

OSBORNE TRAILS

DESIGN GUIDELINES 2023

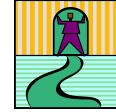


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INTRODUCTION



To promote the aesthetic harmony and continuing attractiveness of Osborne Trails Homeowners Association and to facilitate the beneficial operation of the residential areas thereof, the Osborne Trails Homeowners Association Board of Directors has adopted the following Architectural Control Policies and Procedures, also known as Design Guidelines. These policies provide for community appearance standards and coordinated administration of those items related to community appearance throughout the community.

The Design Guidelines provide an overall framework to allow the Community to develop and progress in an orderly, cohesive and attractive manner; implementing planning concepts and philosophy which are required by regulatory agencies and desirable to residents.

The Board of Directors and/or the Architectural Control Committee is responsible for the approval of alterations and modifications. Article IV Architectural Standards and Requirements, Section 6.1 of the Association CC&Rs contain the general requirements. They are:

Section 6.1 Purpose. *In order to preserve the natural setting and beauty of the Development, to establish and preserve a harmonious and aesthetically pleasing design for the Development, and to protect and promote the value of the Real Estate, the Lots and all improvements located therein or thereon shall be subject to the restrictions set forth in this Article VI and in Article VII. Notwithstanding the foregoing, neither this Article nor Article VII shall apply to the activities of Declarant, nor to construction or improvements or modifications of or to the Common Areas by or on behalf of the Association. The Board shall have the authority and standing, on behalf of the Association, to enforce in courts of competent jurisdiction decisions of the Committee.*



ARCHITECTURAL



CONTROL COMMITTEE

This section of the Design Guidelines sets forth provisions with respect to the establishment of an Architectural Control Committee, the review process, and requirements for unit owners.

Article 6, Section 6.2 of the CC&Rs sets forth the establishment of an Architectural Control Committee, consisting of qualified unit owners and provisions with respect to the review process, including delegation of certain review functions to the Architectural Control Committee or the Association, and ultimate transfer of the review function to that committee at the end of the Declarant Control Period. Until such transfer, any and all approval or denial rights rest with Declarant and each such approval or denial will be in writing. In the event certain review functions are delegated to the Architectural Control Committee, Declarant reserves the right during the Declarant Control Period to withhold approval even if granted by the Architectural Control Committee.

Following the Declarant control period, the Board may appoint representatives to the Architectural Control Committee to enforce these policies and review applications for alterations and modifications.

PROCESS OVERVIEW

The architectural review process has been established to maintain the integrity of the architectural and design character of Osborne Trails. **No exterior alteration or renovation shall be allowed on any lot unless application to, and written approval has been received from, the Architectural Control Committee.** To this end, the Architectural Control Committee will review all proposed additions, improvements, or alterations on lots for conformity with the Design Guidelines. Requests/applications must be in writing and be submitted using the current form on file with the property management company prior to work commencing.

FAQs

Where can I find a submittal form?

Submittal forms can be obtained from the following sources:

1. The sales office (during the community construction and sales period).
2. The Welcome Packet that the homeowner receives 4–6 weeks after closing from AAM (the property management company) will contain a link to your community’s disclosure documents.
3. An electronic version can be completed and submitted online through your community website by logging on and selecting *Contacts / E-Forms / Architectural Review Committee Submittal*. You may also submit through www.HomeownerResources.com by selecting *Homeowner Forms / Architectural Submission*.
4. Forms may be requested by contacting AAM at:
Osborne Trails HOA managed by AAM, LLC
19360 Sumrall Pl
Westfield, IN 46074
Phone: (317) 785-0787
Email: kdoxsee@AssociatedAsset.com
5. See also Appendix A of these Design Guidelines.

Where do I submit my application?

Completed applications may be submitted as follows:

1. Mailed to:
Osborne Trails HOA
Attn: ARCHITECTURAL
19360 Sumrall Pl
Westfield, IN 46074
2. Submitted electronically through your community website by logging on and selecting *Documents / E-Forms / Architectural Request Submittal*. You may also submit via the www.HomeownerResources.com website or by email to kdoxsee@AssociatedAsset.com.

What do I need to include with my submittal form?

The following items must be included with each submittal:

- A. Completed Architectural Committee Submittal Form.
- B. Surveyed Plot Plan (with all proposed alterations sketched on the Plot Plan)

- C. Specifications – Detailed description and/or drawing of proposed modifications including all measurements, a list of materials to be used and color samples.
- D. Photographs – two types of pictures should accompany each submittal
 - 1. Brochure or a sample of the products and materials to be used must accompany the submittal application.
 - 2. A current photo/picture of the area of your home to be modified.

How long does it take for the Committee to make a decision?

The Committee shall endeavor to approve or to disapprove such plans or to request additional information within thirty (30) days after submission of completed plans, proposals, specifications or drawings. If Owner fails to submit all requested materials as described, the application shall be deemed denied after thirty (30) days. Owner may resubmit later for approval. Owner must complete all work approved by the Committee within one hundred twenty (120) days of approval, unless otherwise approved by the Committee.

How do I know if my request has been approved?

Upon completion of review, the property management company will notify the owner in writing. The letter indicating the Committee’s decision shall be rendered indicating their decision in one of three ways as follows:

- a.) “Approved” – The entire request is approved in total as submitted.
- b.) “Approved With Stipulations” – The document submitted is approved subject to certain stipulations. The approval letter will include these stipulations. An Owner may proceed with the work to be performed, but must comply with any and all stipulations noted in the approval letter.
- c.) “Denied” – The entire request is not approved and no work may commence.

The Architectural Control Committee shall review, considering whatever factors it deems relevant, such submittals without a hearing and make its determination based solely on the information contained within each submittal.

Do I have to obtain a permit from the City/County/State?

Owners are advised that the City, County or State may require certain permits, depending on the proposed change, alteration or addition. Prior to requesting an issued permit, Owner will obtain the approval of the Architectural Control Committee for any plans, changes, alterations or additions.

The initial approval granted by the Board or Architectural Control Committee shall constitute only as authority to construct. Any construction so approved shall be

in accordance with the approved request, the municipality building code, and shall be subject to their permits and final inspections. It is the Owner's responsibility to comply with permit requirements. The Owner shall provide the Architectural Control Committee with copies of any such required permits if so requested. Owners should contact the Westfield Building Department for further information.

If the plans submitted by an Owner require a building permit, the approval by the Architectural Control Committee is not a guarantee that such plans will be approved by the City. If the City requires modification to such plans, the modification must also be approved by the Architectural Control Committee for the Owner to remain in compliance with these guidelines. To the extent that any government ordinance, building code or regulation requires a more restrictive standard than that found in these Design Guidelines or the CC&Rs, the government standards shall prevail. To the extent that the local ordinance is less restrictive than these Design Guidelines, and any standard contained therein, or the CC&Rs, these Design Guidelines and the CC&Rs shall prevail.

Any permit or approval issued by the City shall in no manner whatsoever bind the Architectural Control Committee with respect to approval or denial of any application for items submitted for consideration; the Architectural Control Committee shall be fully independent and will have full authority for approval or denial of any such matters.

How long do I have to complete my project?

Alterations/Modifications once approved shall be completed within 120 days (4 months).

What happens when my project is complete?

Within 30 days of final completion of the project, unit owner shall grant access to inspect the project for adherence to the Design Guidelines and approval of submittal application. Lot owners will be notified by mail, only if there are project deficiencies or violations. Lot owner will be given 30 days to complete the correction.

The property management company will maintain all documentation in the lot owner's file.

REQUIREMENTS

- It is the Homeowner's responsibility to obtain any and all City, County and/or State permits and to perform any and all work in accordance with all applicable local ordinances and state laws.
- All homeowners with a past due balance must bring their account current before the approval process can begin.
- The Association Board, its designated Architectural Control Committee, or a property management company shall act as receiving agent for all Architectural Committee Submittal forms, correspondence, problems and/or concerns.
- Alteration and modification requests will be considered only if submitted in accordance with procedures established by the Osborne Trails Homeowners Association.
- Approved alterations shall be constructed only within the lot area as defined in the surveyed plot plan.
- Approved alterations shall not impair the view, privacy and/or enjoyment of neighboring lots. Approved alterations shall be in conformance with the architectural standards of the Association.
- Before the Owner may begin the proposed work, the application must be approved by the Architectural Control Committee in accordance with the procedures described.
- Prior to excavation, the unit owner is responsible for locating all underground utilities. Digging should not commence until underground utility locations are marked. Any damage to underground utility lines including the building's sump lines are the Owner's responsibility.
- Owners are responsible for all cleanup of any improvement project. All debris, sod, soil, etc. shall be removed from the lot and hauled to the proper waste sites. Dumping waste material of any kind in common areas or in any other area of the Community is prohibited.
- Once approved, alterations/modifications made by an Owner and/or contractor shall be done without expense or liability to the Association. If the project causes damage to any neighboring property, public or private, interior or exterior, the Owner is responsible for any necessary repairs.

- The property management company shall be contacted when existing irrigation lines or sprinkler heads on any common element are to be moved. The owner is responsible for moving heads and all costs related thereto.
- The installation of approved alterations shall not prevent the Association from performing normal maintenance and repair work
- The Association reserves the right to periodically inspect alterations/modifications for adequate maintenance, and if in the Association's opinion, adequate maintenance has not been performed, request the same of owner. Should owner fail to comply, the Association reserves the right to arrange for needed maintenance and charge owner for same plus a 10% service charge for arrangements made.
- Review of applications may be subject to a nominal fee.
- Builder installed grade shall not be changed to result in impaired water drainage for the building or neighboring lots and common areas. Lots have been designed and graded to provide positive drainage from the lot and to protect environmental resources. Any Owner or Occupant who changes the existing grading or drainages shall be liable for all costs and expenses of repairing such changes, or any costs, liabilities, damages or causes of action arising out of such changes.

ENFORCEMENT

Work performed without prior approval will be considered a violation and subject to the violation process.

Any construction, alteration or other work done in violation of these Design Guidelines shall be deemed to be non-conforming. Upon written request from the Declarant, the Committee, or the Board of Directors, Owners shall, at their own cost and expense and within such reasonable time frame as set forth in such written notice, cure such nonconformance to the satisfaction of the requester or restore the property, Dwelling and/or Lot to substantially the same condition as existed prior to the non-conforming work.

The Board reserves the right to use any authorities granted to it under the Association CC&Rs as well as any other rights available to enforce these policies and related procedures.



Your Pathway to Maintaining a Beautiful Community

ADDITIONS / SUNROOMS / ENCLOSURES

Exterior materials must match the existing structure. Sunroom roof must match existing roof color and material. Homeowner is responsible for all permits. There may be a fee associated with the review of additions to the existing home.

Storm water drainage must remain on unit owner's lot and may not be directed to drain on any neighboring lot or common area.

ADVERTISING

See "SIGNS"

AIR CONDITIONERS

See also "ANCILLARY EQUIPMENT"

No external air conditioning unit shall be placed in or attached to a window or wall of any unit. No compressor or other component of a central air conditioning system, or similar system, shall be so located on any lot.

ANCILLARY EQUIPMENT

Other than builder installed heating, ventilation, and air conditioning equipment, ancillary mechanical equipment, radio, television, computer signal transmitting and receiving antennas, and similar appurtenances (as approved by the Architectural Control Committee) to be screened from general view from neighboring properties, all residential areas, pathways, common areas, parks, and streets.

All additional ground mounted mechanical equipment (other than builder installed) to be screened from street view and neighboring property by plant material of adequate density. In no event shall a screening structure or planting exceed four feet (4') in height. Plant materials may not encroach or trespass on a neighboring property. Plant screening must be maintained by the unit owner. With the exception of power vents for attic fans, solar tubes and approved lightning protection devices, roof-mounted and window-mounted equipment (including mechanical, air conditioning, solar heating equipment, and weather stations) will not be allowed.

ANTENNAS / SATELLITE DISHES

No outside television antenna or other antenna, or aerial, saucer, dish, receiving device, signal capture and distribution device or similar device shall be placed, constructed, altered or maintained on any unit, unless the device is a so called "mini dish" (not to exceed 36" diameter) located in a location that is fully screened from street view and approved by the Board of Directors of the Association. The provisions of this subsection shall not apply to those devices covered by 47 C.F.R. § 1.4000, 24 promulgated pursuant to the Telecommunications Act of 1996, Pub. L. No. 104. 110, § 207 Stat. 56 (1996), as amended.

AWNINGS

Retractable awnings may be installed on the back of the unit over patios and decks. Awnings and shade devices must appear as an integral part of the building and must be made of materials that are consistent with the design, style, details and materials of the unit and the Neighborhood. Color of awning must match the color of the unit, siding or trim. No portion of the awning or supports may exceed the size of an approved deck or patio. Roof-mount installation is prohibited. Awnings or similar shading devices are permitted on the rear of the unit. No advertising or logos are allowed on awnings. The owner is responsible for maintenance and repair of awnings. The HOA retains the right to determine when an awning must be repaired due to weathering, fading, tearing or ripping.

If installing a permanent awning structure, the roof color must match the existing roof color of the unit. The 4"x4" supports must match the color of the trim or be white, and no portion of the awning or supports may exceed the size of an approved deck or patio. Roof mounted installation is prohibited. A sample/picture of the material with the color and design are required with the submittal and must include a drawing on your plot plan with the proposed location of the installation.

BARBEQUES AND GRILLS

Propane, natural gas, electric or charcoal grills are allowed in the rear patio area of the yard. Propane, electric and charcoal grills are allowed on driveways only while in use, and must be stored inside and/or out of public view when not in use.

BASKETBALL HOOPS

No basketball goals or sports court of any kind shall be permitted on any lot.

CLOTHESLINE/CLOTHES DRYING

No clothesline of any kind may be erected, maintained, or permitted on or at any lot. Clothing, rugs, or other items which are visible to others in the Development shall not be hung on any railing, hedge or wall.

COACH LIGHTS

See “LIGHTING”

DECKS & PATIOS

Builder installed drainage pattern may not be altered. It is the expectation that sod and underground irrigation system will be installed prior to or in conjunction with decks and patios.

Decks

All decks must be located in the buildable area of the rear yard of a lot, may not encroach on any setback or easement, and are subject to City regulations and setback restrictions. Decks shall not extend beyond the side site lines of the dwelling. Walkways related to decks can protrude no more than four feet into a side yard, so long as such area is within the buildable area. Decks and any related walkways must comply with all other applicable rear or side yard setback requirements imposed by the City and the CC&Rs. Permitted materials for deck and rail structures are cedar and/or treated and/or simulated wood. All building materials and colors must complement the existing color pallet of your home.

Patios

All patios must be located in the rear yard of a unit and may not extend beyond the side site lines of the dwelling. Patios may be laid with brick pavers, concrete or other suitable material or as installed by the Builder. Matching walkways that wrap around to a garage entry or a driveway are permissible. Walkway width is not to exceed 36 inches; and must be at least 12” from neighboring lot or common area. Patios are to be installed at builder installed grade level unless alternate level is needed for handicap accessibility. All patios require submission of plans and written approval of the Board prior to construction, and are subject to local ordinances and setback restrictions.

DOG KENNELS / RUNS

Dog kennels, runs or other enclosed shelters for animals are expressly prohibited.

DOORS

All storm door additions must be full glass or full glass self-store and must match the color of the doorframe trim, the color of the front door, or be white. Security doors and shutters are prohibited.

DRIVEWAY EXTENSIONS AND SERVICE WALKS

Concrete, stamped/tinted concrete, concrete with aggregate finish, or pavers may be added in the following areas:

1. Driveway extensions adjacent to the driveway, not more than two feet (2') on either side of builder installed driveway. Extensions may not extend beyond the sidelines of the dwelling and may not alter drainage pattern.
2. It is the responsibility of the homeowner to relocate all irrigation.
3. The Association is not responsible for any damage that may occur in maintaining landscape and snow removal.
4. The homeowner is responsible for all maintenance and replacement.
5. Service Walks - not to exceed 36 inches in width; and must be at least twelve (12") inches from the lot line of neighboring lots or common area.

In all cases, extensions and walkways shall have a base of compacted sand, gravel, crushed stone or other approved base material.

DRIVEWAY REPLACEMENT

All driveways will be constructed by Builder. Owners shall maintain and replace the driveway of their lot at their expense thereafter so as to maintain the same appearance as provided at the time of original construction.

EDGING

Plant bed edging must be pre-approved and may consist of bricks, pavers, or other similar materials. Freely placed stones, rocks and plastic edging is prohibited. Manufactured fence shaped edging is prohibited.

FENCES

No fences, walls, lot line evergreen hedges, or similar items shall be permitted on any lot. White, vinyl privacy screens are permitted provided they are no greater than six (6) feet in length, six (6) feet in height, are limited to two screen panels per side lot line and are located no closer than three (3) feet to the side lot line. (See photo sample on page 26). A total of four arborvitae may be planted on either end of the twelve foot (length) panel for additional privacy. Arborvitae are to be planted in a mulch bed to enable mowers to navigate the turf when cutting grass.

- **Invisible fence:** Invisible fencing type devices may, with the prior approval of the Architectural Control Committee, be installed within individual lots, provided such installation shall be located within the rear portion and side yard of the unit only, with no portion extending beyond the front wall of the residential dwelling structure. In the case of a corner lot, it must be provided there is a five (5) foot setback from any

community sidewalks. It is the homeowners responsibility to locate any existing underground irrigation and utility lines prior to installation.

FIRE PITS and OUTDOOR FIRE PLACES

Outdoor wood burning is prohibited except in a fire pit or fireplace. Outdoor fire pits and fireplaces must have a spark screen, be freestanding (other than those fireplaces installed by the Builder), and be kept in good working condition. They must be located in the rear yard of the lot and contained within the setback. Fire pits and fire places must be no more than 3 feet from the exterior edge of a deck/patio. Location must be planned to minimize smoke or odors affecting neighboring properties. Fireplaces may not exceed height of 6 feet from builder installed grade. It is the homeowners responsibility to obtain any required permits and to abide by any city ordinances.

FIREWOOD

The stockpiling and storage of firewood for use in a dwelling shall be permitted only in areas adjacent to the rear of the dwelling. Firewood shall not be visible from any street.

FLAGS

Decorative flags are permitted with the prior approval of the ACC; and may only be displayed during the corresponding holiday or season. Decorative flags must be displayed on a manufactured support frame. United States flags and U.S. military flags not exceeding three feet by five feet, and attached with bracket and pole to the dwelling fascia, may be displayed anywhere on the exterior of a dwelling structure. U.S Flag flying must adhere to the Federal Flag Flying Act. No more than 2 flags may be displayed at any time on a Unit. Sports flags may be displayed on the day of the game. Ground mounted flagpoles are prohibited.

FLOWERS

Decorative container plantings, including window boxes, are allowed on porches, patios/decks and mulch beds. Container plants are limited in number to five (5) in front of the home and ten (10) in the rear yard of a unit. The association reserves the right to require all dead, faded or worn plant material be removed or replaced. Planting material contained in the original nursery material may not be displayed anywhere on the lot.

FOUNTAINS

Fountains and water features shall be permitted only within the rear yard of a lot, must be located within the buildable area and contained within the setback. Fountains and water features shall be limited in height to four feet (4') above the

builder installed grade of the lot. Any fountain shall be of natural material, color and design, each of which is compatible with the overall architectural theme of the community. Self-contained, solar operated fountains are also permitted. Design of these features should discourage creation of stagnant pools of water.

FUEL TANKS

No above or below ground fuel or other storage tanks shall be permitted. The exception of a small propane tank used exclusively for residential gas grills is permitted so long as the propane tank shall be stored on the gas grill.

FURNITURE (Outdoor)

No unsightly condition shall be maintained on any patio, porch or deck, and only outdoor furniture and equipment consistent with the normal and reasonable use of such area shall be permitted to remain. Outdoor furniture is permitted on the front porch and is prohibited to be placed in the driveway, in the front yard or mulch beds. Outdoor furniture located outside of a unit must be of high quality, not be in disrepair, and must be consistent with typical deck, porch and/or patio furniture. The use of indoor furniture such as couches, automobile/theatre seats or other non-traditional outdoor furniture or equipment is prohibited.

GARDENS

Vegetable gardening shall be in pot-like containers and located in the patio area of rear yards only. After the final harvest, subsequent to season weather, the pots shall be cleared of all plant material and stored indoors for the winter season.

GAZEBOS AND PERGOLAS

Detached gazebos and pergolas are prohibited to be placed in the front and side yard of the lot. Gazebos and pergolas must abut the deck or patio perimeter; and shall not encroach five (5) feet of any perimeter lot line. Construction material and finish must be the same as or similar to materials used for the Dwelling. The maximum height of the roof peak is 10 feet as measured from the builder installed grade. The location must be included on the plot plan along with any drawings submitted for approval.

GENERATORS

See also "ANCILLARY EQUIPMENT"

Auxiliary power generators must be installed so as not to be visible from the street or neighboring lot or common area. Generators shall also be appropriately screened from view by means of landscaping; not to exceed four (4) feet in height. They shall be located so as to cause minimal disturbance to residents of adjacent lots. The location should provide maximum ventilation and not interfere with

ventilation of adjacent Units. Only natural, piped in gas is allowed, subject to local ordinances. Generators are to be operated only during utility power outages except for brief periods of testing or maintenance.

GRILLS

See “BARBEQUES AND GRILLS”

HOLIDAY DECORATIONS

Prohibitions against decorations of any kind shall not preclude the display of customary holiday decorations from the exterior of the unit or on common elements to celebrate generally recognized national holidays, provided that such decorations do not create a public nuisance or safety hazard, for a time period not to exceed fourteen (14) days for holidays falling between January 1st and the Thursday of traditional US Thanksgiving. Christmas decorations can be installed after November 15th and taken down before January 15th. Christmas decorations can be illuminated from the day after Thanksgiving and until January 6th. Christmas lights should no longer be illuminated after January 6th. Removal of Christmas lights, figurines, statues, decorations, etc. shall be removed by January 15th.

Holiday Decorations are allowed per the aforementioned and may consist of lights and other decorations appropriate to the holiday being celebrated. Owners may not place holiday decorations on the General Common Elements.

HOT TUBS / SPAS

Hot tubs and spas may be installed if permitted by the city and the Architectural Control Committee, in the Architectural Control Committee’s sole discretion. Any owner intending to construct a hot tub must submit to the ACC a detailed description and proposed layout showing size, location, materials, shape, landscaping, screening, and the type of construction. All approved hot tubs/spas must be located in the rear yard adjacent to the home/patio, and screened from any street laying entirely within the community by solid screen, evergreen hedge or other visual barrier as approved in writing by the Association and in compliance with all laws and ordinances. The ACC shall have absolute discretion to approve or disapprove any proposal and may attach any conditions, which it deems appropriate. Any approved hot tub must be maintained by the owners in a safe and clean condition and must also be maintained in appearance consistent with the standards of the community.

Spas/hot tubs cannot be drained onto common area or any neighboring property.

LAWN AND LANDSCAPE

Prior to commencing any additional landscaping on the owner's lot, the owner shall submit a proposed landscape plan, which plan shall be subject to the Architectural Control Committee's prior approval.

- a. All trees, plants, shrubs, and decorative grasses must be contained within a mulched bed. No trees, plants, shrubs, or decorative grass shall be planted within three (3) feet of the property line and may not be installed in such a fashion as to be used in place of a lot line fence or significant portions of a lot line fence. A grouping of plantings may be installed to create a privacy screen provided the plantings are no greater than 15 feet in length.
- b. Any and all landscaping material added by the owner of a unit shall be maintained at the owners responsibility and expense.
- c. The stockpiling and storage of building and landscape materials and/or equipment are not permitted on any lot, except for materials and/or equipment which are used within a reasonable length of time. In no event shall landscaping materials be stored for a period of more than thirty (30) days.
- d. No structures of any kind may be placed within any easements within the Project without (i) the prior written approval of the builder during the construction and sales period and by the Association thereafter and (ii) any necessary city approvals.

LEASING

An owner may lease a unit provided that written disclosure of such lease is submitted to the Board of Directors in accordance with the procedures listed below.

- Initial term of lease shall be at least six (6) months.
- No owner shall lease less than an entire unit
- The terms of all leases shall incorporate all of the provisions of the Association documents.

Leasing Procedures

The leasing of units shall conform to the following provisions:

- At least one tenant on the lease be fifty-five (55) years of age or older.
- An owner desiring to lease a unit shall disclose that fact in writing to the Association at least ten (10) days before granting such lease to a potential lessee.
- The owner shall supply the Association with a copy of the exact lease form for its review for compliance with the Association documents. If no lease form is to be used, then the owner shall supply the Association

with the name and address of the potential lessee along with the rental amount and the due dates under the proposed agreement.

- Tenants or non-owner occupants shall comply with all of the conditions of the Association documents and all leases and rental agreements shall so state.
- If the Association determines that the tenant or non-owner occupant has failed to comply with the conditions of the Association documents, the Association shall take the following actions:
 - The Association shall notify the owner by certified mail advising of the alleged violation by the tenant.
 - The owner shall have fifteen (15) days after receipt of such notice to investigate and correct the alleged breach by the tenant or advise the Association that a violation has not occurred.
 - If after fifteen (15) days the Association believes the breach is not cured or may be repeated, it may institute an action for eviction against the tenant or non-owner occupant and simultaneously for money damages against the owner and tenant.
 - The Association may hold both the tenant and the owner liable for any damages to the Common Elements caused by the owner or tenant.
- When an owner is in arrears to the Association for assessments, the Association may give written notice of the arrearage to the tenant and the tenant shall deduct from rental payments due the owner the arrearage and further assessments as they fall due and pay them to the Association.

LIGHTING

No additional exterior illumination of any kind shall be placed or allowed on any portion of a unit unless first approved by Architectural Control Committee. The Architectural Control Committee shall approve such illumination only if the type, intensity and style thereof are compatible with the style and character of the Community.

- Low voltage and solar landscape light fixtures must be installed a minimum of four feet (4') apart, and may not exceed twenty-four inches (24") in height from existing grade. Low voltage or solar fixtures shall be placed so as to not interfere with the landscape maintenance or snow removal services contracted by the Association.
- Tree mounted lights and line strung lighting are not allowed, unless installed directly above a patio/porch area.

- All spot lights, flood lights or other high intensity lighting used as security lighting must be on an active motion sensor and positioned so that the light is not directed toward any common area or neighboring unit. No lighting shall be permitted that constitutes a nuisance or hazard to any owner or neighboring resident.
- All other lighting installed on a unit should be low level and recessed to shield the source of the light.

Coach Lights/Lamps:

Coach lamps must be maintained in operating condition at all times. All residents are encouraged to install dusk to dawn photocells or timers for their garage coach lights.

MAILBOXES

Each lot will have a mailbox and structure installed by the Builder; which shall be maintained by the Association. Nothing may be attached to the mailbox structure which will affect the uniformity thereof with other such structures in the development.

MAINTENANCE

The owner of each unit and the tenant/occupants of the unit shall keep all buildings and grounds in good condition and repair. Each owner shall maintain such owner's dwelling and the improvements thereon, including the dwelling, inside and out, in a safe, clean and sanitary condition.

PAINTING

Repainting of a unit must use original color or a complimentary color in neutral tones. Any color changes require prior approval.

PATIOS

See "DECKS & PATIOS"

PERGOLAS

See "GAZEBOS AND PERGOLAS"

SEATING WALLS/PILLARS

Landscaping seating walls and/or decorative pillars are permitted around the perimeter of a rear patio, contained within and as part of a landscaped bed, or immediately adjacent to the driveway where it intersects the sidewalk. Seating walls may not exceed twenty-four (24) inches in height from existing grade. Pillars can be no more than three (3) feet in height from existing grade and two

(2) feet wide on each side, unless specifically approved by the Architectural Control Committee. Planting beds that are installed on a sloped grade may have retaining walls not to exceed thirty-six (36) inches from existing grade.

PLANT DISEASES OR NOXIOUS INSECTS

No plants, seeds or other material harboring or breeding infectious plant diseases or noxious insects shall be introduced or maintained upon any part of a unit or any appurtenant limited common elements. The owner shall, at its cost, immediately remove any and all plant material that is introduced by the owner; including, but not limited to, shrub, tree or other plant that is diseased, dying or dead. If the owner fails to remove such shrub(s), tree(s) or other plant(s), the developer or the Association may perform such work and the cost of such work shall become a lien upon the unit(s) involved, until paid.

PLAY STRUCTURES

No playground equipment shall be installed on any lot, including but not limited to swing sets, trampolines and above ground pools.

PARKING

Vehicles shall be parked in the garages or on the driveways serving the lots. No motor vehicle, whether or not utilized by an owner, shall be parked on any street or public right-of-way, except on a temporary and non-recurring basis. Vehicles may be parked on a street in the development for no more than forty-eight (48) consecutive hours; and such an occurrence shall not occur more than one time during any thirty (30) day period.

RETAINING WALL

Landscape retaining walls can be installed in the front and rear of the home to enhance the landscape design so long as they are located within the buildable area. Color must match the exterior of the unit. Builder installed grade and drainage pattern may not be altered.

SATELLITE DISHES

See "ANTENNAS / SATELLITE DISHES"

SERVICE WALKS

See "DRIVEWAY EXTENSIONS AND SERVICE WALKS"

SHEDS

No permanent, temporary, or portable tent, shack, trailer, storage shed, mini-barn or other similar detached or attached structure shall be placed upon a lot or common area. Party tents or similar temporary structures may be erected for special events with prior written approval of the Association.

SIGNS

No signs of any kind are permitted within any windows or doors of the dwelling. A single, standard real estate “for sale” or “for lease” sign may exist on a lot if such does not exceed six (6) square feet in area and clearly reflects that ownership and occupancy in the development is restricted to persons age 55 and older. Only one “for sale” or “for lease” sign is permitted on a lot; and must be professionally manufactured. For sale signs shall be displayed from a single post located three feet from the driveway, sidewalk or curb. Only one rider is permitted on a for sale sign.

The placement of political signs will be determined by the local ordinances set in place for political sign use. The amount, size and placement of political signs will adhere to the guidelines as set for real estate signs.

SNOW REMOVAL

The Association shall be responsible for all snow removal from the builder installed driveway, sidewalk and walkway located on the owner’s lot. It is the owner’s responsibility to clear patios and front stoop/porch.

SOIL REMOVAL

Soil removal from a lot shall not be permitted, except as required for building construction and as permitted by the developer or the Architectural Control Committee. In addition, all construction shall be subject to the requirements of all other applicable statutes, ordinances, rules and regulations of all governmental units having jurisdiction over such activities.

SOLAR PANELS

No solar energy collector panels or attendant hardware or other energy conservation equipment shall be constructed or installed on any lot.

SOLAR TUBES

Pre-approval is required for installation of Solar Tubes. The Architectural Control Committee reserves the right to limit the number and location of solar tubes. Installation of solar tubes may void the roof warranty as granted by the builder.

SPAS

See “HOT TUBS / SPAS”

STATUES / LAWN ORNAMENTS

No lawn ornaments, sculptures, statues, objects of art or any similar objects shall be placed or permitted to remain on front or side of any Unit. Objects of art are permitted in the back of the Unit so long as they are placed in a location that is unobtrusive and not readily visible from the street.

STORM DOOR

See “DOORS”

SURVEILLANCE EQUIPMENT

See “VIDEO CAMERAS / SURVEILLANCE EQUIPMENT”

SWING SETS

See “PLAY STRUCTURES”

SWIMMING POOLS

No swimming pools shall be erected, constructed or installed on any lot.

TEMPORARY STRUCTURES

Trailers, tents, shacks, tool sheds, barns or any temporary buildings or structures of any design whatsoever are expressly prohibited within the lot.

TRASH AND RECYCLING

No rubbish, trash or garbage containers shall be stored or maintained outdoors except for such temporary storage necessary for immediate pick up of the trash, in that event, trash shall be stored in appropriate containers. No outside storage of refuse or garbage is permitted. The burning or incineration of rubbish, trash, construction materials or other waste outside of any residential dwelling is prohibited.

Trash and recycle containers shall not be placed on the curb before 6pm on the day before scheduled pick up; and shall be removed from the curb and stored in the garage before 6pm on the day of pick up.

VEHICLES (Prohibited)

Vehicles labeled or classified as commercial by the State of Indiana, recreation vehicles registered with the Indiana Department of Transportation in the State of

Indiana, tractors, buses, mobile homes, recreational vehicles, trailers (either with or without wheels), campers, camper trailers, boats and other watercraft, and boat trailers shall be parked only in enclosed garages or stored in a facility off site.

Vehicles which are either inoperable or do not have current operating licensing shall not be permitted on a lot; unless able to be stored in the garage.

Recreational vehicles, campers, camper trailers, boats and other watercraft, may be parked in the driveway of a lot for a period of time not to exceed forty-eight (48) hours in any calendar month for the purpose of cleaning, loading and unloading; but for no other purposes.

If the RV is too large to be parked in the driveway and impedes the use of the sidewalk, it may be parked on the street for the same time period and for the same purposes as stated in the previous paragraph. The owner is responsible for placing safety cones around the RV; and any pop out extensions may not face the street when extended.

VIDEO CAMERAS / SURVEILLANCE EQUIPMENT

Installation approval of video cameras and surveillance equipment will only be given upon consideration of its effect on neighbors' right to privacy and enjoyment of their property. Installations will not be permitted that the Architectural Control Committee determines will cause an unreasonable interference with neighboring residents' reasonable expectation of privacy. Whenever possible the cameras shall be placed in the least intrusive or visible location. Applications for installation of cameras are to include a plot plan showing the location of cameras in relation to neighboring structures; specify the size, shape, angle of view; and include a photograph and/or drawing of the camera(s) prepared by the manufacturer.

WALL

See "RETAINING WALL"

WEATHER STATIONS

Weather stations may be installed on the rear-most portion of a sidewall of the unit and shall not project more than twenty-four (24) inches above the eaves. Ground mounted weather stations are permitted in the rear yard only. The Architectural Control Committee reserves the right to limit the size and location of all weather stations.

WETLANDS/CONSERVATION AREAS

No wetland area, wetland buffers, conservation area or retention/detention area shall be used, modified or occupied without the prior written approval of developer, the Association, the city and applicable governmental authorities. No wetland area, wetland buffers, conservation area, or retention/detention area, if any, within or serving the Project shall be modified in any manner, including, but not limited to, altering the topography of, placing fill material in, dredging, removing or excavating any soil or minerals from, draining surface water from, constructing or placing any structure on, plowing, tilling, cultivating, or otherwise altering or developing the wetlands, unless a permit for such modification has been issued by Indiana Department of Environmental Quality and all other governmental units or agencies having jurisdiction over any wetlands within the project, including the city; and unless such modification is approved by developer during the construction and sales period and by the Association thereafter.

WINDOWS

Window and door screens shall be the same color and style as originally installed on the units.

Security windows and security shutters are prohibited.

Neutral gray window tinting with a minimum light transmission of 50% allowed. Please submit product details with alteration/modification request. Reflective tinting or mirror finishes on windows shall not be permitted.

Window treatments shall consist of drapery, blinds, shutters, or other window covering, (preferably white or neutral in color) and no newspaper, sheets or other temporary window treatments are permitted. The only exception would be for periods not exceeding two (2) weeks after an owner first moves into a dwelling unit or when permanent window treatments are being cleaned or repaired.

APPENDIX A

ARCHITECTURAL COMMITTEE SUBMITTAL FORM
c/o AAM, LLC – Attention: Architectural
19360 Sumrall Pl
Westfield, IN 46074
kdoxsee@AssociatedAsset.com

PLEASE CHECK APPROPRIATE BOX BELOW:

- ARE YOU SUBMITTING PRIOR TO LIVING IN THE COMMUNITY?
 I AM CURRENTLY LIVING IN THIS COMMUNITY.

Name: _____ Date: _____

Community: _____ Lot# _____

Property Address: _____ Phone# _____

Current Mailing Address: _____

Submittal Type: List each and all changes being made to exterior of your home and/or property. Ex: Deck, Patio, Landscape

Type of Material to be used - (attach samples / pictures / brochures): _____

Color to be used – (attach samples / pictures / brochures): _____

MUST INCLUDE A COPY OF YOUR ‘SURVEYED PLOT PLAN, DRAWINGS, PLANS, THE LOCATION OF YOUR REQUESTS, INCLUDING APPLICABLE MEASUREMENTS, DIMENSIONS AND MATERIALS. ALSO, PLEASE INCLUDE YOUR ‘CONTRACTOR’S DRAWINGS’ IF APPLICABLE.

INCOMPLETE SUBMITTALS WILL BE DENIED

Homeowner agrees to comply with all applicable City and State laws, and to obtain all necessary permits. Approval by the Architectural Committee shall not be deemed a warranty or Representation as to the quality of such construction, installation, addition, alteration, repair, change or other work, or that work conforms to any applicable building codes or other Federal, State or local law, statute, ordinance, rule or regulation.

Architectural Design Committee requests will be reviewed within 30 days. Requests will either be approved, denied or returned for additional information.

Homeowner Signature: _____ Date: _____

Homeowner E-mail address: _____

“Office Use Only”

The Above Described Architectural Change Has Been

APPROVED _____ subject to the following condition(s):

DISAPPROVED _____

SIGNATURE _____ DATE _____

