

TIFTON PARK HOMEOWNERS' ASSOCIATION,
INC.

For

TIFTON PARK AT MERESTONE

Community Rules, Regulations, and Policies for
Owners and Tenants

TIFTON PARK HOMEOWNERS' ASSOCIATION, INC.

Board of Directors Policy Statement

It is the responsibility of the Board of Directors to ensure the Covenants, Rules, Regulations and Policies are uniformly observed and enforced. The Board has the authority as elected governing body to amend and adopt additional regulations and to levy fines and expenses for non-compliance. The intent of the restrictions, rules and regulations and architectural guidelines is to ensure that the capital assets are preserved and that real estate values are enhanced over the life of the community. They are not in place to impose inconvenience to owners and tenants but are needed to ensure architectural continuity and the right to a peaceful and enjoyable environment for all. Thank you for your cooperation.

CONTENTS:

Rules and Regulations (Community Guidelines):

Architectural Standards:

- 1. Common Area Maintenance**
- 2. Exterior of Buildings**
- 3. Privacy Fences**

Leasing of Units Enforcement Policy:

- 1. Covenant Violations**
- 2. Delinquency**

RULES AND REGULATIONS

- A. ANIMALS: Maintaining animals for commercial purposes is strictly prohibited in the community. Pets must not run free and must be properly leashed and escorted at all times when outside the unit (this includes cats) including the maintained common areas. If any pet shall be determined by the Board of Directors to be a nuisance, it shall have full authority to have such a pet permanently expelled from the property.**

City of Wilmington Pet Laws:

"No person in custody or control of any animal shall allow said animal to discharge any fecal matter on any public property unless the person in custody or control of said animal immediately and fully removes and disposes of the feces. Such public properties include, but are not limited to, streets, sidewalks, plazas, parks, rights of way, paths, public access areas, storm drains, ditches, streams, creeks, drainage ways, other publicly owned property, as well as dedicated and officially accepted easements."

It shall be unlawful for the owner or custodian of any animal to take it off its own property without the mean to properly and immediately remove and dispose of the animal's feces from any public property.

Bird feeders are not allowed in the courtyards or common areas as they attract rats and vermin causing damage to the exterior of the buildings and intrusion into homes.

Feeding or causing harm to waterfowl at the retention pond is prohibited.

- B. ANTENNAS (Satellite Dishes):**

In October 1997 the FCC adopted regulations which basically prohibit any restrictions regarding the installation of any "over the air reception device (OTARD). To maintain the aesthetics and property value of our community, our HOA can impose some restrictions when the equipment is installed in a common area. Accordingly, as with all requests for change in these areas, prior to installation a request for "Architectural Review" must be submitted and approved.

C. DAMAGES:

The owner or tenant shall be liable for any damages to the common areas, landscaping and parking areas, including driveways.

D. DECORATIONS:

Holiday decorations shall not be permitted to stay up longer than ten (10) days after the holiday. Any damage to the exterior of the building, front shrubbery, landscaping, or trees caused by decorations shall be at the expense of the owner.

E. FLAGS:

Flags no larger than 28" x 40" may be displayed; however the Board of Directors reserves the right to request removal if the flag is deemed inappropriate.

F. GARAGE/YARD SALES:

No garage or yard sales are permitted.

G. GRILLS:

Every precaution should be taken to reduce the risk of fire. There is a large amount of pine straw around the units and within many courtyards. Hot coals should be disposed of solely in a metal container after cooling.

H. LAND USE:

No lot shall be used for any other purpose except residential use.

I. LIGHTING:

All light bulbs or other lights installed in any fixture located on the exterior of any building shall be clear, white or non-frosted lights or bulbs.

J. LOT MAINTENANCE:

All lot owners shall keep their lot free from weeds, underbrush, refuse piles, or unsightly growth or objects.

K. NUISANCES:

No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood. This includes the use or setting off of fire crackers in any manner.

Quiet hours are from 10:00PM to 8:00AM each day, Monday through Sunday.

Noise, including talking, music, animals, and other miscellaneous sounds must be kept at a minimum level so they cannot be heard in adjoining units. These also include: music or other sounds from parked or moving vehicles. For noise or other disturbances (e.g., loud disagreements, etc.), resulting in a police response, an automatic violation will be sent to the homeowner.

NOTE: A City of Wilmington ordinance regarding such a response, allows officers to issue misdemeanors for non-compliance to noise warnings. A fine of up to \$500 may be imposed with up to 30 days in jail.

L. FRONT ENTRANCE FURNITURE:

Only upscale furniture which compliments the existing architecture will be acceptable. This would include, but is not limited to: chairs and benches made of wood, wrought iron or wicker, plant stands and plants of appropriate size, small water fountains.

Bicycles, folding chairs, fishing equipment, pet beds/dishes, clothing, towels, trash, coolers, grills, tools, or temporary items, etc., are not permitted to remain.

(These restrictions do not apply to unit "courtyard" area.)

M. PARKING:

Article VII, section 2(e) of the Declarations states "Off-street parking for not less than two passenger automobiles must be provided on each Lot..." When vehicles are parked tires must be fully on the concrete surface. It is the owner's responsibility to maintain the cleanliness of the driveway. Any soiled areas on the driveway due to oil or paint, etc., will be cleaned promptly. No parking is permitted on any grassed or landscaped areas.

Parking in driveways where vehicles obstruct sidewalks is not allowed and is a violation of City ordinances.

N. SERVICE UTILITIES:

All service utilities and propane tanks are to be enclosed within a fence of a type approved by the Board of Directors.

O. SMOKING:

Due to the potential fire hazard and unsightly cigarette butts strewn around the community, smoking is prohibited in the common areas of the community including the streets, driveways, and areas in front of the unit. Violations are subject to penalties.

P. SPEED LIMIT:

Homeowners and visitors are encouraged to limit vehicle speed to 20 mph in the community. Wilmington Police randomly observe traffic in Tifton Park and unsafe or unruly operation of vehicles risk citation.

Q. SPRINKLER HEADS:

The community is equipped with an automatic sprinkler system for the common areas only. The system does not support sprinklers in the individual unit fenced areas. Costs to repair or replace damaged or broken sprinkler heads could be charged to the unit owner if responsible.

R. STORM PANELS:

Hurricane storm panels shall be installed after the appropriate Architectural Approval process has been completed.

S. TRASH AND GARBAGE:

City of Wilmington collects all trash, garbage, recyclables, yard waste, furniture and appliances. Each owner/tenant occupant is responsible for arranging pickup with the City at 910-341-7875. Garbage containers may be placed at street-side weekly the night before pickup and recyclables bi-weekly. They must be returned to the garage by end of day of pickup.

T. SIGNS (PROHIBITED):

No For Sale, For Rent, For Lease or any political, business or personal signs shall be permitted on any lot, any residence, in any window, or on any fence.

U. VEHICLES (OTHER):

This section refers to any parking outside of any individual unit garage or driveway. No boat, motorboat, camper, trailer, motor or mobile home, Jet Ski, kayaks, or similar type vehicle shall be permitted to remain parked at any unit or on the streets of the community.

No inoperable, unregistered, or uninsured vehicles will be permitted on unit premises. No commercial vehicles, limousines, vehicles for hire, vehicles over $\frac{3}{4}$ ton and oversized vehicles will be permitted to park in Tifton Park excepting those driven by company representatives called in to perform repairs or needed services on units in the community. The Association shall have the right to have such vehicles towed at owner's expense.

No resident may repair any vehicle, boat motor, motorcycle or any type of motor on or in any common area including driveways and roads. Any and all motorcycles and motorbikes must be kept in the unit's garage.

V. WINDOW FANS AND WINDOW A/C UNITS;

These systems are not permitted on any unit in TIFTON PARK.

NOTE: Although Blue Atlantic Management and Board Members regularly inspect the property, your help is needed to identify any of the situations cited above. If an infraction is observed please document with as much detail as possible including the date and your name and submit the observation to Blue Atlantic Management.

ARCHITECTURAL STANDARDS

1. COMMON AREA LAWN MAINTENANCE

A portion of monthly dues is allocated to maintain what is designated as the common area in that it is owned by the Association and maintained for the enjoyment of all members. Since these areas may appear to be “continuous” with some units, efforts to expand one’s unit area to include this common area to improve its appearance have been undertaken. Unfortunately, if unapproved changes are made lawn care service costs can be impacted which affect the overall costs to all members.

Further, improvements in the common areas both front and back of units are not allowed without prior approval. Accordingly, homeowners, who desire to improve these areas must complete and submit a “Request for Architectural Review Committee Approval” form to Blue Atlantic Management prior to any action.

Activities that damage or destroy trees, shrubs, pine straw, etc., such as barbequing, picnicking, partying or playing games (football, baseball, etc.) unescorted or unleashed pets, non-pickup of pet waste, dumping of trash, yard waste or debris of any kind, are expressly prohibited in these common areas.

In addition to the above, all unit owners shall keep their lot free from weeds, underbrush, refuse piles or unsightly growth or objects.

2. EXTERIOR MAINTENANCE OF UNIT BUILDINGS:

Any repair of damage to or maintenance for unit entrance and exit doors, windows, window frames, window screens, roof skylights, glass surfaces, as well as landscaping inside the rear courtyard, and any approved attachments such as awnings, are the responsibility of the unit owner.

3. PRIVACY FENCING:

The Board of Directors has adopted the following set of standards for fencing to provide for an area of privacy and maintain continuity in the community. Privacy fencing shall not encroach on the common area or interfere with the irrigation system or any sprinkler head and will contain a gate for access. No fence shall be attached to any building or to any common area fences.

TIFTON PARK HOMEOWNERS' ASSOCIATION

All fencing will be made of the same quality materials as the perimeter fencing, must be at least 4' tall but the maximum height for all fencing is (6) feet high. All fencing must be constructed in the Board on Board style and stained with Floods CWF-UV Oil (Cedar Tone) stain available at Home Depot.

No decorations can be attached to the outside of the fence and homeowners are required to maintain the area inside the fencing as well provide the maintenance for and repair of fencing and gate.

All privacy fencing is subject to removal if so deemed by the Board of Directors.

LEASING OF UNITS

Nothing contained herein shall prohibit the leasing of a unit, provided however, that:

- 1. No unit shall be leased for a period of less than twelve (12) consecutive months without prior written consent of the Board.**
- 2. All leases for any unit shall be in writing signed by the owner and the tenant**
- 3. All leases shall be in such form, and contain such provisions, as approved by the Board, including provisions requiring the tenant to comply with the Association's Declaration of Covenants and Restrictions, By-laws, Articles of Incorporation, and Rules and Regulations.**
- 4. No structure on any lot other than the unit may be leased or otherwise occupied, and no fraction or portion of any unit may be leased separately from any other portion of the unit**
- 5. A true executed copy of any lease for a unit shall be provided to the Association prior to the occupancy by the tenant of such unit**

NOTE: The Board may also adopt additional reasonable rules and regulations regarding Leasing.

"Leasing," for purposes of this regulation is defined as regular, exclusive occupancy of a unit by any person other than the owner, or the immediate family of the owner, for which the owner receives, or the tenant provides, any consideration or benefit. As used herein, the term "Immediate Family" shall mean the parents, grandparents, and children of such owner.

Number of Inhabitants: By City of Wilmington ordinance, no more than three (3) unrelated persons shall be allowed to inhabit a single unit within the TIFTON PARK community.

Rental/Investor Units:

Each time a change in occupancy or tenancy occurs owners will be required to provide Blue Atlantic Management with a revised leasing agreement subjecting all parties to TIFTON PARK covenants and regulations.

The unit owner is responsible for tenant violations of HOA rules and regulations, and shall be responsible for assessments and all other damages and any recourse the owner may wish to take against a tenant who is in violation.

A Tenant Agreement Form (TAF) must be submitted by Tifton Park owner stating the tenant(s) name and contact number. The form must be dated and signed by both owner and the tenant(s) stating that the tenant(s) has received the Rules & Regulations of Tifton Park and agrees to follow those rules and regulations. The completed and executed form must be returned to Blue Atlantic Management prior to tenant(s) occupying the unit

Failure to do so will constitute a violation of HOA rules and regulations with appropriate penalties and/or fines.

PROCEDURES FOR ENFORCEMENT OF VIOLATIONS

The North Carolina legislature has amended the Planned Community Act with an amendment 47F-3-107.1. This amendment specifies new requirements for procedures relating to enforcement of the Declarations, Covenants, Conditions and Restrictions (CC&R) and community rules. It provides opportunity for each owner to present evidence against imposition of fines during a scheduled hearing before an adjudicatory panel. The owner charged shall be given notice of the charge, opportunity to be heard and to present evidence, and notice of decision. If it is decided that a fine should be imposed, a fine not to exceed \$100 may be imposed for the initial violation. Without further hearing, for each day more than five (5) days after the decision, an additional fine of \$100 may be imposed. Appeal by owner to the entire Board is next available step.

Fines under the statute shall be assessments secured by liens - GS 47-F-3-116.

DELINQUENCY/NON-PAYMENT OF ASSESSMENTS

All unpaid installment payments of Assessments and fines shall become immediately due and payable if an Owner fails to pay any installment within the time permitted.