

# **Cheshunt Homeowners Association**



## **Handbook of Rules, Regulations and Architecture Guidelines**

Approved by the Cheshunt Board of Directors by resolution on March 15, 2017. This document supersedes all other previous rules documents.

Dear Homeowner:

Welcome to Cheshunt. As an owner of a home within Cheshunt you automatically become a member of the Cheshunt Homeowners Association, which consist of 367 homes, a private pool, tennis facility, clubhouse facility, and over 16 acres of Common Area. The express purpose of the Association is to manage, maintain and operate its common areas and to enforce rules and regulations to preserve or enhance property values.

A Board of Directors, consisting of seven elected owners who are not entitled to monetary compensation for their duties, governs our Association. The Board is in turn governed by Declarations of Covenants, Conditions and Restrictions and Rules & Regulations. In addition to the Board, the Cheshunt community is dependent upon the volunteer work of its members through committees that fulfill a variety of community services. A management company is employed to assist the Board with handling many of the day-to-day business duties required to successfully operate the Association.

Your decision to live in such a residential planned community, with its many advantages, signifies a willingness to conform your lifestyle to this type of living. That willingness implies an obligation to respect your neighbor's rights, to preclude encroachment and irritation upon others, and to be tolerant of your neighbor's minor shortcomings - in other words, to be cooperative, courteous, and considerate. Acceptance of this obligation by all members of the community will lead to something we all desire; a pleasant and harmonious community.

We really are like a village - and of course, we must be governed by standards that will insure the realization of the basic objectives of maintaining property values and harmonious living for each homeowner. This is one of the reasons we have prepared this booklet for you so that certain standards of action can be published in an official fashion and in a form that will make it easy to refer to them at any time. The guidelines set forth in this booklet were crafted by a committee of residents living within Cheshunt. The committee announced and held three open town hall meetings that allowed all residents to weigh in on these guidelines. Numerous residents attended and hundreds of suggestions were considered in developing these guidelines. Additionally, a dedicated email address was established to offer residents an additional avenue of providing input.

This is your Association and these are your rules.

Sincerely,

Board of Directors  
Cheshunt Homeowner's Association  
[www.cheshuntcommunity.com](http://www.cheshuntcommunity.com)

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## **Article I. Introduction**

### **Section 1.01 Overview**

The goal of the Cheshunt Board of Directors is to maintain your community as a first-class Association and enhance the value of properties within the community. A successful Association is a community of homeowners who exhibit a pride of ownership and share a common vision as to what constitutes a desirable neighborhood.

Maintaining such a mutually beneficial living environment is best achieved by developing and following rules and regulations that clearly inform all members of the limitations and expectations with respect to use of open space, common facilities and improvements to individual homes. This *Handbook of Rules, Regulations and Architecture Guidelines* is designed for this purpose. This document is not intended to replace the Declaration of Covenants, Conditions and Restrictions, but rather to clarify and to simplify the process by which homeowners may customize and modify the exterior property associated with the home and property.

### **Section 1.02 Definitions**

The following definitions apply to this *Handbook of Rules, Regulations and Architecture Guidelines*:

Association: Cheshunt Homeowners Association, Inc.

Board: The Board of Directors of the Association, elected in accordance with the Community Covenants & Restrictions

Common Area: All real property and improvements owned by the Association.

Declaration: Declaration of Community Covenants and Restrictions of the Cheshunt Homeowners Association (CC&Rs).

Handbook: This document entitled Handbook of Rules, Regulations and Architecture Guidelines.

Homeowner(s): The person or persons who are alone or collectively the record owner of a title to a lot as reflected by the records in the office of the County Recorder of Mecklenburg County.

Lot: Any of the separately numbered and individually described parcels of land within Cheshunt as designated on the Recorded Map, intended for single-family residential use or open space.

Member: Refers to those persons entitled to membership and voting rights by virtue of owning property.

Recorded Map: The map recorded by Mecklenburg county detailing the boundaries for each lot within Mecklenburg county. Recorded maps can be located on the community website under Community Resources.

Site Plan: A detailed plan for the development and intended use of a particular piece of land. Commonly located within the CharMeck Polaris3G imaging database.

Site Survey: A document created and stamped by a Certified NC Land Surveyor detailing all aspects of a property including structures, fences, boundaries, dimensions, and reference points.

## **Article II. Roles and Authority**

### **Section 2.01 Role of the Cheshunt Homeowners Association**

Every homeowner of the Cheshunt community is a member of the Cheshunt Homeowners Association. The primary purpose of the Association is to maintain and enhance property values through enforcing the covenants and maintenance of the common areas. The elected Board of Directors serves to conduct the business and operational responsibilities of the community and preserve the collective interests of the members of the Association. For a listing of current Board members go to our community website at [www.cheshuntcommunity.com](http://www.cheshuntcommunity.com).

### **Section 2.02 Role of the Architectural Review Committee**

Although the Association discharges its responsibilities in a variety of ways, the Architectural Review Committee (ARC) is the element most immediately involved in changes or improvements to property by homeowners. The ARC, which may be comprised of both members of the Board and homeowners, is charged with the responsibility for preserving the integrity and character of the original community design and to ensure exterior changes or improvements proposed by individual homeowners remain in harmony with the style and appearance of the surrounding homes. Surveys of other planned communities have demonstrated that the efforts dedicated to ensuring these goals contribute significantly to preserving and enhancing real estate values and are considered of prime importance by homeowners and residents.

### **Section 2.03 Enforcement of Rules and Standards**

The Board has adopted a Community Standards Review Committee that will convene from time to time to ensure fair, timely and uniform enforcement of community standards. The Board of Directors has charged our management company with enforcement of these rules and standards through periodic inspections of the community.

Cheshunt is intended to be a residential community with high quality architectural and landscape design. Violations of these Handbook rules shall be handled in accordance with the provisions of Article XIII of the CC&R's and Section 9.02 of this Handbook. The Board desires that all alleged violations of any rules and regulations of the Association be resolved harmoniously.

Owners who oppose a particular rule or regulation are asked to keep the following points in mind:

- Living in an Association means one must adhere to certain rules and regulations due to the necessity for architectural conformity and the demands of the Declaration, which exist for the benefit of your community and help maintain property values.
- You have the right to petition the Association to change a regulation if you feel that a particular regulation no longer applies or is unduly restrictive of the majority.
- If you are found in violation, remember this action is taken because the majority of the owners in the Association consider it to be just and proper.

## **Article III. Application and Review Process**

### **Section 3.01 Architectural Review Committee Criteria**

The ARC evaluates all submissions on the individual merits of each application and compliance with architecture standards specified in the Association governing documents. The ARC's evaluation is based on the overall design proposal and in consideration of the CC&Rs, Handbook, and other governing documents. The following criteria represent in more specific terms the general standards that will be used in reviewing and evaluating such application and design.

- **Validity of Concept** - The basic idea must be sound and appropriate to its surroundings.
- **Design Compatibility** - The proposed improvement must be compatible with the architectural characteristics of the applicant's house, adjoining houses, and the neighborhood setting. Compatibility is defined as similarity in architectural style, quality of workmanship, similar use of materials, color and construction details.
- **Location and Impact on Neighbors** - The proposed alteration should relate favorably to the landscape, the existing structure and the neighborhood. The primary concerns are access, view, sunlight and drainage. For example, fences may not obstruct access to neighboring property; decks or larger additions may not cast unwanted shadows on adjacent property or infringe on a neighbor's privacy.
- **Scale** - The size of the proposed alteration should relate well to adjacent structures and its surroundings.
- **Color** - Color may be used to soften or intensify visual impact. Parts of the addition that are similar to the existing house such as roofs and trim should be matching in color.
- **Materials** - Continuity is established by use of the same or compatible materials as were used in the original house. The ARC will evaluate materials compatibility on a case-by-case basis.
- **Workmanship** - The quality of work should be equal to or better than that of the community. Poor practices, besides causing the owner problems, can be visually objectionable to others. Poor workmanship can also create safety hazards.

### **Section 3.02 Application Contents**

The Architectural Review Application must include all information as requested on the form. Listed below are some of the most common elements to help homeowners collect information prior to submitting their application. Applications that are unsigned or do not contain all requested information will be deemed incomplete and will be returned to the homeowner without consideration.

- **Site Plan** - The application must include a site plan showing the size, location, and configuration of your home, and all existing improvements. The proposed alteration must be drawn on the copy of the site plan. A survey is required for projects involving additions, fences, underground sprinklers, pools and any other permanent feature. For other projects, a homeowner may substitute a scaled drawing if a property survey is not available. The scaled drawing needs to include the entire lot, the house footprint and existing landscape features.
- **Description of the Project and Description of Materials** - The application requires a complete description of the alteration or improvement. This includes a complete listing of materials to

be used and overall dimensions. Existing materials and colors of house, trim, and roof, along with samples of materials and colors of the proposed alteration or improvement may also be required.

- Drawings and Photographs - A graphic description should be provided, and may be in the form of manufacturer's literature or photographs as well as freehand or mechanical drawings. The amount of detail should be consistent with the complexity of the proposal. Relationships of major architectural features such as existing and proposed roof lines, window sizes and alignment, building heights, roof slopes, exterior elevations for proposed structure, and if appropriate, plans or provisions for landscaping or grading, etc., should be shown as they affect the applicant's house and property. The sketch or photograph should be accompanied by a written description. Drawings which are illegible take time to review, slow the process, and may cause the application to be returned. Therefore, be as clear and accurate as possible in rendering the proposed alterations.
- Commencement and Completion Dates - Applications must contain the proposed commencement and completion date. Unless stated expressly otherwise by the ARC, owners must complete construction within 30 days of commencement of work. Approvals expire after 6 months unless stated expressly otherwise by the ARC. Approved applications terminate upon transfer of the property
- Residents should inquire with code enforcement officials to determine if the project they are undertaking requires municipal or county permitting.

### Section 3.03 Application Procedures

Unless otherwise specifically stated as "preapproved" by the CC&Rs or this Handbook **all proposed modifications and additions to homes or lots within Cheshunt require application to and prior written approval from the Architectural Review Committee.** Where this guide specifically permits an owner to proceed without submitting an application, such permission shall only be effective so long as the owner complies with the requirements of this Handbook.

- All applications shall be submitted by the homeowner using the online form, Architectural Review Application on the Association website ([www.cheshuntcommunity.com](http://www.cheshuntcommunity.com)). If a homeowner does not have internet access, please contact our management company for additional assistance.
- Each application will be reviewed for completeness by the ARC. If pertinent information is omitted, the incomplete application will be returned to the homeowner within 2-4 weeks without consideration. Once the ARC determines the application is complete, the review process begins.
- The application will be reviewed by a quorum of the ARC. The ARC must act upon all applications submitted and deemed complete within 30 calendar days of receipt. Any communication to the applicant from the ARC may re-set the 30-day "clock".
- Homeowners submitting applications containing special circumstances that require interpretation of the Handbook or further explanation may petition the ARC to explain their project at a special hearing.
- The decision and supporting reasons of the ARC will be sent to the address on the application and copied to our management company.
- Modifications of an approved plan must be re-submitted in accordance with this Handbook.

## Section 3.04 Appeals Procedures

An appeals procedure exists for those homeowners who wish to appeal a decision of the ARC. To initiate the procedure, the applicant must submit a written request to the Board setting forth the rationale for the appeal within 10 days of receipt of the decision. An appeal shall be heard if the homeowner can reasonably demonstrate that one of the following conditions exist:

- Proper procedures were not followed during the administration and review process, or
- The ARC decision was arbitrary and had no rational basis.

The Board has 30 calendar days from receipt of the request to schedule a hearing. At the hearing, the homeowner will be allowed to present their case, explaining why they believe the application should be approved. A representative of the ARC also may appear at the hearing to present the ARC's position. After the hearing, the Board will rule on the appeal and notify the homeowner by letter of its decision. The HOA Board is the final arbiter in such appeals and its decisions may not be appealed further, except in a court of law.

In making his/her appeal to the HOA Board of Directors, the homeowner must present the same proposal as was made to the ARC. The intent here is to ensure that the facts on which appeals are made to the HOA board are identical to the facts considered by the ARC. Any change in the facts essentially constitutes a new proposal, which must be considered by the ARC before it can be appealed to the HOA Board.

## Article IV. Improvements to Lots

### Section 4.01 General Guidelines

- (a) All changes to the exterior of the home and property require prior written approval by the Architecture Review Committee, unless specifically stated as preapproved in this document. Approval or disapproval will be based on compliance with the CC&Rs, this Handbook, and the aesthetic discretion of the Committee.
- (b) Homeowners are required to properly maintain all alterations, additions or improvements made to their property in such a manner as to provide a neat and attractive appearance.

### Section 4.02 Landscaping Modifications

- (a) **Plant Materials:** Any significant changes or additions from builder installed plant materials on the lot require architectural approval. Planting annuals in existing beds or replacing dead plants with the identical previously approved plant is preapproved. Ornamental trees with a mature height of less than eight (8') feet may be considered as one element of an overall landscaping bed grouping but require ARC approval.
- (b) **Landscape Beds:** Installation of new beds less than four feet deep around the perimeter of the house foundation, deck, patio and the rear of the backyard are preapproved for planting provided that plants installed have a mature height of less than eight (8') feet, unless otherwise approved. Additional plant beds or expansions of existing plant beds may be approved but require ARC approval.
- (c) **Landscape Mulch/Cover:** Pine needles, engineered or wood mulch are allowed as ground cover and are preapproved for use. Natural stone such as large river rock, limestone, granite, etc. that complement the exterior of the home may be approved but require ARC approval. All types of natural or colored gravel are prohibited as ground cover.
- (d) **Edging/Borders:** Edging along landscape beds using natural stone, precast pavers, or professionally installed curbing are preapproved for use. The materials must complement the color and materials of the exterior of the home. The use of any other materials requires ARC approval.
- (e) **Vegetable Gardens:** Vegetable gardens are prohibited in front and side yards. Small gardens of less than twenty-five (25') square feet in the rear yard are preapproved as long as it is out of the line of sight from the front street view of the property. Larger gardens may be approved but require ARC approval.
- (f) **Lawn/Sod:** Replacing dead or dying turf with the same species is preapproved. Installing a different species of turf may be approved but require ARC approval.

### Section 4.03 Landscaping Maintenance

As yard appearance is one of the most noticeable aspects of community appearance, poorly maintained yards have the potential to significantly detract from a neighborhood's livability and perceived value. Therefore the following standards have been established as minimally acceptable requirements.

- (a) All lawns and landscaped areas on a lot shall be maintained in live, healthy and neat condition. All grass and plant clippings must be cleaned up immediately after cutting.

This also includes clippings and/or cuttings that may be left on any paved areas such as driveways and sidewalks or common areas. Lawn clippings or waste should not be swept or blown into the street, storm drains or drainage easements.

- (b) Plant Materials: Dead or damaged trees must be removed and/or replaced within 30 days of learning of such liability.
- (c) Landscape Beds: Shrubs and trees must be pruned and maintained to remain neat in appearance and in proportion in size and appearance to the residence. Planting beds should be free of weeds, underbrush, grass and debris.
- (d) Landscape Mulch/Cover: Approved ground cover must cover entire landscape bed to the depth of two (2") inches with no bare earth showing through. All ground cover must be replenished if it begins to decompose/deteriorate or is no longer uniform in color.
- (e) Edging/Borders: Grass meeting a pavement edge must not overgrow the paved edge. Grass around stationary objects must be trimmed to the same height as the lawn.
- (f) Lawn/Sod: Lawns are to be kept mowed, edged and trimmed on a regular basis. Lawns should be mowed to a uniform height. Lawns should be treated or maintained to be weed free. Any lawn damage in the front yard including, but not limited to, bare patches, spotty areas or dead grass must be repaired within 30 days. Bermuda, Fescue, and Zoysia grass are preapproved species of turf.
- (g) Weeds: Lawns should be maintained essentially weed free. Weeds should either be pulled by hand or chemicals treatments applied to reduce the area of weed coverage. Approved species of grass should be the dominant vegetation within the lawn. Weeds and grass should be removed from cracks in sidewalks and driveways. Homeowner's are encouraged to eliminate any weeds within the city right of way.
- (h) Sidewalks shall be kept clear of any obstructions, including but not limited to, tree limbs, leaves, newspapers, trash cans, etc. at all times
- (i) All fallen or cut tree debris shall be removed from properties within 7 days.

## Section 4.04 Fences

- (a) Fences shall be constructed of pressure treated wood or white vinyl with the following conditions:

### **Privacy Fencing**

- Privacy fencing shall consist of vertical pickets 4' to 6' in height.
- 0%-50% open air spacing between pickets
- Shall consist of the following styles: Dog-Eared Pine, Scalloped, Sunrise, Shadow-box
- Privacy fencing may be painted white or clear stained. All other colors are prohibited
- The top support rail shall not be closer than 1' to the top of the pickets

### **Split Rail Fencing**

- Shall consist of 3 parallel, horizontal rails
- Shall be 4' in height
- Split-rail fencing may have wire mesh (chicken wire) affixed to the inside plane of the fence
- Split-rail fencing shall not be painted. It may be clear stained.

### **Vinyl Fencing**

- Shall only be white in color
- Shall be 4' to 6' in height
- Finials may only be located on posts

- (b) Fences are not permitted in the front yard and must tie into the home at the furthest back corners of the dwelling, not to extend forward of the rear foundation line. Under no circumstances may a homeowner erect a fence outside of their property line. In the event of an obstacle, the homeowner must shift the fence inside the boundary line of the lot.
- (c) No fence shall be erected on any lot closer to any street than the building set back line shown on the recorded map.
- (d) All fences are subject to ARC approval. Refer to Section 3.02 Application Contents to expedite your request.

#### Section 4.05 Utility/Storage Sheds

- (a) Utility/Storage sheds must be approved by the Architectural Review Committee
- (b) Utility/Storage sheds are limited to a maximum dimension of 10' x 10 X 9'.
- (c) Utility/Storage sheds should be wood construction. Vinyl, cement fiber, and wood siding are approved materials for exterior covering. Plastic and metal structures are prohibited.
- (d) Utility/Storage sheds should conform to the harmony of the main residence. This is meant to include color, construction, and roofing material.
- (e) Electricity is permitted to be run to the structure.
- (f) Window unit type air conditioners are prohibited within Utility/Storage sheds.
- (g) Utilizing a Utility/Storage as either a temporary or permanent residence is prohibited.

#### Section 4.06 Backyard Play Equipment and Structures

- (a) Molded plastic toddler playhouses that are movable and trampolines no larger than fifteen feet (15') in diameter are preapproved.
- (b) Other structures may be approved, but require the homeowner to submit an architectural change request form prior to its installation. Required elements include: Play sets and play structures should be constructed primarily out of wood and be either stained or painted earth tone colors. Plastic and metal components such as braces, slides, accessories and safety features are permitted. The ground dimensions of the structure should not exceed thirteen feet (13') in height, sixteen feet (16') in length and fifteen feet (15') in width. The width includes the length of the slide. Tree houses are prohibited.
- (c) All play sets, structures, swings and trampolines must be kept in good condition and ideally be placed in the center, rear of the backyard, out of the line of sight from the front street view of the property.
- (d) Any play sets, structures, swings and trampolines that are offset from the center, rear of the backyard will require screening elements as part of the installation plan to block the sight of the item from the street and minimize visual impact on adjacent properties. Screening with plant materials must be at least two-thirds (2/3) the height of the recreational item being screened at planting with sufficient density to provide immediate screening. At full maturity the shrubbery should fully screen the item.
- (e) Toys & bicycles must be stored out of sight when not in use.
- (f) Backyard play structure and trampoline approval may be rescinded by the Board and the homeowner may be required to remove said items if, in the Board's sole opinion, the presence of the play structure or trampoline constitutes an unreasonable nuisance to the neighborhood.

## Section 4.07 Basketball Hoops

- (a) Negative impact related to time of use and noise to adjacent properties should be avoided. Basketball play should be limited to the hours of 9:00 am to 9:00 pm. Basketball hoops that meet the following criteria are preapproved.
- (b) Free-standing permanent basketball hoops must be mounted on black or dark green poles as long as the backboard is installed perpendicular to the street. The hoop must be mounted on the lot a minimum of (15') fifteen feet from the back of the curb and set at least (6') six feet inside the property line. In the event of a side load garage, permanent hoops may be placed parallel to the street at the back of the driveway.
- (c) Portable basketball hoops must be positioned in such a way as to contain all play on homeowner's driveway and do not encourage play in the street or sidewalk. The base of the portable hoop must be filled with water or sand to weight it down to prevent the unit from tipping over in inclement weather. Stacking weights, bags or any other objects on the base as an alternative to filling the base unit is prohibited.
- (d) Homeowners should follow the manufacturer's directions when setting up the unit to maximize the weight of the base to prevent the unit from tipping over. If a homeowner feels that additional weight is needed for the unit to be used safely then sand bags may be placed on top of the base with the following restrictions.
  - 1) Stacking weights, bricks or any other objects on the base is prohibited.
- (e) All basketball hoops (support framework, backboard and net) must be maintained and kept in good condition.
- (f) Basketball hoop approval may be rescinded by the Board and the homeowner may be required to remove said basketball hoop if, in the Board's sole opinion, the presence of the basketball hoop constitutes an unreasonable nuisance to the neighborhood.

## Section 4.08 Exterior Lighting

- (a) Eave-mounted floodlights and low level landscape lighting that meet the following criteria are preapproved.
- (b) Exterior lighting (other than holiday lights) is restricted to white or clear, non-glare type with individual bulbs not to exceed 100 watts. Lights should be located to cause minimal visual impact on adjacent properties and streets.
- (c) Landscape lights should not exceed eighteen (18') inches in height and number not more than twelve (12) in the front yard.
- (d) Other lighting options may be approved but require ARC approval.

## Section 4.09 Swimming Pools

- (a) In-ground swimming pools may be approved, but require the installation of an approved perimeter fence enclosing the entire backyard or an approved fence that surrounds the pool deck area.
- (b) Above-ground pools defined as any pool that requires, for its normal course of operation, a ladder, above ground decking with steps, a water filtration system, a pump or any combination of these items are prohibited in Cheshunt.

## Section 4.10 Mailboxes

- (a) *Replacement* mailboxes that meet the following criteria are preapproved for installation. Mailboxes, newspaper tubes and posts must conform to the following guidelines:
- 1) Be a USPS Approved mail receptacle
  - 2) Be black in color
  - 3) Be mounted on a post as depicted in Section 4.10.d.
  - 4) Posts shall be white, black, or natural in color.
- (b) Homeowners must replace mailboxes that become damaged or unsightly within thirty (30) days.
- (c) Magnetic overlays or other decorative additions are prohibited.
- (d)



## **Article V. Improvements to Structures**

### **Section 5.01 General Guidelines**

- (a) All changes to the exterior of the home and property require prior written approval by the Architecture Review Committee, unless specifically stated as preapproved in this document. Approval or disapproval will be based on compliance with the Declaration, these Guidelines and/or the aesthetic discretion of the Committee.
- (b) Homeowners are required to properly maintain all alterations, additions or improvements made to their property in such a manner as to provide a neat and attractive appearance.

### **Section 5.02 Additions**

- (a) Any additions must adhere to all applicable building codes.
- (b) Exterior materials including, but not limited to, roofing, siding, eaves, soffits, gutters, doors, windows, etc. should all exactly match the existing house in type, style and color, unless otherwise approved.

### **Section 5.03 Decks and Patios**

- (a) Any additions must adhere to all applicable building codes.
- (b) Decks and patios cannot extend into a side yard beyond the side plane of the home.
- (c) Decks must be waterproofed, sealed or stained a natural wood color.
- (d) Ground-level patios must be constructed of concrete, stone or brick pavers.

### **Section 5.04 Exterior Colors**

- (a) Exterior paint must be maintained in good repair with no visible peeling, fading, chipping, cracking or staining.
- (b) Painting brick, foundation, concrete steps, concrete front stoop, and sidewalks is prohibited.
- (c) Repainting applicable exterior materials including, but not limited to, siding, shutters, eaves, soffits, gutters, doors, and trim the exact same color used in the original construction of the home is preapproved. Other color palettes and exterior changes such as the addition of storm doors and shutter replacement require ARC approval.

### **Section 5.05 Shade Structures**

- (a) Pergolas, screen porches or sun rooms are recommended options for rear patio or porch cover and should be treated as permanent construction. The structures must adhere to all applicable building codes and setback requirements for permanent construction.
- (b) No awnings of any design or type of material are permitted above exterior windows or the front door.
- (c) Canopies, tents, fabric gazebos and similar free standing structures are permitted in rear yards so long as they are earth-tone color. Temporary cover can be erected for an outdoor activity as long as the structure is not up for more than seventy-two (72) hours. Temporary cover of this nature is preapproved.
- (d) Sun Rooms and screened porches are to be one story in height with the roof pitched in hip or gable style. No flat roofs are allowed. Roof shingles must match the existing roof of the main

structure.

- (e) Exterior materials should be in accordance with current house construction. Pergolas and screened porches may be constructed of stained (earth-tone color) wood.

#### **Section 5.06 Solar Panels**

- (a) Such devices shall be located in the least visible location from any street that does not impair operation. Wind generators are prohibited.

## **Article VI. Aesthetics**

### **Section 6.01 Flags**

- (a) Flags and flag poles that meet the following criteria are preapproved for installation. One (1) flag up to four feet by six feet (4'X6') in size attached to a flagpole can be mounted to the home. The pole may not exceed four inches (4") in diameter and sixty inches (60") in length. Other flag poles may be approved but require the homeowner to submit an architectural change request form prior to its installation.
- (b) Approved flags shall be maintained in good condition and shall not be displayed if mildewed, tattered or faded.

### **Section 6.02 Window Treatments**

- (a) Only typical indoor window treatments such as blinds, draperies, shades and plantation shutters are allowed and are preapproved.
- (b) Portable window mounted fans, air conditioning units or other devices are not allowed, except in emergency situations with Board approval.

### **Section 6.03 Exterior Holiday Decorations**

- (a) Seasonal house decorations may go up 30 days prior to the holiday and must be removed within 30 days of the holiday. All clips, stands, supports, power cords, tie downs or other items used in conjunction with the decorations must also be removed.

### **Section 6.04 Decorative Yard Objects**

- (a) Front lawn ornaments and exterior decorative objects, both natural and manmade are limited to two (2) items in the line of sight from the front street view of the property. Exceptions may be granted when objects are used to hide or soften the appearance of a utility box (i.e. cable or telephone).
- (b) Exterior decorative objects include representative items such as sculptures, fountains, pools, bird baths, bird feeders, statuary and items attached to approved structures such as weather vanes and flags.
- (c) Plastic or artificial yard objects, not including holiday décor, are prohibited in the front yard.
- (d) Two (2) small, unobtrusive decorative objects of less than eighteen (18") inches in height and keep with the aesthetics of the neighborhood are preapproved for placement in the front yard.

### **Section 6.05 Front Entrance and Porch Objects**

- (a) Decorations and furniture used on the front porch, entry area, and front door must be in keeping with the style and colors of the house; and do not count against the above stated object limitation. Plants, flowerpots, wreaths and other décor items must be natural looking, neat, and kept in good condition.
- (b) Furniture, doormats, front doors, etc. must always be clean and well maintained.

## Section 6.06 Trash Storage and Removal

- (a) No trash or recycle containers of any type may be stored in the front of a house. Trash cans shall be stored behind the front plane of the home.
- (b) Trash or recycle containers should be placed at the curb no earlier than the night before collection and should be returned to storage area by midnight the day of collection.

## Section 6.07 Water Collection Systems

- (a) Rain barrels that meet the following criteria are preapproved for use. Rain barrels, or other water collection devices, are only allowed to be connected to rear gutter down spouts and must be a solid earth tone color. The containers must be out of the line of sight from the front street view of the property or screened from view with shrubbery.
- (b) Screening with plant materials must be at least the height and width of the rain barrel being screened and with sufficient density to block the sight of the container(s). Plants matching pre-existing, previously approved landscaping packages are preapproved for installation.

## Section 6.08 Compost Containers

- (a) Compost bins are only allowed in the backyard and must be out of the line of sight from the front street view of the property. The containers must be a solid earth tone or black color and must be screened from view from adjoining neighbors.
- (b) Screening with plant materials must be at least the height and width of the compost container(s) being screened and with sufficient density to block the sight of container(s). Plants matching pre-existing, previously approved landscaping packages are preapproved for installation.

## Section 6.09 Signage

- (a) Only the following types of signs are permitted on any lot.
  - One temporary sign advertising the home “for sale” or “for rent” that shall not exceed 5 square feet.
  - One temporary sign advertising the services of a contractor that shall not exceed 1 square foot which shall be removed at the completion of such work.
  - Signs of not more than ten (10) square feet expressing support of or opposition to political candidates or other issues which will appear on the ballot of a primary, general or special election, provided that such political signs shall not be placed on a Lot earlier than 60 days before such election and shall be removed within 2 days after such election.
  - One security service sign located in the front yard and one located in the rear yard, provided the signs have a maximum face area of two (2') square feet.
  - Notification signage as may be required by legal proceedings or a governmental entity (such as a building permit).
  - Any sign advertising or supporting an HOA sponsored activity or program is permitted.

## Section 6.10 Doghouses

- (a) Dog pens and dog runs are not permitted anywhere on the property.

## Section 6.11 Trailers and Recreational Vehicles

- (a) All vehicles in open view on any lot and not in a garage must be registered & operable. Sanding, painting, repainting, or engine run-up/cleaning of any vehicle is not permitted upon any lot within Cheshunt. Mechanical work, other than emergency or minor maintenance requiring no more than two to three (2-3) hours, e.g., flat tires, is not permitted. Extended maintenance shall be confined to the garage.
- (b) No recreational vehicles of any type may be parked or stored in open view on residential property for more than 24 hours for the purpose of loading/unloading the vehicle. Residents may request permission to extend this allowance by submitting a request to the Architectural Review Committee. Upon approval, a permit that must be displayed on the vehicle closest to the nearest road will be furnished. A recreational vehicle as defined by the Association is any vehicle commonly referred to as or considered a recreational vehicle, including but not limited to campers, RV's, full-size conversion vans, etc.
- (c) Boats and other water sports equipment, all-terrain vehicles, motorcycles and other off- road vehicles are not allowed in Cheshunt unless fully enclosed in an attached garage.
- (d) No trailers of any type may be parked or stored in open view on residential property for longer than a 48-hour period. A trailer as defined by the Association is any trailer used to haul items, including but not limited to enclosed cargo trailers, open flatbed utility trailers and vehicle haulers.

## Section 6.12 Parking

*Note: The City of Charlotte may have more restrictive parking codes. Homeowners should consult with the City for the most current restrictions to avoid receiving a parking ticket.*

- (a) As a general rule homeowners and their guests should use all available space in their garage and driveway before parking on the street. Homeowners are responsible for ensuring that any guests abide by all community parking rules.
- (b) A vehicle parked in a driveway may not extend into the sidewalk area of the driveway impeding pedestrian access.
- (c) Vehicles are prohibited at all times from blocking driveways and entrances to common property or parking in such a way that mail delivery and garbage/recycle collection is prevented. Vehicles are prohibited from parking on any portion of a yard.
- (d) All 4 tires of a vehicle must contact a driving surface.
- (e) Vehicles are prohibited from being parked on any grass surface
- (f) When parked on the street, vehicles must be parked with the passenger side closest to the curb.
- (g) The Clubhouse parking area is reserved for homeowners utilizing Common Area amenities. Overnight parking or resident overflow parking is prohibited.

## Article VIII. Common Areas

The common areas are defined as the Clubhouse, Gated Pool Area, Gated Tennis Courts, Playground, Sand Volleyball Court, and other community owned property. Association members are encouraged to use these facilities for the enjoyment of their families and their invited guests. Please remember that a number of Association members live in close proximity to these areas and that your concern for their privacy and well-being is greatly appreciated. Homeowners who are not current on all HOA assessments or have unpaid fines will not be allowed the use of the pool or other common areas until their balances are paid in full.

### Section 8.01 General Rules

- Common courtesy for surrounding neighbors and other residents using the same recreation common areas is expected with respect to the length and loudness of the parties and functions.
- Smoking is not permitted in any of the common areas, except in designated areas.
- Discretion is expected when using audio systems of any kind in the recreation common areas. The use of power amplifiers and loudspeaker systems is prohibited, except for Association-sponsored events as defined by the Board.
- Glass containers or any other forms of glassware are prohibited in the recreation common areas.
- Firearms and weapons of any kind are prohibited.
- Skateboarding, roller-skating/blading, bicycling, and any other activities that may cause damage are prohibited on any non-paved surface.
- Any damage to the common areas caused by an owner, their family, guests, or tenants, both minor and adult, will be charged directly to the owner. Items covered under these categories would include, but are not limited to, such things as the breakage of sprinkler heads, lights and the destruction of, or damage to, landscaped areas and Association property.
- The sidewalks, entrances, roadways, and areas of the common areas shall not be obstructed or used for any purpose other than for ingress and egress to and from the area.
- Littering in the common areas is not permitted. Littering shall include, but not be limited to: discarding cigarette butts, beverage containers, animal feces, trash of any type, and other items that would cause waste on the property.
- All pets should be kept under their owner's control at all times and in compliance with applicable leash laws. Owners are responsible for cleaning up any mess that a pet creates in any common area, as well as on any private property.

## Section 8.02 Community Pool Rules

The pool will be open for the 2017 season from May 13, 2017 thru September 30, 2017. The daily hours will be 7am – 9pm. **There will be no lifeguards for the 2017 swim season.** The Cheshunt Pool Registration Form must be completely filled out before wrist bands will be distributed. Owners will receive colored wrist bands based on the residents in their home. These wrist bands **MUST** be with anyone who uses the pool. If a member of the Pool Committee asks to see an wrist band and the residents cannot provide it, they will be asked to leave the pool area. Key fobs will only be activated for residents in good standing with the Association. Renters may also pick up key fobs, if the owner of the property is in good standing with the Association. Please be courteous to your fellow neighbors, we are a family community. Any violations of these pool rules **will** result in the loss of pool privileges for 60 days. Pool parties will **not** be permitted during the 2017 pool season.

### Key Fobs

- Each Cheshunt household shall be given one (1) key fob per address.
- The pool will remain locked at all times.
- Resident key fobs will only open the pool gate and bathroom doors during the hours stated above.

### Rules and Regulations

- Rules and Regulations will be on the Cheshunt Community website and posted on the clubhouse side by the pool deck.
- The phone will be located on the outside of the clubhouse along with emergency contact information. The phone may be used to call 911 and local calling only.

### Wrist Bands Color Codes

- **White:** Adult residents and adult children over the age of 18 that live at the residence.
- **Red:** Children between ages 15-17 years old.
- **Yellow:** Children ages 14 years and younger.
- **Purple:** Guests any age

### Health & Cleanliness

- ALL infants, non-potty trained children, or incontinent adults must have a swim diaper on at all times in the pool.
- Towels or lounge chair mats must be used on all pool furniture.
- Keep bathrooms clean and place all garbage in the receptacles provided in the bathrooms.
- Smoking is prohibited in the pool area.
- Any person(s) with infectious disease, excessive sunburns, open sores, bandages, inflamed eyes, colds, nasal or ear discharge will **NOT** be permitted in the pool.
- If vomiting takes place in the pool or fecal matter is discovered, call the emergency contact number (704) 897-1228 located by the pool phone to report the incident. Pool Professionals will arrive the same day to clean and disinfect the pool. **The pool will be closed, and the gate chain locked for up to 24 hours, depending on the severity of the contamination.**
- **NO PETS** permitted in the gated pool area except service animals.
- Pool furniture may **NOT** be removed from the pool area at any time.

- Pool cleaning equipment is not to be used under any circumstance by anyone other than authorized pool committee volunteers.

### Safety

- **NO** glass, towels, cans, paper, sharp objects, non-pool toys, basketballs, footballs, baseballs, rocks or debris in pool.
- **NO** diving or jumping in pool head first.
- **NO** portable grills of any kind will be permitted on the pool deck.
- **NO** running, pushing, wrestling is permitted. Keep your hands **off** others
- **NO** gum or spitting will be allowed in the pool and or pool area.
- **NO** person will be allowed in the pool while wearing street clothes (bathing suits only).
- Only toys designated for pool use will be allowed in pool area.
- If **thunder** is heard, the pool **must be evacuated** for a minimum of 30 minutes.
- If **lightning** is seen, the fenced pool deck **must be evacuated** for 1 hour.

### Entering or Exiting pool

- You can only enter with your key fob. All that enter must have the appropriate designated Cheshunt wrist bands. If you can't produce all the wrist bands, you will be asked to leave.
- When entering or exiting the pool area be sure the pool gate is secured.
- Pool gate **MUST NEVER** be propped open.

### Pool Deck Behavior

- No running, wrestling, pushing, shoving, and swinging or throwing persons into the pool is allowed.
- The noise level must be kept to a minimum due to the close proximity of some homes. Battery operated radios and TVs are permitted only at low volumes.
- No yelling or screaming is allowed. Noise from any group should not negatively affect others enjoyment of the pool.
- Absolutely no profanity allowed.
- All trash must be placed in containers on the pool deck.
- All pool lounge chairs must be put back in an upright position when leaving the pool.
- All chairs must be put back around tables.

### Pool Behavior

- First 10 minutes every hour there will be a 10-minute adult swim. Parents make sure your children are out of the pool. Keep them hydrated and have them use the bathroom facilities during this time.
- A parent or authorized person **must** be in the water with any child that has a floatation suit or water wings on or cannot swim.
- No wrestling, pushing, or shoving anyone under the water.
- Please be courteous to those who are lane swimming.
- All children age 14 and under (yellow band), are required to be accompanied at all times in the pool area by the parent/guardian (white band) residing at that household.
- Children 15 and older (red band) are allowed to enter the pool without parent/guardian supervision but are **not allowed** to bring any guests.
- Any guest utilizing the pool area must be accompanied by a homeowner/resident (white band) at all times.

- No food or beverages are allowed in the pool.
- All homeowners/residents agree to release and indemnify the Association from any claims, losses, or liability arising out of the use of the pool or pool facilities.

#### Guests

- Homeowners/residents are responsible for the actions of their guests at all times.
- Homeowners/residents will be responsible for damaged property.
- Homeowners/residents must stay with their guests the entire time they enter pool area.
- Homeowners/residents are allowed to bring in up to a maximum of 5 guests (purple band).
- You cannot bring other residents in as guests.

#### Alcohol

- Alcoholic beverages in the pool area are permitted for those 21 and older. Members and their guests are asked to use this privilege with responsibility and respect.
- Persons under the influence of intoxicants will **NOT** be permitted to use the pool and will be asked to leave. Belligerence will lead to 911 being called.
- **ABSOLUTELY NO GLASS IS PERMITTED WITHIN THE POOL AREA**

### Section 8.03 Community Clubhouse Rules

#### Clubhouse Rental Process

- Check community website for open dates
- Above the calendar, you will find two ways to submit your request.
- If the electronic copy is filled out, it will automatically go to the Clubhouse Chairperson. They will notify you that the reservation is pending. Upon checking to see if you are in good standing and if payment is received within seven business days at Cedar Management, the pending will be removed and your reservation is accepted.
- If you download and print the paper copy, you may take it directly to Cedar Management with your deposit and rental fee. After Cedar Management has checked to see if you are in good standing, they will notify the Clubhouse Chairperson and your reservation will be added to the calendar.

#### Clubhouse Terms and Conditions

- Clubhouse may not be used for any commercial, institutional, or religious purposes. Commercial activity shall include (but not be limited to) charging admission, selling merchandise, and/or selling food or drink.
- Under no circumstances shall any alcoholic beverage be sold at any event held at the Clubhouse.
- You assume full responsibility for any unlawful or illegal activity, as well as damage to property.
- Lessees must be present during the entire period of their reservation and be responsible for their guests and attendees.
- All guests and attendees must park in designated lined spaces. You may not park on grass, walkways, or near fire hydrants.
- We require that music must be kept in moderation

- Maximum Clubhouse occupancy of 75 must be adhered to
- Decorations may not be attached to painted surfaces. You may use command hooks or other non-damaging products and must be removed before vacating.
- Rental is for eight hours which includes set up and clean up.
- Reasonable cleaning is expected – wiping down counters and tables and taking all trash to outside cans.
- Smoking is not permitted in the Clubhouse
- Pets are not permitted anywhere inside the Clubhouse unless they are certified service animals.
- The Clubhouse and parking lot must be vacated at the end of your rental period.
- Set the thermostat to 65 degrees in winter and 75 degrees in summer.
- Turn out all lights
- At your scheduled time, your fob will unlock the front door. When your rental time is over, your fob will no longer work and the door will lock automatically.
- A fine of \$25 will be assessed for every 15 minutes of occupancy past your 8-hour rental time.

#### Clubhouse Amenities

- Full kitchen with refrigerator, stove, oven and microwave
- (4) 6' wooden tables
- (1) 8' wooden table
- (2) 8' folding white tables
- (24) wooden chairs
- (42) metal folding chairs

## Section 8.04 Tennis Court Rules

#### Basic Tennis Court Information

- Only residents of Cheshunt in good standing and their guests are permitted to use the Tennis Court facilities. (See section on guests.) If an owner becomes delinquent in their fees, their use rights will be suspended.
- All Board members have the authority to ask any person(s) who are abusing the Tennis facility or causing other disturbances to leave the Tennis facility immediately. If the same person is asked repeatedly to leave the premises, the HOA will take additional action including revocation of Tennis Court privileges.
- Restroom usage is not provided.
- Tennis Court Hours – 7am-10pm
- All parties agree to release and indemnify the Cheshunt HOA from any claims, losses or liability arising out of the use of the Tennis Courts.

#### Safety

- Safety is first and foremost. Absolutely NO GLASS is allowed within the Tennis Court area.
- The purpose of the Tennis Court area is for Tennis play only.
- Absolutely no SKATEBOARDING.

- No smoking in the Tennis Court area.

#### Guests

- All guests must be accompanied by their inviting resident.
- The resident will be held responsible for all actions of their guests at all times.
- The resident will be charged for any damage done to property.

#### Health & Cleanliness

- Absolutely no pets are allowed in the Tennis Court area.
- Deposit all trash in the cans provided in the Tennis Court area.
- Chewing gum is prohibited in the Tennis Court area.

#### Noise

- Due to the close proximity of the houses to the Tennis Court area and so as not to interfere with other Tennis users, the noise level must be kept to a minimum.
- Battery operated radios/TVs are not permitted.
- Absolutely NO profanity is allowed. You will be asked to leave the Tennis Court area if profanity is used. This is a family environment.

- Children

- All children, age 14 and under, are required to be accompanied by a parent/guardian at all times in the Tennis court area.
- All children are the sole responsibility of their parents/guardians.

- Alcohol

- Alcoholic beverages are NOT permitted in the Tennis Court Area.
- Persons under the influence of intoxicants will not be permitted in the Tennis Court area.

## **Article IX. General Rules & Provisions**

This document is intended to enhance the property values of Cheshunt and create a harmonious living environment. Should any provision of this document conflict with federal, state, county, or local law, that provision shall be considered stricken and shall have no effect on the remaining provisions of this document.

### **Section 9.01 General Rules & Provisions**

- Any activity defined as a nuisance by the City of Charlotte or Mecklenburg County is prohibited.
- Grass should be maintained on a regular basis and should never exceed eight (8) inches in height.
- Fences that fall into a state of disrepair shall be repaired within 30 days. Repairs to previous like, kind, and quality are preapproved. Alterations to fences that are not of like, kind, and quality require ARC approval.
- Mailboxes should be kept in a state of good repair. Mold, mildew, and chipping paint should be remedied within 30 days. Mailboxes and/or posts should display commercially available numbers that conform to the harmony of the structure.
- Gutters should be kept free of debris and in good working order.
- Siding, brick, and other exterior home coverings should be kept free of mold, mildew, stains, and deteriorating paint.
- Siding that has begun to deteriorate should be replaced within 30 days with like, kind, and quality.
- Shutters should be kept in good working condition, and free of mold, mildew, stains, and deteriorating paint.
- Front doors should be kept free of mold, mildew, stains, or deteriorating paint.
- Window air conditioners are prohibited unless approved in an emergency situation by the Board of Directors.
- Driveways should be kept free of stains and discolorations.
- Gravel is prohibited as a ground covering for both landscaping and driveways.
- Sidewalks should be kept free of all obstructions at all times. This is meant to include trash cans, recycling cans, newspapers, snow/ice, overgrown landscaping, etc.
- Trash cans should be stored behind the front plane of each home.
- Garage doors should be kept free of mold, mildew, stains, and deteriorating paint and in good working order.
- Damage to structures should be repaired within 30 days.
- Dead or damaged trees should be removed within 30 days of learning of such liability.
- Broken or damaged windows should be repaired within 30 days.
- Damaged or rotten wood should be replaced within 30 days.
- Animals should be kept on leashes within the community at all times.
- Animal waste should be collected and properly disposed of immediately.

### **Section 9.02 Violations Policy**

- All violations will be handled through the Violations Department of Cedar Management.
- Once a violation is reported, a 30-day courtesy letter to fix the violation will be sent out by Cedar Management. If it is a major violation, the resident may ask for an extension.
- After 30 days, if the violation is not resolved, a final notice letter will go out.
- After 60 days, if the violation remains uncorrected, the owner will be called to a hearing, at which time an initial fine of up to \$100 may be assessed, in addition to ongoing fines up to \$100/per day.

The fines will stop when pictorial proof of correction is given to Cedar Management's Violation Department by the resident.

- Under the NC Planned Community Act, the only notification that is required is a notice of hearing. The Board reserves the right to alter the number of notices sent depending on the severity and or the number of violations.

### Section 9.03 Key Fob Policy

- One key fob will be distributed per address in Cheshunt at no charge.
- If you are caught sharing your key fob, the key fob will be revoked.
- If the unit is rented and the owner is not current on their fees, the tenant should know that the key fob will be deactivated.
- If your fob is lost or stolen, report it immediately to [info@cheshuntcommunity.com](mailto:info@cheshuntcommunity.com) and a replacement key fob may be purchased for \$25.00 (Lost key fob will be deactivated).

### Section 9.04 Collections Policy

- HOA fees are due quarterly: January 1<sup>st</sup>, April 1<sup>st</sup>, July 1<sup>st</sup>, and October 1<sup>st</sup>.
- Each homeowner receives a statement from Cedar Management the month prior to the due date.
- Pursuant to the CC&R's, owners have until the end of the month in which the fees are due as a grace period.
- If the payment is not received within 30 days of the due date, a \$20.00 per month late fee will be assessed. A past due statement from Cedar Management will be sent reflecting the late fees and HOA fees still outstanding. In addition, the owner will be called to a hearing, where their use rights will be suspended until the account is brought current.
- If the fees become 60 days past due, the account will enter the collection process and the owner will be responsible for all collection costs.
- Collection Steps
  - At 60 days, the owner is sent a 15 day demand letter.
  - At 75 days, the attorney will send a pre-lien letter.
  - At 90 days, a lien on the home will be obtained. The board will then decide at what point they may pursue foreclosure action.

## **Article X. Appendix**

### Section 10.01 Document Control

(a) This is a history of the document highlighting significant changes per date and section.

<b>Edited Date</b>	<b>Document Section</b>	<b>General Description</b>
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