GUIDELINES

AND

ARCHITECTURAL

COMMITTEE

OVERSIGHT

FOR

NORTH SHORE PROPERTY OWNERS ASSOCIATION

(NSPOA)

CAROLINA TRACE

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CONSTRUCTION GUIDELINES AND ARCHITECTURAL COMMITTEE (AC) OVERSIGHT

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CONSTRUCTION GUIDELINES &
ARCHITECTURAL COMMITTEE (AC) OVERSIGHT

Forward: The following guidelines are a supplement to the By Laws, Covenants and Restrictions established for the North Shore Property Owners Association (NSPOA). In the event of any conflict between these guidelines and the provisions of the North Carolina Planned Community Act (NCPCA), which has been incorporated in the Covenants and Restrictions (CCRRs) of NSPOA, the CCRR's and By Laws, the provisions of NCPCA, the CCRR's and By Laws shall apply.

ARTICLE I: PURPOSE, STRUCTURE AND OPERATION OF THE AC

A. PURPOSE. The purpose of the AC is to apply these guidelines, the NSPOA CCRRs and By Laws; to interpret those documents and administer requests relating to those documents in manner to:

1. Maintain and enhance the character of all property.
2. Conserve the value of homes and lands.
3. Encourage the most appropriate use of lands.
4. Conserve the natural resources and environmental quality.
5. Protect development and residents from flooding and other hazards.

B. ORGANIZATION. The AC shall consist of three (3) members elected to three-year terms by the members of the POA. The Board of Directors may appoint additional members as it deems necessary. The AC reports to and is accountable to the Board of Directors (BOD). (Reference CCRR Article 14)

C. MEETINGS.

1. **FREQUENCY:** The AC shall meet as required at a time, date and place set by the Chairperson.
2. **RECORDS:** Written or electronic records (of completed requests, Applications and/or projects) shall be kept in a file organized by lot number of all deliberations and decisions of the AC. Attachments, Applications, mails and notes taken of conversations shall be placed in the file. For a simple, (non-contentious in the opinion of the all members of the AC) application that is unanimously approved a signed copy of that approval with hand written notes to that effect will suffice. Any meeting of the committee at which a non-unanimous decision is rendered or a complex discussion about an application occurs shall have written minutes which will outline the subject discussed, decisions rendered and the reasoning behind any decision. A summary of the actions the AC has taken during the period between Board Of Directors Meetings shall be emailed to the Board members in advance of their (BOD) meeting and will be included in the Board of Directors Meeting Minutes as an attachment.
3. **ELECTRONIC RECORDS:** Must be backed up on a memory stick and exchanged with the Chairperson at each BOD meeting.
4. **QUORUM:** A quorum of the Architecture Committee is 50% (rounded up) of the committee's membership. In cases where the matter under consideration is either important or contentious, every effort will be made to have all three elected AC members present plus other members that may be appointed to the AC by the Board of Directors (subject to the timeliness of response requirements of CCRRs 14.A.4.).

D. OPERATIONS. In reaching decisions, the AC will review and consider all information submitted, including visiting the site. The AC will also actively seek and consider the opinions of neighboring owners when determining the community impacts of the proposed construction. In most instances, this document sets forth the standards and guidelines that the AC will use in making decisions. In some instances, the standard to be applied will be determined on an individual basis. Decisions will be made and communicated in writing to the requesting Owner or the Owner's agent (Contractor acting on the Owner's behalf). No verbal permissions or denials will be issued. Written requests that are received by the AC that do not require AC approval, nonetheless, will be replied to via email if the request/application was received by email or in writing and kept as a matter of permanent record in accordance with Article 1.c.2 of this document. Verbal requests that result in an obvious determination that the action described does not require AC or BOD approval will be noted in an informal manner in that lots file.

E. EXCEPTIONS/VARIANCES. Following legal opinion received by the NSPOA Board interpreting language in two sections of the CCRRs (article13) and Bylaws (X.S.1.a), the first line of approval/disapproval of a request for an exception to the requirements of the CCRRs lies with the Architecture Committee. If an owner wishes to file an appeal of an Architecture Committee decision, that request is made to the Board of Directors in accordance with CCRRs Article 13.. An exception or variance is required for all items of any type (standards, area, or use)

that are different, divergent, or inconsistent with the NSPOA CCRRs, Bylaws, or the neighborhood that surrounds the requested project. By approving these guidelines, the North Shore Board Of Directors explicitly grants the authority to the Architectural Committee to grant an exception which will have the same force as a BOD granted variance. This grant will have the full force of a Board resolution and may be rescinded at any time by the BOD. See email from Jordan Price to the President in reply to a question raised 4/18/2012)

1. Requests for an exception or variance should be submitted in writing signed by the lot owner to the Chairperson of the AC.
2. As a matter of common practice, neither the Architecture Committee nor the Board will consider the financial or personal situation of the applicant. Though US or North Carolina laws may cause the AC and/or BOD to do so. Further, both the AC and the Board considers other property owners with similar site considerations when granting variances and will not approve a variance that may establish an undesirable precedent while reserving the right to grant such a variance without establishing a precedent. (Ref. CCRRs Article 12)
3. Only the BOD can grant a variation of home size or height (Article 16.B.4). BOD approval of a variance requires a two-thirds (2/3) affirmative vote of a Quorum of the Board as defined by Article VII.S.5 of the NSPOA Bylaws.
4. The AC or the BOD (depending on which rendered the decision) will notify the Owner and/or agent Contractor, in writing, of any approval or disapproval action of the Board with respect to the variance. The AC must notify the lot owner within 30 days of their request. (Ref. CCRRs Article 14.A.4) The BOD has no such time limit for its response.
5. A violation occurs when the Owner and/or agent contractor fails to abide by or implement the Board's decision. If no corrective action is taken, or to notify, in writing, of intent to take corrective action within fifteen (15) days after issuance of the Board's action, it subjects the violator to appropriate imposable sanctions.
    a. The "Due Process Panel, defined Article X.S.1 of the By-Laws takes initial action with respect to the violation, but this is followed up by the Board only after appeal by the owner or agent (contractor).
    b. After appeal by the owner and/or owner agent, sanctions imposable by the NSPOA Board include issuance of stop work orders, temporary restraining orders, and fines.

ARTICLE II: <u>PROJECTS REQUIRING AC APPROVAL</u>

Property owners are urged to meet with the AC prior to making any building plans so that they understand their responsibilities regarding the NSPOA Construction Guidelines. This is particularly true for all new construction applications.

Projects, which must be submitted to and approved by the AC before work can commence, include, but are not limited to, the following:

A. Construction of a new residence, structure, building, dock or alteration of vacant lot in preparation thereof. Improvements not included in the original permit or to be started after the final inspection of a previous permit will require a new application and approval. (See CCRR 14.A. and 18.J. for additional guidance.)

B. Improvements, alterations, additions, changes and repair of existing residences, structures or other buildings which will alter or change its exterior dimensions or appearance, including colors and types of materials. (Ref. CCRRs 14.A.2.)

C. Construction, replacement, alteration or change of an access drive that connects to roads and streets. (CCRR 14 A.2.)

D. Installation of fences, screen plantings, retaining and other walls, and any other structure. (Ref. CCRRs 18.C.)

E. Any clearing or landscaping that will alter the appearance of or the flow of surface water on any adjacent lot. (Ref. CCRRs 18.R.)

F. Installation of exterior lights. (Ref. CCRRs 18.C.)

G. Dock construction requires an approved application from <u>both</u> the AC and Carolina Trace Country Club (CTCC) Board of Directors. Owners should submit their application only to the AC and if AC approval is granted, the AC, with concurrence by the Board of Directors, will pursue approval from the CTCC. (Ref. CCRRs 18.J.)

Projects which do <u>not</u> require formal approval are limited to like for like replacements. Examples are paint of essentially the same color in the same area, roofing replacement of essentially the same color. A courtesy call to the Chair of the AC to inform them of the coming activity should result in an informal OK to proceed. When in doubt, provide a formal Appendix C to the

Chair. Such verbal approvals should be documented in the records and the Monthly Summary sent to the BOD.

ARTICLE III: SUBMITTALS TO THE AC

All submittals for consideration by the AC shall be in writing, dated and signed by the requesting lot owner. Each request shall clearly identity the lot number or numbers affected by the request, and shall include appropriate documentation and/or information as specified herein. The lot owner's signature is required as only they are subject to the enforcement of the CCRRs and Bylaws. The lot owner of record according to the Lee County records. In the case of a joint ownership, only one signature is required. In the case of a trust being the owner, documentation of who in entitled to legally speak for the trust is required.

A. NEW CONSTRUCTION

1. Field location requirements, which must be accomplished prior to submittal to the AC for approval.
    a. The Surveyor or Contractor shall locate accurately by means of stakes and string, the perimeter of the Structure to be built, including decks, porches, and garages so that the position of the structure can be determined readily at the time of the initial field inspection.
    b. The location of the driveway and parking area shall be similarly staked and strung.
    c. Strings along property lines to allow verification of setbacks.
    d. Location of trees greater than six (6) inches in diameter, annotating those that are planned for removal during the construction process. Suggest some form of tape be used. (CCRR 18.Q)
2. One set of survey plot plans containing the following:
    a. Location of building and setback measurements in accordance with CCRR, 14.A.2 and 17.
    b. Location of driveway and parking areas.
    c. Location of easements, erosion controls devices and exterior lights.
    d. Expected direction of surface water flow from lot, driveway and roof drains.
    e. Location of the expected (and required) silt erosion fence during construction.
3. One set of plans for the proposed construction containing all information and data as specified in Appendix A, in accordance with CCRR 14.A.2.
    a. One set of specifications for the proposed construction in accordance with CCRR 14.A.2.
    b. As appropriate, one set of application forms in the format of Appendix B, complete with the information and data indicated, signed and dated by the requesting Owner and the Contractor.
    c. A copy of the Lee County Building Permit before the start of the construction, once AC and/or Board approvals have been obtained.
    d. Construction Indemnity Agreement and Proof of Workman's Comp, copy of Liability Insurance, and a check for the current Road Maintenance Fee.
    e. Builder Review form.

B. IMPROVMENTS, ALTERATIONS, ADDITIONS, CHANGES OR REPAIRS TO EXISTING STRUCTURES AND/OR PROPERTY

1. One set of working sketches of the proposed work, including floor plans, elevations with appropriate dimensions and an indication of the proposed work relative to the existing building or structure and to property lines in accordance with CCRR 14.A.2.
2. One set of informal specifications including the type and color of exterior materials to be used on the roof, walls and exterior surfaces in accordance with CCRR 14.A.2.
3. As appropriate, one set of application forms in the format of Appendix C.
4. A copy of the Lee County Building Permit, if required, before start of construction. Determination if this is required is the sole responsibility of the submitting lot owner.

C. OTHER SUBMITTALS

Requests for approval of all other projects shall be made by application forms in the format of Appendix C, signed

and dated by the requesting Owner. The application shall identity the lot number involved and shall state the type and scope of the proposal and the reasons therefore. If construction (e.g., a dock, deck, pergola, etc) is proposed, the application shall include a sketch of the proposed work with appropriate dimensions, materials to be used and color schemes.

D. FEE SCHEDULE

At the time of submission a check in the applicable amount shown below will be made out to North Shore Property Owners Association. These amounts are voted on by the members of NSPOA and are subject to change beginning January 1 of each year:

New home on an unoccupied lot ..... …… $3,000.00 + $2,000 deposit =$5,000

Tear down and build a new building/house…….... 4,000.00+ $2,000 deposit =$6,000

Additions/Renovations over 1,500 SF …… 2,500.00

Additions of 1001 to 1499 SF ……. 1,500.00

Additions of 751 to 1000 SF ..... …… 1,000.00

Additions of 501 to 750 SF ..... …… 750.00

Additions of 150 to 500 SF ..... …….. 500.00

Independent Review of Landscape Plans* …….. 300.00

An additional $2,000 will charged for a new home applications in 2023, but it is refundable based on satisfactory performance by the builder in complying with POA requirements. All or some of the $2,000 may be retained to remedy issues caused by the construction project.

* When required by Architecture Committee

E. TIME OF SUBMITTAL

1. All proposals submitted for approval by the AC must be delivered to the Chairperson of the AC as soon as possible to allow proper review. The AC will meet as soon as practical to consider the request. The AC will respond to the
applicant within thirty (30) days of receipt of the application. (Ref. CCRRs Article 14.4). The Chairperson, upon receipt, should date stamp the Application or request.
2. Exceptions and Variances: See Article 1.E above.

ARTICLE IV: SURFACE WATER AND EROSION CONTROL

A. The Owner/Contractor is responsible for ensuring proper drainage as set forth in CCRRs 18.R and Article V, below.

B. Should the property possibly contain any wetlands or streams (intermittent or perennial), review of the property by the NC Department of Environmental Review and/or the Corps of Engineers will be required and is a process entirely separate from any NSPOA roads and drainage impact review. More information is available at the NCDENR web site at http://www.deq.nc.gov.

C. If, after discussions with the owner or builder and examination of the property by the Roads and Drainage Committee, there is a need to address topographical issues, existing erosion, and/or impact on adjoining property, the Roads and Drainage Committee will inform the applicant of the need to submit a report in accord with the requirements of CCRRs Article 14 & 18.R. The AC may, at its option) obtain its own Engineering Report (BOD Resolution 2013-R001).

D. The Roads and Drainage Committee should be consulted and approve any contract with the civil engineer and may direct the inclusion of specific concerns that must be addressed in addition to those items listed below.

E. The owner/builder is responsible for funding the preparation of the report. This report must:

1. Be signed by a licensed civil engineer or a landscape architect registered in the state of North Carolina.
2. Describe the expected runoff (source and volume to a 10 year and 50 year standard) created by the proposed grading, building and landscaping and its method of disposition.
3. Describe the expected runoff (source and volume to a 10 year and 50 year standard) of any water liable to enter and exit the property.
4. Describe the recommended changes to the existing drainage.
5. Describe the impact of the proposed construction or changes in drainage on both properties below, above and

adjacent to the subject property.

6. Calculate the needed sizes of any pipes or drainage ditches and describe the data used and their sources used in the calculations.
7. Describe any changes to drainage including pipes under driveways (which must be a minimum of two 4" pipes).
8. Describe in detail any erosion control measures necessary during construction to comply with NC State water quality and/or US Corps of Engineers requirements.
9. Describe in detail any erosion control measures necessary after (as the result of) construction to comply with NC State water quality and/or US Corps of Engineers requirements.

F. The signoff review of the proposed drainage portion of the building plan by the Roads and Drainage Committee can occur simultaneously with a review of architectural plans by the AC. Approval or disapproval will be in writing and will state the reasoning behind the disapproval. Disapproval by the Roads and Drainage Committee will result in the need for a resubmission if approval is desired.

G. The owner/builder is responsible for grading and landscaping to the existing paved street including road right of way and necessary drainage provisions along the side of all roads that adjoin the property. These should be done consistent with other properties in the area, specifically adjoining properties. Some may require rock lined drainage and/or asphalt paving.

H. The owner/builder is responsible for grading and landscaping a driveway to the existing paved street including the road right of way. This should be done consistent with other properties in the area, specifically adjoining properties.

I. The owner/builder is responsible for the repair of any damage to NSPOA roads, right of way and/or drainage cause by or during construction by the owner/builder, any contractor, subcontractor and/or utility and repairs must be of a quality and standard that matches or exceeds the pre-construction.

J. The owner/builder must assure that all NSPOA roads are passable at all times. If a lane is temporarily blocked by construction equipment, flagmen must be used to direct traffic.

K. No overnight parking on NSPOA roads or right of way is allowed, including construction equipment or other vehicles.

L. As soon as possible and within the limits or practicality, parking during the day should be done on the building lot and not on roads or right of way.

M. North Carolina DOT Temporary Silt Fencing must be used to conform to DOT regulations.

ARTICLE V: TREE REMOVAL, CLEARING, GRADING, DRIVEWAYS, PARKING AND LANDSCAPING

A. TREE CUTIING AND PRESERVATION DURING SITE PREPARATION AND CONSTRUCTION

1. In accordance with CCRRs 18.Q, the complete removal of all trees from any parcel of land without the prior written approval of the AC is prohibited.
2. Every effort should be made to preserve as many mature trees as possible in order to maintain the location's natural beauty and prevent erosion.
3. The only trees that may be removed to clear a site during construction are those within the footprint of the building foundation and may not exceed twenty (20) feet away from the foundation. Trees may also be removed within the boundaries of walks, driveways, and parking areas, but their location should be planned to minimize tree removal. Stumps within those boundaries, and any uprooted stumps on the property, must be removed.
4. Tree stumps must be removed.
5. Care must be exercised during clearing of trees and construction to avoid damage to trees on adjoining properties.
6. The Owner/Contractor is responsible for any damage caused to adjoining property by their construction activity.

B. GRADING

1. Natural existing slopes and grade shall be maintained to the fullest extent practicable.
2. Grading for driveways should direct all drainage to existing ditches or natural drainage swales in accordance with CCRRs 18.R.1.

3. The Owner/Contractor is responsible for any damage to adjacent properties (common or private) resulting from changing the natural drainage flow from or to the property in accordance with CCRRs 18.R.2.

C. DRIVEWAYS AND PARKING AREAS

1. Each lot, upon which a residence is constructed, shall be provided with a suitable driveway and with adequate parking areas within the boundaries of the lot in accordance with CCRRs 18.1. It is recommended that a space to park at least four (4) automobiles be provided.
2. Driveways and parking areas should be immediately covered with an adequate course of broken stone or gravel at the start of construction to prevent any erosion.
3. A pipe to allow water to pass under a driveway near where the driveway meets the street may be necessary and should be indicated on the plans with appropriate size to allow expected water flows both from the lot owner's lot but also from and to adjacent roads and lots. Such pipes are expected to be 6" pipes though two 4" are also acceptable.
4. A driveway largely consisting of crushed stone must have either a asphalt or concrete surface over the first 10 feet in order to prevent the stone from migrating to the street And containing a dangerous risk to pedestrians and vehicles..

D. UTILITY EASEMENTS AND LINES

1. As required by Article III.A.I, the survey plat shall indicate all easements.
2. All utility lines must be flagged by the appropriate utility companies prior to the commencement of foundation excavation or grading operations for driveways and walks.

ARTICLE VI: <u>BUILDING CONSTRUCTION</u>

A. **MINIMUM FLOOR AREA.** Each dwelling constructed shall meet the minimum square footage of ground coverage as set forth in the CCRRs Article 16 House Requirements.

B. **SITE INSPECTIONS.** The AC shall make the following inspections:

1. An initial site inspection will be made to check for setback compliance.
2. An inspection will be made before footings are poured to ensure that the setbacks are correct.
3. Random inspections to check erosion control devices and compliance with submitted plans.
4. Final Inspection and verification of Certificate of Occupancy.

C. **MINIMUM SETBACK DISTANCES.** The following minimum setback distances are prescribed by the CCRRs Article 17 and/or the recorded plot. Exceptions to these setbacks are variances and must be approved by the North Shore Board of Directors.

1. **ROAD SIDE SETBACK**. The building or structure shall be located no less than fifty (50) feet from the front property line. (Ref. CCRRs 17)
2. **SIDE SETBACK.** The building or structure shall be located no less than twenty (20) feet from any side property line. (Ref. CCRRs 17)
3. **REAR SETBACK**. The building or structure shall be located no less than fifty (50) feet from the rear property line. (Ref. CCRRs 17)
4. **GOLF/LAKE SETBACK**. The building or structure shall be located no less than seventy (70) feet from the property line that borders any golf course or lake. (Ref. CCRRs 17)
5. **METHOD OF MEASUREMENT**. The above setback distances shall be measured on a level plane from the foundation of the building or structure (porches, decks, steps) to the surveyed property line. If the lot is located on a road without established lot marking monuments, the front setback shall be measured from the outside line of the prescribed road or street easement as set forth by the recorded plat for the unit in which the lot is located. For lots located on the ends of courts where the front property line is defined by the radius of a circle, the survey should locate and mark the center of the circle.
6. **SPECIAL CONSIDERATION**. Setback requirements for a structure to be built on an irregular lot require prior written approval of the Architectural Committee. (Ref. CCRRs 17)

D. **EXTERIOR WALLS**. The material and color of exterior walls of buildings shall be approved based on harmony with the existing standards of the neighborhood and with consideration of the location of surround structures and

topography. (Ref. CCRRs 18.C)

E. **ROOFS.** The materials and color of roofs of buildings shall be approved based on harmony with the existing standards of the neighborhood and with consideration of the location of surrounding structures and topography. (Ref. CCRR s18.C)

F. **ENCLOSURE.** Construction of a home in which the crawl space, or space between the ground and lowest habitable level, is open is prohibited based on the lack of conformity and harmony of external design with existing structures in the area. (Ref. CCRRs 18.C)

G. **TRAILERS AND MOBILE HOMES**. The installation or storage of a trailer or mobile home or of a structure having the appearance of a trailer or mobile home is prohibited. (Ref. CCRRs 16.E & 18.L)

H. **GARAGES.** All new home construction must provide adequate off street parking. It is recommended that an attached garage have a minimum of 300 square feet.

I. **OTHER**. No trade materials, inventories, or commercial vehicles may be stored on the premises and no boats, trailers, buses, motorized camping vehicles, or tractors may be stored or regularly parked on the premises except in garages or well-screened enclosures, the latter of which are subject to AC approval. (Ref. CCRRs 18.N)

ARTICLE VII: CONSTRUCTION PERMITS AND INSPECTIONS

A. No field-work including lot clearing, for new construction can proceed until permits have been issued by Lee County, and permits have been conspicuously posted at the job site. An exception to the above is the removal of brush to facilitate the survey of the property or the placement of strings to indicate the proposed locations of house and driveway. (Ref. NC Building Code G.S. 153A-357 & G.S. 160A-417)

B. Permits must remain posted during the entire construction process. (Ref. NC Building Codes)

C. A photographic copy of the county building permit shall be provided to the AC by the Owner/Contractor for incorporation into the documentation file.

ARTICLE VIII: CONSTRUCTION PROCEDURES AND REQUIREMENTS

A. **CONSTRUCTION SIGNS**. The Contractor may utilize a suitably designed permit container bearing the name of the firm in letters not exceeding three (3) inches in height. This sign should be placed on or near the front property line of the construction site and used for displaying the required Permits. The Contractor, subcontractors, or material suppliers shall place no other signs on the property. The sign shall be removed within fifteen (15) days after completion of the project. (Ref. NC Building Codes & Lee County Inspections Department)

B. **TEMPORARY TOILET**. The Owner/Contractor must install a self-contained type toilet at a location least offensive to people in adjoining housing or those passing the site on a new construction site. The facility shall remain in place until the toilets inside the house are operable. The outside facility must be serviced regularly during construction. (Ref. NC Building Codes & Health Department Regulations) The door to the toilet should be pointed toward the interior of the lot.

C. **CONSTRUCTION SITE TRASH**. Burning of trash in NSPOA is prohibited. The Owner/Contractor is responsible for the containment and removal from North Shore of all trash generated during construction. Trash must be removed at regular intervals during construction to maintain a neat appearance. To maintain a neat appearance, all trash shall be contained daily, until the next regular removal. Construction trash and/ or garbage shall not be burned. (Ref. CCRRs 18.K, EPA Regulations & Health Department Regulations)

ARTICLE IX: EXTERIOR LIGHTING

A. All components of exterior lighting must be approved by the Architectural Committee. (Ref. CCRRs 14.A.2)

B. Spotlights or floodlights may not be used in any manner that unreasonably annoys other property owners. Spotlighting and floodlighting may not be directed towards any public road or toward any lot other than that on which it is placed.

C. Accent garden lighting of trees within property lines of lot are allowed provided they do not distract from natural beauty or negatively affect neighbors in any way.

D. Lamppost(s) may be located as safely near the street as possible and should be selected so as to minimize upwards light pollution.

ARTICLE X: MISCELLANEOUS ITEMS

A. **FENCES.** No fence shall be constructed until plans, showing specifications and location, have been approved as to conformity and harmony with existing structures in the area by the Architectural Committee. (Ref. CCRRs 18.C & 18.F). They are not generally approved so reasoning for the request is required.

B. **FUEL TANKS**. Fuel tanks must either be buried or screened from view. (Ref. CCRRs 14.A.2)

C. **CONSTRUCTION SCHEDULE**. Construction approvals are valid for six (6) months for the commencement of construction unless extended by the Architectural Committee in writing. (Ref. CCRRs 14.A.6) The Architectural Committee has the right to set time limits for the completion of each house, normally six (6) months. (Ref. CCRRs 18.A)

D. **OFF STREET PARKING**. Off street parking must be provided at the time construction has been completed and the dwelling is ready for occupancy. (Ref. CCRR 18.I)

E. **CENTRAL WATER AND SEWER SYSTEM**. All new construction homes must be connected to the central water and sewer system. (Ref. CCRR 18.P)

ARTICLE XI: JUDICIAL PROCESS

The following guidelines are to be implemented by the Architectural Committee as to the judicial process for Lot Owner violations.

A. All non-compliance issues with CCRRs Articles 14,15,16,17 or 18 are to be discussed informally and amicably with the property Owner and/or Contractor by the AC and an attempt made to resolve the matter to the mutual satisfaction of all parties. (Ref. Bylaws X. S.1)

B. When a lot owner disagrees with the interpretation of the Architectural Committee representative the matter shall come before a Due Process Panel. The three (3) Members of the Architectural Committee shall make up a Due Process Panel in order to resolve the alleged non-compliance. (Ref. G.S. 47R-3-107.1)

C. A letter will be sent by the Due Process Panel to the Owner describing the violation to give the owner an opportunity to appear and present evidence at a hearing. Based on a fair evaluation of all information, the Panel will determine needed remedial action and, when applicable, any appropriate fines, suspension of privileges, or other actions as permitted by law. The lot owner shall then be informed in writing of the decision. Fines are not to exceed $100 per day for each day the non-compliance continues starting as soon as five (5) days after notification. (NSPOA Bylaws X.S.1a-b)

D. The lot owner may appeal any action of the Panel to the Board of Directors of the Association by giving written notice within fifteen (15) days of the date of the decision. The lot owner will again have the right to appear and state his case. The Board will then make a final judgment. They may affirm, modify, or void any appealed enforcement action of the Due Process Panel by a majority vote. (NSPOA Bylaws X S.1c-d.

E. Should the violation(s) continue and not be corrected in a reasonable time, the Board then has the right to take necessary action to remedy the violation and assess the costs of such against the lot owner as an individual special assessment as described in Article 9 of the CCRR's. (NSPOA Bylaws X S.1.e)

ARTICLE XII: DOCUMENTATION FILES

A. **GENERAL**. A file folder by lot number is to be maintained for each residence, building, or structure within NSPOA for use during the AC review and approval processes, for reference during construction and for use as a record for administrative purposes and requirements. A copy of all documents, correspondence and other matters affecting the property will be maintained in the file. These documents shall include but not be limited to the following:

1. Lot survey and site layout.
2. Plans of the building/structure.
3. Specifications for the building/structure.
4. Application Form.
5. Lee County Building Permit,
6. Proof of Insurance.
7. Construction Indemnity Agreement.

B. **RECORDS ACCESS.** The documents, records and correspondence placed in the documentation files shall be available for viewing to any lot owner upon request at the mutual convenience of the AC Chairperson and the requesting lot owner. Reasonable notice is required. Some information may be redacted (but only to protect the privacy of a lot owner). The Building Plans will typically be shown to adjacent property owners as a courtesy.