

Architectural Controls

Introduction
And
General Information
For
Massey Preserve
Homeowners Association, Inc.

Effective 1.1.2018

Architectural Control
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Introduction

A. Purpose of Architectural Controls

The Architectural Controls for Massey Preserve provide an overall framework and comprehensive set of standards and procedures for the development of the Community in an orderly and cohesive manner. These standards have been developed to assist in the landscaping and modification of Lots within Massey Preserve. These standards do not cover the initial construction of Lots within Massey Preserve. The standards set forth criteria for design, style, materials, colors and location of site improvements, landscaping, signage and lighting. In addition, the Architectural Controls establish a process for review of proposed modifications to Units to ensure that all sites within the Community are developed and maintained with the consistency and quality that attracted you to Massey Preserve.

B. Governmental Permits

To the extent that City, County, or any local government ordinance, building code or regulation requires a more restrictive standard than the standards set forth in these Architectural Controls or the Declaration of Covenants, Conditions, and Restrictions for Massey Preserve (the "Declaration"), the local government standards shall prevail. To the extent that any local government standard is less restrictive, the Declaration and the Architectural Controls (in that order) shall prevail.

C. Preparer

These initial Architectural Controls have been prepared and adopted by the Declarant pursuant to the Declaration. The Architectural Controls may be changed and amended to serve the needs of an evolving community pursuant to the procedures set forth in Article VI of the Declaration and these Architectural Controls.

D. Applicability of Design Review

Unless otherwise specifically stated in Article VI of the Declaration or these Architectural Controls, all plans and materials for landscaping or exterior modifications of improvements on a Lot must be approved before any construction activity begins. Unless otherwise specifically stated in these Architectural Controls, no structure may be erected upon any Lot (other than the original residence initially constructed upon such Lot), and no improvements (including staking, clearing, excavation, grading and other site work, exterior alteration of existing improvements) shall take place without receiving the prior written approval of the Architectural Control Committee (the "ACC") as described below. Where these Architectural Controls specifically allow an Owner to proceed without advance approval, such allowance shall only be effective so long as the Owner complies with the requirements of the stated guideline.

Owners are responsible for ensuring compliance with all standards and procedures within these Architectural Controls. Owners are also governed by the requirements and restrictions set forth in the Declaration and any applicable Supplemental or Amended Declaration. In particular, Owners should review and become familiar with the Use Restrictions applicable to Massey Preserve set forth in Article VIII of the Declaration, which addresses restricted and prohibited activities and conditions within the Community.

These Architectural Controls shall not apply to the activities of the Declarant, or to improvements to the Common Area by or on behalf of the Massey Preserve Owners Association, Inc. ("Association").

E. Review Structure

Until Declarant transfers control of the HOA to the Homeowners, Architectural control and design review for Massey Preserve is handled by the Board of Directors or by an Architectural Control Committee (the "ACC"), whose members shall be appointed by the board of directors of the Association ("Board").

The Board of Directors has exclusive jurisdiction over all matters relating to modifications to existing structures and landscaping, as set forth in Article IX of the Declaration. The Board or Architectural Control Committee shall review plans and specifications for all modifications and landscaping on any Lot, shall be conclusive interpreter of these Architectural Controls, shall monitor the effectiveness of these Architectural Controls, and may promulgate additional design standards and review procedures consistent with these Architectural Controls.

Architectural Control Committee

DESIGN REVIEW PROCEDURES

Review of Modifications

The review of modifications shall require the submission of an application to the Management Company who will forward the application to the Architectural Control Committee (ACC) for review. Depending on the scope of the modification, the ACC may require the submission of all or some of the plans and specifications listed below. In the alternative, the ACC may require a less detailed description of the proposed modification.

Plans to be Reviewed
The ACC will require a minimum of two sets of any of the following plans for modification, if applicable to the proposed modification, in addition to the submission of an application and pictures.

Floor Plan
Showing decks, patios, stoops, retaining walls related to the residential dwelling, trash enclosures, HVAC equipment and utilities, and the screening for same, interior spacing of rooms, and connections to driveways and walkways. Minimum scale of ¼" = 1'0".

Elevations
Front, rear and side exterior elevations showing building materials and finishes, and indicating the maximum height of the residential dwelling. Side and rear 1/8" = 1'0", front ¼ " =1'0".

Roof Plan
Showing slopes, pitches and gables, unless reflected in the other plans. 1/8" = 1'0".

Exterior Finishes
Showing the exterior color scheme (including samples and color chips, if applicable), lighting scheme and other details affecting the exterior appearance of the proposed improvements.

Landscaping Plan
Showing location of trees, protection of existing vegetation, use of plants, and other landscaping details. The mature size of the proposed plants should be noted.

Other
Such other information, data, and drawings as may be reasonably requested, including, without limitation: irrigation systems, drainage, lighting, satellite dish placement, landscaping, and other features.

Review Criteria: Recommendations Variances
While the Architectural Controls are intended to provide a framework for modifications, the Architectural Controls are not all-inclusive. By its review process, the ACC may consider the quality of workmanship and design, harmony of external design with existing structures, and location in relation to surrounding structures, topography, and finish grade elevation, among other things. The decisions of the ACC may be based on purely aesthetic considerations; provided, the ACC shall not grant approval for a proposed modification that is inconsistent with the Architectural Controls unless the ACC grants a variance. Each Owner acknowledges that opinions on aesthetic matters are subjective and may vary as members of the ACC change.

The ACC shall have the authority from time to time to adopt and revise lists of recommended

landscape materials. The ACC, in its sole discretion, may provide that the lists of recommended materials constitute "approved materials" and that the installation of such materials requires no approval. Alternatively, the ACC may provide that the purpose of the list(s) is merely to provide guidance and that installation of recommended materials does not relieve the Applicant from any obligations set forth in these Architectural Controls to acquire approval prior to installation.

Variances may be granted in some circumstances (including, but not limited to, topography, natural obstructions, hardship, or environmental considerations) when deviations may be necessary. The ACC shall have the power to grant a variance from strict compliance in such circumstances, so long as the variance does not result in a material violation of the Declaration. No variance shall be effective unless in writing, signed by the chairperson of the ACC with the support of a majority of the members of the ACC.

Review Period
Each application and plan submittal shall be approved or disapproved within 30 days of receipt of all materials required by the ACC and a letter stating the ACC's decision shall be returned. The other set of plans shall be retained for the ACC's records. The ACC's decision shall be rendered in the following forms:
Approved — The entire application as submitted is approved.
Approved As Noted - The application is not approved as submitted, but the ACC's suggestions for curing objectionable features or segments are noted. The Applicant must correct the plan's objectionable features of segments, and the Applicant may be required to resubmit the application and receive approval prior to commencing the construction or alteration.
Disapproved - The entire application as submitted is rejected in total. The ACC will provide comments regarding its decision and possible alternatives.

If the ACC fails to respond within 30 days from receipt of completed application (receipt shall be defined as the date stamped on the application upon receipt), application shall be deemed disapproved. All modifications must be consistent with the Declaration or the Architectural Controls, unless the ACC has granted a written variance.

As a condition of approval under this Section, each Owner and all successors-in-interest shall assume all responsibilities for maintenance, repair, replacement, and insurance to and on any change, modification, addition, or alteration. The ACC may require an Owner to acknowledge such responsibilities in a recordable written instrument.

Appeal
Any Applicant shall have the right to appeal a decision of the ACC by resubmitting the information, documents set forth above; however, such appeal shall be considered only if the Applicant has altered the plans for modification or has new information which would, in the ACC opinion, warrant reconsideration. If Applicant fails to appeal a decision of the ACC, to the Board of Directors, the ACC decision is final. In the case of a disapproval and resubmittal, the ACC shall have 30 days from the date of each resubmittal to approve or disapprove any resubmittal. The filing of an appeal does not extend any maximum time for the completion of any modification.

City and/or County Approval
The review and approval of plans and specifications shall not be a substitute for compliance with the permitting and approval requirements of the City, County, or other governmental authorities. It is the responsibility of Applicant to obtain all necessary permits and approvals.

Implementation of Approved Plans
All work must conform to approved plans. If it is determined by the ACC that work completed or in progress on any Unit is not in compliance with these Architectural Controls or any approval issued by the ACC, the ACC shall, directly or through the Board of Directors, notify the

Owner in writing of such noncompliance specifying in reasonable detail the particulars of noncompliance and shall require the Owner to remedy the same. If the Owner fails to remedy such noncompliance or fails to commence and continue diligently toward achieving compliance within the time stated in the notice, then such noncompliance shall be deemed to be in violation of the Declaration and these Architectural Controls.

Time to Commence
If construction does not commence on a modification for which plans have been approved within 60 days of such approval, such approval shall be deemed withdrawn, and it shall be necessary for the Applicant to resubmit the plans to the ACC for reconsideration.

Time to Complete
The ACC shall include in any approval a maximum time for the completion of any modification. If no maximum time is specified in the approval, the modification shall be completed within 120 days of its commencement. The Applicant may request an extension of such maximum time not less than three days prior to the expiration of the maximum time period, which the ACC may approve or disapprove, in its sole discretion.

Changes After Approval
All proposed changes to plans, including changes that affect the exterior of any building, colors, windows, grading, paving, utilities, landscaping or signage, made after the approval of plans must be submitted to and approved in writing by the ACC prior to implementation. Close cooperation and coordination between the Applicant and the ACC will ensure that changes are approved in 15 days.

If the City, County, or any other authority having jurisdiction requires that changes be made to final modification plans previously approved by the ACC, the Applicant must notify the ACC of such changes and receive approval from the ACC prior to implementing such changes.

Enforcement

Enforcement/Waiver

In the event of any violation of these Architectural Controls, the Declarant or the Board may take any action set forth in the By-Laws, Declaration, or N.C. Planned Community Act. The Declarant or the Board may remove or remedy the violation and/or seek injunctive relief requiring the removal or the remedying of the violation. In addition, the Declarant or the Board shall be entitled to recover the costs incurred in enforcing compliance and/or impose a fine against the Unit upon which such violation exists.

Approval of plans for any proposed modification shall not be deemed to constitute a waiver of the right to withhold approval as to any similar proposals subsequently submitted for approval.

1. Management Company

a. The management company, under contract to the Massey Preserve Homeowners Association, Inc., shall be responsible for conducting field inspections of Massey Preserve to identify problem areas and violations. Inspection reports consisting of all sections shall be included in Board packets for all members of the Board of Directors. Inspections identifying areas requiring immediate action shall either be acted upon immediately by the inspector, reported to the Community Manager for appropriate action, or reported to the appropriate chairperson as soon as possible.

b. The management company shall receive complaints from any source regarding problem area and violations requiring possible enforcement action in Massey Preserve. The management company shall document all complaints that are received in writing and, if valid, forward them to the appropriate person(s) for action or act upon them depending upon the nature of the complaint.

c. The management company shall perform those functions related to enforcement action as directed by the Board.

d. The management company shall keep the Board informed through the President or other designated person(s), and by other appropriate means, of enforcement actions taken and of potential problem areas where enforcement may become necessary.

The Enforcement Process:

1. Identification and Investigation of Violations:
a. For architectural violations the ACC and the Management Company are primarily responsible for identification of violations and investigation to determine if an architectural violation has occurred.

2. Enforcement Action:
a. Architectural Control Violations
1) For enforcement action involving Architectural Control Violations, the Management Company is primarily responsible for initial enforcement action regarding minor architectural or landscaping changes without ACC approval and architectural or landscaping changes begun or completed after application for ACC approval but before actual approval.
2) For enforcement action involving major architectural or landscaping changes without ACC approval and architectural or 'landscaping not consistent with ACC approval, the management company is primarily responsible for initial enforcement action as approved by the ACC.

Architectural Control Enforcement

1. The ACC has authority under the covenants to:

a. Enter and inspect any property for the purpose of determination by the ACC whether there is any construction of any improvement which violates the term of any approval of the ACC or the terms of the Covenants. This power shall be exercised in a reasonable manner and nonconsensual entries shall not be made without express approval of the Board of Directors.
b. Enforce architectural standards.
c. In its discretion, release existing improvements from restrictions or encroachments they violate in appropriate circumstances.
d. In its discretion, grant waivers for minor deviations and infractions if appropriate.

2. The Architectural Enforcement Process:

a. The ACC shall maintain close liaison with the management company to identify violations and to process complaints in a timely manner. Field inspection reports, related to architectural violations, are reported to The Board of Directors by the management company in their monthly report. The ACC shall also initiate proactive measures to identify violations.
b. All complaints received by the management company alleging architectural violations shall be investigated on a property inspection, if needed, by the chairperson of the ACC; and the President of the Board of Directors will be contacted.
c. All complaints received by members of the ACC alleging architectural violations shall be reported to the management company.
d. All complaints received by members of the Board of Directors alleging architectural violations shall be reported to the management company.
e. Upon receipt of information concerning potential or alleged architectural violations, the ACC shall determine the nature of the violation within the following categories:

1) Major architectural or landscaping changes without ACC approval.

2) Minor architectural or landscaping changes without ACC approval.

3) Architectural or landscaping changes not consistent with ACC approval.

4) Architectural or landscaping changes begun or completed after application for ACC approval but prior to actual approval.

NOTE: A fine of $50 may be imposed for ANY changes begun or completed without ACC approval.

f. The ACC may investigate alleged violations. In appropriate cases, professional technical assistance, such as engineers, may be used if approved by the Board of Directors in advance. The President of the Board of Directors shall be notified of the initiation of such an investigation as soon as possible. The different categories of violation shall require different investigative responses.

1) Major architectural or landscaping changes without ACC approval such as construction of a deck, fence, parking pad or other structure; cutting a substantial number of trees; filling large areas; or similar major changes shall require a formal, comprehensive investigation with full documentation in their files relevant to the allegations or verify that no request was submitted. The management company, the ACC, or both, shall make visual observations of the alleged violation to the extent possible. Photographs should be taken if feasible. Interviews of the owners involved may be conducted if appropriate in the circumstances, but at least two members of the ACC, Board of Directors, or management company should be present and no promises should be made during the interview. Other investigative actions may be taken as

appropriate.

2) Architectural or landscaping changes not consistent with ACC approval. In these cases, the management company shall compile a packet for the Board of Directors of all architectural requests and other documentation in their files relevant to the alleged violation. The ACC shall conduct an investigation to verify that the improvements were actually not consistent with the ACC approval.

3) Minor architectural or landscaping changes without ACC approval. The ACC shall investigate these cases in their discretion.

4) Architectural or landscaping changes begun or completed after application for approval but prior to actual approval. The ACC shall investigate these allegations as quickly as feasible if the work is still in progress. If the work has been completed, the investigation shall proceed as determined by the ACC.

g. Notice:

1) The management company will mail one notice to any owner in violation, noting the violation and requesting compliance by a certain date to avoid penalties. In the case of work in progress, a letter shall be sent by the management company as soon as possible informing the appropriate persons to cease the work immediately, explaining the violation and, in addition, giving the violator a set, but reasonable amount of time to correct the violation.

2) A site inspection will be performed after the date outlined in the notice. If the violation has been corrected, the matter will be closed. A remaining violation will result in further compliance actions. Normally only one notice would be provided, but the ACC, with Board approval may extend the grace period based on individual circumstances or issue subsequent notices if necessary.

h. Enforcement options shall include the following:

1) If the corrective action demanded by the notice is taken within the specified time and completed in a satisfactory manner, no further enforcement options will normally be appropriate.

2) If work is not ceased upon demand, corrective action demanded is not taken within the specified time, or the corrective action taken is not satisfactory, the following actions may be appropriate:

- Impose fines in Accordance with the North Carolina Planned Community Act.
- With approval of the Board of Directors, seek a temporary restraining order or injunction to stop any continuing work.
- Require further corrective action.
- Demand that unapproved architectural or landscaping changes be removed within a specified, but reasonable period of time and impose fines if not accomplished by the applicable deadline.
- With the approval of the Board of Directors, hire appropriate contractors to correct the situation and charge the property owner, beyond any fines, for the cost of such corrective action.
- After notice and opportunity to be heard by the Board, suspend a member's voting rights and/or rights to use Association facilities for noncompliance with published rules and regulations of the Association.
- Other corrective actions that may be appropriate in the particular situation.

Disclaimer

The Association, Declarant, ACC, or any officer, employee, agent, director or member thereof shall not be liable for damages to any persons submitting plans and specifications for approval by reason of mistake in judgment, negligence or nonfeasance arising out of or in connection with the approval, disapproval or failure to approve any plans and specifications. Every person who submits plans and specifications for approval agrees, by submission of such plans and specifications, that it will not bring any action or suit against the Association, Declarant, Board Officers or ACC to recover any such damages.

The purpose of the Architectural Standards is to provide guidance in preparing requests for architectural approval and set forth some of the standards applied by the ACC. These Architectural Standards are not all-inclusive and no inference should be made that the failure to include a particular type of exterior or landscaping change somehow exempts that change from the approval process.

If any paragraph, section, sentence, clause or phrase of these Standards shall be or become illegal, null or void for any reason or shall be held by any court of competent jurisdiction to be illegal, null or void, the remaining paragraphs, sections, clauses, and phrases are severable and shall continue to be in full force and effect. In case of any conflict between the Declaration of Covenants, Conditions and Restrictions for Massey Preserve, the By-Laws of the Massey Preserve Homeowners Association, Inc. and these Standards, and other resolutions or rules adopted by the Board of Directors, the Board shall determine which shall control and make corrections as needed by a majority vote.

These Standards supersede all previous guidelines or standards, and shall remain in effect until otherwise rescinded, amended, modified, or repealed by a majority of the Board of Directors.

Guideline Summary

It is the interpretation of the Massey Preserve Homeowners Association that the provisions of these Guidelines apply to a wide variety of aesthetic considerations in the community. Every attempt has been made to include those considerations that have the potential to impact property values.

The following are examples of the types of changes, additions or deletions that would either:

- REQUIRE submittal of an "Architectural Request Form ".
- NOT require a submittal, or
- Are PROHIBITED

While every effort has been made to identify all aspects of change, the owner who has doubt if his/her situation is adequately addressed should contact the ACC for guidance.

Throughout this document the term "changes " shall include additions and deletions.

A. Types of changes which **REQUIRE** submittal/approval:

1. Changes to the exterior of the home, such as:
a. Additions:
   i. Awnings
   ii. Decorative lighting
   iii. Porches
   iv. New living space/room additions (please note: Garage conversions are prohibited)
b. Appearance:
   i. Color
   ii. Materials (such as siding)
c. Exterior changes:
   i. Out Buildings
   ii. Decks and patios
   iii. Driveway extensions and parking pads
   iv. Enclosures
   v. Docks
   vi. Fences
   vii. Hedges and screen plantings
   viii. Major landscaping, including retaining walls
   ix. Mailboxes
   x. Parking
   xi. Play sets, swing sets, etc.
   xii. Recreation or sport equipment (e.g. trampolines)
   xiii. Structures
   xiv. Swimming or wading pools and hot tubs
   xv. Live tree removal

B. Specific changes which **DO NOT require** a submittal:
   i. Portable basketball goals
   ii. Bird baths, bird feeders, bird houses (see specifications)
   iii. Minor landscaping (see specifications)
   iv. Non-permanent children's play equipment (excluding trampolines)
   v. Periodic repainting and re-staining with the existing color for maintenance
   vi. Portable pools usable only by small children

vii. Removal of dead trees
viii. Small, discretely located, garden plots
ix. Small statues in the rear yard

C. Special changes/items which are **PROHIBITED**:

i. Animals other than household pets
ii. Chain-link, wire, or painted fences
iii. Commercial advertising signs
iv. Encroachment on other property
v. Metal storage sheds or metal swing sets
vi. Parking of vehicles or trailers on soft surfaces
vii. Permanent clotheslines
viii. Pools, above ground (except portable pools usable only by small children)
ix. Unclean, unsightly, unkempt, unhealthy or unsafe conditions which tend substantially to decrease beauty or safety
x. Converting garages to living space

Application Instructions

ARCHITECTURAL CONTROL APPLICATION INSTRUCTIONS

STEP 1. Prior to any alteration, addition or improvement, the property owner (not contractors or other parties) either requests or obtains the Architectural Request Form by phone, by mail, by email from the management company, via the website of the property management company or photocopies the form from this booklet.

STEP 2. If requested from the management company, the management company will promptly forward to the property owner the Architectural Request Form.

STEP 3. Prior to any alteration, addition or improvement, the property owner completes the application form and provides applicable information as requested on the application form. Reference should be made to the Architectural Control Standards for specific information needed for the proposed improvement, addition or alteration. All parts of the form shall be filled out and all pertinent information shall be included in the submittal. Incomplete applications shall be returned.

STEP 4. The property owner sends the completed form, along with any attachments or supporting documents required by the Architectural Control Standards to the management company for processing. Applications must be mailed or faxed directly to the management company (refer to Section 2.02 for contact information. Applications left at the Sales Office, the Construction Trailer, with a member of the ACC, with a member of the Board of Directors, or with any other officer of the Association will not be processed.

STEP 5. The management company will check for completeness and if complete the application will be marked with the date it is received in the office. The management company will then copy and distribute the dated application to the ACC for inclusion on the agenda of the next regularly scheduled meeting of the ACC.

STEP 6. Complete Applications: Complete applications received by the management company will be considered and acted upon by the ACC within 30 days. An application may be received only on a regular business day.

Incomplete Applications: Applications that are submitted without all necessary attachments and supporting documents or with insufficient information shall be deemed administratively denied and returned to the applicant with a request for the missing documentation. Any calculation of time concerning the processing of an application will not start to run until the application is complete.

STEP 7. Committee members will review complete applications at the next regularly scheduled ACC meeting and approve or disapprove, the application within thirty (30) days from the management company's receipt of the application, and return the signed application to the management company. The ACC may: (a) determine that an application is incomplete and request additional information, (b) approve the application, (c) conditionally approve the application, stating the conditions in writing, or (d) deny the application, stating the reasons for the denial in writing.

STEP 8. Upon its receipt of the Committee's decision on an application, the management company will mark the decision with the date that the decision is forwarded to the property owner and will then forward a copy of said decision to the homeowner. In the case of approval, the homeowner can begin the project. In the case of an administrative denial for insufficient

information, the information needed shall be listed on an appropriate form and provided to the homeowner. (Note: Any calculation of time concerning the processing of an application will not start to run until the application is complete.) In the case of approval with conditions, the conditions shall be listed on an appropriate form and provided to the homeowner and the homeowner may begin the project as long as the stated conditions are satisfied. In the case of "Disapproval" the reasons and/or requirements will be noted on the application. A property owner who is not satisfied with the Committee's decision on an application may (a) submit a new application (should the property owner want to resubmit another application, the thirty (30) day process starts again with each submittal) or (b) appeal the Committee's decision to the Board of Directors.

Date Received:_____
Date Sent to ACC:_____

Elite Management Professionals, Inc.
4112 Blue Ridge Road Suite 100
Raleigh, North Carolina 27612
Phone (919) 233-7660 ~ Fax (919) 233-7661
www.elite-mgmt.com

ARCHITECTURAL REQUEST FORM

ASSOCIATION NAME: **Massey Preserve**

Please complete this form in its entirety and submit to Elite Management Professionals, Inc. for consideration at the next Board/ACC meeting.

_____	_____	_____
Property Owner's Name	Request Date	Property Lot #

_____	_____	_____	_____
Property Street Address	City	State	Zip Code

_____	_____	_____
Home Phone #	Work Phone #	Cell Phone

Anticipated Project Completion Date _____

Project must commence within 60 days or any approval shall become void.
Construction must be complete within 90 days or an extension must be requested.

Do you agree to replace and/or repair at your sole expense any damages to any common areas and personal residence areas including, but not limited to grass, walking areas, trees, buildings, roads, etc. as a result of making the approved modifications? Yes _____ (please initial)

Upon transfer of ownership of subject property, do you agree to inform the new owner of any maintenance agreements that agreed upon prior to the transfer? Yes _____ (please initial)

You may be required to get a Registered Deed listing for this Architectural Change and the future maintenance responsibility for the change at your cost. This may be required for final approval of applications.

1. Please supply a narrative description of the proposed modification and include the modification's similarity to existing structures or features as appropriate.

Please use a separate sheet of paper if necessary.

_____
_____
_____
_____
_____

2. In the case of an addition or alteration to the exterior of your home, please indicate dimensions, heights, colors, and a description of the materials to be used. Attach a copy of your plot plan and indicate the location of the proposed exterior design change on your lot in relation to the house and other existing structures. Also, attach any sketches, specifications, professionally prepared and sealed plans, pictures, paint charts, or any other information that will assist in reviewing this application. ***Please use a separate sheet of paper.***

3. All construction, building, improvements, and other work shall be done in a good and workmanlike manner with good quality materials and components free from faults and defects and in compliance with any and all applicable laws, regulations, and ordinances. Any deficiencies in workmanship or materials, determined by reasonable standards of construction in Raleigh, NC, shall be corrected upon request of the Association. Such corrections must be performed within thirty days of written notice from the Association or its duly appointed representative.

4. A permit and inspection by the applicable municipality may be required.

When the committee reviews this request, your neighbors have a right to comment and present views about your requested modification(s). Please obtain signatures from all property owners having common lot lines with your property, and all property owners who would reasonably view the improvements from their property. Please use a separate sheet of paper if necessary.

I acknowledge that the requesting property owner has shown (me/us) the details of the proposed improvement described on this form and that (my/our) signature represents only (my/our) awareness of the request. I understand that (I/we) may make verbal or written comments directly to the Architectural Review Committee.

NAME SIGNATURE ADDRESS LOT #

_____
_____
_____
_____
_____
_____

_____ _____
Property Owner's Signature Date

Should the Architectural Committee deny your request, you may appeal to your Board of Directors in writing. Submit your appeal to Elite Management Professionals, Inc. so that it can be reviewed by the Board of Directors at their next scheduled meeting.

YOU REQUEST HAS BEEN:

APPROVED _____
CONDITIONALLY APPROVAL _____
DENIED _____

Comments:

_____
_____
_____
_____

_____ _____
Signed for the Committee: Date:

The Appeal Process

The following process will be followed for appeals from decisions of the ACC:

1. Notice of Denial: Upon receipt from the ACC of a final decision denying their request, the management company shall forward the applicant a notice of denial of their request. The notice shall provide the applicant thirty days to file an appeal of a final ACC decision in writing to the management company. Administrative denials pending more information or for other reasons are not final decisions and are not appealable.

2. Reconsideration: Administrative denials are reconsidered by the ACC and not the Board of Directors. Once a final decision has been reached, then the time for appeal begins to run.

3. Notice of Appeal: Notice of Appeal to the Board of Directors must be filed in writing by mailing it to the management company within thirty days of the notice of denial being mailed from the management company to the applicant. Include with the Notice of Appeal, a copy of the application, any supporting documentation, a copy of the Committee's decision, and an explanation of the reason for the appeal.

4. Transmittal to Board: Upon receipt by the management company, the original Notice of Appeal and all supporting paperwork shall be filed and copies sent to the President of the Board of Directors and the Chairperson of the ACC.

5. Hearing: The President shall schedule a hearing on the appeal, normally in conjunction with a normal Board Meeting, within sixty days of receipt of the Notice of Appeal. The management company shall notify the applicant and the chairperson of ACC of the hearing date and time. The hearing shall begin with the ACC chairperson explaining the position of ACC and reasons for the denial. The applicant shall then have an opportunity to present their reasons for the appeal. Witnesses and evidence may be presented at the discretion of the President of the Board.

6. Decision of Board: No decision shall be rendered at the hearing. Within fifteen days of the hearing, the Board of Directors shall report their decision, based upon a majority vote, in writing. The management company shall forward copies of the decision to the applicant and the chairperson of the ACC.

Management Company Contact Information

Elite Management Professionals Inc.

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Raleigh, NC 27612

Telephone: 919-233-7660
Fax: 919-233-7661

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Bird Baths, Birdhouses, Birdfeeders

Appearance: All bird baths, birdhouses, birdfeeders will be reviewed on an individual basis. Generally, the ACC will review materials, colors, location, scale and other details of the birdbaths, birdhouses, birdfeeders to determine compliance with the architectural intent of the existing structure and the relationship of the proposed.

Location: All bird baths, birdhouses, birdfeeders shall be located in the rear of the house.

Requirements: Please be mindful of your neighbors. Birdhouses and Birdfeeders do not need to be approved by the ACC, but must be placed in the rear of property. Bird Baths only need to be approved by the ACC if they exceed three feet in diameter.

Blinds & Window Coverings Section 3.02

Window blinds are preferred and should be white or brown in color.

All drapery must have neutral light color lining. Bed sheets or unfinished fabric may not be used as window coverings.

No paper accordion style window coverings are permitted.

No vertical blinds.

Building Addition or Exterior Modification

Examples of additions include screened porches, new living space or storage areas that are physically attached to the main structure of the existing house. Examples of exterior modifications include the addition of storm doors, gutters or similar modifications. Modifications or changes in exterior colors are covered in Section 3.13

Appearance:

All building additions and/or modifications will be reviewed on an individual basis. Generally, the ACC will review materials, colors, location, scale and other details of the proposed addition or modification to determine compliance with the architectural intent of the existing structure and the relationship of the neighborhood with specific emphasis given to the maintenance of a cohesive neighborhood architectural style that maintains the scale, detailing, materials, massing, color(s) and design intent of the original structure.

Location:

In general, with the exception of building modifications, the location for building additions will be governed by the maximum building area that is defined by the City of Raleigh in respect to the minimum setback requirements from the properly line. However, the ACC reserves the right to reject applications, which may meet the City of Raleigh setback requirements but fail to meet the objectives of the ACC. The ACC will review each application on an individual basis and approvals will be granted on this basis. Prior approval of an application does not guarantee subsequent approval on the same or another property.

Materials:

Materials for use on any building addition or modification must meet or exceed the quality of and be consistent with the materials used in construction of the original structure. Compliance with the current edition of the City of Raleigh building codes will be considered meeting the minimum standards of construction. The ACC reserves the right to require homeowners to exceed these standards if it is deemed necessary to maintain the architectural intent of the original structure. In general, the ACC seeks to maintain the quality of materials and workmanship present in the original structure. Requests to use different materials than in the original structure shall be reviewed on a case-by-case basis.

Requirements:

All building additions and modifications shall maintain proper drainage on the site. If a building addition is planned or a modification, which will affect drainage, homeowners are required to provide a plan that details drainage patterns and runoff resulting from the addition/modification.

The changes specified below do not require approval if accomplished in accordance with the standards provided:

1. Storm doors: Properly installed storm doors that are full height glass without cross members, matching home's trim color with narrow stiles. Other colors or other style doors require submission of an architectural request for approval.

2. Gutters: Properly installed white pre-finished, or color consistent with the house trim, aluminum gutters do not require approval. Other colors or materials require submission of an

architectural request for approval. In addition, if the gutters will cause a change in normal runoff patterns and quantities sufficient to impact the drainage on adjacent properties, submission of an architectural request for approval is required.

3. No structure for the care, housing or confinement of any animal shall be constructed, placed or altered on any Lot unless plans and specifications for said property have been approved by the ACC. No stable, poultry house, rabbit hut or other similar yard structure, with the exception of a doghouse, shall be constructed or allowed to remain on any Lot. The installation, construction or maintenance of other pet houses or pet runs shall be made only with the approval of the ACC.

Note: Homeowners are encouraged to discuss with their neighbors any proposed additions to the property. The ACC reserves the right to interview the affected neighbors regarding the proposed addition.

****Note: Converting garages into living space is prohibited****

Decks

Appearance:

Decks must remain natural in finish color. Natural colored, translucent stains may be used; however, no painting or solid-bodied staining of the wood will be permitted. Deck height is not restricted but is recommended to be no more than 15' in height from the ground. The size and styling of decks must complement the dwelling and be in proportion to the dwelling.

Location:

All decking must be confined to the rear of the dwelling and must not protrude past the sides of the building. Decks must be within the minimum setback requirements of the City of Raleigh, however, final placement and approval will be determined by the ARC and may be more restrictive than the City setback requirements.

Materials:

The deck shall be constructed of #2 or better pressure-treated lumber with galvanized hardware or of composite materials i.e. Trex ®, in natural wood toned colors. A sample of the color selection must be submitted for approval. A clear water seal is recommended but not a requirement for approval.

Requirements:

A building permit must be obtained from the City of Raleigh and all required inspections successfully completed. All decks must meet the building requirements for the City of Raleigh in addition to this guideline. Proper drainage must be maintained around the deck and away from the foundation.

Drainage

Requirements:

Drainage of the Lot must conform to all Wake County requirements. All drainage and grading must be indicated on the plans approved by the ACC. There shall be no interference with the established drainage pattern over any property except as approved in writing by the ACC. The established drainage pattern is defined as the drainage pattern as engineered and constructed by the Declarant or approved builder prior to (or in some cases, immediately following) conveyance of title from builder to the individual homeowner. Owners may make minor drainage modifications to their Lots provided that they do not alter the established drainage pattern.

Landscape plans shall conform to the established drainage pattern, shall cause water to drain away from the foundation of the house, and shall prevent water from flowing under or ponding near or against the house foundation. Water should flow fully over walkways, sidewalks or driveways into the street. The ACC may require a report from a drainage engineer as part of landscaping or improvement plan approval. Sump pump drainage should be vented a reasonable distance from the property line to allow for absorption.

Exterior Freestanding Detached Structure

Definition:

Examples of exterior freestanding detached structures include storage sheds, gazebos, and doghouses.

Appearance:

Generally, the ACC will review materials, colors, location, scale and massing of the proposed structure to determine compatibility of the proposed structure to surrounding structures and sites. The intent is to preserve the architectural character of the neighborhood with specific emphasis given to the maintenance of a cohesive neighborhood architectural style. This "style" incorporates the scale, materials, details, massing, color and design intent of the original structures. Every application will be reviewed on an individual, case-by-case basis.

Metal framed Gazebos with canvas covers shall be considered exterior freestanding structures and are subject to ACC approval. Gazebo coverings must be of canvas or similar materials and must be kept in good condition, free of tears, staining, fading and excessive wear and tear.

Chain link outdoor dog runs or animal cages are prohibited.

Location:

All exterior, freestanding detached structures will be confined to the rear yard. The location for these structures will typically be governed by the maximum building area that is defined by the City of Raleigh in respect to the minimum setback requirements from the property line. However, the ACC reserves the right to reject applications, which may meet the City of Raleigh setback requirements but fail to meet the objectives of the ACC. The ACC will review each application on an individual basis and approvals will be granted on this basis. A prior approval of an application does not guarantee subsequent approvals on the same or other lot.

The placement of doghouses must also take into consideration safety concerns, noise minimization, the possibility of offensive odors, and not be visually offensive to neighbors and public areas. "Visually offensive" shall be judged by the ACC applying a standard of objective reasonableness rather than just the subjective views of neighbors. Dog houses need to be located adjacent to the rear wall of the home.

Materials:

Materials for use on any detached structure will meet or exceed the materials used in construction of the original structure. Compliance with the "current" edition of the City of Raleigh building codes will be considered meeting the "minimum" standards of construction. The ACC reserves the right to require homeowners to exceed these standards if it is deemed necessary to maintain the architectural intent of the original structure. In general, the ACC's objective is to maintain the quality of materials and workmanship that are present in the original structure.

Applications must include details of the foundation or anchors for such structures. Applications must also include a paint sample and shingle type and color.

Requirements:

All exterior freestanding structures shall maintain proper drainage on the site. If a structure is planned, homeowners are required to provide a plan that details drainage patterns and runoff as a result of the new structure.

If electrical service will be provided to the detached structure, the application must include details of how that service will be run and must comply with all applicable electrical codes and regulations. Overhead electrical service is not permitted in Massey Preserve.

Metal storage structures will not be approved.

All external detached freestanding structures must comply with all applicable City of Raleigh regulations, ordinances, permit requirements and inspection requirements. The City of Raleigh standards are the minimum requirement and the Massey Preserve standards may be more stringent.

Fences

Appearance:

Whenever possible, alternatives to hard fencing are recommended (i.e., landscaping and plants or "invisible" electronic fencing). It is also recommended that fencing be softened through the use of landscaping on the exterior side of the fence, where possible, mandatory on corner lots where the fence will be facing the road.

Location:

Fences shall follow the natural topography of the land.

Existing trees shall not be removed to place the fence without prior approval from the ACC.

The set back from the homeowner's property line shall be one (1) inch. Neighbors must be allowed to tie-on to the fence in the future. This shall create a permanent easement for maintenance. However, any corner lot will generally be required to have a setback of fifteen feet from the curb on the side of the lot facing the street. If the property line is greater than fifteen feet from the curb, then the one (1) inch setback will apply.

The fence shall not extend closer to the street than the rear 1/3 of the residence. The ACC will approve the final placement of the fence based on aesthetics and street appearance.

Materials:

In order to maintain a uniform style of fencing throughout Massey Preserve, fences may not exceed six (6) feet maximum height. The ACC will approve the two (2) pre-approved styles of vinyl fencing as shown on the following pages with one exception. Black aluminum fencing may be used on properties backing to undeveloped open spaces.

Requirements:

For perimeter fences, there shall be a minimum of one walk through gate at least 3'-0" for access.

All fencing must be maintained in an aesthetic and safe condition.

CHECK ONE FENCE STYLE BELOW & INCLUDE WITH ARCHITECTURAL REQUEST FORM.

Fence Style 1



_____ I/we select the the above noted fence. We hereby agree to install the fence within one inch (1") of the property and allow our neighbors to tie in to the fence in the future if needed.

_____

Signature Date

Fence Style 2



_____ I/we select the the above noted fence. We hereby agree to install the fence within one inch (1") of the property and allow our neighbors to tie in to the fence in the future if needed.

_____

Signature Date

Flags

Flagpoles installed in the ground are prohibited.

Appearance:

Decorative or seasonal flags are allowed.

Location:

Flags must be hung from a pole and mounted on the main residential dwelling and shall not exceed the eaves of the main dwelling.

Limit one pole mounted flag and one decorative garden flag.

Hot Tubs/Saunas

Appearance:

All hot tubs and saunas will be reviewed on an individual case-by-case basis. The ACC realizes that hot tub and sauna styles are limited and will place emphasis on screening systems to minimize the visual impact from a public way or adjoining property.

Location:

All hot tubs and saunas will be confined to the rear yard. On a lot, where rear yards adjoin or is visible from a public way, appropriate screening shall be installed to minimize the visual impact. The Owner must request approval for the screening.

Materials:
All hot tubs and sauna will be reviewed individually for materials and color.

Requirements:

Installation must meet or exceed all applicable codes, regulations, ordinances, permit requirements, and inspection requirements of the City of Raleigh. The City of Raleigh standards are the minimum standards and Massey Preserve requirements may exceed those standards.

All saunas and hot tubs will maintain proper drainage on the site. If a hot tub or sauna is planned, homeowners are required to provide a plan that details drainage patterns and runoff. Water from the pool or hot tub may be drained into the storm sewer system at the end of the season. Care should be taken to contain water from spilling over onto adjacent properties.

Owners may be required to install safety features such as locks or covers for these items when not in use.

Pumps and other machinery related to the pool or hot tub shall be concealed in a manner to avoid offensive visual appearance and minimize noise production or transmission of such noise to nearby lots. "Visually offensive" shall be judged by the ACC applying a standard of objective reasonableness rather than just the subjective view of neighbors.

Care should be taken to locate saunas and hot tubs away from potential hazards (i.e.; electrocution, drowning). All electrical work related to the pool or hot tub shall comply with all applicable electrical codes.

Homeowners should understand that hot tubs increase the intensity of noise and appropriate measures need to be taken to limit this potential conflict with adjacent homeowners. In addition, homeowners must also comply with the City of Raleigh noise ordinance.

Landscaping

Definitions:

Natural Area/ Landscaping Bed: Any area with ground cover other than grass.

Bushes and Shrubs: Any bush or shrub that will exceed 3'-0" in height or width at maturity.

Flower Bed: Any grouping of flowers not contained in a natural area or landscape bed.

Vegetable Garden: Any area used to grow vegetables or herbs.

Water Garden: Natural or prefabricated body of water for decorative purposes.

Trees/Tree Removal: Any tree added to or removed from the property.

Appearance:

Natural areas and landscaping beds shall be made in proportion to the home and property. All landscaped areas shall be maintained to prevent overgrowth of individual plants or weeds. Landscaped areas shall be mulched to improve appearance and aid in maintenance. Edging around the bed or natural area may be used but is not a requirement, and if used, should be consistent with the existing style and aesthetics of the community.

Vegetable, herb and water gardens shall be maintained regularly to prevent excessive weed growth. All plants located in a garden shall not exceed 5'-0" in height. Screening of these areas should be considered through the use of fencing or shrubs to eliminate views from the street or common areas. These areas should not be visually offensive to neighbors.

Trees shall be maintained and pruned to remove debris and damaged limbs due to wind, decay, disease or ice damage.

Removal of live trees with a 2" caliper is not permitted without prior written approval of the ARC.

Location:

Natural areas and landscaping beds may be utilized in the front, rear and side yards. Landscaping beds and natural areas located in the front yards shall not encompass more than 50% of the total area available for the front yard. (Areas are measured from the curb to the nearest point of the house, and from one side yard property line to the other side yard property line. Comer lots will be measured from the curb to far side yard property line. Areas will exclude the existing walkway and driveway.) The remaining 50% of the front yard area shall be grass.

Mature plant size shall be considered in determining locations of bushes and shrubs near property lines and the plantings set back sufficiently to account for mature growth. When bushes and shrubs are located immediately adjacent to property lines, mulch is required at the property line to provide easy maintenance for adjacent property owners.

Vegetable, herb and water gardens shall normally be confined to the rear yard and out of view from public streets and common areas. The maximum height for plants in these gardens shall not exceed 5'-0". Water gardens shall be planned and located to limit potentials for accidents (i.e., electrocution, drowning). Requests for water gardens in front yards shall require specific

written approval of the ACC.

New trees shall be located away from foundations, drives or walks to limit potential damage caused by root growth.

Landscaping and plantings in utility easements will be reviewed on a case by case basis and normally be permissible, but with the full understanding that any plantings may have to be removed for utility work in that easement without any liability on the part of the Association or the utility company.

Birdbaths are not allowed in front yards.

Materials:

In the application, provide "common" variety names of plants that are to be used.

Approval is not required for mulching with pine straw, hardwood, or bark mulch. Decorative gravel and any other colored mulch or other types of mulching require approval.

Edging may consist of unstained pressure treated yellow pine timbers, brick, stone, pre-cast concrete edging, or other commonly used materials. Railroad ties are prohibited. Selections should consider scale, color and proportion to harmonize with the existing structures and surrounding site. Normally, edgings are only one level high and multiple levels of landscape timbers or other materials would normally be considered as a retaining wall.

Requirements:

All front yards shall have a minimum of 50% grassed area (see appearance above).

All landscaping will maintain proper drainage on the site. If landscaping is planned, homeowners are required to provide a plan that details drainage patterns and runoff. Plans, which cause excessive runoff to neighboring properties or common areas, will not be approved without modifications that solve the drainage situation.

All tree removal, except emergency removal where the tree(s) present a clear and present danger as a result of wind or ice damage or disease or decay (trees posing a danger to life, person, or property), must be approved by the ACC in advance. Photos of the trees to be removed and the reasons for removal must accompany the application prior to tree removal.

ACC approval is NOT required for the following items:

Flowers planted in existing beds.
Shrubs less than 3'-0" in height or diameter at maturity and located within an existing bed.
Shrubs less than 3'-0" in height or diameter at maturity and used as a cover for the foundation, fence, deck or HVAC equipment.
Ground cover in existing natural areas.
Ground cover in existing landscaping beds.
Mulching with pine straw, hardwood or bark mulch.
Replacement or existing shrubs, plants, or trees that die or are diseased with the same variety and size shrub, plants or tree in the same location.
One level of edging consisting of unstained pressure treated yellow pine timbers, brick, stone, pre-cast concrete edging, black plastic edging, or other commonly used material as long as the edging is natural in color or the commercially available white stone or cast concrete edging material, but painted stones or other materials painted or stained will require prior approval and normally not be approved.
Flower/plant containers provided they are standard size as can be purchased from any

nursery/garden center, with the following conditions:
Flower boxes may be no longer than the widest window on the side of the house the flower box is installed.
Flower or plant pots must be consistent with size of the property.
Finish must be consistent with the exterior house colors or neutral earth tone colors. Custom or oversized or colored containers must have prior approval; each application will be reviewed on an individual basis.
Security signs, as provided by security service companies, less than 12 inches, which are located behind the sidewalk/walkway in the existing flower bed/natural area. All other sized signs or locations must have prior approval, and each application will be reviewed and on an individual basis.

Compost

Compost piles are not permitted.

Lighting (Exterior)

Appearance:

Exterior lighting must be compatible with the architectural character of the neighborhood. Generally, low voltage accent lighting confined to planting beds or along walkways and on decks is acceptable. Other lighting devices, i.e., floodlights, spot lights, lampposts will be reviewed on an individual basis.

"Temporary" holiday lighting generally does not require approval from the ACC; however, such "temporary" lighting and any associated wiring must be removed within a reasonable period after such holiday. Generally, holiday lights should not be displayed earlier than Thanksgiving and must be removed no later than January 15.

Location:

Generally, low voltage accent lighting confined to planting beds or along walkways is acceptable. Floodlights and spotlights will generally be limited to rear and side yards. Specific approval shall be required for spotlights or floodlights on driveways. All exterior lighting must have locations approved prior to installation. This guideline is not meant to be construed as discouraging security lighting systems, but only to control the source and spread of the light beam that may be intrusive to adjacent property owners. The application should include a diagram showing the proposed location of new lights and the lighted area.

No more than one light lamppost will be allowed.

Materials:

Include a materials list and if possible, a picture or drawing of the proposed fixtures, with the application.

Requirements:

Beam spread from all light sources should be confined to the homeowner's lot. On corner lots and locations where the lighting may affect drivers, care must be taken to insure that spotlights and floodlights do not cause dangerous safety hazards by blinding oncoming traffic.

Any lamppost in front yard must not exceed 5' with one lamp light, low voltage with the approval of the Board.

All electrical installations must be in accordance with all applicable electrical codes and regulations.

Approval is not necessary for the following:

Approval is not necessary for replacement of current light fixtures of a similar type and style.

Approval is also not necessary for properly installed low voltage accent lighting along walkways and on the inside of decks if the lights are at least five feet apart. If closer placement is desired, then an application must be submitted. Any low voltage spotlights or lights on the outside of decks require an application if the light may shine onto adjacent property.

Mailboxes

Appearance:

All mailboxes located on Lots shall be of a style approved by the ACC. Replacement mailboxes may be installed after the type has been approved in writing by the ACC.

Requirements:

All mailboxes must be repainted or replaced if approximately 10% or more of the surface shows signs of rust or paint peeling.

Maintenance

Appearance

It is the responsibility of each homeowner to maintain his/her property in such a way that it adds to the overall beauty and harmony of the subdivision. Each homeowner should take this responsibility seriously, as failure to do so can negatively impact the value of your own property, surrounding properties, and the subdivision as a whole.

There are many areas in and around the home, which should be inspected regularly to insure the property is in good repair. These include, but are not limited to:

- Lawn care
- Trimming of trees and shrubbery
- Landscaping
- Decks
- Fences
- Driveways and sidewalks
- Playground equipment
- Paint
- Roofing
- Garbage can storage
- Debris and trash removal

NOTE: Association may complete any or all maintenance or repair issues and shall bill invoice amount plus 15% to homeowner.

Deterioration:

If at any time, the Board of Directors is made aware of a property that has deteriorated to the point that it is affecting the aesthetics of the community, the ACC, a representative of the management company, or a combination of the two will be requested to make a site inspection. The committee will then make a recommendation for action to the Board of Directors. Appropriate action will be taken in accordance with the enforcement policies of the Massey Preserve Owners Association.

Based on the severity of the deterioration, the homeowner will be given a specified period of time in which to make the necessary repairs. If, after that time, the repairs have not been corrected to the satisfaction of the Board, the Board has the right of enforcement as described in the Declaration of Covenants, Conditions and Restrictions for Massey Preserve Owners Association, the Enforcement Procedures policy of the Association, and other applicable regulations and policies.

Painting (Exterior)

Appearance:

All exterior paint, vinyl siding, masonry or shutter colors, including mailboxes, shall be consistent with the initial application to maintain a variety as well as continuity with the surrounding homes. Siding paint shall be only a flat latex type of paint (no semi-gloss or gloss type paints are permitted). Trim paint may be semi-gloss.
Paint colors on additions and exterior detached structures shall be consistent with the dwelling and surrounding area.

Requirements:

Any changes to the original exterior paint colors must have ACC approval.

Parking

1. No industrial or commercial type trucks, tractors, or unlicensed or inoperable vehicles, may be parked on the property or on common property or within any right-of-way of any street in or adjacent to the Subdivision as written in the Declaration of Covenants.

2. The Association shall regulate the parking of recreational vehicles such as campers, boats, trailers and motorcycles, but in no event shall such vehicles be parked or stored outdoors.

3. Motor vehicles may not be parked or kept on any street in the subdivision overnight.

4. No motor vehicles may be parked or stored on any Lot, any of the subdivision streets, or any common areas while on jacks or while being repaired. All vehicles must have a current license tag, inspection sticker and be in drivable condition.

5. Parking or storage of motor vehicles on any grass area of any Lot is prohibited.

Parking Pads

Appearance:

The layout or design should preserve and compliment the original driveway and walkway. The surface shall be the same color and finish as the existing concrete drive. Depending upon property configuration, screening with landscaping may be required to visually block the area from adjoining property owners.

NOTE: Not all properties can accommodate a parking pad

Location:

Parking pads (driveway extensions) may be constructed adjacent to and contiguous with the original concrete driveway on the side opposite the front walkway. The parking pad shall terminate in line with the front of the house.

Dimensional limitations: Each property will be reviewed individually.

Set Back Requirements: Minimum set back from side property line is 18" except that the set back may be less with specific approval of the ACC on cul-de-sac lots because of lot configuration and size.

Drainage/Slope: Slope of the parking pad and that of the adjacent yard shall preserve the original run-off flow pattern and shall not cause excessive water to be directed to a neighboring property or to the house foundation.

Materials:

Concrete shall be the only allowable material. The preparation of the soil base shall be consistent with sound construction practices to minimize the risks of settling, excessive cracking and improper drainage.

Playground & Recreational Equipment

Definitions:

Playground or Play Equipment: Swing sets, sliding boards, sandboxes, and similar items are classified as playground or play equipment for the purposes of this guideline. This guideline does not cover moveable and temporary items such as bikes, wagons and similar items.

Recreational Equipment: Basketball goals, trampolines, horseshoe pits, permanent volleyball courts and similar items are classified as recreational equipment for the purposes of this guideline. This guideline does not cover a temporary volleyball net, badminton net, or similar items.

Appearance:

Playground and recreational equipment should blend with the natural surroundings to the extent possible.
Landscaping or fencing should be planned to screen playground and recreational equipment from being visually offensive and to maintain a safe environment for the children. "Visually offensive" shall be judged by the ACC applying a standard of objective reasonableness rather than just the subjective views of neighbors.

Location:

Dependent on the configuration of each lot, playground equipment should be placed in the rear yard. The location of play areas and of recreational equipment must take into account the impact on adjacent properties, noise concerns, safety concerns, and the minimization of any offensive visual impact on neighbors or public areas.

Recreational equipment should also be placed in the rear yard area where applicable (i.e., trampolines). Potentially dangerous items such as trampolines should be located within fenced areas to prevent access by unsupervised and unattended child users and be adequately landscaped to screen from view. For equipment such as portable basketball goals, they may be placed in the front yard if a hard surface (driveway) is desired for the playing surface. Portable basketball goals, fixed or portable, shall not be placed near the street, where the street is intended as the playing surface. Portable basketball goals located by driveways must be placed to avoid balls striking vehicles, landscaping or other items on the adjacent property. No permanent goals are allowed.

Materials:

Playground equipment should be constructed of proper materials to ensure safe usage, be properly anchored and be aesthetically pleasing. It is recommended that recreational equipment be "portable", however, fixed in place equipment will be considered on an individual basis. Recreation equipment should be constructed of proper materials to ensure safe usage, be properly anchored and be aesthetically pleasing. No metal swing sets or play structures are permitted.

Requirements:

Detailed drawings shall be presented to the ACC for approval prior to the installation of any equipment. All equipment in a fixed location for an extended period of time must be submitted. All playground and recreational equipment must be maintained in a safe condition and kept visually pleasing to the community and surrounding environment.

Playhouses

Appearance:

Playhouses must match the color of main residential dwelling.

Location:

Playhouses shall be in the rear of the main dwelling.

Materials:

Playhouses must be constructed of wood.

Requirements:

A playhouse shall be considered an accessory building if it measures more than 24 square feet, is more than 6 feet in height from peak to ground, or is constructed on a concrete slab or footing.

Rain Barrels

Homeowners may have up to two (2) rain barrels up to 100-gallon capacity placed on their property.
Rain barrels may be placed in the back yard not visible from the street. . Under no circumstance shall they be placed in the front yard.
The color and design of the rain barrel must be attractive and work in harmony with the landscaping and home.
Plantings or screening shall be used to shield/blend the barrel into the landscaping. Evergreen shrubs no less than 2/3 the height of the barrel shall be required.
No plastic or PVC rain barrels shall be permitted in the front yard.

Retaining Walls

Appearance:

Generally, the ACC will consider for approval "natural" materials for use in the construction of retaining walls. All retaining walls will be considered on an individual basis. The ACC will review materials, colors, location, scale and massing of the proposed wall to determine compatibility with the architectural intent of the existing structure and relationship to the surrounding site.

Location:

Locations for retaining walls must be clearly specified on the plot plan submitted with the application. Applications for retaining walls will be reviewed on an individual, case-by-case basis. Consideration will be given to changes in the natural topography and existing drainage patterns.

Materials:

"Natural" building materials such as stone, slate, brick and pressure treated timbers will be considered as acceptable materials. Railroad ties are prohibited. Materials and colors chosen should complement the existing structure on the site.

Requirements:

All retaining walls will maintain a proper drainage on the site. If a wall is planned, homeowners are required to provide a plan that details drainage patterns and runoff as a result of the new structure.

All retaining walls will be properly secured to prevent collapse and must meet all applicable City of Raleigh requirements. There is no height limit, but the compatibility with the surrounding area and the dwelling will be considered. Any request for a retaining wall over three feet in height shall include in the application detailed specifications on anchoring the wall.

Roofing/Roof Accessories & Equipment

Requirements:

Roof pitches and overhangs may vary as dictated by architectural design. The approval of the ACC is required for a roof-material color change.

Satellite Dishes and Antennas

MUST BE ON HOUSE ...NUMBER ONE LOCATION

I. Preamble

WHEREAS, the Massey Preserve Owners Association ("the Association") is responsible for governance and maintenance of the Massey Preserve Subdivision ("the Community"); and

WHEREAS, the Association exists pursuant to applicable state law and governing documents; and

WHEREAS, the Association is authorized to adopt and enforce reasonable rules and regulations in the best interests of the Community, pursuant to sections of state law and the governing documents permitting the Association to adopt and enforce rules; and

WHEREAS, the Federal Communications Commission ("the FCC") adopted a rule effective October 14, 1996, preempting certain restrictions in the governing documents concerning the installation, maintenance and the use of direct broadcast satellite, television broadcast, and multipoint distribution service antennas ("antennas"); and

WHEREAS, the Association desires and intends to adopt reasonable restrictions governing installation, maintenance and the use of antennas in the best interests of the Community and consistent with the FCC rule.

NOW THEREFORE, the Association adopts the following restrictions and regulations for the Community, hereinafter referred to as the "Rules," which shall be binding upon all owners and their grantees, lessees, tenants, occupants, successors, heirs, and assigns who currently or in the future may possess an interest in the Community, and which shall supersede any previously adopted rules on the same subject matter.

II Definitions

A. Antenna: Any device used for the receipt of video programming services, including direct broadcast satellite (DBS), television broadcast, and multipoint distribution service (MDS). A reception antenna that has limited transmission capability designed for the viewer to select or use video programming is a reception antenna provided that it meets FCC standards for radio frequency emission. A mast, cabling, supports, guy wires, conduits, wiring, fasteners, or other accessories necessary for the proper installation, maintenance, and use of a reception antenna shall be considered part of the antenna.

B. Mast: Structure to which an antenna is attached that raises the antenna height.

C. Transmission-only antenna: Any antenna used solely to transmit radio, television, cellular, or other signals.

D. Owner: Any homeowner in the Association. For the purpose of this rule only, "owner" includes a tenant who has the written permission of the homeowner/landlord to install antennas.

E. Telecommunications signal: Signals received by DBS, television broadcast, and MDS antennas.

III. Installation Rules

A. Antenna Size and Type

1. DBS antennas that are one meter or less in diameter may be installed. Antennas larger than one meter are prohibited.
2. MDS antennas one meter or less in diameter may be installed. MDS antennas larger than one meter are prohibited.
3. Antennas designed to receive television broadcast signals, regardless of size, may be installed, but only after written authorization is obtained from the ACC, and only if installing in the attic is unfeasible. (Refer to Section IIIB below.)
4. Installation of transmission-only antennas is prohibited in the Community.
5. All antennas not covered by the FCC rule are prohibited.

B Location

1. Antennas shall be installed solely on individually owned property as designated on the recorded deed or other document defining the portions of common or individually owned property.
2. If acceptable quality signals may be received by placing antennas inside a dwelling, without unreasonable delay or unreasonable cost increase, then outdoor installation may be prohibited.
3. Antennas shall not encroach upon common areas or any other owner's property.
4. Antennas shall be located in a place shielded from view from the street or from other lots to the maximum extent possible; provided, however, that nothing in this rule would require installation in a location from which an acceptable quality signal may not be received. This section does not permit installation on common property, even if an acceptable quality signal may not be received from an individually owned lot.

C. Installation

1. Antennas shall be no larger nor installed higher than is absolutely necessary for reception of an acceptable-quality signal.
2. All installations shall be completed so that they do not damage the common areas of the Association or the lot of any other resident, or void any warranties of the Association or other owners, or in any way impair the integrity of the buildings on common areas or lots.
3. Owners are responsible for all costs associated with the antenna, including but not limited to costs to:

a. Place (or replace), repair, maintain, and move or remove antennas;
b. Repair damages to the common property, other lots, and any other property damaged by antenna installation, maintenance, or use;
c. Pay medical expenses incurred by persons injured by antenna maintenance or use;

4. Reimburse residents or the Association for damages caused by antenna installation, maintenance or use.

VI. Mast Installation

A. Mast height may be no higher than absolutely necessary to receive acceptable quality signals.

B. Masts that extend 12 feet or less beyond the roofline may be installed subject to the regular notification process. Masts that extend more than 12 feet above the roofline must be approved before installation due to safety concerns posed by wind loads and the risk of falling antennas and masts. Any application for a mast longer than 12 feet must include a detailed description of the structure and anchorage of the antenna and
mast, as well as an explanation of the necessity for a mast higher than 12 feet. If this installation will pose a safety hazard to association residents and personnel, then association may prohibit such installation. The notice of rejection shall specify these safety risks. (This I2 foot baseline may change, if the BOLA Code is amended)

C. A licensed and insured contractor must install masts.

D. Masts must be painted the appropriate color to match their surroundings.
E. Masts installed on a roof shall not be installed nearer to the lot line than the total height of the mast and antenna structure above the roof. The purpose of this regulation is to protect persons and property that would be damaged if the mast were to fall during a storm or from other causes.
F. Masts shall not be installed nearer to electric power lines than the total height of the mast and antenna structure above the roof. The purpose of this regulation is to avoid damage to electric power lines if the mast should fall in a storm.
G. Masts shall not encroach upon another owner's lot or common property.
H. Masts must be designated to withstand the weight of ice and snow.

VII. Notification Process

1. Any owner desiring to install an antenna must complete an Application Request Form (Section 2.01) and submit it to the ACC via the Management Company. If the installation is routine (conforms to all of the above rules and restrictions), the installation may begin immediately.
2. If the installation is other than routine for any reason, and after an Application Request Form has been submitted, owners and the ACC must establish a mutually convenient time to meet to discuss installation methods. The Management Company must be contacted to schedule this meeting.

VIII. Installation by Tenants

Tenants may install antennas in accordance with these rules with written permission of the homeowner/landlord. A copy of this permission must be furnished with the Application Request Form.

IX. Enforcement

A. If these rules are violated, the Association may bring action for declamatory relief with the FCC or any court of competent jurisdiction after notice and an opportunity to be heard. If the court or FCC determines that the Association rule is enforceable, the Association, for each violation, shall impose a fine of $50. If the violation is not corrected within a reasonable amount of time, additional fines of $10 per day will be imposed for each day that the violation continues. To the extent permitted by law.

Setbacks & Yards

Set back requirements from property line are established by the Declarant and ordinance and are subject to public utility easements, drainage easements, right-of-way and landscape easements depicted on the recorded plats.

Siding

Owners shall seek the approval of the ACC before installing or replacing siding that differs in any way from original materials.

Signs

No sign whatsoever shall, without the ACC's prior written approval of plans and specifications therefore, be installed, altered, or maintained on any lot or on any portion of a structure visible from the exterior thereof, except: one temporary sign per Lot that advertises property for sale or rent, which has a maximum face area of four square feet, and which is conservative in color and style; such permits as may be required by legal proceedings; such permits as may be required by governmental entity.

Signs must comply with the City of Raleigh Sign Ordinance.

One political sign may be placed on a lot without approval. The political sign shall not be placed more than 45 days prior to an election and must be removed from the lot 24 hours after an election. It may not be placed within the City of Raleigh right of way. Failure to remove political signs may result in a fine by the Association.

One security company sign may be placed near the front door of the property without approval.

In no event during approved modification of any structure permitting shall more than one job identification sign be approved by the ACC. No vendor or subcontractor sign will be posted at any time before, during, or after construction.

Statues

The approval of the ACC is not required for the rear-yard installation of any statue, which, including any pedestal, stands no more than five feet tall. All other statues or yard ornamentation is subject to approval by the ACC.

Walkways & Patios

Appearance:

Patios and walkways shall be created in scale with the site and existing structures. Slope of the patios and walkways and that of the adjacent yard shall preserve the original run-off flow pattern and shall not cause excessive water to be directed to a neighboring property or to the house foundation.

Location:

Patios shall be confined to the rear yard while walkways will be confined to the side and rear yards. The patio and walkway size, design and setbacks to adjacent property lines shall be kept in proportion to the existing structures and site. All walkways and patios shall be a minimum of 18" from property lines. Lot size and configuration may permit reduction of the 18" set back in particular instances, by specific approval of the ACC is required for a setback less thank 18".

Materials:

Generally, brick, concrete, concrete pavers, flagstone and slate will be considered as acceptable material. Material and color chosen shall complement the existing structures, all patios and walkways shall be review on an individual basis for material, color and location.

Requirements:

All patios and walkways must maintain proper drainage on the site. If a walkway or patio is planned, homeowners are required to provide a plan that detains drainage patterns and runoff.

Construction Guidelines

Requirements:

Inspections: The Applicant shall schedule and coordinate a review of all construction activities with the ACC to verify compliance with the approved plans and specifications. The ACC may also perform additional periodic information inspections to ensure that wok is being performed in conformance with approved plans, these Architectural Controls and the Community-Wide Standard. All inspections are observations only and will not relieve the obligation to obtain inspection approvals from the City of Raleigh, Wake County and other organizations having jurisdiction.

A job site not in compliance with the Declaration, these Architectural Controls or approved plans will be issued a Notice of Violation and a punch list of items need to bring the construction and/or job site into compliance. Further construction is prohibited until such punch list items have been corrected.

Construction Damages: Any damage to vegetation or common area facilities caused by the Applicant, its contractors, sub-contractors, agents or employees must be corrected immediately to the satisfaction of the ACC, the Declarant, and the Owner of the damaged property. If the damage is not corrected, the Declarant or the Association may repair such damage and assess the cost of repair and an administrative cost to the Applicant.

Conduct: The Applicant must ensure that all contractors and subcontractors control the conduct of their employees while working in Massey Preserve at Neuse Crossing. Loud music, profanity and other behavior which is unbecoming of a quality operation will not be tolerated. Employees violating this policy may be asked to leave the premises and may be denied future access to Massey Preserve.

Site Cleanliness: All sites must be maintained in a clean and orderly manner at all times, the storage of materials should be in an inconspicuous location within the site and stored neatly and orderly, and all construction debris shall be cleared at the end of each working day.