

# **HOLLY TREE HOMEOWNERS ASSOCIATION**

Wilmington, North Carolina

## **RULES AND REGULATIONS**

### **AUTHORITY**

All unit owners, in addition to any other obligation, duty, right and limitation imposed upon them by, the Declaration, the Articles of Incorporation, the By-Laws of the Association, and the Condominium Act, shall be subject to and agree to abide by the following rules and regulations, which shall be applicable to all unit owners, their families, guests, invites, tenants and lessees.

These Rules and Regulations will be reviewed periodically by the Board of Directors of Holly Tree Homeowners Association, Inc and amended as necessary to better serve the membership.

### **ENFORCEMENT**

Complaints should be reported, in writing or by phone to the management of the Association.

Minor infractions will be called to the attention of the person or persons involved by an officer of the Association. Repeated infractions and violations of a more serious nature will be referred to the Board for action.

Disagreements concerning complaints will be presented to the Board for adjudication and appropriate action, with enforcement by civil legal process, if necessary.

### **ENFORCEMENT PROCEDURE**

Violation of any rule or regulation of the Holly Tree Homeowners Association, its Declaration or its By-Laws may be subject to the procedures that follow:

1st Violation: Written notification to the owner and resident. Where immediate compliance is not possible, up to one week may be allowed for corrective action.

2nd Violation: Written notification to the owner and resident. Fine of \$100.00 assessed against the owner. Suspension of voting rights and recreational privileges for owner and thereby the tenants.

Additional Violations: Written notification to the owner and resident Fine in the amount of \$100.00 at a frequency to be determined by the Board of Directors commensurate with the violation and attention given to previous notifications. Suspension of voting rights and recreational privileges for periods determined by the Board of Directors commensurate with violation and attention given to previous notifications.

All fines are due and payable immediately upon receipt and are late if not paid within 30 days. These fines constitute an assessment against the owner and failure to pay them will subject the owner to the same legal action as would be allowed for other assessments including late charges, liens, pursuit of court judgments and foreclosures. It is the intent of the Board of Directors that this policy is sufficiently stringent to force the owner's attention to the conduct of the occupants of their unit, thereby eliminating the cause of such complaints.

Owners may contest penalties by forwarding a letter to the Board of Directors detailing the situation to be addressed and requesting to be heard at the next regular Board of Directors meeting. Confirmation of dates and times will be forwarded to that owner.

These written rules shall suffice as notification and first warning to all owners.

### **CHILDREN**

There are no restrictions with regard to children in residency, except children will conduct themselves in accordance with the rules and regulations under parental or guardian supervision. An adult must accompany any child under the age of twelve (12) years while at the pool.

### **BICYCLES/MOTORCYCLES**

Bicycles and other similar vehicles may be operated on the premises, but must be kept within units when not in use.

Bicycles may not be kept on entry porches. Motorcycles cannot be kept on or operated on sidewalks, grassy areas or entry porches.

### **DESTRUCTION OF PROPERTY**

Owners will be responsible for destruction, damage or defacement of buildings, facilities, and equipment caused through their own act(s) and/or the acts of their lessees or guests.

Unit owners, their families, guests, invitees or lessees shall be liable to the Association for defacing, marring or otherwise causing damage to the common elements where the repair of said damage is the obligation of the Association.

### **SIGNS**

No unit owner shall cause any signs of any nature whatsoever to be posted or affixed to any of the common elements, except one sign ONLY in his respective unit as may be seen from any portion of the common elements.

### **SAFETY**

No one shall permit any activity or keep anything in a condominium unit storage area or the common elements that would be a fire or health hazard or in any way tend to increase insurance rates. This section has particular reference to barbecuing, which is not permitted on stairways, entry porches or on the screened porches. **New Hanover Fire Code #307.5** states that open flame cooking devices shall not be operated on combustible balconies or within 10 feet of combustible construction.

### **EXTERIOR APPEARANCE**

To maintain a uniform and pleasing appearance of the exterior of the buildings and to protect the building from damage and water intrusion, the following shall apply:

No owner, tenant, or other occupant of a condominium unit may paint or otherwise change the appearance of any exterior wall, door, window, balcony, or any exterior surface.

No occupant may place any sunscreen, blind, storm shutter or awning on any balcony or exterior opening without first securing written approval of the Board prior to installation. No occupant may erect any exterior lights or signs; place any signs or symbols in windows; erect or attach any structures or fixtures within the common element (i.e. the exterior of the building). Prohibited attachments include anything nailed, screwed, bolted or otherwise attached to the exterior of the building.

Occupants are not to erect, construct or maintain any wire devices, antennas, Christmas lights or other equipment or structures on the exterior of the buildings on or in any of the common elements, except with the written consent of the Board of the Association. Christmas lights are not permitted on the metal stairway railings.

No clothing, bedding or other similar items, shall be dried or aired in any outdoor area or within the unit if same can be seen from the common elements.

No draperies, shades, awnings, or the like shall be used except as shall have been installed or approved by the governing board and no signs of any kind shall be placed in or on windows, doors, terraces, fades, or other exterior surfaces of the buildings All draperies visible from the exterior surfaces of the building shall be of white or off-white color or shall have white or off-white linings.

### **INTERIOR APPEARANCE**

All unit owners shall keep and maintain the interior of their respective units in good condition and repair; including the entire air conditioning system (compressor, ducts, vents, etc.) servicing the respective owner's units, whether inside or outside owners unit. The courtyards, rear balconies and screened porches shall be kept in a clean and aesthetically pleasing manner by the unit owners having the right of exclusive use thereof.

No occupant may make any structural additions or alterations (except the erection or removal of non-support carrying interior partitions wholly within the unit) to any unit or to the common elements or any of the foregoing without prior written consent of the Board.

### **SOLICITATION**

There shall be no solicitation by any person anywhere in the buildings or the common elements for any cause whatsoever unless invited by the unit owners to be solicited, or specifically authorized by the Board.

### **NOISE**

All occupants of units, shall exercise extreme care about making noises or the use of musical instruments, radios, televisions and amplifier's that may tend to disturb other occupants. Designated "quiet" hours are 11:00 pm to 9:00 am. If conduct results in the need to call an appropriate law enforcement agency then any fines or penalties will result immediately with no prior warning.

### **PETS**

Unit owners shall be permitted to keep domestic animals only if such animals do not disturb or annoy other unit owners. Unit owners keeping domestic animals shall abide by municipal sanitary regulations and shall be responsible for any inconvenience or damage caused by such animals. All dogs shall be kept on leashes when not confined to the owner's unit and will be walked only in areas designated from time to time by the Board for such purposes. No animals shall be confined outside the units in any common elements. Porches are not to be used as a pet pen.

If, in the sole judgment of the Board, it is determined that a pet is causing excessive disturbance and annoyance to other occupants, the owner will be asked to dispose of the pet. Pet droppings are to be cleaned up immediately by the owner of the animal involved.

Lessees or guests of owners will not be permitted to bring pets onto the premises.

Pets will not be allowed in the swimming pool area.

## **LEASING/RENTING**

Unit owners may not rent or lease their unit for less than one (1) day to any one tenant. All leases must specifically be made subject to the condominium documents and rules and regulations. All homeowners must supply tenants and lessees copies of the rules and regulations. Only entire units may be leased.

## **OCCUPANCY**

No owner, lessee, or other occupant of a condominium unit shall use the unit for other than single family residence purposes.

## **SWIMMING POOL**

Owners, their families, lessees, and guests using the swimming pool do so at their own risk. The swimming pool is the occasional use of guests; abuses subject to action by the Board.

Persons using the swimming pool are requested to read and obey the posted rules for use of the swimming pool and deck areas.

Glass containers are prohibited in the swimming pool areas.

No pets of any kind are permitted in the swimming pool or pool areas. Owners will be held responsible for any damages or repairs necessary.

An adult must accompany any child under the age of twelve (12) years while at the pool.

It is required that the responsible owner/tenant accompany their guests using the pool.

## **GARBAGE/REFUSE**

All household refuse (including newspapers, etc) must be placed in plastic bags, tied shut, and placed in one of the trash dumpsters for pick up. If the dumpster near you is full, it is your responsibility to place the refuse in one of the other dumpsters. If all are too full to hold more refuse then contact the Management Company. All bulk items will be disposed of by the unit owners and shall not be placed around the dumpsters. The Association must pay additional fees to remove such items. These fees will be passed on to the owner of units identified as leaving bulk items in the common area. If an item is too large to fit in the dumpster then the unit owner must make arrangements for disposal of such items.

## **VISITORS**

The unit owners, their guests and invitees agree to use the common elements only in accordance with such reasonable rules and regulations as are promulgated from time to time by the Board for the use thereof.

## **ACCESS**

The Association will retain a pass key to the premises. No unit owner shall alter any lock or install a new lock or a knocker on any door without the written consent of the Board. In the event such consent is given, the unit owner shall provide the Association with a key for the use of the Association pursuant to its statutory right to access to the premises.

## **FACILITIES/GENERAL**

The facilities of the condominium are for the exclusive use of members of the Association, lessees, their houseguests, and guests accompanied by a member or lessee. No guest or relative of a member or lessee may use the facilities unless in actual residence or accompanied by a member or lessee. These rules and regulations shall apply equally to owners, their families, guests and lessees.

## **PENALTIES AND FINES**

Pursuant to Section 4 of the By-Laws, the Association shall have, through its Board of Directors, the right to assess fines and penalties for the violation of these Rules and Regulations.

## **FOOD/BEVERAGES**

Food and beverages may be consumed in the common elements at the personal discretion of the owners.

Owners are responsible for leaving the common elements used in a clean condition. Frequent violators may have this privilege revoked by the Board.

Outdoor cooking is restricted to areas that may be designated for that purpose and located on the ground level.

No glass containers may be used in the common elements.

## **VEHICLE PARKING**

No trucks or commercial vehicles, campers, mobile homes, motor homes, boats, house trailers, boat or trailers of every other description shall be permitted to be parked or to be stored at any place on the common elements. This prohibition of parking shall not apply to temporary parking of trucks and commercial vehicles, such as for pick up, delivery and other commercial services. Automobiles shall be parked only on the parking spaces established for such purpose. Inoperable vehicles are not permitted to be stored or parked on the common elements. Inoperable includes vehicles without valid state inspections, registrations, and license plates. Inoperable also includes vehicles rendered inoperable due to mechanical problems including flat tires. Parking abuses that create habitual burden and nuisance to other owners, tenants and lessees will be referred to the Board for action at their discretion. No vehicles shall be operated in or parked on any sidewalks, porches or grassy areas for any reason (except when necessary for authorized maintenance and emergency personnel only). Any vehicle parked improperly is subject to towing at the owner's expense.

Rules and Regulations reviewed and confirmed by the Board of Directors on the 8th day of May, 2007.

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## **HOLLY TREE H.O.A.**

### **Fine Policy**

Consistent with the applicable provisions of NCCS § 47-F, the Holly Tree Homeowners Association has promulgated the following fine policy to be applied to violations of the Covenants, Restrictions and Rules and Regulations.

1st Violation - Written Notice of Violation (warning)

2nd Violation - Written Notice of Violation and \$100.00 fine

Subsequent - To be determined by adjudicatory panel

Property owners are entitled to a hearing before an adjudicatory panel appointed by the Board of Directors before a fine is applied to the owner's account. Following the opportunity for a hearing, subsequent violations are subject to the above fine policy without further warning or hearings. Such fines are applied on a per diem basis for each observation of a violation.

Revised 04/07

