

Foxcliff Estates South Homeowner's Association

Board of Directors
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CONGRATULATIONS AND WELCOME!

The Foxcliff Estates South Homeowner's Association (FESHA) Board of Directors congratulate and welcome you and your decision to become a part of our community!

We are very proud of our community and we work hard on your behalf to build and improve upon that pride.

For you, we want to provide a community entry that will be warmly and fondly remembered. As you initiate your construction activities, we stand at the ready to assist you in every effort that we can in order to insure that your entrance to the community and your construction experience will be pleasant and harmonious.

One way we believe we can help you after submission and approval of your plans, is to conduct a PRE - CONSTRUCTION MEETING with you and your builder. Actually, we require this meeting because it gives us a chance to meet with you and your builder in order to provide you with a full explanation of our CONSTRUCTION REQUIREMENTS AND RULES as well as provide you copies of our governing documents. We want to insure that you understand what the "can do's and can not do's" are of construction in Foxcliff Estates South.

Again, congratulations and welcome! We look forward to your joining our community!

Sincerely,

The Foxcliff Estates South Homeowner's Association Board of Directors

INTRODUCTION

The CONSTRUCTION REQUIREMENTS AND RULES are prepared to protect your interests, the interests of your builder and the interests of the homeowners and community of Foxcliff Estates South. In the protection of all of these interests, we, the Foxcliff Estates South Homeowner's Association (FESHA) Board of Directors, believe current home and community asset values will be preserved and enhanced in the future.

A second reason the CONSTRUCTION REQUIREMENTS AND RULES are prepared is because we want your entrance into the community, through the construction of your home, to be a pleasant and harmonious experience; an experience devoid of misconceptions and misunderstandings.

For your convenience, we have divided the CONSTRUCTION REQUIREMENTS AND RULES into two (2) sections. There is the PRE CONSTRUCTION SECTION and the CONSTRUCTION SECTION.

The PRE CONSTRUCTION SECTION of the CONSTRUCTION REQUIREMENTS AND RULES provides all information that occurs in the pre construction phase of building your new home. We each have mandatory requirements that we must satisfy prior to your receiving Board of Directors approval to move on to the CONSTRUCTION SECTION activities of actually building your new home. Each of these requirements is spelled out in this section.

The CONSTRUCTION SECTION of the CONSTRUCTION REQUIREMENTS AND RULES governs the activities of construction of your new home from groundbreaking to the completion of your primary landscaping plan.

We intend these CONSTRUCTION REQUIREMENTS AND RULES to help relieve your concerns of what the community will and will not accept when it comes to the construction of new homes or the exterior renovation of existing homes. We hope that that intention is served in the following.

NOTICE OF AUTHORITY

The Board of Directors of the Foxcliff Estates South Homeowners Association (FESHA) holds and has sole authority to approve or disapprove properly submitted new home plans or plans for the exterior renovations of existing homes, or grant or not grant waivers upon any or parts of, any construction related requirement, rule or matter in regards to proposed new home construction or renovations to the exterior of existing homes. The Board of Directors of FESHA will, when necessary, supersede any permissions approved by the Building Control Committee when, upon discovery, those permissions do not adhere to any or all construction requirements, rules or waivers previously approved or granted by the FESHA Board of Directors.

CONSTRUCTION REQUIREMENTS AND RULES

PRE CONSTRUCTION SECTION

This section governs and guides all activities of a pre-construction nature. It is designed to acquaint you with the CONSTRUCTION REQUIREMENTS AND RULES, other governing documents of the community and provide a checklist of mandatory activities that must be met and approved prior to moving to the next CONSTRUCTION REQUIREMENTS AND RULES section.

The requirements of the PRE CONSTRUCTION SECTION of the CONSTRUCTION REQUIREMENTS AND RULES includes a mandatory pre construction meeting between the prospective homeowner, the prospective new home builder and a representative from the FESHA Board of Directors. The FESHA Board of Directors member will conduct the meeting and will explain, in detail, all of the CONSTRUCTION REQUIREMENTS AND RULES, the role of the FESHA Building Control Committee and its duties, the Rights of the home owner and builder and the Rights of FESHA in relation to construction. A task accomplishment checklist that you, your builder, and the FESHA Board of Directors member will sign will guide these detailed explanations.

GENERAL REQUIREMENTS AND RULES

Requirements, rules, items or conditions not expressly stated or provided for in these CONSTRUCTION REQUIREMENTS AND RULES by oversight or unintentional omission by FESHA **does not** permit tacit approval by the FESHA Board of Directors for the prospective homeowner or builder. Should such a situation arise during any construction phase, it is incumbent upon the prospective homeowner and builder to bring that situation to the attention of their assigned construction monitor who will, in turn, present it to the FESHA Board of Directors for resolution. These written requirements take precedence over notes or addendum not specifically approved.

- Homes shall be built in accordance with all state and local building codes and will be first class, single family dwellings utilized for that purpose only.

- Plans will be considered only when proposed for a lot that is in good standing with the Association (no monies owed).
- From the date of groundbreaking, new homes of less than 4,000 square feet of living space shall be completed within ten months; those of 4,001 and more shall be completed within twelve months, including completion of primary landscaping.
- The design of all proposed homes shall be visibly appealing, be distinct, be of first class custom design and shall blend with existing homes in the immediate proposed construction location and the community.
- A licensed surveyor will perform a stake survey of the property boundaries and improvement locations and provide an affidavit of said survey. This affidavit shall be attached to the construction plans
- Refundable rules/requirements cashier checks are required as follows: 1) new homes, \$4,000, 2) additions of 300 square feet or more, \$1,000 and, 3) additions less than 300 square feet, \$500. Decks, gazebos and patios are excluded. These funds will be held in FESHA's general account and will be returned to the submitter when the Board of Directors determine that construction has been satisfactorily completed (excluding secondary landscaping). The funds will accrue interest at the prevailing rate less 1.00% and be returned unless assessments and/or penalties are deducted. Assessments and/or penalties for non-compliance will be determined by the Board of Directors and will be at least \$100 but not greater than \$1,000 per occurrence. Additionally, a non-refundable road usage fee is required as follows: 1) new homes \$500, and 2) additions of 300 square feet or more, \$200. These monies are required at the time of the pre-construction meeting. Should a builder or homeowner sell an uncompleted house, FESHA will retain the rules/requirements money until construction is completed.
- The prospective homeowner shall provide and submit three complete sets of professionally prepared and specific plans of the home to be built to the FESHA Board of Directors for compliance review and approvals as they determine. These plans shall include:
 - A plot plan drawn to a scale of not more than 20 feet per inch, depicting the size and shape of the lot, lot number and dimensions, building setback/easements, location of the proposed home on the lot based on a stake survey as determined by a registered surveyor, including location of culvert placement (when required), drainage ditches/swales, driveway and sidewalks. Mailbox location and design. Note: The front of mailboxes must be at least 1 foot away from the perpendicular line of the road edge. **NOTE:** Any proposed encroachment into the easement (15 feet on the front and back and 7 ½ feet on side property lines) other than driveways across the front easement shall require a written variance from the Board of Directors.
 - A foundation plan (not less than ¼" per foot) including dimensions of basements, if applicable.
 - Floor plan (not less than ¼" per foot) depicting overall size of the house, square footage of living area (if multi story, square footage of each floor) garages with square footage, room division with wall sizes, doors, windows and depiction of porches and terraces.
 - Front, rear, right and left elevation plans, with before and after vertical elevation/topographic depiction of the specific lot, depicting type of construction, roof lines with slopes, and basic land contour.
 - A description of exterior materials plan, samples of brick, stone or stucco and exterior paint or stain will be required, and
 - A primary and secondary landscape plan.
- A majority of Board of Director members must approve all construction plans through their affixed signature on each set of plans and all attendant documentation to those plans. Upon approval, one copy of the plans will be submitted to the County (by the homeowner) and the remaining plans will be retained in the FESHA office. The Board of Directors have thirty (30) calendar days to approve or disapprove submitted plans from the date that the plans are submitted to the FESHA manager who will date the receipt of such plans. The chairperson of the Building Control Committee will notify the prospective homebuilder, through the FESHA manager, of plan approval or disapproval along with any pertinent remarks. If plans are disapproved, reasons of such shall be included in this notification. Disapproval of plans or requested variances may be appealed to the full Board of Directors within 45 days of the date of the disapproval letter. When approved, construction must begin within six (6) months of the date of the approval letter otherwise approval is withdrawn. The Board of Directors may extend this time period

when requested by the homebuilder in writing (include extenuating circumstances if appropriate). If disapproved plans are modified and resubmitted, the Board allowed 30-day approval/disapproval period begins anew.

- Once plans have been approved, the home will be substantially completed in accordance with the approved plans. No changes to the exterior appearance of the home may be made without prior approval of the Building Control Committee. Interior details that do not affect the exterior appearance of the home and otherwise conform to applicable building codes may be made at the homeowner/builders discretion.
- Construction is allowed between 6:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. to 7:00 p.m. on Saturday. NO CONSTRUCTION WORK BY ANY CONTRACTOR IS ALLOWED ON SUNDAY. Only quiet work by the homeowner is permitted. Construction vehicles must abide by speed limits while operating within the Association. It is the responsibility of the homeowner and builder to pass this information to all contractors, sub-contractors and workers associated with the construction of the house. VIOLATION OF THIS RULE WILL RESULT IN A SERIOUS ASSESSMENT PER OCCURRENCE APPLIED AGAINST THE DEPOSITED CONSTRUCTION REQUIREMENT AND RULES MONIES.
- Before starting construction, a solid rock base driveway, with culvert appropriately installed (when required) will be established. Lots with elevation higher than the road, must have a swale or ditch at least 1 foot in depth below the road level, established parallel to the road and a silt fence installed at least ten (10) feet from the roads edge which will remain in place until grass is growing in the yard. A small silt fence must be installed at the high end of the culvert to prevent silt from entering the culvert. The bottom of silt fences must be buried at least three (3) inches. Lots with higher elevation as discussed above and other lots where a ditch or swale is present, require installation of a culvert underneath the driveway. Any dirt, mud or other materials deposited on the roads from the construction site vehicles shall be cleaned off immediately.
- All construction materials must be new and have grade and character consistent with existing homes in the community.
- Total living space of all new homes shall be no less than 2,000 square feet of finished living area exclusive of porches, terraces, finished or unfinished basements and garages.
- In the case of multi-level homes, the ground floor area, exclusive of porches, terraces, finished or unfinished basements and garages, must be no less than 1,500 square feet. A multi-level home is defined as any home with a level other than a basement or ground level that contains a ¾ bath or greater (toilet, sink, and shower.) The Board of Directors may approve a smaller ground floor area when topography renders such restriction impracticable.
- Concrete slabs (except in garage areas, basements, patios and on-ground porches) and wooden foundations are not allowed.
- All homes must have thermo pane windows with wood, wood/vinyl-clad, or wood/aluminum-clad construction.
- All homes must have attached garages that have no less than 500 square feet with electrically operated garage door openers.
- All driveways must be of concrete and be at least 18 feet wide throughout their length.
- Roof slopes must be 8/12 or higher pitch.
- All homes must have dimensional roof shingles. No flat, three tab shingles are permitted.
- All homes shall have eaves with a minimum roof overhang of twelve (12") inches.

- All brick, stone, stucco and paints/stains for exterior application must be approved by the Building Control Committee prior to placement and be in accordance with the approved exterior design plan. The exterior walls may not have more than three media/textures; brick, stone, stucco, lap siding, fish-scale siding, etc.
- All single story and the first floor of multi-level homes must be 100% approved brick, stone or stucco (or a combination thereof) and be in accordance with the approved exterior design plan. Dormer and gable ends above the first level that do not have underlying brick or stone walls, may be other than brick or stone.
- All exteriors above the first floor/ground level in the case of multi-level homes must be at least 50% approved brick, stone or stucco.
- Aluminum and vinyl siding is not permitted on new or remodeled homes. Aluminum and vinyl may be used on overhangs and soffits.
- Soffits, gutters and downspouts must be color coordinated with the approved exterior paint or stain scheme
- Decks are permitted when they are attached to the back of the house. Gazebos designed in conjunction with a deck are permitted and must be constructed with the same materials.
- In-ground swimming pools, when approved, must be covered by an electrically operated automatic cover or be surrounded by a 5 foot high wrought iron fence with automatic self locking gate and pool alarm.
- Satellite dishes must attach to or be no more than 3 feet from the home sides or back and be no more than 18 inches wide at its widest point.
- Commercial portable toilets must be placed at each construction site for mandatory use by building crews prior to groundbreaking and shall remain until operable facilities in the new house are available. Placement of the toilet must be away from the roadway to the extent possible.
- When trusses are used at 24" on center, roof decking must be at least 5/8" thick. When installed at 16" on center, decking must be at least 7/16" thick. No other application is permitted.
- All applicable environmental laws and rules will be adhered to during all phases of construction.
- The Board of Directors will evaluate the use of alternative energy sources for permanent home use on a case-by-case basis.
- Removal of trees from the building site is permitted once plans have been approved. However, sufficient live trees should be maintained to preserve the natural wooded environment. In no cases should a lot be "clear cut." Removal of trees for landscaping purposes with a 12-inch or larger diameter requires specific approval of the Building Control Committee.
- Drainage must be away from the home at a 5 % grade or greater for 15 feet in front and back and 7 ½ feet on the sides of new homes and generally conform to the topography of the building site.
- Appropriate and adequate swales must be created between adjoining lots on the sides of homes that permits water drainage to drainage ditches.
- Erosion controls must be placed and maintained so as not to impact the site under construction or the adjoining properties.
- Primary landscaping includes the primary and finish grading and placement of grass seed with straw and/or sod and must be done to deem construction complete.

- Secondary landscaping includes placement of trees, shrubs, flower gardens and other decorative vegetation and must be done within 12 months after the exterior of the new home is completed.
- Disturbed soil with a slope of 10 % or greater requires the placement of sod and/or other appropriate materials to prevent erosion.
- During all phases of construction, trash on/from the building site must not encroach onto adjoining lots and roadways and must and be kept in a neat and orderly manner on the building lot. In particular, wind blown trash will not be tolerated. Use of a dumpster, fencing, or other means to contain trash is encouraged. The FESHA Board of Directors will cite violations and expect cleanup to occur within 24 hours. If the cleanup does not occur after such notification, the Board of Directors will have the construction site cleaned and assess the property owner for charges incurred from the construction requirements and rules monies.
- No construction related or caused fire is permitted. Excess or discarded construction related materials must not be burned, buried, or discarded on any common or private property. Brush and other related debris from clearing the lot must be hauled away.
- Construction related vehicles must park off the FESHA roadways to the extent possible and park on only one side of the road. Should damage occur to the drainage ditches or swales, the owner and/or builder will bear responsibility for repair to the satisfaction of the Board of Directors.
- The 6" Gothic post, large custom painted box (nominal size - 11" wide, 15" high, 24" deep, with smoothly arched top), paper holder and Murray lettering, as available from Caporale Posts, Inc., is the standard for mailboxes for all new constructions. Failure to install a conforming mailbox will result in an assessment equal to the cost of purchasing and installing a conforming mailbox, plus administrative fees. (If the homeowner requests and is granted a waiver to install a brick mailbox, the standards are: nominal size – 24" wide, 54" high, 30" deep, house number on the mailbox; built-in paper holder if desired, incorporate a "break-away" feature (no rebar), brick or stone to closely match that of house.) Homeowners will be required to replace existing mailboxes/posts within this standard, as need dictates. The front of mailboxes must be at least 12" back from the perpendicular line of the pavement.
- Between January 15 and April 15, concrete truck gross weight limits are 11,000 pounds per axle, (tri-axle trucks can carry four (4) square yards of concrete and quad axle trucks can carry five (5) square yards of concrete).
- The following are expressly prohibited:
 - Non-custom homes (including trailers or other mobile homes, pre-fabricated homes, relocated homes, any other types of outbuildings, tree houses or buildings not attached to the approved single family dwelling);
 - Homes built for/as rental income properties;
 - Outdoor pet pens, houses or kennels of any type;
 - Private tennis courts;
 - Barriers that restrict or prohibit access to utility meters to include water, gas, electric, telephone, etc.;
 - Satellite dishes that are not attachable to the home or within 3 feet of the home on the sides or back or are more than 18 inches across at the widest point;
 - Above ground swimming pools;
 - Fences, other than those required around in-ground swimming pools;
 - Identical homes

CONSTRUCTION SECTION

The CONSTRUCTION SECTION of the BUILDING REQUIREMENTS AND RULES governs all construction activities once all approvals for construction to begin have been obtained from the FESHA Board of Directors. Primarily, this section is the compliance section of the BUILDING REQUIREMENTS AND RULES. The FESHA Building Control Committee Construction Monitor will monitor compliance.

ROLE OF THE BUILDING CONTROL COMMITTEE AND ITS DUTIES

The Building Control Committee and its members serve FESHA by and under the direction of the FESHA Board of Directors. The president of FESHA appoints the membership of this committee. Committee membership will not exceed five; three members of this committee will be Board of Directors members. The chairperson of this committee shall be a FESHA Board of Directors member.

The purpose of this committee is to protect home and community values and integrity as presented through the home construction or exterior renovation needs and concerns of current and future homeowners of the Association by preparing and providing construction requirements and rules for the Association, recommending, or disapproving, approval of new first class and custom designed single family dwelling construction or renovations to exteriors of existing homes to the FESHA Board of Directors, monitoring all phases of approved construction for compliance with established CONSTRUCTION REQUIREMENTS AND RULES, and advising the Board of Directors of CONSTRUCTION REQUIREMENTS AND RULES violations.

The duties of this committee include:

1. Reviewing appropriately submitted construction plans for compliance with FESHA CONSTRUCTION REQUIREMENTS AND RULES;
2. Recommending or disapproving, of appropriately submitted construction plans, (approval requires three (3) committee member signatures, two signatures which must be those of Board of Directors members on the first page of each set of plans; no signature(s) means plans are not approved);
3. Recommending suggestions to unapproved construction plans to move them towards approval;
4. Assisting homeowners in their understanding and compliance with FESHA CONSTRUCTION REQUIREMENTS AND RULES;
5. Monitor all phases of construction through assignment of a construction monitor;
6. Report any and all FESHA CONSTRUCTION REQUIREMENTS AND RULES violations to the FESHA Board of Directors;
7. Review and recommend revisions to the CONSTRUCTION REQUIREMENTS AND RULES to the FESHA Board of Directors;
8. If any Board of Director member, that is a member of this committee disagrees with submitted plans, then those plans must be submitted to the full Board of Directors for approval.

RIGHTS OF THE PROSPECTIVE HOMEOWNER/BUILDER

The prospective homeowner/builder must have their rights protected as they build within Foxcliff Estates South. To that end, their rights shall include:

1. All those rights provided by applicable laws;
2. The right to receipt and explanation of all governing construction related documents from the chairperson of the Building Control Committee who is also a FESHA Board of Directors member;
3. The right to a timely construction approval process;
4. The right to consult with the Building Control Committee in any construction related matter; and
5. The right to request construction related waivers.

RIGHTS OF FESHA IN REGARDS TO CONSTRUCTION MATTERS

In order to protect the interests of all parties, but, especially the interests of the community, the Board of Directors of FESHA must and do retain particular rights in all construction matters. These rights include:

1. All those rights provided by applicable laws;
2. The right to collect all signatures of the homeowner and builder on documentation that demonstrates their receiving explanation of, understanding of, and compliance with all documents that govern construction within Foxcliff Estates South;
3. The right to enforce all governing documents of FESHA;
4. The right to hold the homeowner and builder responsible for adherence and compliance to all governing documents of the Association and all state and local building codes and to require any surveys or inspections by appropriate, licensed professionals to insure construction is in compliance with state and local codes and the CONSTRUCTION REQUIREMENTS AND RULES of FESHA;
5. The right to assign a Construction monitor to each construction site to assist the homeowner and builder in all construction related matters. FESHA understands and agrees that the property is a construction site and that the property and the improvements, equipment and supplies thereon constitute a danger to those who may enter on the property. FESHA understands that any entry onto property is at FESHA'S own risk;
6. The right to approve/disapprove properly submitted proposed new home plans in part or in full within thirty (30) calendar days of receipt;
7. The right to approve/disapprove properly submitted proposed renovation plans to the exteriors of existing homes in part or in full;
8. The right to offer suggestions to disapproved plans for proposed new homes or renovation plans for the exteriors of existing homes so that they become approved;
9. The right to grant or not grant waivers for construction related matters requested and submitted by the prospective homeowner or initiated by the FESHA Board of Directors;
10. The right to inspect, at any time, any property under construction and to require any surveys or inspections by appropriate, licensed professionals to insure construction is in compliance with state and local codes and the CONSTRUCTION REQUIREMENTS AND RULES of FESHA;
11. The right to halt construction at any time and indefinitely by written notice when the preceding right yields a finding that jeopardizes the safety and integrity interests of the home under construction, the residents within the community or community assets
12. The right to permit resumption of construction when the offenses of the preceding two rights are satisfactorily resolved as evidenced in writing by the FESHA Board of Directors; if the offenses are found to exist as a result of the inspection(s), the owner must bear the costs of all inspections and remedies recommended and all FESHA related fees; if the offenses are found not to exist as a result of the inspection(s), FESHA will bear the costs of the inspections;
13. The right to the collection of refundable construction requirements and rules compliance checks and non-refundable construction road usage fees prior to the beginning of construction;
14. The right to demand placement of a commercial toilet facility on the construction site away from the roadway;
15. The right to assess and collect a One Hundred Seventy Five (\$175) dollar extended building fee for every week that construction occurs beyond the allotted construction period from the date of groundbreaking;
16. The right to collect all damages from the homeowner for damages to FESHA infrastructure;
17. The right to compile photographic data at any construction site at any time; and
18. The right to review and revise the CONSTRUCTION REQUIREMENTS AND RULES and process as needed and implement revisions. Any changes shall not be more restrictive than those in force at the time of the signing of these Construction Requirements and Rules.

PRE CONSTRUCTION/CONSTRUCTION/POST CONSTRUCTION ACTIVITIES

LOT _____ HOMEOWNER _____ BUILDER _____ FESHA MONITOR _____

DATE /PRINTED NAME/SIGNATURE

SUBMISSION OF PLANS _____

APPROVAL OF PLANS BY THE BOARD OF DIRECTORS _____

NOTIFICATION OF PLAN APPROVAL TO HOMEOWNER _____

ASSIGNMENT OF FESHA MONITOR _____

CONDUCTION OF PRE CONSTRUCTION _____

RECEIPT OF \$4,000 REFUNDABLE DEVELOPMENT DEPOSIT _____

RECEIPT OF \$500 ROAD USAGE FEE _____

SITE SURVEYS CONDUCTED/AREAS STAKED _____

ROUGH DRIVEWAY PLACED AND APPROVED _____

PLACEMENT OF TOILET APPROVED _____

APPROVAL FOR GROUNDBREAKING _____

GROUNDBREAKING _____

PLACEMENT OF DUMPSTER / FENCING _____

FESHA INSPECTION AND APPROVAL OF FOOTER PLACEMENT _____

CONSTRUCTION TIME OVERAGE (IN DAYS PAST ALLOTMENT) _____

APPROVAL AND PLACEMENT OF MAILBOX _____

COMPLETION OF CONSTRUCTION/PRIMARY LANDSCAPING _____

COMPLETION OF SECONDARY LANDSCAPING _____

RECONCILIATION OF REFUNDABLE DEVELOPMENT DEPOSIT _____

Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8
Week 9	Week 10	Week 11	Week 12	Week 13	Week 14	Week 15	Week 16
Week 17	Week 18	Week 19	Week 20	Week 21	Week 22	Week 23	Week 24
Week 25	Week 26	Week 27	Week 28	Week 29	Week 30	Week 31	Week 32
Week 33	Week 34	Week 35	Week 36	Week 37	Week 38	Week 39	Week 40
Week 41	Week 42	Week 43	Week 44	Week 45	Week 46	Week 47	Week 48
Week 49	Week 50	Week 51	Week 52	Week 53	Week 54	Week 55	Week 56

RECEIPTS AND ACKNOWLEDGMENTS

I/we acknowledge receipt of the FESHA Construction Requirements and Rules.

Homeowner(s)

Date

Builder

Date

AGREEMENT OF COMPLIANCE

I/we, having been informed of the FESHA Construction Requirements and Rules and having received copy of same, agree to comply with the totality of its contents. Further, that I/we are aware of the existence of covenants and restrictions and agree to comply with the totality of its contents. I/we understand and agree that in the event that I/we fail to comply with said Construction Requirements and Rules and the Covenants and Restrictions that I/we shall be jointly and severally liable for any resulting action taken by the FESHA to enforce said Construction Rules and Requirements and Covenants and Restrictions, including but not limited to court costs, legal fees, prejudgment interest, witness fees, travel expenses and any other cost reasonably incurred to enforce said Construction Rules and Requirements and Covenants and Restrictions. Further, I/we expressly waive any right to contest the validity, authority or bring suit alleging liability of FESHA and its Board of Directors with regard to said Construction Rules and Requirements and the enforcement thereof.

Homeowner(s)

Lot

Date

Builder

Date

Schedule / Guideline for Construction Requirements and Rules Assessments

The following schedule may be used by the Building Control Committee (BCC) as a guideline to determine a proposed assessment to be levied against a homeowner / builder for infractions of the FESHA Construction Requirements and Rules. The BCC has the authority to deviate from this guideline. The FESHA Board of Directors may use this guideline and the BCC recommendations to determine the assessment. Any homeowner / builder who has had an assessment levied against them has the right to contest the assessment before the FESHA Board of Directors.

The value of an assessment is generally predicated on the type of violation and an evaluation on the impact on the community. Repeat violation of the Construction Requirements and Rules may result in a doubling of the initial assessment. Subsequent violations may result in a further doubling of the second assessment. Certain violations may result in a "Stop-Work Order" being placed. Any construction continued but not permitted by the "Stop-Work Order" is the most egregious violation. The homeowner / builder may be required to remove the offending construction and replace it with construction that meets FESHA approved plans and materials. Submitting a request for a waiver to the approved building plans after a violation, even if approved, does not negate the violation and an assessment may still be levied.

Violation:

Changing exterior dimensions of home:

- A. Meets FESHA standards: \$250
- B. Does not meet standards, waiver granted: \$500
- C. Does not meet standards, no waiver: \$500, plus re-build to standard

Changing exterior appearance of home:

- A. Meets FESHA standards: \$250
- B. Does not meet standards, waiver granted: \$500
- C. Does not meet standards, no waiver: \$500, plus re-build to standard

Working before or beyond normal hours (M-Sat)

- A. Less than one (1) hour: \$100
- B. More than one (1), but less than two (2) hours: \$250
- C. More than 2 hours: \$500

Working on Sunday

- A. One contractor, quiet interior work, and less than three (3) hours: \$250
- B. More than one contractor, noisy, exterior work, or more than three (3) hours: \$500
- C. Work by homeowner objectionable to neighbors or Board of Directors: Withdrawal of permission to work on Sunday

Not installing solid rock drive, not installing culvert (if required), not building swale (if required), or not installing silt fence:

- A. Excessive dirt on roadway: \$100, stop work until installed, plus cost to clean roadway
- B. Corrected within two weeks of notification: \$100, plus cost to clean roadway
- C. Corrected within four weeks of notification: \$200, plus cost to clean roadway

Use of improper siding on home:

- A. No waiver granted: \$500, plus re-build to standard
- B. Waiver granted: \$250

Commercial portable toilet not in place as required:

- Each week, or portion thereof, not available: \$50

Removal of trees larger than 12" in diameter for landscaping purposes:

- A: No prior approval granted: \$250, plus cost to replace tree with one at least 6" in diameter

Trash encroaching onto adjoining property or not neat and orderly:

- A. Cleaned up within 24 hours: \$0
- B. Not cleaned up within 24 hours: \$50, plus cost to clean up lot(s)

Construction related fire

- A: Small "warming" fire: \$50
- B: Large fire, burning brush, construction trash: \$250

Construction vehicles violating parking rules or speeding:

- A: Parking \$20 per vehicle
- B: Speeding \$100

Overweight vehicle between Jan 15 and Apr 15

- For every 2000 pounds or portion thereof not permitted: \$500