each residential unit to illuminate residential entry walkways. Such lights shall be activated by a photoelectric cell, similar sensor, or timing device that turns the light on at dusk and turns it off in the morning. The location and design of entrance lights are specified in the Waterford Place Development Guidelines.

9.1.5 Storage, Condominium and Duplex Entryways. Entrance areas of duplexes and condominiums shall be kept clean, clear of litter, and shall not be used as storage areas for the residences.

9.1.6 Storage, Rear Areas of Duplexes Condominiums and Clubhouse. The storage areas beneath the rear porches of the condominiums and duplexes shall be kept in an attractive condition. Storage of materials and supplies used in construction and other large objects shall be screened from neighbors’ view by lattice material or shrubbery. Flammable materials such as fuel for lawn care equipment and propane containers shall be stored safely. The Waterford Place Board of Directors shall ensure that the visible storage areas at the back of the Clubhouse are kept in a neat condition.

9.1.7 Residential Entrances. Sidewalks, driveways, and entrance walkways to residences shall not be obstructed or encumbered or used for any other purpose than ingress and egress to and from the premises. Such areas shall not be used for storage purposes.

10.0 WATERFORD LAKE AND PONDS

10.1 Swimming and Boating. Neither the Waterford Lake nor any pond shall be used for recreational swimming or boating. The use of boats and flotation devices for maintenance purposes is permitted as necessary.

10.2 Fishing. Fishing in the Waterford Lake and ponds is not allowed, unless permission is granted by the WPPOA Board of Directors. If approved, only residents and their guests may fish Waterford Lake. Catch and release is encouraged. If permission is granted, minor children may fish in the Lake only if they are accompanied by an adult resident.

11.0 TRAFFIC AND PARKING

11.1 Speed Limit. The maximum vehicle speed limit in Waterford Place is 20 miles per hour. Drive carefully and don't exceed the speed limit. Be watchful for pedestrians of all ages on the streets and roads of Waterford Place.

11.2 Stop Signs. Obey our Stop signs at intersections.

11.3 Parking.

11.3.1 General. Vehicles in the residential and common areas of Waterford Place shall be safely parked and not impede the flow of traffic on streets and in cul-de-sacs, not block driveways, not block mail boxes and mail delivery, not block the pick up of trash on trash days, and not obstruct parking by maintenance and delivery vehicles. Residents should park in their own residential parking spaces such as driveways, garages, parking pads, and on the street in front of their own residence. If unusual parking situations develop, not covered or anticipated by the preceding guidelines, use common sense and be considerate of your neighbors.

11.3.2 Special Vehicles. One RV, boat, trailer, or motor home per residence may be parked in Waterford Place for up to three days without special permission where space is available. Parking for more than three days must be approved by the Waterford Place Board of Directors. To prevent nuisance noise at night, parked RV's, trailers, and motor homes shall not operate their engines, motor generators, or auxiliary power units between the hours of 11 PM and 7 AM.

11.3.3 Clubhouse. Parking spaces in the Waterford Clubhouse parking lot, adjacent to the front door, are reserved for Clubhouse users or visitors. This parking area shall not be used for residential or long-term parking.

11.3.4 Overflow Parking. A four-automobile overflow parking area is located at the foot of Canvasback Court, near the entrance to Waterford Place.

11.3.5 Parking in Community Emergencies. In the event of snow, fire, or any other condition that impairs free movement within the community, the President is authorized to declare a community emergency. In the event of a declared community emergency, all on-street parking is prohibited except in the marked spaces at the intersection of Waterford Drive and Canvasback Court.

12.0 ANTENNAS.

Privately owned antennas, including dish antennas, for the purpose of receiving video programming signals from direct broadcast satellites, broadband radio service providers, and television broadcast stations, or receiving and transmitting fixed wireless signals via satellite, are permitted as long as they do not exceed one meter (39.37 inches) in diameter or diagonal measurement. This restriction is intended to comply with the permissible restrictions detailed in the Federal Communications Commission Over-the-Air Reception Devices (OTARD) rule. Such antennas will be located to be as unobtrusive as possible. Requests for exceptions and special antenna requirements must be submitted to the Architectural and Landscape Review Committee and WPPOA Board of Directors for approval.

13.0 CLUBHOUSE AND SWIMMING POOL

13.1 General. The Clubhouse and associated facilities are reserved for the exclusive use of Waterford Place residents and invited guests, for purposes of WPPOA Board of Directors and Committee meetings, community events, special meetings, private functions, quiet conversation, informal socializing, recreation, study, and solitude.

13.2 Smoking. Smoking is not permitted at any time upstairs, downstairs, and on the enclosed porch of the Clubhouse and in the swimming pool area or access to it.

13.3 Pets. No pets are allowed in the Clubhouse or in the Swimming Pool area.

13.4 Security and Safety.

13.4.1 Door Combination Locks. The combinations to the Clubhouse door locks shall not be disclosed to non-residents. Exceptions to this rule require prior

approval by the Board of Directors. The combinations shall be changed periodically according to a schedule established by the Board of Directors

13.4.2 Presence of Non-Residents Non-resident guest(s), maintenance personnel, and service providers present in the Clubhouse and swimming pool area shall be accompanied by a resident. Reasonably justified exceptions to this rule may be granted by the Board of Directors on a case by case basis and documented.

13.4.3 Closing and Securing Clubhouse. When departing and closing the Clubhouse at the end of the day, after an event, or by virtue of being the last to leave the building, residents must turn off all inside and outside lights, including the porch light, adjust the thermostat to posted proper setting, close all windows and doors, and be sure all doors to the building are locked. During the swimming season ensure there are no swimmers in the pool area or the dressing rooms.

13.4.4 Building Capacity. The Clubhouse building capacity is 49 people by order of the Transylvania County Fire Marshall. This order is posted on Bulletin Board.

13.5 Clubhouse Rules.

13.5.1 Scheduling in General.

(a) The Social Committee is responsible for scheduling the use of the Clubhouse and associated amenities and maintaining the use schedule.

(b) The use of Clubhouse facilities shall be scheduled in advance to ensure there is no conflict with regularly scheduled meetings and events such as the monthly Board of Directors and other official Waterford Place meetings; community social events such as the monthly Friday Night Social and card clubs; and planned maintenance, for these events take precedence over private parties.

(c) A schedule of meetings and events for the current month shall be displayed in the Clubhouse entry hallway. The display of meetings and events shall show name of each event or meeting, date(s) scheduled, and time(s) scheduled.

(d) The Social Committee shall select a member to serve as lead Clubhouse scheduler, whose name and telephone number shall be posted on the Clubhouse bulletin board or other visible location.

(e) A resident or committee chair desiring to schedule Clubhouse for a meeting or a social event should contact the scheduler.

13.5.2 Scheduling Private Functions. Only residents may schedule the Clubhouse for a private social function or meeting. The requesting resident shall be considered the event sponsor, and will contact the scheduler and inform him/her of the proposed date and time span of the function; nature of the function; number of attendees expected; percentage of attendees who will be Waterford Place residents; whether alcohol will be served at the event, and the name, address, and telephone number of the sponsor. Before scheduling the event, the scheduler will determine that the event doesn't conflict with other meetings on the master Clubhouse event schedule. The scheduler will also inform the resident of the fee schedule and resident responsibilities when sponsoring a private event before scheduling the event. At a privately sponsored event which will include guests who are not Waterford residents, the event sponsor's responsibilities will include either (a) certifying in writing that no alcohol will be served at the event; or (b) if alcohol is to be served, obtaining special event liability insurance coverage at the sponsor's sole cost, with Waterford Place Property Owners Association named as other insured, and furnishing proof of such insurance to the scheduler or other designated WPPOA representative at least 30 days prior to the event date.

13.5.3 Exception: Swimming Pool Use and Private Functions. Use of the Swimming Pool shall not be included in the approval of a private function. Reserving the swimming pool as part of a private function requires approval by the WPPOA Board of Directors or their designated agent. If permission for exclusive or concurrent use of the Pool is granted by the Board, the Board may assess a nonrefundable special use fee.

13.5.4 Recurring Community Function Changes. Customary recurring community functions are the monthly WPPOA Board of Directors meeting, monthly Friday Social, and Thursday bridge club. The scheduler shall be notified when there is change in meeting time and date of those recurring functions and when special meetings are scheduled to insure there are no conflicts. Changes shall be entered on the schedule board.

13.6 Prohibited Clubhouse Uses

13.6.1 No Permanent Meeting Place for non-Waterford Organization. The Clubhouse shall not be used as a permanent meeting place for outside, non-Waterford Place organizations.

13.6.2 No Commercial Functions. The Clubhouse shall not be used for commercial functions intended for the sale of goods and services by private parties or commercial organizations. A resident may petition the WPPOA Board of Directors for a one-time waiver to this rule if the resident believes there is good reason to do so.

13.6.3 Permitted Fund Raising Functions. The clubhouse may be used for fund raising functions intended to help fund Waterford Place community projects and selected worthy projects that benefit the Brevard and Transylvania County community. Such functions require WPPOA Board of Directors approval.

13.6.4 Rental Fees, Private Functions.

(a) The Facility would be available to residents for meetings that would not serve food or drink for a \$10 fee.

(b) The basic fee for Clubhouse use for a privately sponsored event is \$85.00 per day (of which \$35.00 will be refundable if no subsequent cleaning is required as determined by the Social Committee chairperson or the chairperson's designee).

(c) The fee will be reduced to \$70.00 (of which \$35.00 will be refundable if no subsequent cleaning is required as determined by the Social Committee chairperson or the chairperson's designee) if the majority of the attendees are Waterford Place residents or the group being hosted is a not-for-profit organization. However, the resident sponsoring the event shall remain responsible for all damages and insufficient clean up at the end of the event and will be billed for costs of damage repair and non-routine cleaning if required. The fees are charged to reimburse the Waterford Place Property Owners Association for use of this facility. Such fees are intended to be applied to facility maintenance and improvements and replacement of certain expendable supplies.

13.6.5 Rental Fee, Certain Exempt Private Functions.

(a) If requested by a resident, the Board of Directors has the authority to waive the use fee and deposit for a gathering of the resident's family and friends for a funeral or a memorial service, a family reunion, and special receptions for residents and/or their family members.

(b) The Thursday bridge club is exempt from the use fee and deposit as long as it is hosted by Waterford Place residents, as are WPPOA board meetings, WPPOA committee meetings, and social functions sponsored by the WPPOA and open to all residents.

(c) Fee and deposit-exempt events do not exempt the resident host(s) from clean-up and damage repair responsibilities.

13.7 Swimming Pool Use and Pool User Responsibilities

13.7.1 Pool Use. The Swimming Pool is reserved for the use of Waterford Place residents, their family members, and/or guests. Residents and their invited guests may use the Pool and the bathroom facilities to change clothing any time during Pool operating hours stated in the current Pool rules. Entrance to and exit from the Swimming Pool shall be made through the Pool area gates.

13.7.2 Guest Use of Pool. Guests may ONLY use the Swimming Pool accompanied by a sponsoring resident. The resident must be present at the Swimming Pool.

13.7.3 Familiarity with Pool Rules. Residents are expected to become familiar with the current Pool Rules and inform their family members and invited guests concerning those rules prior to using the Swimming Pool. The resident is responsible for explaining Pool Rules and standards of courtesy to children under 18 who are under the supervision of another adult.

13.7.4 Children under 18 MUST be accompanied by an adult resident at all times to ensure their safety and that they observe the rules and show courtesy to other swimmers. The sponsoring adult is responsible that their adult guests and children under 18 comply with pool rules and standards of courtesy.

13.7.5 All users of the Swimming Pool are required to obey the current Swimming Pool Rules and are expected to use common sense in the Pool area.

13.7.6 Updated Pool Rules must be approved by the Board of Directors and be distributed to the residents prior to the opening of the Pool in sufficient time for the residents to become familiar with the rules. The updated Pool Rules shall become an appendix to the Waterford Place Rules document. Copies of the Pool Rules shall be displayed on the Clubhouse bulletin boards.

13.7.7 Entrance to and exit from the Swimming Pool shall be made through the Pool area gates. Residents will use their pool keys to unlock the gate as required. The gate must always be locked when the pool and pool area are empty. Under no circumstances will a resident give his or her pool key to a non-resident.

13.7.8 Pool Hours. The Pool opens at sunrise and closes at sunset.

13.7.9 Swim at Your Own Risk. Swimming Pool users shall swim at their own risk. There are NO LIFEGUARDS. Do not swim alone.

13.7.10 Swimming Pool Sign-In. A Swimming Pool user should sign and sign out using the register maintained at the entrance to the Swimming Pool. Those using the Pool, to include residents and invited guests, enter their name and address on the roster, as well as the time in and time out. This helps us monitor water and usage levels.

13.7.11 Pool Behavior. NO DIVING is permitted at any time. NO RUNNING or rough housing. NO CLIMBING on the wall.

13.7.12 No Glass at Pool. No glass, breakable, or fragmental objects, containers, or bottles, shall be brought into the Swimming Pool area.

13.7.13 Pool Furniture. Pool furniture shall not be removed from the Pool area except for off-season storage or repair. Protect Pool furniture from sunscreen lotion by sitting or lying on a towel when using the furniture.

13.7.14 No Loud Music. Pool users shall keep music and noise to a low level so that residents and neighbors living near the Pool are not disturbed.

13.7.15 No Adjustments to the Pool Control System. Pool users shall make NO changes or adjustments to the Swimming Pool control system. Requests for any adjustments or changes must be made to the Swimming Pool Committee Chairperson or their representative for their assessment.

13.7.16 No Tracking in Clubhouse. If wet, Pool users shall dry off completely prior to leaving the vinyl area of the clubhouse and shall not track water on the Clubhouse floor or carpet.

13.7.17 Pool Area Clean-Up. Before departing the Pool area, Pool users shall clean up any mess or litter they have created and take it home with them for disposal since there is no regular trash pick-up at the Clubhouse.

13.7.18 Pool Gate and Umbrellas. The last user to leave is responsible for locking the gate and for closing the umbrellas.

13.7.19 Groups of Swimmers. The adult resident sponsoring a swimming group shall be responsible to ensure the Swimming Pool Rules are obeyed by those in the group and for clean-up of the Pool area before the group departs the Pool area.

13.7.20 Pool Use When Clubhouse in Use. Residents, their family members, and their invited guests may use the Swimming Pool when a meeting, community function, or private function is in progress. The swimmers should not interrupt or disturb a function in progress.

13.7.21 Private Functions. If Board permission is granted for Swimming Pool use at a private function or as a private function, the resident sponsoring the function is responsible for informing the Pool users of the provisions of the Pool Rules and shall be present in the Pool area during the entire period of the private function pool use, regardless of the ages of the Pool users.

13.7.22 State Compliance. The WPPOA Pool shall be used and operated at all times in compliance with the North Carolina Department of Environmental and Natural Resources document entitled “The Rules Governing Public Swimming Pools”.

13.7.23 Denial of Pool Access. WPPOA reserves the right to deny use of the Swimming Pool to anyone at any time for refusal to comply with the posted rules or with other reasonable standards of acceptable behavior and safety.

13.7.24 Reporting Problems. Pool users shall report: all accidents or injuries, any pool contamination, and any pool malfunction (see sections 14.1-14.1.3).

14.0 GENERAL CLUBHOUSE AND SWIMMING POOL USER RESPONSIBILITIES

14.1 Accidents, damages and sanitary issues discovered or observed in or around the Clubhouse, Clubhouse property, and/or Swimming Pool should be promptly reported to a Board member or to a member of the committees responsible for the Clubhouse and/or Swimming Pool so corrective action can be taken.

14.1.1 Report serious accidents! In the case of an emergency resulting in serious physical injury, call 911. Telephones are located: in the mailbox under the pool stairs and in the library room. The Clubhouse address and telephone number are posted on the Pool Rules sign, in the mailbox, and in the library room.

14.1.2 Report Swimming Pool contamination! Contamination of the Swimming Pool is an emergency health hazard situation that requires, by law, the immediate closing of the Pool for decontamination. This situation must be reported immediately to a Board member or member of the Pool Committee. Examples of such contaminants are: fecal matter, bodily fluids, vomit, dead animals, toxic

chemicals, trash, garbage, beverage spills, broken glass, and other substances or objects hazardous or injurious to swimmers.

14.1.3 Report Pool malfunctions! A malfunction or suspected malfunction of the Swimming Pool operating equipment or damage to poolside furniture, fixtures, and receptacles should be reported immediately to a member of Swimming Pool Committee or to a Board member.

14.1.4 Damage to poolside furniture, equipment, or fixtures must also be reported,

14.2 Clubhouse Clean-up. Residents who use the Clubhouse for any function are responsible for cleaning up after themselves and their guests. If clean-up is not completed by 10 AM the following morning the sponsoring resident may be charged a minimum \$35.00 professional cleaning fee or greater amount to be determined by the Board of Directors or forfeit the \$35.00 refundable deposit.

14.3 No Private Use of Community Supplies. A resident sponsoring a private party or event is responsible for ensuring that WPPOA community kitchen supplies such as coffee, tea, cream, food, paper plates, plastic products, and other such items are not used for a private party or event. The resident sponsoring or hosting a private party or event is responsible for providing expendable and consumable items and supplies for that hosted function. If furniture is moved it must be restored its original location when the event is over and folding chairs and tables should be returned to their storage areas. Pool furniture shall not be removed from the Pool area.

14.4 Keeping Supplies Clean. The resident sponsor of a private party or function is responsible for washing and returning linens used, cleaning tablecloths, and for washing, cleaning, and drying dishes, glassware, cups, silverware, and kitchen appliances used.

14.5 Keep Clubhouse Clean. At the completion of all parties and functions, the Clubhouse must be left clean and in good condition for the next event. The old principle applies: “Leave it like you found it, or in a better condition than you found it”.

14.6 Clubhouse Trash. At the end of a community event or a private event/function the resident host is responsible for the removal and disposal of all accumulated trash from the event. This generally means taking it home to put it out for Saturday trash pick-up. The Clubhouse is not a regular stop for Saturday trash pick-up, and there is no space for event trash to be stored in the Clubhouse.

14.7 Damage to Facilities. Should it eventually be determined that damage to the Clubhouse, Clubhouse area, or Swimming Pool was caused deliberately, through carelessness or negligence, through disregard of these rules, or lack of exercise of reasonable standards of good judgment, the Board of Directors has the authority to assess the responsible resident a reasonable fine to compensate the Association for repairing and correcting such damage.

14.8 Alcohol limitation. A resident sponsor of a private event is responsible for ensuring that no alcohol is consumed on Waterford premises by non-resident guests attending the event unless the sponsor has obtained special event liability coverage as described in section 6.6.2.

15.0 PROCEDURE FOR THE ENFORCEMENT OF COVENANTS AND RULES AT WATERFORD PLACE:

15.1 Initial Contact. Upon observing a violation or apparent violation of the Waterford Place Covenants or Rules, any resident may report the observed violation or apparent violation to a member of the Board of Directors. The Director so notified will report the violation to the Board at its next scheduled meeting. The Board will appoint a Director to investigate the report, meet with the person alleged to have violated the Covenants or Rules, attempt to mediate an informal settlement of the complaint, and report to the Board on the results of the investigation. The report should be made at the next scheduled meeting of the Board if at all possible. The Board may undertake further investigation if it believes that the situation so warrants.

15.2 Warning. If the Board determines that a violation has occurred and that informal mediation will not be successful, the Board will direct the President to write a letter of warning to the alleged violator. The letter will set out the nature of the alleged violation, a finding that the alleged violator is out of compliance with the Covenants and/or Rules, steps that might be taken to resolve the problem, a statement of any penalty that might be assessed as a result of the violation, and notice of right of appeal.

15.3 Appeal. An owner who has received a warning letter has the right to appeal the finding of violation to the Board for reconsideration. Written notice of appeal must be received by the Board not later than 24 hours before the next scheduled Board meeting. The owner may appeal in writing and/or appear in person before the Board at the next scheduled Board meeting.

15.4 Ruling. The Board of Directors will respond to the appeal in writing within seven days following the meeting at which the appeal is presented. The Board will state whether the appeal is accepted or rejected, whether in whole or in part. The Board will also state what penalty, if any, is to be imposed.

15.5. Enforcement. A monetary penalty may be assessed for the violation in an amount deemed appropriate by the Board and permitted by North Carolina law. The Board may also choose to impose a nonmonetary penalty, such as publication of the violator's name and the nature of the violation. The Board may use any legal or equitable remedy allowed by North Carolina law as a means of enforcing any penalty.

16.0 TERMS AND CONDITIONS RELATING TO PARTIAL RENTAL OF A RESIDENT-OCCUPIED PROPERTY

Authority: Amended and Restated Declaration of Restrictive Covenants A-1.1)
“All Lots shall be, and the same hereby are, restricted exclusively to single family residential use, and the occupancy thereof shall be subject to such restrictions found herein. The Board of Directors is given full and complete judgment in its sole discretion, as to whether a proposed use is in violation of the restrictions set forth herein. The Board shall be vested with the authority to grant individual waivers to the foregoing restriction upon such terms and conditions as the Board deems necessary.”

16.1. Interpretation of “Single Family.” *The term “single family” shall be interpreted to include single individuals, married couples, and children of the property owner, whether minor or adult. Where two members of the same family jointly own a lot, they shall be considered a single family.*

16.2. Full-time Resident Caregivers. *Full-time resident caregivers may occupy the single-family dwelling along with the owner(s) to whom care is given, but their presence must be registered with the Board of Directors in the same manner as other tenants described below.*

16.3. Waivers. *A waiver from the Board of Directors, as referenced in the Restrictive Covenants, is required for the rental of a portion of a single-family dwelling. A waiver may be withheld by the Board of Directors for any reason that may, in their sole discretion and judgment, be in the best interests of the community. A prior grant of a waiver to any lot owner shall not be construed as constituting a precedent governing subsequent applications for waivers from the*

same or other lot owners. A waiver may be withdrawn by the Board of Directors at any time when, in their sole judgment, such a withdrawal is in the best interests of the community.

16.4 Right of Owner. *This policy does not limit the right of an owner to rent an entire dwelling. However, the Board will not approve any waiver that entails the rental of more than one portion of a dwelling.*

16.5. Conditions for Seeking Waiver. *The following conditions must be met by any owner requesting a waiver. The meeting of these conditions shall be a necessary condition for the granting of a waiver but shall not be construed as a sufficient condition for the granting of a waiver.*

a. The name, telephone number, and e-mail address of the tenant shall be registered with the Board of Directors.

b. A copy of any lease agreement shall be deposited with the Board of Directors.

c. The lot owner shall provide ample off-street parking for the tenant, whether caregiver or renter, and shall provide the Board of Directors with a description of the space provided.

d. The house of which a part is occupied by a tenant shall be the principal and permanent residence of the owner. The owner shall be in residence, brief vacations excepted, during the time the premises are occupied by a tenant. If a house ceases to be the principal and permanent residence of the owner, any waiver granted under this policy shall lapse 60 days after the date that the house ceases to be the principal and permanent residence of the owner.

e. The lot owner shall be responsible for the behavior of the tenant and shall insure that the said occupant complies with all rules and regulations of the community.

f. A tenant shall not have access to community amenities except as an invited guest of the owner and under the same conditions as apply to any other invited guest. A tenant may be granted separate permission to use the swimming pool upon signing an agreement to abide by all pool rules. No separate gate key shall be issued to the tenant. Violation of pool rules by the tenant will render the owner liable to loss of pool privileges in accordance with the approved rules.

g. As soon as possible after a tenant begins occupancy, the owner shall accompany the tenant to a meeting of the Board of Directors so that the tenant may be introduced to other members of the community.

h. If a tenant ceases to rent a portion of a house under this policy, any waiver granted under this policy shall lapse immediately. A new waiver application must be made for a new tenant.

ADDENDUM #1: Pool Rules as Adopted in 2018.

Pool Rules

1. No lifeguard on duty. Swim at your own risk. Swimming alone is not advised.
2. ONLY residents and guests accompanied by a resident may use the pool.
3. Children under 18 should not use the swimming pool without continuous adult supervision.
4. Please sign in and out.
5. All entrances to the pool area must be kept closed. The gate must be locked when the pool is left empty.
6. Please shower before entering the pool.
7. NO DIVING, running or rough play.
8. Absolutely NO CLIMBING on the wall.
9. No person with a communicable disease, infection, or open sore may swim in the pool.
10. Keep music and voices at a moderate level. Be considerate of our neighbors.
11. Glass containers, tobacco products, and animals are not allowed.

12. Place a towel on furniture to protect surfaces from sunscreen oils.
13. Before leaving, please close umbrellas, return furniture to original location, collect and remove refuse, and sign out.
14. Avoid tracking water on the clubhouse carpet if you enter the clubhouse.
15. Lock the gate when you leave, unless someone else is at the pool.
16. When you hear thunder, evacuate the pool. Wait 15 minutes after the last thunder before re-entering the pool.
17. Pool closed sunset to sunrise. No night swimming.
18. Emergency: First Aid Kit in clubhouse kitchen
 - Telephone in mailbox under the pool stairs and in clubhouse library.
 - Emergency numbers on bulletin board and by phones.
 - WPPOA is not responsible for accidents or injuries.

ADDENDUM #2:

Waterford Place Architectural Review Committee Construction, Modifications, Soil and Erosion Control Guidelines

SECTION I

HISTORY OF ALRC

Waterford Place originally formed an Architectural Review Board to oversee the harmonious development of both the common areas and land development. It was charged with establishing standards for new construction and exterior home improvements. By 1996 the committee's area of responsibility expanded to encompass the landscaping designs that enhanced the natural characteristics of the terrain but maintained a consistency throughout the community.

While the ARC coordinates many projects with the Grounds Committee, it is also available on a consultant basis for any committee within the Waterford Place

community engaged in a project that will impact the architectural or landscaping aspects of Waterford Place.

This document modifies and updates the WATERFORD PLACE DEVELOPMENT GUIDELINES approved on the 17th day of July 1996 by the Waterford Place Property Owners Association Board of Directors.

On July 8, 2008, the Waterford Place Property Owners Association (WPPOA) Board of Directors voted to rename the existing ARB (Architectural Review Board) to ALRC (Architectural & Landscape Review Committee). The Committee operates under the authority vested in it by the Waterford Covenants, Section B-1, and Architectural Control and complies with the Enforcement Procedures, Section D-3. In connection with revisions to our Covenants in August of 2017, the committee returned to its original purpose of reviewing architectural modifications only. Thus its name became the Architectural Review Committee (ARC). The ARC members are appointed in accordance with Section 4.20 of the Waterford Place By-Laws.

Starting in 2011, the Board of Directors of WPPOA decided to pursue a Firewise Community status. Incorporated in these guidelines are the Forestry Department's recommendations for less flammable exterior materials and plants. These suggested materials might be used by homeowners on a voluntary basis. Material is available at the Clubhouse.

SECTION II

COMMUNITY CONSTRUCTION COMPLIANCE

The Waterford Place Community must follow the regulations established by local and state governmental agencies with jurisdiction over construction and building standards. Waterford Place was placed under the City of Brevard's ETJ (Extra-Territorial Jurisdiction) in 1977/1989 (see City of Brevard, Ordinances). On April 3, 2006, the City of Brevard adopted the UDO (Unified Development Ordinance), which governs Waterford Place's construction, remodeling, and soil and erosion control issues. Homeowners planning any additions or exterior modifications must comply with these criteria and initiate the permitting process, after ARC has finalized its review, with the City of Brevard, Planning Department. After the City of Brevard determines that proposed projects comply with the UDO standards, the Planning Department of Transylvania County will issue a building permit and supervise the project.

SECTION III

WATERFORD PLACE CONSTRUCTION AND BUILDING RESTRICTIONS

The purpose of the following guidelines is to acquaint owners, developers and contractors with the covenants and other requirements of Waterford Place and to act as a safeguard for the community. The intent of these requirements is for all additions, modifications and new construction to result in a design / structure that is in harmony with the existing external designs, exterior materials and colors. Site planning (the location of the building or structure with respect to topography), vegetation and the finish grade and elevation of any lot should be consistent with existing dwellings. They also include any other relevant considerations, which are based upon acceptable standards of planning, zoning and construction.

The ARC will see that new construction and modifications to an existing building are harmonious with older homes in the community.

The ARC will approve either an attached garage or a carport. If there is an existing garage or carport, the addition /modification may result in increased space with the same type of structure or modify the entire unit to result in either a larger garage or a larger carport. No home can have both a carport and a garage.

The ARC will not approve requests for trailers, mobile homes, A-frames, lean-tos, temporary structures other than those used by a contractor during construction or an unusual design, which would not be in harmony with existing homes.

The ARC will discuss construction and modification plans with neighbors impacted by the project.

The ARC will confirm that UDO setbacks are incorporated in the project:

- Front (from street) 35 feet
- Side 12 feet from lot line
- Back 25 feet from lot line
- From top of stream bank 30 feet

The ARC will confirm that any project near a water source is also in compliance with the North Carolina Wildlife Department's set-back rulings.

SECTION IV

DESIGN CRITERIA-STRUCTURES

The following criteria are established as guidelines by the ARC for all structures, wall, fences, etc. The ARC reserves the right to modify the guidelines in appropriate circumstances at its discretion.

A. Building Size

The ground floor of the main structure of any dwelling erected or placed on any lot, exclusive of one story open porches and garages, which is erected or placed on any lot after June 1, 2009, shall not be less than 1,450 square feet of enclosed living space for one-story dwellings, nor less than 2,600 square feet of enclosed living space for a structure of more than one story. (**Waterford Place Covenants, Section A-1**).

B. Exterior Materials

1. Exposed roofing shall be heavy architectural shingles. No metal roofs permitted. Approved colors are desert sand, mountain slate and weathered wood.
2. Vinyl siding with brick or stone accents is acceptable. Struck stucco brick and simulated stone are prohibited. A building with all brick or stone is acceptable.
3. Hardy plank is the preferred siding. However, in modifications and additions, the entire exterior would need to be of hardy plank and not mixed with existing vinyl siding. Colors must be compatible with existing community preferences.
4. No exposed concrete block or panelized siding shall be permitted.

C. Firewise Recommended Exterior Materials

1. Hardy plank siding.
2. Roofing is fire resistant/non-combustible material
3. Double-pane, tempered glass windows

D. Garages or Carports

1. All single family residences (not including zero lot line and townhouses) will provide a garage or a carport to accommodate a normal size automobile(s).
2. Overhead doors shall be used on all garages.

E. No exposed window air conditioners shall be allowed.

F. Underground wiring shall be mandatory.

G. Residences shall be prewired for cable and telephone outlets as specified by local utilities. Individual rooftop antennas or satellite dishes larger than 39.7” will not be permitted. (FCC)

H. Individual mail boxes and built-in newspaper boxes shall be located at curbside in a form and color approved by ARC. Mailboxes must be maintained, painted and repaired on a timely basis and when necessary be replaced to maintain the appearance of the community.

I. No individual swimming pools will be permitted.

J. Dust abatement and erosion control measures shall be provided in all stages of construction to reasonably protect adjoining property(s). Such measures shall be in compliance with guidelines contained in the current edition of the NC Erosion and Sediment Control Planning and Design Manual on file with the City of Brevard. (Note: Silt fences are no longer permitted.) The appropriate erosion control mechanism must be in place before construction commences.

K. The WPPOA contracts with a commercial pest control company for regular inspections and treatment as necessary. The cost is included in the monthly assessment fees. The owner or contractor must arrange with the contracted pest control company to treat all foundations before they are covered with dirt and all slabs before gravel is placed and concrete poured. Treatment of soil adjacent to the structure, prior to any landscaping, must also be treated. The expenses related to this procedure are the responsibility of the owner or the contractor, and written proof of the service must be submitted to ARC before additional construction can proceed.

L. Prior to occupancy of a residence on any lot, proper and suitable provisions shall be made for the disposal of sewage by the installation of a septic tank, connecting same to the sewer mains of WPPOA. The septic tank and connections between it and the structure must comply with State of North Carolina and local codes. Sewer lines must be PVC pipe (minimum schedule SDR 40). No individual sewage disposal system shall be permitted.

M. Water shall be supplied by WPPOA. No private potable water system will be permitted. PVC pipe (minimum schedule 40) must be used between the water main and structure. Connections to water and sewer mains must be made by a licensed and insured plumber or in the presence and supervision of a licensed and insured plumber. Existing manholes are to be opened only by a licensed and insured plumber or in his presence and under his supervision.

N. Roof line profiles shall be gable ended, gambrels or hip roofs. A-Frame and parapet structures shall not be allowed. Particular attention shall be given to color coordination between roofing materials, fascias, sidings, doors and other enclosures for harmony with adjoining homes and/or for the distinction of their design.

O. No fence shall be extended in front of the front building line of the home. In general fences, walls or other barriers are not encouraged in Waterford Place. Hedges, berms or other landscaping alternatives are preferred. No fence or wall shall be constructed without the written permission of the ARC.

P. Screened porches and screened enclosures at main structures shall need approval prior to any construction. (Use enclosed application form)

Q. Metal chimney or flues shall be limited to 10 inches or less of exposure. This would include flues for radon mitigators.

R. All exposed sheet metal including gutters, downspouts, flashing and stacks shall be painted in a color coordinated with the main structure.

S. All under eave areas shall be enclosed and shall be finished with acceptable materials, e.g., anodized aluminum, vinyl clad or acceptable alternate.

T. Outdoor Lighting-All structures to be occupied as living units must have at least one yard light which is automatically controlled by a light sensor. Fixture design and color must be consistent with those previously installed in Waterford Place. Fixture design must have ARC approval.

SECTION V

DESIGN CRITERIA-LANDSCAPING

Landscaping should enhance the privacy of the house. However, it is the intent of the Association to maintain greenbelt and common property area. ARC advises natural ground cover of the land that can weave throughout the residential development without its impedance by lots totally planted in grass without recognition of the natural elements of the land. The criteria of low maintenance should be respected wherever possible without in any way downgrading the design.

The Firewise Committee recommends landscaping that can help you to create a defensible space or buffer zone around your home. The Firewise goal is to “break the chain” of fuel between homes and natural vegetation. The committee has pamphlets and handouts to assist with this aspect of your design.

A. Paved driveways shall be required. Surfacing must be esthetically acceptable to the ARC and compatible with community’s paved surface. Driveways shall be of minimum area to preserve the naturalness of the site.

B. All yards, front, side(s), and rear, of the house may be seeded with grass, planted with planter beds or landscaped as designated by the Homeowner. It should be noted that underbrush is extremely flammable and must be cut back on a timely schedule.

C. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat for the development. Within these easements no plantings, structures or other material shall be placed which would damage or interfere or change the direction of flow or retard the flow of water through drainage system.

D. Preservation of natural grades and tree cover shall be, in every instance, a primary factor in siting of each residence. Trees of 4” in diameter or greater shall be maintained where possible and incorporated in the design of the residence. No tree greater than 4” shall be removed from the site without approval from the Grounds Committee.

E. Site Plans of residences including the location of existing foliage over 4” in diameter by size and species, preliminary landscape plans indicating new plant material and species shall be submitted to ARC for approval. All proposed removal of trees must be designated on the site plans submitted to ARC.

SECTION VI

PERMITS, FEES, AND PERFORMANCE BONDS

A. Owners' applications for new construction, additions or remodeling estimated to cost over \$5,000 require a deposit in the form of a certified check payable to WPPOA equal to 10% of the project cost with a cap of \$5,000. Refund of the deposit will be made upon the following conditions:

The county/city issues a Certificate of Occupancy
The county/city signs off on a Building Permit, noting acceptance of completion
ARC evaluates the completed project in relation to the approved application

B. Any expenses incurred by ARC, e.g. blueprint copies, legal fees, or material samples, will be deducted from the deposit amount.

C. For projects other than new construction or remodeling, the homeowner is required to submit an application form requesting approval for the project. Examples of various projects are listed at the bottom of the application form. Application form is included in the guideline packet.

D. If a project is to be installed, expanded or developed in stages, ARC will consider separate applications for each phase or the total project. Deposits will be determined by the above criteria.

E. All deposits will be in an escrow account, separate from operating income and disbursements.

Deposits are not subject to interest income.

F. Any construction, which has ceased for ninety (90) days, is deemed a nuisance. A written Violation Notice will be directed to the owner. (**By-laws, Article IX, Section 9.1**) The owner can appear before the Board of Directors for a variance or an additional ninety (90) day extension. If the problem continues to exist, the Board can direct ARC to pursue the remedies outlined in **Article IX, Section 9.1**.

G. If the developer or builder refuses to make repairs, the Association will use the deposit to do so and refund any balance remaining. If the deposit is not sufficient, the Association will bill for the difference. If the bill is not paid within 60 days, WPPOA Board of Directors may place a lien on the property. If the property has been sold, the new owner will be notified at least 60 days before a lien is placed on the property.

H. The performance deposit refundable portion will not be returned until a Certificate of Occupancy is issued and shown to ARC or the agency supervising under a building permit deems the project successfully completed.

I. A member of the ARC will coordinate the supervision of the project, per the instructions on the Worksheet attached. These periodic inspections will be coordinated with the County Planning Department.

SECTION VII

APPLICATION AND ADMINISTRATIVE PROCEDURES

All applicants must submit the Waterford Place, ARC Application Form enclosed in this packet. If additional explanations or details are needed, they must be submitted in writing and attached to the Application Form. Any modifications or change orders required after the Final Approval has been given by ARC must be submitted in writing for additional approval.

ARC has 30 days from the date of a complete submission in which to respond, in writing, to the homeowner, developer or contractor.

ARC recommends that homeowners only engage licensed and insured builders for any construction project in Waterford Place. All developers, architects and contractors must be familiar with these standards and all ordinances governing our community. It is the responsibility of the owner to obtain a copy of these guidelines for their builder, contractor or developer.

SECTION VIII

VIOLATIONS AND REMEDIES

ARC will prepare a written Non-Compliance Violation Notice for the owner and/or developer. (See attached form). Under **Article IX, Section 9.1 of the By-laws** an appropriate action will be determined and followed to insure that the violation is resolved.

All notifications will be presented to the Board for follow up and enforcement.