

WINDEMERE

Architectural Guidelines

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WINDEMERE

ARCHITECTURAL GUIDELINES

INTRODUCTION

Windemere is a planned community in which manmade improvements have been designed and installed in a manner in harmony with the natural environment. Care has been taken to respond to natural features and to create Homesites (Lots) which take maximum advantage of the physical features of the development. Architectural Guidelines (Guidelines) are established and enforced so that similar care will be taken to assure that Homes within Windemere will contribute to, rather than detract from, the attractiveness of Windemere.

DESIGN PHILOSOPHY

The Dwelling Units (Homes or Buildings) in Windemere should respond to the environment, the Homeowners' (Owners) needs for comfort, function, and beauty, and the overall plan for the community. The Architectural Guidelines provide basic information which should be used to produce a community with a cohesive identity with varied traditional and harmonious architecture without unduly restricting the designer's interpretation of any Owner's particular need or desires.

ARCHITECTURAL CONTROL COMMITTEE

In accordance with the Declaration of Covenants, Conditions and Restrictions recorded in Book 898, at page 1135, et seq., of the Iredell Public Registry, as it may be amended from time to time (the Declaration), an Architectural Control Committee (the Committee) will review all plans for Homes and any other structures to be built in the residential community known as Windemere, Phase I, II, and III of which are reflected on the present plat recorded in Plat Book 23, pages 138, 138A, 138B, 139 and 139A of the Iredell Public Registry, and any subsequent residential phases of Windemere platted of record and submitted to the terms and conditions of the Declaration. The purpose of the Committee is not to restrict design freedom or to make design decisions but to ensure that each of the Homes reflect the overall objectives of the entire community and that the unique natural setting of the community is preserved and enhanced.

BUILDING RESTRICTION

These policies concern all new construction, additions and/or modification of existing Homes, structures and other improvements in the community and any clearing, grading, filling or other alterations to any Lot (Homesite) within the community.

MAXIMUM HEIGHT

The maximum height for a Home is two and one-half (2 ½) stories above the ground; provided, that the Committee shall have the right, because of steep topography or other reasons, to allow greater heights on rear and side elevations.

MINIMUM SIZE

The following minimum square footage requirements are for enclosed heated floor area and are exclusive of the area in basements, unheated porches of any type, attached or detached garages, carports, and unheated storage areas, decks or patios, except as otherwise provided below:

(a) For Windemere Waterfront Lots: Any one-story dwelling erected upon any Homesite which is a Waterfront Lot shall contain not less than 1800 square feet; and 1 ½ story or split level or tri-level dwelling shall contain not less than 2000 square feet and the first floor shall contain not less than 1400 square feet; any 2 or 2 and ½ story dwelling shall contain not less than 2200 square feet and the first floor shall contain not less than 1200 square feet. Any heated area in the basement shall be counted at a rate of one-half of the square footage to meet this requirement.

(b) For Windemere Non-Waterfront Lots: Any one-story dwelling erected upon any Homesite which is a Non-Waterfront Lot shall contain not less than 1600 square feet; any 1 and ½ story or split level or tri-level dwelling shall contain not less than 1800 square feet and the first floor shall contain not less than 1200 square feet; any 2 or 2 and ½ story dwelling shall contain not less than 2000 square feet and the first floor shall contain not less than 1100 square feet. Any heated area in the basement shall be counted at a rate of one-half of the square footage to meet this requirement.

BUILDING SETBACKS AND LOCATION

The location and design of each Home and all other Improvements should be tailored to the specific features of each Homesite. All Improvements should be sited so as to minimize disruption to the existing natural setting, including existing vegetation, drainage ways, and views.

The buildable area of each Homesite is determined by easements and setbacks shown on the subdivision plats as recorded in the Iredell County Registry and the following setbacks, or as indicated in the Iredell County zoning regulations:

- | | |
|-----------------------------------|---------|
| 1) Front yard | 35 Feet |
| 2) Rear yard | 35 Feet |
| 3) Typical side yard | 15 Feet |
| 4) Side yard facing a street | 25 Feet |
| 5) From the waters of Lake Norman | 50 Feet |

In addition, the Committee may control the location and orientation of any Home within the area enclosed by the above setbacks. All buildings on the Homesite (Lot) (including any stoops, porches, patios, terraces, decks, etc.) and any recreational improvements shall be located within the area enclosed by the above setbacks; provided that docks piers, boatslips and inland boathouses on Waterfront Lots are exempt from this requirement provided they are in conformity with the applicable portions of these Guidelines.

All new home construction must be approved by the Committee before any work takes place. Part of the Committee approval includes insuring harmony and fit of new homes within the community. This includes location and orientation of a home. New homes are to be in line with the homes on either side of them and oriented parallel to the road. In rare instances, home plans may have to be modified to conform.

FOUNDATIONS

The foundation must receive the same careful attention to detail and finish as the main body of the Home. All foundations (crawl space and/or basement) must be brick, stone, or a combination of masonry stucco with brick and/or stone, extend to grade on all sides, and be of the same exterior finish material as the exterior walls of the home.¹ Unless specifically waived in writing by the Committee, all foundations must be raised with a minimum two foot (2') high crawl space, and slab-on-grade foundations will generally not be permitted except for garages, patios, and unheated porches.

EXTERIOR MATERIALS, COLORS, AND FINISHES

Materials and color constitute a dominant visual element of the community and require careful attention. Permitted exterior materials are brick, stone, stucco, cedar shake, fiber cement siding or horizontal siding if approved by the Committee. Sidings not permitted include metal siding, asbestos siding, exposed decorative plywood siding (such as T-111) any wood siding run at a diagonal, or any vinyl siding covering the majority of the Home or other permitted structure. Aluminum fascia and vinyl soffit will be considered as trim material in addition to wood, which is preferred. At least fifty percent (50%) of each exterior wall must be of brick, stone, or a combination of masonry stucco with brick and/or stone.² All designs and exceptions must be approved in writing by the Committee.

The exterior materials and colors used on a Home should blend together to create a harmonious whole. To this end, samples of proposed exterior materials and colors of paints and stains must be submitted to the Committee for approval. Natural weathering of wood materials is not desirable. Trim colors should not contrast strongly with the exterior wall color. In general, Homes should not use more than four exterior finish colors (foundation, body of Home, trim, and exterior doors). Dark trim colors will generally not be approved.

DOORS, WINDOWS, AND SHUTTERS

Doors and windows should be carefully proportioned and located to enhance the exterior appearance of the Home while taking advantage of opportunities for special views, natural light and ventilation. Window and door frames may have anodized aluminum, vinyl, or painted or stained wood finishes in colors approved by the Committee. Natural color aluminum or other metal finishes are not allowed.

Each Home must have a minimum of two entry doors which shall be hinged.

Windows should generally be the same type and style around the house. Thermal pane windows are preferred. Exterior storm windows will generally not be permitted.

Shutters are encouraged, should fit the shape and proportion of the windows, and, when used, should be located at a minimum on all elevations visible from the street.

Unless specifically waived in writing by the Committee, all windows and doors shall have caps of soldier course brick, jack arches, wood caps, or other approved decorative treatment and no running bond brick will be permitted over any door or window of any elevation.

ROOFS

Roofs and roof pitches should be in proportion to the overall size and shape of the Home. A minimum roof slope of eight in twelve is recommended and, unless specifically approved in writing by the committee, slopes of less than six in twelve are not permitted. The main roof should slope equally in both directions from the main peak. Not permitted are flat roofs (which constitute more than 25% of the total roof area), A-frame roofs, dome roofs, "butterfly" roofs, or shed roofs composed of only one plane as an overall roof shape for the majority of the building. Permitted roofing materials are wood shingles, wood shakes, natural or man-made slate, tile, or architectural 280 pound per square minimum weight composition (fiberglass) shingles in variegated (not solid) color. As with other items, all specific roof materials must be approved in writing by the Committee prior to the commencement of construction.

Covered porches and other structures on the Homesite (e.g. detached garages, pool houses or other accessory structures permitted by the Committee) should have the same roofing material and color as the main Home.

Copper flashing may be permitted to weather to a natural patina. All other flashing shall be painted to match or blend with the shingle color as approved by the Committee.

Ridge vents shall be approved in advance in writing by the Committee. All other vents (including, without limitation, plumbing, exhaust and power vents) will not be permitted on roof areas visible from the street, unless approved in advance by the Committee, and, in any event, shall be as low profile as possible and painted to match or blend with the roof color.

Skylights and operable roof windows may be permitted by the Committee provided that no more than three are located in any one Home and are situated in such a manner that they are located on the sloped surface of the roof and are not installed in the peak or on any vertical surface.

CHIMNEYS

Chimneys should have the appearance of being full foundation based and made of brick, stone, stucco or other material approved by the Committee, and of a design, location and material appropriate to the Home. Exposed metal flues are generally not permitted. All chimney caps should be finished in a finish blending with the colors of the Home.

ANTENNAE

No television antenna, satellite dish, with the exception of a digital satellite mini-dish (as defined in Article VIII, Section 13, page 25 of the Declaration, as amended), radio receiver, sender, or other similar device shall be attached to or installed adjoining the exterior portion of any Home or any other structure or located on any Homesite within the community.

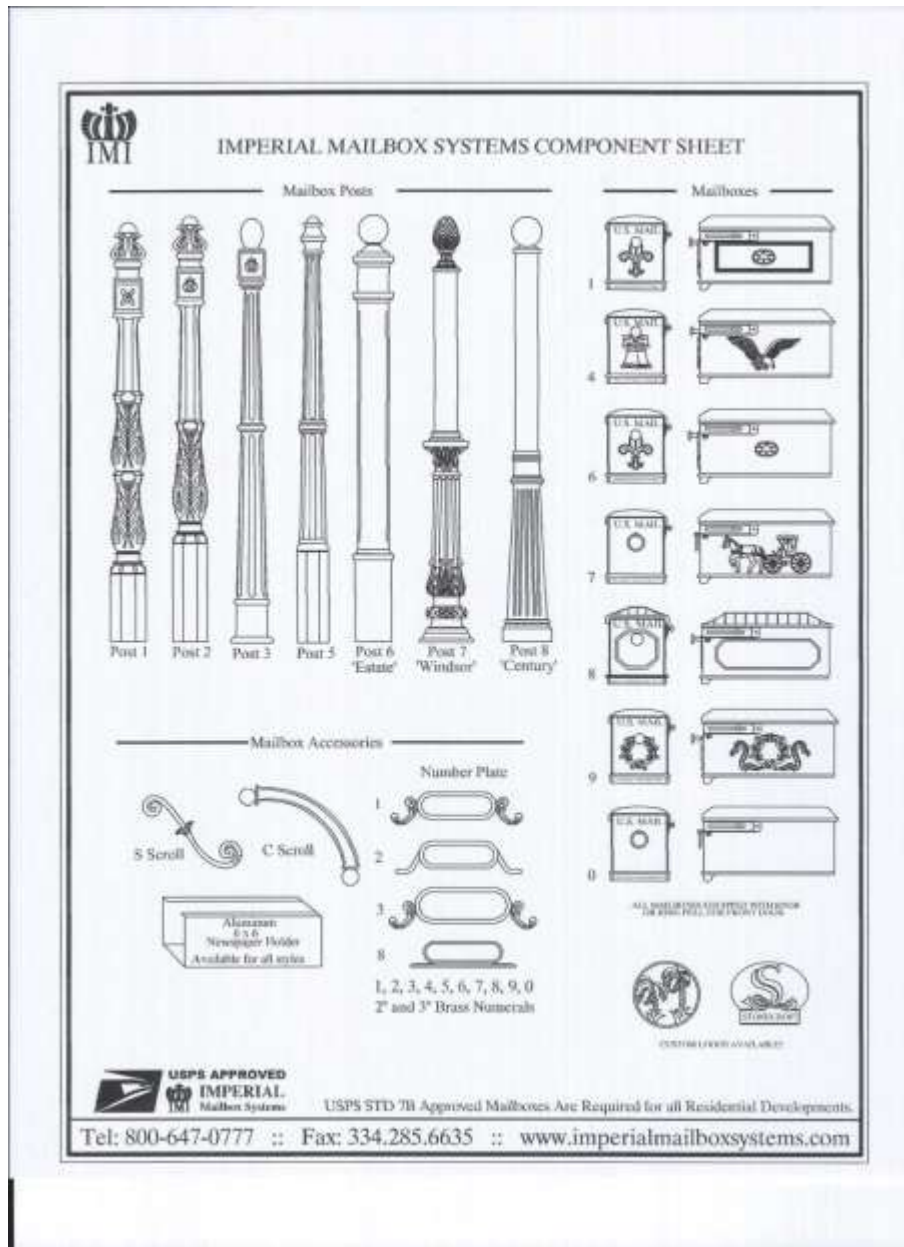
MAILBOXES

All mailboxes and newspaper boxes (including supporting posts), shall be black in color and of a size, and design as approved by the Committee. The Committee must approve the location of the mailbox. Black aluminum "Imperial Series" mailboxes with newspaper holders attached, as shown on the Imperial Manufacturing brochure are approved designs. The larger Estate size of the same design is an acceptable option. A current provider is Carolina Mailboxes at telephone 704-334-3393 or imperialmailboxsystems.com for

purchase and optional installation. Description of the approved items is attached and must be black in color. Other similar models or designs of equal or better quality may be approved by the Committee on a case by case basis.

Masonry mailboxes with newspaper holders are an option. They must be approved by the Committee prior to installation. The mailbox and newspaper holder inserts must be black in color.

No free-standing newspaper boxes are permitted.



GREENHOUSES

The use of manufactured greenhouse rooms³ or units as an integral element in the overall design of the Home shall be permitted with the approval of the Committee, but only on a case by case basis.

DECKS AND PORCHES

Decks and porches should be designed with substantial, well proportioned railings, flooring, and support posts meeting building code requirements. The space below decks should be screened with lattice, shrubbery or other means appropriate to the design of the Home.

HOUSE NUMBERS AND HOMENAMES

House numbers must be installed in an easily visible location near the front entrance of the Home as approved by the Committee. Signs displaying Home names are not permitted.

PARKING AND DRIVEWAYS

For each Home built on a Homesite, a minimum of two off-street parking spaces must be provided. They may be provided in garages or carports as approved by the Committee. It is recommended that off-street parking for at least two additional guest vehicles also be provided.

Driveways constructed of brick or lightly brushed concrete finished in a natural concrete color are permitted. Exposed aggregate concrete may be permitted with the written approval of the Committee. Unpaved driveways and parking areas are prohibited.

SERVICE AREAS

All service areas containing heating or air conditioning apparatus, propane tanks, garbage containers, or other equipment stored outside the home may not be located within any front yard or any side yard where visible from the street, unless approved prior to this update in writing by the Committee. All outside equipment must be appropriately screened by landscaping or approved fencing on all sides. All future installations must have the location approved by the Committee. Propane tanks must be located safely as required by the provider and Iredell County. These requirements are outlined in tank guidelines which can be found at <https://www.gasteconline.com/tank-chart.php>.

GRADING AND EROSION AND SEDIMENTATION CONTROL

Plans for any grading, excavation, or filling of Homesites must be approved in writing by the Committee before any site work can begin. During any clearing, grading, and construction activities on a Homesite, all run-off, erosion, and sediment beyond that which occurs in the natural, undisturbed condition of the Homesite must be contained within the perimeter of the Homesite. Particular care must be exercised on Waterfront Homesites to avoid negative impacts upon Lake Norman.

Grading must be designed as much as possible to conform to the natural site contours. Homesites have generally been located to minimize grading and avoid disruption of natural drainage patterns. Excessive grading should not be necessary and will be viewed as undesirable by the Committee. Final grading should produce gently rounded contours rather than sharp changes in slope and should allow for transition at the head and toes of slopes.

The creation of fill sections to artificially elevate Homes will generally be disallowed. In the event of particularly low-lying Homesites, or in areas where artificial elevation will not adversely affect views from surrounding Homesites, filling to provide elevation may be approved by the Committee.

LANDSCAPING

Plans for any landscaping, grading, excavation or filling of Homesites must be approved by the Committee before any site work can begin. Landscaping plans must show topography, all trees larger than four inches (4") in diameter measured four feet (4') from grade at the tree base and their approximate spread and all groupings of smaller trees and shrubs whose spread is more than twenty feet in diameter, and all flowering shrubs and trees.

Whenever possible such trees, shrubs and groupings shall be preserved in site planning. No Owner shall remove or alter any trees or shrubs larger than four inches (4") in diameter measured four feet (4') from grade at the base without the prior approval of the Committee.

All landscaping plans including (without limitation) all structures, driveways, mailboxes, service yards, terraces, patios, walks, paths, outdoor lighting fixtures, walls, fences, pools, piers, docks, decks, and screens are to be shown on the plans submitted to the Committee and are subject to approval by the Committee. All landscaping of Homesites must be completed within thirty (30) days of occupancy.

The Owner of each Homesite is responsible for maintaining in a healthy condition all natural and introduced vegetation on the Homesite. Removal of dead or diseased plant material must be done on a regular basis in accordance with the best practices for the plant material involved. Maintenance of plant materials and landscaping required of the Owner includes all planting beds, trees, shrubs, flowers, ground cover and lawn areas, including any areas mulched with pine needles, pine bark nuggets or other materials.

The fundamental design criterion to be considered in the review and approval of landscaping plans is the need for gardens and lawns to harmonize with the native vegetation, terrain, and natural beauty of the community. Plants native to or traditional in North Carolina are encouraged.

A significant factor will also be the need to preserve wherever possible scenic views of Lake Norman or other prominent natural features. Consequently, evergreen or other any other buffer plantings which will, when mature, interfere with such views from other Homesites within the community will not be permitted. Such plantings will be considered as walls in excess of the maximum six foot (6') height for such walls and, if planted, may be removed by the Committee at the expense of the Owner.

EXTERIOR LIGHTING

Exterior lighting is subject to approval by the Committee. In general, such lighting must not result in excessive glare and must not interfere with the privacy of nearby Homes.

Directional lights (such as flood or spot lights) shall be aimed in such a way that no light from them shines on adjacent properties and shielded in such a way that the directed light from their filaments is not visible from adjacent properties.

Non-directional lights should have enclosures that conceal the shape of the lamp (light bulb) and prevent the view of the lamp from above. Ideally, positioning of exterior light fixtures to conceal the source of light is preferable.

DECORATIVE OR RECREATIONAL EQUIPMENT IN YARDS

No non-decorative structure such as a swing set, tent, wading pool, trampoline, playhouse, soccer net, etc., can be located in any front yard or side yard forward of the rear of the house where it will be visible from the front street. They can be located in the side or front yards on a temporary basis only when actively in use. They should be stored inside the home, garage or behind the house not visible from the front street.

Any decorative structure such as a fountain, statue, trellis, etc., must first be approved in writing by the Committee before locating in any yard. The Committee has sole determination as to what it considers as decorative and non-decorative.

FENCES AND WALLS

Fences and walls should be considered an extension of the architecture of the residence and a transition of the architectural forms to the natural forms of the Homesite. All fence and wall designs should be compatible with the total surrounding environment. Special consideration should be given to design, placement, impact, and view of the fence or wall from other properties within the community. Fences and walls should be considered as design elements to enclose and define courtyards, pools and other private spaces provide security, and relate building forms to the landscape. They should not be unnecessarily obtrusive. The location, materials, size and design of all fences and walls must be approved in advance in writing by the Committee prior to installation. Chain link fences which are not coated or painted are specifically prohibited within the community.

No fence or wall shall be erected, placed or maintained on any Homesite nearer to any street fronting such Homesite than the building corner of the main building constructed on such Homesite. Fences and walls shall generally not exceed six feet (6') in height.

Privacy walls or fences (which totally inhibit visibility), including evergreen or any other planted screens which will have the result of essentially inhibiting visibility, will be given particular attention by the Committee. No such privacy fences or walls may be erected or maintained within any of the front or side setback areas of any Homesite. On Waterfront Lots no such privacy fence or wall shall be located within thirty-five feet (35') of the waters of Lake Norman nor shall any such fence or wall be permitted which substantially obstructs views of Lake Norman. Any evergreen or other planted screen, which substantially obstructs views, must be pruned to a height of six feet (6') or removed by the Owner, at the discretion of the Architectural Control Committee or the Board of Directors, if another owner files a complaint.

The use of retaining walls on Homesites will generally be permitted where such omission would result in excessive slopes, erosion, excessive maintenance or excessive clearing. Retaining walls visible from streets, from Lake Norman, or from adjoining Homesites must be constructed of or faced with material of a type approved by the Committee.

DOCKS, PIERS, BOATSLIPS, SEAWALLS AND INLAND BOATHOUSES

The Owner of each Waterfront Homesite in Windemere will be permitted to construct one dock or pier, provided that, in the sole and absolute discretion of the Committee, the Homesite which is a Waterfront Lot is not located in an area where the narrowness of a cove precludes construction of a dock or pier.

The design, color, location, dimensions and materials of docks, piers, boatslips, seawalls and inland boathouses must be approved in advance in writing by the Committee. It is the Owner's responsibility to obtain any permits or approvals required from Duke Power Company.

Generally, any waterfront improvement should have a low profile and open design to minimize obstruction of neighbors' views. Enclosed or two-story docks and enclosed or two-story on-water boathouses will generally not be allowed. Shade or roof structures upon a dock, pier or boatslip will be permitted only if approved in writing by the Committee.

Docks, piers, boatslips, seawalls and inland boathouses should be located and constructed so as to minimize grading and clearing of vegetation at or near waterfront areas. The use of rip- rap, bulk heading or other shoreline stabilization methods or materials may not be initiated without approval by the Committee. The point of access of a dock, pier, boatslip or inland boathouse and any site disturbance or clearing associated with its placement or construction must be submitted to the Committee for approval along with the final Plans.

Docks, piers, boatslips, seawalls and inland boathouses must be constructed of new materials, and must be compatible in style with the other Improvements on the Homesite, the Homesite width on the lakeside, the shoreline configuration and vegetation massing.

SIGNS

Except during periods where approved construction activities are underway, no sign shall be placed, erected, maintained or permitted to remain on any Homesite except as expressly approved in writing by the Committee.

TIME LIMITS

Any construction, once approved and undertaken, shall be completed within one (1) year of the date of commencement unless a written extension of time is granted by the Committee.

All landscaping shall be completed within thirty (30) days of occupancy of any Homes within Windemere.

UTILITIES

Water and sewer service within Windemere is currently supplied by Aqua North Carolina, a public utility regulated by the Utilities Commission of the State of North Carolina. It shall be the responsibility of each Owner to contact Aqua North Carolina, 4163 Sinclair Street, Denver, NC 28037, (877) 987-2782, or its successor, directly to arrange for a water tap-on and the installation of a sewer pump to serve each Homesite.

ARCHITECTURAL CONTROL COMMITTEE

POLICIES

SECTION 1 - STATEMENT OF PRINCIPLES AND PURPOSE

Section 1.1. A great deal of effort was given to the master planning of Windemere to ensure a thoughtful and high quality lake front community development. A major concern in the planning is the integration of development with its immediate environment. Turnpike Properties, Inc. (the Developer) have always believed that man made improvements should, as much as possible, blend with nature rather than stand in stark contrast with it. The result is a development more pleasing to the eye and a more attractive community in which to live.

Section 1.2. In order to assure that these objectives are achieved and to assure a continuity of physical development such that future development will be compatible with existing development, the Developer has declared and recorded a Declaration of Covenants, Conditions and Restrictions dated October 14, 1993, and recorded in Book 898, page 1135 et. seq. (the Declaration). Article VIII of the Declaration establishes the Architectural Control Committee (the Committee) and sets forth its jurisdiction, powers, obligations and the rules and regulations under which it will conduct its review of proposed improvements to the Homesite (referred to as Lots in the Declaration) within Windemere. Any statements contained in this document are to condense, amplify or clarify provisions of the Declaration and the procedures and policies set forth herein may be amended by the Board of Directors of Windemere POA, INC. (the Association). In the event of a conflict, the Declaration's provisions will prevail.

Section 1.3. The applicant is urged to carefully review all provisions of the Declaration prior to submitting an application to the Committee.

Section 1.4. The Committee has been established for the purpose of defining aesthetic standards of construction in Windemere and examining and approving or disapproving any and all proposed improvements (sometimes referred to herein as the Improvements) for a Homesite within Windemere, including but not limited to: Homes, garages, outbuildings or any other buildings, construction or installation of sidewalks, boardwalks, piers, docks and decks, boathouses, driveways, parking lots, patios, courtyards, swimming pools, tennis courts, greenhouses, awnings, walls, fences, bulkheads, exterior lights; and any exterior addition, modification or remodeling to or change or alteration to existing structures, including (without limitation) the painting or staining of any exterior surface.

Committee approval must be obtained for dredging and fill operations, shaping of land areas and drainage, as well as removal of any tree more than four (4) inches in diameter, measured at a height of four (4) feet from its base.

Section 1.5.

The following requirements shall apply to all builders involved in construction at Windemere, their employees, and their subcontractors, and to any person who visits a Homesite (also described hereinafter as a Lot) in Windemere.

1. General:

- (a) All activity by the builder shall be restricted to the Lot on which he is building.

- (b) Delivery and storage of materials shall be confined to the building Lot only.
- (c) Existing vegetation shall not be disturbed except as approved where necessary to construct the Home, driveway, and utilities.
- (d) A sign, with a maximum area of six (6) square feet, indicating Lot number, property Owner, and general contractor, should be put up for the Building Inspector and supply companies.

2. Before Beginning Construction and After Approval of Plans:

- (a) Building contractors shall locate a temporary driveway in the same location as the future permanent driveway to ensure that ingress and egress are within the building Lot only. There shall be no traffic, vehicular or pedestrian, on adjacent Lots.
- (b) Building contractors shall arrange for a suitable container for waste building materials and trash to be placed on the Lot in an approved or existing clearing without damage to existing plant materials required or designated to remain.

3. During Construction:

- (a) Building contractors and subcontractors shall be responsible for the condition of adjoining roads and roadsides.
- (b) Builder shall be responsible for regular clean up of the Homesite. Scrap and trash too large to be put in the container shall be removed from the Homesite on a weekly basis.
- (c) There shall be a weekly clean up and stacking of the building materials by the builder.
- (d) Burning of construction debris is prohibited.

4. At the End of Construction:

The Homesite shall be completely cleaned at end of construction and/or when the building inspector gives occupancy permit, whichever is earlier.

SECTION 2 - ADMINISTRATION OF ARCHITECTURAL CONTROL COMMITTEE

Section 2.1. The Board of Directors (the “Board”) of the Association shall establish the Committee which shall consist initially of three (3) members.

Section 2.1.1. The regular term of office for each member shall be one (1) year, coinciding with the fiscal year of the Association. Any member appointed by Board may be removed with or without cause by the Board at any time by written notice to such appointee, and a successor or successors appointed to fill such vacancy shall serve the remainder of the term of the former member.

Section 2.1.2. The Committee shall elect a Chairman and he, or in his absence, the Vice Chairman, shall be the presiding officer at its meetings.

Section 2.1.3. The Committee shall initially meet monthly, as well as upon call of the Chairman. All meetings shall be held at a place designated by the Chairman. The Committee is authorized to retain the services of consulting architects, landscape architects, designers, engineers, inspectors, and/or attorneys in order to advise and assist the Committee in performing its functions set forth herein. The Association shall pay all costs incurred by the Committee (including, without limitation, the cost of the services mentioned in the previous sentence) in performing its duties.

Section 2.2. The Committee may appoint an Administrator, who is not a member of the Committee, to administer the day-to-day management of the Committee, including:

- (a) Receiving and processing all applications to the Committee.
- (b) Answering questions concerning the Committee and representing the Committee to the property Owners and to the general public.
- (c) Supervision of inspection efforts.
- (d) At the direction of the Chairman, scheduling meetings and contacting members of the Association.
- (e) Preparing routine correspondence for the Committee.
- (f) Hiring and supervising support personnel for the Board, upon its approval.

Section 2.2.1. The Administrator will report directly to the Chairman of the Committee.

SECTION 3 - PLAN SUBMISSION PROCEDURES

Section 3.1. Prior to commencing any construction or other work, three (3) sets of all plans, a fee of \$100.00, and a completed application form (to be provided to the applicant by the Committee or the Administrator) must be submitted to the Committee.

Section 3.1.1. Plans must be submitted at least seven (7) days prior to the scheduled Committee meeting to allow the Committee enough time for a thorough review.

Section 3.1.2. Plans must be submitted to the office of the Committee located at Windemere.

Section 3.1.3. A Construction Escrow Deposit (the Deposit), as set by the Committee as of the date the final Plans are submitted, shall be submitted with the Plans. The Deposit as of the Effective Date of these Revised Guidelines is Four Thousand Dollars (\$4,000.00). The Deposit should be by check payable to the Windemere POA. The Deposit will be held and used for the purpose and uses set forth in Section 5 of these Guidelines.

Section 3.2. At the discretion of the applicant, an artist's rendition or a schematic rendering of a proposed improvement may be submitted to the Committee, in order to determine suitability of a particular style or design for construction in Windemere. The Committee will render an opinion as to whether or not a particular design would be acceptable. Because an artistic rendering is not always an accurate depiction of a design scheme, the Committee's opinion will be strictly non-binding and will be offered only in an effort to save an applicant's time and expense in pursuing a design that would ultimately be disapproved.

Section 3.3. Final Plans, in complete form, must be submitted in order to gain approval to commence any construction on a Homesite, including removal of any trees with a diameter greater than four (4) inches, measured four (4) feet from its base.

Section 3.3.1. Final Plans must include a site plan. All site plans should be submitted in consistent scale. Unless otherwise impractical, the scale should be 30 feet = 1 inch for all submissions. Site plans must depict:

- (a) Access to streets and walkways, drives, boardwalks, piers, docks and other exterior improvements;
- (b) Grading drainage plan;
- (c) Fill plan, if any (indicating run-off and tree preservation method);
- (d) Foundation plan;
- (e) Exterior lighting plan;
- (f) Location of service yards (propane tanks, HVAC equipment, etc);
- (g) Tree survey showing location and species of trees four (4) inches or larger in diameter at a point four (4) feet above ground and indicate trees to be removed;
- (h) Site plan to scale, overlay on tree survey indicating all structures and other improvements to be included in the scheme with an indication of trees to remain and trees to be removed (at the same scale as boundary/tree survey);and
- (i) Location of contractor's I.D. sign and portable outdoor toilet facilities, and temporary power pole.

Section 3.3.2. The Architectural Drawings to be submitted shall include:

- (a) Total enclosed heated/air conditioned square footage (stated by floor in case of multi-floored residences);
- (b) Floor plans, including an exact computation of the square footage of each floor and drawn to scale with ¼ inch = 1foot;
- (c) Elevation drawings - all sides - Indicate existing grade, fill and finished floor elevation (include treatment of Home from grade to floor in elevated homes);
- (d) Detailed drawings of:
 - (i) Typical wall section;
 - (ii) Patio wall section if appropriate; and
 - (iii) Other features desirable for clarification – for example: exterior walls, screens, pools, piers, docks, etc.; and

(e) All Architectural Drawings must contain a North Carolina engineer's stamp or be drawn and sealed by a licensed architect.

Section 3.3.3. - Each application submitted shall include materials with samples of exterior materials including shingles, fascia, soffit, siding; and colors and samples must be submitted at the time final Plans for construction are submitted to the Committee.⁴

Section 3.4. - Any submission that does not include all plans, materials, applications, and other items as required by this Section 3 will be rejected by the Committee or the Administrator and will not be placed on the agenda until all requirements have been met.⁴

Section 3.4.1. To receive consideration, rejected submissions must be resubmitted seven (7) days in advance of the next meeting of the Committee.

SECTION 4 - ARCHITECTURAL CONTROL COMMITTEE MEETINGS

Section 4.1. Initially, the Committee will conduct regular monthly meetings on the second Monday of each month, or as designated by the Chairman.

Section 4.2. All members of the Committee shall be notified in writing, at least five (5) days prior to a scheduled meeting. The notification will contain an agenda for the meeting.

Section 4.3. The Committee may conduct special meetings, upon five (5) days written notification of date, time, and place, from the Chairman.

Section 4.4. The seven (7) day advance submission requirement may be waived, for Plans submitted to special meetings, upon approval of the Chairman.

Section 4.5. The quorum requirement will have been met if two (2) members of the Committee are in attendance at any regular or special meeting.

Section 4.6. Resolutions, approvals and disapprovals of the Committee may be passed only upon majority vote of those present in person or by proxy. Proxies will not qualify to meet the quorum requirements of Section 4.5. herein above.

Section 4.6.1. For the purpose of passing a resolution, the Chairman may propose resolutions and vote on any resolutions.

Section 4.6.2. All decisions of the Committee will be final.

Section 4.6.3. Applicants will be notified, in writing, of all decisions of the Committee. Oral representations of any decisions will not be valid and will not represent decisions of the Committee.

Section 4.6.4. Applicants may have returned to them a copy of the Plans reviewed by the Committee with appropriate markings to amplify Committee comments or recommendations. Markings on plans so received will not bind the Committee to any design indicated therein but are offered only as advisory comments.

Section 4.6.5. One set of plans received will be retained by the Committee as part of its permanent records, along with color and materials samples.⁴

Section 4.6.6. Special visual aids such as models, slides, etc. may be reclaimed by the applicant at his or her expense.

SECTION 5 - PURPOSE AND USE OF CONSTRUCTION ESCROW DEPOSIT

Section 5.1. The Deposit, if any, required in Section 3.1.3 above shall be deposited by the Committee in a construction escrow account established by the Board or the Committee. The Deposit may thereafter be used by the Committee for any of the following purposes:

- (a) To pay for the cost to repair any damage to the streets and roads or Common Areas caused by an Owner or an Owner's builder or subcontractors not repaired by the responsible Owner, such Owner's builder or subcontractor.
- (b) To complete any landscaping shown on Plans for a Lot which has not been completed within three (3) months after completion of the Home on such Lot.
- (c) To pay for the cost of completing any Improvements so that they are in accordance with the approved Plans, if Owner fails so to complete such Improvements.
- (d) To pay for the cost of restoring or replacing any trees, other vegetation, grades or other natural features improperly removed, altered or destroyed by Owner in violation of these Guidelines.
- (e) To reimburse the Association for its cost of cleaning up any significant amount of dirt, cement, etc. left by Owner on any street if the same was not immediately removed by the Owner.
- (f) To pay for the cost of enforcing any of Owner's other obligations under these Guidelines.

Section 5.2. Except for the reimbursements described in Section 5.1 above, the Committee shall give an Owner prior notice that it intends to use the Owner's Deposit for a particular purpose. The Owner shall thereafter have five (5) days from the date of the notice to repair the damage, complete the landscaping or Improvements, or otherwise perform the work for which the Committee intended to use the Owner's Deposit, or, if the work cannot be completed during that time, to begin the work and thereafter diligently pursue it to completion. If the Owner, upon receipt of the notice, shall fail to perform the work, then the Committee shall thereafter be free to perform it and to use the Owner's Deposit to pay for the cost thereof. Upon the completion of Improvements and when all work has been completed by either the responsible Owner or the Committee, the Committee shall return to the Owner any unused portion of the Owner's Deposit.

Section 5.3. In the event the Committee expends sums on the Owner's behalf as provided above in excess of the Owner's Deposit, the Owner shall pay the excess to the Committee within twenty (20) days of notice thereof. In the event no Deposit has been required by the Committee, the Committee shall have the authority to expend money for the purposes set forth in this Section 5 and to charge the Owner for all expenditures with respect thereto. Any and all interest earned on the Deposit shall be credited to and retained by the Association for its sole use and benefit.

Footnotes:

¹ Grade is finished grade of the completed home.

² Fifty percent (50%) of each exterior wall includes gables and all wall areas up to the eaves exclusive of doors, windows, and foundation crawl space or basement wall areas.

³ Manufactured greenhouse rooms are more commonly termed Florida rooms or sun rooms.

⁴ Good quality photo copies may be submitted in place of actual materials. The Committee reserves the right to require actual materials.