

NEUSE CROSSING HOMEOWNERS ASSOCIATION, INC.

RULES AND REGULATIONS

Enacted : November 10, 2015

I. INTRODUCTION

In a planned community such as Neuse Crossing, it is important to maintain a harmonious, quality, aesthetically pleasing development. The authority for maintaining the quality and consistency of exterior changes to the property in Neuse Crossing are provided in Article IX of the Restated Declaration of Covenants, Conditions and Restrictions for Neuse Crossing (the "Covenants") dated June 27, 1990 and recorded in Book 4718 Page 156, Wake County Register of Deeds.

The Covenants authorized a committee to be made up of 3 to 5 members appointed by the Board of the Homeowners Association. The "Design Review Committee" ("DRC") is responsible for reviewing and approving all applications for exterior design changes.

Homeowners may not make exterior changes to a house without prior approval from the DRC. Circumventing the application process is a violation of the Covenants. All homeowners may seek guidance or suggestions regarding whether contemplated changes from the Property Manager or a member of the DRC. Violations of the Rules may also be reported to the Property Manager, who will treat such reports with confidentiality and who will determine if a violation of the Rules exists. If so, the Property Manager will notify the homeowner of the infraction and suggest a course to remedy the situation.

The requirement for the DRC to review and approve/disapprove an application is within 30 days of receipt by the Property Manager.

Please note that you must obtain approval in writing from the DRC before the start of any exterior change. You should not commit labor or materials until written approval is received, or until you have been notified that your change does not require approval. In addition, the approval of an application by the DRC is not a building permit, and does not relieve the Homeowner from the responsibility of obtaining whatever permits are required from the governmental authorities having jurisdiction.

II. RULES OF PROCEDURE

A. Application

Application Forms may be obtained from the Property Manager. Upon completion, the Application Form along with the appropriate designs, plans, samples of materials, etc., must be submitted to the Property Manager, who performs an initial review to insure that the form is complete and legible, and that any necessary attachments or exhibits are included. The date of Application is assigned once the Application Form and all required documentation is complete. The Property Manager will provide a dated receipt or copy of the application to the Homeowner.

B. Review by the DRC

The Property Manager shall transmit all complete Application Forms to the DRC within 7 days. The Property Manager or members of the DRC may visit the site as a part of the Review Process or to verify the details any application. The Property Manager or members of the DRC may contact adjoining homeowners for their comments concerning the submittal. While comments both positive and negative will be taken into consideration, the final decision for approval will rest with the DRC.

The DRC shall consider each application at its next meeting, but no later than 30 days after the date of submission. A Homeowner may attend any such meeting and discuss the merits of the application upon notice to the Property Manager, who will place the applicant on the agenda for the next meeting.

The DRC shall consider each application and shall, by majority vote, approve, approve with conditions or disapprove the application.

If the DRC fails to act upon any application within 30 days of its submission to the Property Manager, the application shall be deemed approved as submitted. In such instances, the Property Manager shall send a notice to the Homeowner indicating that the application has been approved.

Approval of a submittal does not relieve the Homeowner from the responsibility of obtaining all applicable permits from the governmental authorities having jurisdiction.

C. Appeal

A Homeowner has the right to appeal an application which has been disapproved or which has been approved with conditions. To perfect such an appeal, the applicant must submit a written "Notice of Appeal" to the Property Manager within 10 days from the date of the notice of the decision of the DRC. The Notice of Appeal must be accompanied by a statement setting out the reasons why the decision of the DRC should be modified. Upon receipt, the Property Manager shall transmit copies of the application and its supporting documents, the decision of the DRC and the Notice of Appeal to the members of the Board.

The Board shall consider all such appeals during its next regularly scheduled meeting, but no later than 30 days following the receipt of the Notice of Appeal. The Homeowner has the right to meet with the Board to discuss the appeal, provided that the Homeowner has notified the Property Manager at least 7 days prior to the next scheduled Board meeting.

Upon Review, the Board may affirm the decision of the DRC, may reverse the decision and approve the application, or may approve the application with conditions.

D. Implementation

A Homeowner whose application has been approved shall begin the approved project within 60 days of approval and complete the project within 60 days of start date, unless that time has been extended by the DRC as a condition appropriate to the particular project. Approved projects upon which work has not commenced within 60 days are deemed abandoned, and a new application and approval is required if the Homeowner desires to revive the project.

E. Enforcement

The Neuse Crossing Homeowners Association, Inc. (the "NCHA" or the "HOA") shall have the right to enforce, by any proceeding at law or in equity, all rules, regulations, restrictions, conditions, covenants, reservations, liens, and charters now or hereafter imposed by the provisions of these Rules and the Covenants, including rules and assessments authorized by the Board pursuant to its authority granted by the Covenants. This includes the enforcement under North Carolina law of liens imposed for failure to pay any fines, dues or assessments. Failure by the NCHA to enforce any right in any one instance shall in no event be deemed a waiver of the right to do so thereafter.

(1) NOTICE OF INFRACTION

Upon receiving notice or information suggesting that an infraction or violation of these Rules exists, the infraction or violation shall be verified and documented. In those instances where the investigation allows the HOA to believe that a violation has occurred, the HOA shall send a "Notice of Infraction" to the Owner. The Notice of Infraction shall describe the nature of the violation, infraction or other instance of non-compliance, and shall indicate that the Homeowner must correct the situation within fifteen (15) days.

(2) ORDER TO CORRECT

If, at the end of the ten (10) day period specified in a Notice of Infraction, the HOA is not assured that the Owner has corrected or is correcting the violation, the Board shall cause an "Order to Correct" to be delivered to the Owner. An Order to Correct must be signed by the President of the HOA, must indicate that a violation exists which has not been corrected after notice, and shall indicate that the Board of Directors of the HOA will conduct a hearing should the violation not be corrected within ten (10) days.

The Order to Correct may indicate, if appropriate, that the HOA may cause the violation to be corrected at the Owner's expense; or may indicate other fines or enforcement actions which are possible or appropriate.

(3) NOTICE OF HEARING

In accordance with the provisions of North Carolina General Statute §47-F (the North Carolina Planned Community Act), should the violation not be corrected within ten (10) days from the delivery of the Order to Correct, the HOA shall notify the Owner that the HOA shall conduct a hearing to determine if the Owner should be fined or to determine if HOA privileges or services should be suspended. The Notice of Hearing shall inform the Owner of the nature of the violation, and shall state that the Owner has the opportunity to be heard before the Board of Directors of the HOA and to present evidence.

At a hearing, the HOA, the Owner and any other interested parties may present evidence relating to the alleged violation.

(4) REMEDIES

The HOA is empowered under the Declaration, the Covenant and §47F-3-102(12) of the North Carolina General Statutes to impose reasonable fines for violations of the Declaration, the By-Laws, and the Rules and Regulations of the HOA. If the HOA is able to correct the problem on its own accord, it may do so and bill the Owner for all expenses incurred in correcting a problem described in an Order to Correct which the Owner has not corrected within ten (10) days of receipt of the Order.

After a hearing, the Homeowner shall be given notice of the decision of the Board. If it is decided that a fine should be imposed, a fine not to exceed One Hundred and No/100th Dollars (\$100.00) may be imposed for the violation and without further hearing, for each day more than five (5) days after the decision that the violation occurs.

The costs of correction and the amount of imposed fines, if not paid within thirty (30) days of being assessed, will be recorded as a lien against the property, which may be enforced by appropriate legal proceedings.

In appropriate circumstances, the HOA may also impose a sanction of the suspension of privileges or services provided by the association, but not including the suspension of access to lots, for a reasonable period commensurate with the violation.

(5) WAIVER

Under the Covenants, the HOA may waive the strict application or enforcement of any of the provisions of the provisions of the Covenants “upon a showing that such waiver is necessary to prevent undue hardship and that such waiver would not adversely affect adjacent Lots.”

An application for such a waiver shall be made in the first instance to the HOA in the same manner as, or as a part of an application for a permitted use under these rules. Any Owner may appeal a grant of waiver to the HOA, and any applicant may appeal a denial of a waiver to the Board within the time limits set out in these Rules.

In addition, the Board, upon its own initiative, may review a grant of waiver and may reverse the grant, or may modify it with conditions.

III. CONSTRUCTION AND DESIGN RULES AND GUIDELINES

The following Rules and Guidelines are grouped by Category. Within each category, there are noted those uses or those construction projects which require prior approval by the DRC and those which do not. For projects which require application and approval, a list of information which is required to be submitted is provided.

In some categories, uses or projects which are prohibited by the covenants or by the Rules enacted by the Board are noted. All Homeowners may submit any comments, concerns, or proposed revisions to the DRC or to the Board at any time, including submission as an attachment to the Design Review Request Form. These comments, concerns, or proposed revisions will be reviewed and considered by the DRC and by the Board. Due to the nature of this review, the response will take longer than 30 days; in all circumstances, the DRC or the Board will respond within 120 days from the date of receipt of such comments or suggestions.

Please Note: Approval by the DRC does not relieve the Homeowner from any obligation to obtain any necessary permits and inspections; homeowners must comply with all requirements of the governmental authorities having jurisdiction.

A. Additions (Attached and Detached) and Demolitions

(1) Items Not Requiring DRC Approval

- (a) Normal maintenance to preserve the structure in its original state.
- (b) Storm windows and storm doors.

(2) Items Requiring DRC Approval

- (a) All demolitions, external additions, or structural changes, including but not limited to, room additions, porches, garages, carports, storage sheds, greenhouses, vinyl siding, or other detached or attached structures of any kind. Also, any changes to primary windows or doors, roofing material type and composition and chimney chases.
- (b) Awnings of all types and/or changes to existing awnings.

(3) Information Required for Submittal

- (a) Plot Plan showing the location of the structure, other existing structures and distance from any Lot lines, as well as the location of any existing trees that may need to be removed.
- (b) Elevation drawings showing the planned appearance of the changes.
- (c) Description of materials to be used including siding, paint colors, vinyl siding samples and shingles, as applicable. Materials and colors should match the house in color and style as closely as possible.

B. Appearance of Houses

- i. Each Owner shall maintain the parts of yard and house visible from the street, in a neat, clean and orderly manner.
- ii. No Owner shall permit any items to be kept or displayed on the front porch, other than outdoor/lawn furniture and seasonal plants.
- iii. No Owner shall permit a front porch to be used for storage.
- iv. All electrical, telephone or other cables placed upon the exterior of a house shall be painted the same color as the house.
- v. All painting shall be completed with the existing color scheme unless approval is otherwise obtained from the HOA.
Seasonal decorations shall be removed within 30 days following the holiday.

C. Painting of Exterior

(1) Items Not Requiring DRC Approval

- (a) Periodic repainting with the existing color scheme for maintenance.

(2) Items Requiring DRC Approval

- (a) Repainting of the exterior of the house in colors different from the existing colors.

(3) Information Required for Submittal

- (a) Color samples of all colors to be used (main color, trim colors and accent colors) of sufficient size to adequately show color and finish. New colors should complement the neighboring color schemes and the overall aesthetics of Neuse Crossing.

D. Landscaping

- i. Vegetable gardens shall not be maintained in the front yard.
- ii. Landscaping that has structural elements, which changes the contour of the land, that is adjacent to a property line require DRC approval.

E. Decks, Patios, Arbors and Screens

(1) Items Requiring DRC Approval

- (a) All new decks, deck extensions, patios, arbors, screening and under-deck enclosures including associated landscaping.

(2) Information Required for Submittal

- (a) Drawings showing the style of deck or patio, including railing, steps, etc.
- (b) Description of materials used, including samples.
- (c) Description of the landscaping/screening of the area underneath the deck or around patio

(3) Rules

- (a) Deck materials must be generally pressure treated wood or composite decking material; wood material must be weather resistant.
- (b) Patio Materials must be: (a) Concrete slabs with a broom finish; (b) Brick pavers with sand fill or grout; (c) Stone, with sand fill or grout.
- (c) Arbors may be no higher than 8 feet above the deck surface.
- (d) Screens as part of an arbor may extend to the arbor.
- (e) Patios and decks must be contiguous to and located behind the house, and may not extend around the corners of the house.
- (f) Exterior materials must be comparable to those on existing structures and compatible with the architectural character of the community.

(4) Guidelines

- (a) Posts may be made of brick, pressure treated wood or other suitable material.
- (b) Obstruction of the view of adjoining properties should be minimized.

F. Driveways and Parking Pads

- i. Motor vehicles may only be parked in Neuse Crossing upon a paved driveway or a paved parking pad.

(1) Items Requiring DRC Approval

- (a) Driveway extensions and parking pads

(2) Information Required for Submittal

- (a) Please pay close attention to placement to avoid encroachments onto neighboring Lots. Aggregate base, thickness, reinforcement and finish should comply with generally accepted construction practices.
- (b) Description of materials to be used in construction. Paved parking areas must be constructed of asphalt, concrete or brick pavers. Homeowners should match the existing paved areas when possible.

G. Fences

- i. All fences shall be maintained by the owner with regard to both construction and appearance.

(1) Items Requiring DRC Approval

- (a) All new fences
- (b) Any change in appearance or any addition to an existing fence.

(2) Information Required for Submittal

- (a) Drawings showing the dimensions of the fence, including the height of the fence and the top style.
- (b) Description of any landscaping that will be added along the perimeter.
- (c) Description and samples of finishes.
- (d) Description and location of any trees to be removed.

(3) Rules

- (a) All fences must be the natural color of the wood, white or black iron.
- (b) Wire, chain link, vinyl and concrete fences are prohibited. Fences should be constructed of the following materials: Cedar, redwood or pressure treated pine; Certain types of metal.
- (c) All fence hardware must be weatherproof.
- (d) All fence posts must be set in concrete.
- (e) No fence shall exceed a height of 6 feet.
- (f) No fence shall be constructed in any front yard.
- (g) The finished sides of any fence must face the adjoining Lots.
- (h) All fences should be constructed at least 6 inches within the property line.
- (i) Fences should be in the following styles: Gothic, Picket, Rainbow/Scalloped, Stockade, Shadow Box, Estate-Style Aluminum or Iron.

H. LP Gas Tanks

- i. No LP Gas Tanks shall be placed in any front yard; LP gas tanks are permitted only in side and rear yards only.
- ii. LP Gas Tanks located in side yards should be camouflaged or screened so as to make them as inconspicuous as possible from the front street.

I. Mailboxes

- i. Mailboxes shall be maintained in a neat, clean and orderly manner.
- ii. Plastic and brick mailbox structures are prohibited.
- iii. Mailbox posts should be metal or wood only.

J. Play Equipment

(1) Definitions

- (a) **“Play Equipment”** is fixed or mobile implements used in play activity, including push or ride on toys, jungle gyms, swing sets, trampolines, fixed basketball goals and movable basketball goals.
- (b) **“Fixed Play Equipment”** is any Play Equipment that is attached to the house or permanently installed.

(2) Rules

- (a) Play Equipment is permitted in the rear yard of Lots only, with the exception of basketball goals.
- (b) Play Equipment is not permitted within ten (10) feet of any side or rear Lot line unless screened.
- (c) Basketball goals are not permitted within ten (10) feet of public streets and are specifically prohibited from all public streets.
- (d) All Play Equipment shall be maintained in good condition.
- (e) Play equipment in disrepair shall be removed from the yard. Disrepair is defined as, but not limited to, noticeable missing parts and/or broken parts, rust and/or peeling paint.
- (f) Fixed Play Equipment which is visible from the street requires DRC approval prior to installation.

K. Plastic or Inflatable Pools

- i. Portable pools should be stored inside when not in use.
- ii. Pools with a depth greater than one foot must be located in the rear yard.
- iii. All in-ground and above ground pools require DRC approval.

L. Clotheslines

- i. Clotheslines should be in rear lot, not visible from street.

M. Flags

- i. Fixed flag poles should be approved by the DRC.
- ii. Flag poles over 6' are not permitted.
- iii. Flags should not be over 4'x6'.

N. Signs

(1) Definitions

- (a) "Commercial Sign" means a sign which advertises any product or service, or which refers to the sale or lease of real estate.
- (b) "Political Sign" means a sign that attempts to influence the outcome of an election, including supporting or opposing an issue on the election ballot.

(2) Rules

- (a) No Commercial Sign may be displayed unless it is specifically permitted by these Rules.
- (b) No Political Sign may be displayed unless it is specifically permitted by these Rules.
- (c) No Billboard may be displayed at any time.
- (d) "For Sale" or "For Rent" signs may not be larger than 5 square feet.
- (e) Signs or permit boards necessary for construction may be displayed until construction is complete.
- (f) Individual Homeowner "Yard Sale" signs may be displayed for two days before the sale, provided that such signs contain the date of the sale. Such signs must be removed as soon as the sale is over.
- (g) Political signs may not exceed 24 inches by 24 inches in size.
- (h) Political signs may not be displayed earlier than 45 days prior to the election and not more than seven days after the election.

- (i) The Rules of NCHA relating to the display of political signs shall be considered to be consistent with the provisions relating to the display of political signs by a homeowner on private property contained in the North Carolina Planned Community Act, as amended and with any regulatory provisions enacted by any local governmental body having jurisdiction. To the extent that such statutes or provisions are deemed to conflict with the Rules of the NCHA, the less restrictive rules or provisions shall apply.

O. Wood/Storage Piles

- i. No trade materials or inventories may be stored on any Lot.
- ii. Wood/Storage piles are permitted in the front yards of Lots only during construction and are to be removed as soon as practical.
- iii. Firewood storage is permitted in rear yards only
- iv. Wood/Storage piles are permitted in side and rear yards of Lots provided they are placed as inconspicuously as possible and the view from adjoining lots or public areas is not impacted.
- v. Take care not to stack wood against neighboring fences.
- vi. Care must be taken to prevent firewood storage from becoming a vermin/insect problem and allow for access to neighboring fences for preventive and corrective maintenance and proper air flow around structures.