

CONWAY
LANDINGS

HOMEOWNERS'
ASSOCIATION

RULES
and
REGULATIONS

1 September, 2003

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RULES AND REGULATIONS

Of The

CONWAY LANDINGS HOMEOWNERS' ASSOCIATION

1. GENERAL

1.1 Introduction.

In Florida, many communities have covenants governing how the homeowner may use their property. Communities that have legally established covenants also have a homeowners' association responsible to monitor and enforce these covenants. This is generally required by the city or county when the developer makes his original application to develop the property.

The homeowners' association, in turn, is responsible to establish, publish and enforce rules and regulations; and to establish, publish and enforce architectural control guidelines that implement the community's covenants. The purpose of these rules and regulations is to help ensure that Conway Landings remains a pleasant place to live for all residents. The architectural review guidelines exist to help protect the appearance value of Conway Landings.

A prime consideration in both areas is maintaining the financial value of the community. Many restrictions are imposed because history indicates that communities that have allowed such activities without restriction typically decline in value and desirability.

1.2 Declaration of Covenants, Conditions, Restrictions, Reservations and Easements for Conway Landings (the Declaration).

The Declaration is the legal document that establishes the covenants, conditions and other restrictions that pertain to the community of Conway Landings. It establishes the rights and privileges of homeowners. It also establishes the powers granted to the Homeowners' Association to perform the duties and obligations of the Association set forth in the Declaration and other governing documents. The official and legally binding Declaration is recorded in the Official Records of Orange County (Official Records Book 4079, pages 2878 through 2899).

1.2.1 Applicability.

The Declaration applies to and establishes controls over all of the private and common real property that make up our community. Because the Declaration applies to the real property (the lots and separate tracts identified on the official plat) rather than to individuals, it is binding on any and all parties having any right, title or interest in the real property so long as the Declaration has legal standing.

1.2.2 Association Membership.

One of the major "Conditions" established by the Declaration for ownership of real property in the community is that all property owners are automatically members of the Homeowners' Association who are subject to the Association's legal authority that is established by the Declaration, and Title XL, Chapter 720, Florida Statutes. Membership in the Homeowners' Association is, therefore, not optional for current or future property owners.

Additionally, all of the provisions of the Declaration and the Association's rules and regulations apply equally to the Owner and their tenants, guests and invitees (Section 720.305, Florida Statutes).

1.3 Articles of Incorporation of Conway Landings Homeowners' Association (the Articles).

The Articles, which are included as Schedule "A" to the recorded Declaration, establish the Conway Landings Homeowners' Association (the Association) as a not-for-profit corporation in accordance with Chapter 720, Florida Statutes. As stated in the Articles (Article IV, Purpose and Powers of the Association), the specific purposes for which the Association is formed are to provide for the maintenance, preservation and architectural control of the residential Lots and the Common Property as defined in the Declaration, and for administering and enforcing the provisions of the Declaration. The powers given the Association to achieve these purposes are specified in Section 720.303, Florida Statutes; Article IV, and in the Declaration.

1.4 Bylaws of Conway Landings Homeowners' Association, Inc. (the Bylaws)

The Bylaws, which are included as Schedule "B" to the recorded Declaration, are established for the purpose of administering and operating the Association. The Bylaws amplify on provisions outlined in the Declaration and Articles, such as membership and voting rights (Article IV), meetings of members (Article V), the Board of Directors (Article VI), powers and duties of the Board of Directors (Article IX), and the Association's books and records (Article XII).

1.5 Rules and Regulations of the Association.

The initial Rules and Regulations of the Association were established by the developer and are recorded in the Official Record of Orange County as Schedule "C" to the Declaration. These initial rules and regulations may be revised by the Board of Directors, as provided by the Declaration, Article VI, Section 6.3, which states that the Board of Directors may revise the Association's rules and regulations from time to time. Authority to exercise architectural control over the community is granted the Board by Article VIII of the Declaration and the authority to promulgate architectural rules, regulations, criteria and standards by Article VIII, Section 8.4.

1.5.1 Compliance.

Each Owner, and the Owner's tenants, guests, and invitees are required to comply with these Rules and Regulations, and Architectural Control Guidelines in accordance with Section 720.305, Florida Statutes, the Declaration of Covenants, Conditions, Restrictions, Reservations and Easements for Conway Landings, Article VI - Rules and Regulations, and Article VIII - Architectural Control.

1.5.1.1 In the sole opinion of the Board of Directors, the Board shall be permitted (but is not required) to grant temporary relief from specific rules and regulations not to exceed five (5) calendar days to one or more Owners upon written request and for good cause.

1.5.1.2 Owners who lease, rent or otherwise allow others to occupy the dwelling shall advise the occupants that they must also abide by the Governing Documents, preferably in writing. When the Owner contracts with a property manager to act as his agent, the Owner shall be responsible to advise that agent of this fact. The absent owners shall be held ultimately

responsible for violations by occupants, whether the Owner or his agent leased or rented the Property. However, tenants, guests, and others who occupy the property will abide by these Rules and Regulations to the extent that compliance is reasonably the occupant's responsibility (e.g., lawn maintenance, personal property storage, etc.). Owners who vacate their property shall make arrangements for the upkeep of the property in their absence.

1.5.2 Enforcement and Remedies.

Failure of an Owner or Occupant to comply with the Rules and Regulations, and architectural control guidelines of the Association contained herein shall be grounds for action which may include, without limitation, an action at law to recover sums due for damages, injunctive relief, or any combination thereof. The costs of such action, including attorney's fees actually incurred by the Association, shall be borne by the Owner/Occupant against whom such action is brought. The Association shall have the right to suspend voting rights and use of common properties in the event of failure to so comply. In addition to all other remedies, at the sole discretion of the Board of Directors, a fine (not to exceed \$100.00 per violation, per occurrence, in accordance with Section 720.305(2), Florida Statutes) may be imposed upon an Owner, his tenants, family, guests, invitees or employees for failure to comply with any covenant, restriction, rule or regulation herein, or contained in the Declaration, Bylaws, or Articles of Incorporation as provided for in Florida Statutes and the Declaration. The Owner/Occupant shall be deemed knowledgeable of an infraction and potential remedies upon receipt of an Association Rules Violation Notice form or the mailing of such written notice by the Board to the Owner's address of record and, in the case of tenants, to the Occupant.

1.5.2.1 Authority to Enforce. As established by Florida Statutes and the Governing Documents, the Board has the authority to enforce the provisions of the Governing Documents. However, the responsibility to identify violations is incumbent upon all Members of the Association.

1.5.2.2 Failure to Enforce. The failure of the Board of Directors to insist in any one or more cases upon strict performance of any of the rules and Regulations contained herein shall not be construed as a waiver or a relinquishment in the future of the enforcement of any such Rule or Regulation. No waiver of any Rule or Regulation shall be deemed to have been made unless expressed in writing by the Board of Directors.

1.5.2.3 Effect of Zoning Restrictions. Zoning regulations applicable to property subject to these Rules and Regulations shall be observed. In the event of any conflict between any provision of such zoning restrictions and these Rules and Regulations or the Architectural Review Guidelines, the more restrictive provisions shall apply.

1.5.2.4 Severability. Should any Rule or Regulation herein contained, or any Article, Section, Subsection, sentence, clause, phrase or term of these Rules and regulations be declared to be void, invalid, illegal, or unenforceable, for any reason, by the adjudication of any Court or other tribunal having jurisdiction over the parties hereto and the subject matter hereof, such judgment shall in no way affect the other provisions hereof which are hereby declared to be severable and which shall remain in full force and effect.

1.5.2.5 Relation to Florida Statutes. The Association was formed in 1989 pursuant to Chapter 617 (Superceded in 2002 by Chapter 720), Florida Statutes, and was made subject to

amendments of Chapter 720 by Article IV(g) of the Articles of Incorporation, which provides that the Association has the power “to have and to exercise any and all powers, rights and privileges which a corporation organized under Chapter 720, Florida Statutes, by law may now or hereafter have or exercise.” [Emphasis added]

By virtue of the Association’s initial rules and regulations being (1) recorded in the Public Records, and (2) an exhibit to our Declaration; and the authority granted to the Board by Article VI, Section 6.3, and Article VIII, Section 8.4 of the Declaration to from time to time amend said rules, the power of the Board to take appropriate remedies for violations of these rules and regulations is legally sufficient under Florida Statutes.

2. ADMINISTRATION

2.1 Definitions

Definitions for terms used within the Association's Rules and Regulations are defined in the following paragraphs.

2.1.1 Chapter 720, Florida Statutes, Definitions

The following definitions from Chapter 720, Florida Statutes, shall apply to the Rules and Regulations for Conway Landings Homeowners' Association.

2.1.1.1 "Assessment" or "amenity fee" means a sum or sums of money payable to the association, to the developer or other owner of common areas, or to recreational facilities and other properties serving the parcels by the owners of one or more parcels as authorized in the governing documents, which if not paid by the owner of a parcel, can result in a lien against the parcel.

2.1.1.2 "Common area" means all real property within a community which is owned or leased by an association or dedicated for use or maintenance by the association or its members, including, regardless of whether title has been conveyed to the association:

2.1.1.2.1 Real property the use of which is dedicated to the association or its members by a recorded plat; or

2.1.1.2.2 Real property committed by a declaration of covenants to be leased or conveyed to the association.

2.1.1.3 "Community" means the real property that is or will be subject to a declaration of covenants which is recorded in the county where the property is located. The term "community" includes all real property, including undeveloped phases, that is or was the subject of a development-of-regional-impact development order, together with any approved modification thereto.

2.1.1.4 "Declaration of covenants," or "declaration," means a recorded written instrument in the nature of covenants running with the land which subjects the land comprising the community to the jurisdiction and control of an association or associations in which the owners of the parcels, or their association representatives, must be members.

2.1.1.5 "Governing documents" means:

2.1.1.5.1 The recorded declaration of covenants for a community, and all duly adopted and recorded amendments, supplements, and recorded exhibits thereto; and

2.1.1.5.2 The articles of incorporation and bylaws of the homeowners' association, and any duly adopted amendments thereto.

2.1.1.6 "Homeowners' association" or "association" means a Florida corporation responsible for the operation of a community or a mobile home subdivision in which the voting membership

is made up of parcel owners or their agents, or a combination thereof, and in which membership is a mandatory condition of parcel ownership, and which is authorized to impose assessments that, if unpaid, may become a lien on the parcel. The term "homeowners' association" does not include a community development district or other similar special taxing district created pursuant to statute.

2.1.1.7 "Member" means a member of an association, and may include, but is not limited to, a parcel owner or an association representing parcel owners or a combination thereof.

2.1.1.8 "Parcel" means a platted or unplatted lot, tract, unit, or other subdivision of real property within a community, as described in the declaration:

2.1.1.8.1 Which is capable of separate conveyance; and

2.1.1.8.2 Of which the parcel owner, or an association in which the parcel owner must be a member, is obligated:

2.1.1.8.2.1 By the governing documents to be a member of an association that serves the community; and

2.1.1.8.2.2 To pay to the homeowners' association assessments that, if not paid, may result in a lien.

2.1.1.9 "Parcel owner" means the record owner of legal title to a parcel.

2.1.1.10 "Voting interest" means the voting rights distributed to the members of the homeowners' association, pursuant to the governing documents.

2.1.2 Declaration Definitions.

The following definitions derived from the Declaration shall apply to the Rules and Regulations for Conway Landings Homeowners' Association.

2.1.2.1 "Articles" shall mean the Articles of Incorporation of the Association.

2.1.2.2 "Association" shall mean and refer to Conway Landings Homeowners' Association, Inc., a Florida corporation, not-for-profit and its successors and assigns. (See 2.1.1.6, above)

2.1.2.3 "Board" or "Board of Directors" shall mean the Board of Directors of the Association.

2.1.2.4 "By-laws" shall mean the Bylaws of the Association.

2.1.2.5 "Common Property" shall mean and refer to those tracts designated as Common Property and dedicated to the Association on any recorded subdivision plat of the Properties.

Common Property is further defined by the Board to include the Primary Drainage System (as hereinafter defined), all landscaping lying with public way, entry features and signs erected to identify Conway Landings, any special design features lying within public ways and such similar items, easements or property which may hereafter be added by Supplemental Declarations regardless of whether any such items are capable of being legally described or lie within dedicated areas; together with all future additions thereto, and together with the landscaping and any improvements thereon, as well as such other property, both real

and personal acquired by the Association by purchase, gift, lease or otherwise. The Association shall be responsible to maintain, repair and replace the Common Property as hereinafter provided.

- 2.1.2.6 "Conway Landings" shall mean the single-family, residential development known as "Conway Landings" developed on the real property described in Section 2.1 of the Declaration, and which thus becomes subject to the Declaration.
- 2.1.2.7 "Declaration" shall mean the Declaration of Covenants, Conditions, Restrictions, Reservations and Easements for Conway Landings; dated February 13, 1989 and recorded in Official Records Book 4079, upon Pages 2878 through 2899, both inclusive, of the Public Records of Orange County, Florida together with any and all amendments, modifications and supplements thereto now or hereafter recorded in the Public Records of Orange County, Florida.
- 2.1.2.8 "Institutional Mortgagee" means (a) any lending institution having a first mortgage lien upon a Lot or Unit including any of the following institutions: a Federal or State Savings and Loan or Building and Loan Association, or bank or real estate investment trust, or mortgage banking company doing business in the State of Florida; and (b) any so called "Secondary Mortgage Market Institution" including the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation and such other secondary mortgage market institution as the Board shall hereafter approve in writing; and © any pension or profit sharing plan or any lending or investing institution generally and customarily recognized as being engaged, in the ordinary course of business, in making, holding, issuing or guaranteeing first mortgage real estate loans; and (d) the Developer to the extent the Developer shall hold a mortgage or any portion of the Properties, and all successors, assigns and transferees who shall own or hold any mortgage originally executed and delivered to, and owned and held by, the Developer.
- 2.1.2.9 "Lot" shall mean and refer to any lot on the various recorded subdivision plat of the Properties, which plat is now of record or may hereafter be recorded in the Public Records of Orange County, Florida, and any lot shown upon any resubdivision of any plat, with the exception of the Common Property and any tracts which are dedicated on the plat or otherwise conveyed to Orange County, Florida or any other governmental entity, agency or authority.
- 2.1.2.10 "Member" shall mean and refer to all those owners (as defined in 2.1.2.11 below) who are members of the Association as provided in Section 4.1 of the Declaration.
- 2.1.2.11 "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any Lot which is a part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of a financial obligation.
- 2.1.2.12 "Properties" shall mean and refer to the real property described in Section 2.1 of the Declaration, and such additions thereto as may be made subject to the Declaration and brought within the jurisdiction of the Association.

2.1.3 Definitions Established by the Board.

Other terms used within the Association's Rules and Regulations, and not defined by the Declaration have been defined by the Board. The following definitions shall apply to these rules and regulations.

- 2.1.3.1 "Assessment" shall mean a proportional share of the association's expenses, including such reasonable reserves as the Association's Board may deem necessary, which are assessed against the Lots and Lot Owners from time to time and are required for payment of the Association's operating expenses. The amount of each assessment shall be set by the Board. (See 2.1.1.1, above)
- 2.1.3.2 "Association Expense" shall mean the expenses and charges described in the Declaration incurred or to be incurred by the Association and assessed or to be assessed proportionally upon the Lots and the owners thereof.
- 2.1.3.3 "First Mortgage" shall mean any mortgage constituting a lien prior in dignity to all other mortgages encumbering the same Lot.
- 2.1.3.4 "Governing Documents" shall mean and refer to the Declaration, Articles, By-Laws and these Rules and Regulations and Architectural Control Guidelines as these documents may be amended from time to time.
- 2.1.3.5 "Guidelines" shall mean the Architectural Control Guidelines contained herein.
- 2.1.3.6 "Mortgage" means any recorded Mortgage, Deed or Trust or other instrument transferring any interest in a Lot or Unit as security for the performance of an obligation.
- 2.1.3.7 "Lawn" and "Landscaping" shall mean all the grounds surrounding the dwelling on the property, the grounds located between the sidewalks and the street-side curbs adjacent to the property, and all ornamental materials and plants, shrubbery, turf, trees, flowers and other vegetation growing in these grounds.
- 2.1.3.8 "Occupant" shall mean any person or persons other than the Lot Owner in possession of the Lot.
- 2.1.3.9 "Person" shall mean a natural person, a corporation, a partnership, a trustee or other legal entity.
- 2.1.3.10 "Primary Drainage System" shall mean and refer to the primary drainage system as is from time to time permitted by the St. John's River Water Management District, and generally consisting of, but not limited to all storm, retention/detention ponds and area overflow weirs, culverts, swales, and water control structures together with all related easements, structures, facilities and appurtenances.
- 2.1.3.11 "Proxy" shall mean and refer to a person or other legal entity authorized in writing to the Association's Secretary to act in place of an Owner in the conduct of Association business.

2.1.3.12 "Surplus" shall mean the excess of all receipts of the Association from assessments upon the Lot Owners and any other income accruing to the Association over and above the amount of Association expenses.

2.1.4 Architectural Terms.

The following are definitions for architectural terms used in this document.

2.1.4.1 Elevation:

- a. The front, side or rear view of the house or other item drawn to scale in a two dimensional (flat) style, or
- b. the actual front, side or rear view of the house or other item. (This definition refers to the actual structure.)

2.1.4.2 Plan: A drawing, to scale, showing the arrangement and the individual components (walls, doors, windows etc.) of a structure, i.e. house, patio, fence.

2.1.4.3 Plot Plan: The survey of the property which shows the location of the property lines, the house, driveway etc.

2.1.4.4 Wall Section: A drawing, to scale, or a vertical "slice" of the wall. The section shall extend from the footing to the top of the wall where the roof attaches. The major building materials shall be shown.

2.2 Books and Records.

The books, papers and records of the Association shall be established and maintained in accordance with requirements contained in the Declaration, the Articles, the Bylaws, and Chapter 720, Florida Statutes. Any member or their authorized agent may inspect the official records of the Association within ten (10) business days after receipt by the Association of a written request for access.

2.2.1 Notice of Intent.

A member who desires to review the official records shall contact the Secretary and may give either a verbal or written notification of their intent. Written notice shall be given a minimum of ten (10) working days prior to the desired date of review. Verbal request to review the records shall be made a minimum of five (5) working days prior to the planned review date, except that the Secretary may, at his or her discretion, agree to schedule the review earlier than five (5) working days. Upon receipt of a written request to review the official records which does not specify a date for review, the Secretary shall schedule a review within ten (10) business days of such receipt and notify the requestor as soon as practicable.

2.2.2 Copies.

Any member who desires copies of documents from the official records shall be responsible to pay the actual cost for those copies. When copies are requested from the Secretary, the member shall leave a deposit with the Secretary for said copies in the amount equal to \$.15 per page requested, plus mailing costs when appropriate.

2.2.2.1 The Secretary shall have a minimum of 10 working days in which to have the requested

copies made and provided to the requesting member. Any balance due the member from the original deposit shall be refunded by the Treasurer upon receipt of the actual bill for said copies.

2.2.2.2 Owners and other persons or agencies authorized by Article XII of the Bylaws who request copies of official records by mail shall provide the deposit, to include the cost for certified return mail, before copies are made. The Secretary shall notify the requestor of the deposit amount upon receipt of the request and a determination of the number of pages to be copied.

2.2.3 Accuracy of Owner/Occupant Records

Property Owners are solely responsible for assuring their contact information is accurate and current. Non-resident Owners shall provide written notification to the Association any time their primary mailing address changes. If an Owner is renting their Conway Landings property, they shall also provide written notification of the current tenant's name as it appears on the leasing/rental contract agreement and, if appropriate, the complete name and address of any property management/leasing office authorized (i.e. their legal agent) to enter into such agreements on behalf of the Owner.

2.3 Board of Directors Meetings.

All meetings of the Board of Directors shall be open to the members. The Board shall generally meet at 7:30 P.M. on the second Tuesday of each month. However, circumstances may warrant changing the meeting date and time at the discretion of the Board. The date, time and location of the next Board meeting will be included in the Board meeting minutes, a copy of which is posted to the Association's bulletin board located in the front entrance common area.

2.3.1 Quorum

Attendance by a majority of the Board members shall constitute a quorum for the purposes of conducting official business of the Association. Any Association member who wishes to attend a Board meeting should contact either the Board President or the Secretary to verify the actual date and time of the next scheduled meeting.

2.3.2 Meeting Location

The Association does not own a meeting facility and Board meetings are usually conducted in the private home of a volunteer Director. Consequently, members are expected to coordinate their plans to attend a Board meeting with either the host Director identified in the minutes of the previous Board meeting, the President, or Secretary of the Board as a courtesy to the host.

2.3.3 Notice of Meeting

A notice of all meetings of the Board shall be posted at the entrance to Conway Landings at least forty-eight (48) hours in advance of the meeting. Posting of the official Board of Directors minutes from the previous Board meeting on the Association's bulletin board shall constitute a meeting notice when said minutes include the date, time, and location of the upcoming Board meeting.

2.4 Member Meetings.

The Bylaws of the Association require an annual meeting of the members for the purpose of electing a Board of Directors and to provide members with an opportunity for active participation in the Association's business activities. The Board or the Members may also call a special meeting with written notice to the Secretary. These meetings shall be called and conducted according to the following rules.

2.4.1 Notice of Meeting.

Written notice of the annual or a special meeting shall be mailed to all registered Owners not later than 15 days prior to the meeting date. Mailings shall identify the purpose for the meeting and shall include a Proxy form. An agenda may be included at the discretion of the Board.

2.4.2 Meeting Sign.

The Board shall cause a sign to be posted at the entrance to Conway Landings posting the date, time and location of the meeting. The sign shall be posted not later than three (3) calendar days prior to the scheduled meeting.

2.4.3 Proxies.

Owners who are unable to attend an annual or special membership meeting shall be allowed to designate a proxy to act on their behalf, as set forth under MEETINGS OF MEMBERS, Section 4, in the Bylaws. Proxies must be completed by the owner and either returned to the Secretary of the Association before the meeting begins or be provided to the Secretary by the proxy prior to the start of the meeting (See Figure 2-1). The registered Owner may designate any person or agency (e.g., a property management company legally acting as the Owner's agent) as their proxy, to include the Association's Board of Directors. Proxies shall be effective only for the particular meeting and any proper adjournments thereof. Perpetual proxies shall not be allowed.

2.4.4 Quorum.

Unless a higher percentage is required by a specific provision of the Governing Documents, the presence of members and appropriately executed proxies collectively entitled to cast thirty percent (30%) of all member votes shall constitute a quorum, as required by Section 617.306(1)(a), Florida Statutes. This equates to having 18 or more Owners present or represented by proxy to establish a legal quorum at any meeting of the general membership.

2.4.5 Proper Conduct.

Members shall conduct themselves in a proper manner during all official meetings of the Association. Members who wish to address the meeting shall address themselves to the President of the Board and request permission to speak. A member who has been given the floor by the President shall be allowed to speak without interruption from any other member. The President of the Board shall have the right to revoke the floor from any member whose comments are deemed inflammatory or disruptive to the meeting.

PROXY

I/we, , the undersigned who is (are) the owner(s) of record for the home at , Orlando, FL 32812-8132 and a voting member in good standing of the Conway Landings Homeowners' Association, Inc., do hereby
(Select one)

appoint _____
(Printed name of proxy)

designate the Board of Directors for the Conway Landings Homeowners' Association

as my (our) true and lawful proxy with full powers of substitution and to appear, represent and cast votes upon any matters on behalf of the undersigned at the Homeowners' meeting and any lawful adjournments thereof. I/we understand that the meeting will be held promptly at 7:30 PM, Thursday, March 9, 2000 at the Orange County Public Library located in the Hoffner Shopping Center, Orlando, FL

This proxy shall be valid for any lawful adjournment of this meeting held within ninety (90) days of the date for which this meeting was originally called by the Board of Directors.

Signed this _____ day of _____, 19__.

(Owner's Signature)

(Owner's Signature)

SUBSTITUTION OF NOMINEE

(for use if the designated proxy named above cannot attend the meeting)

I, the undersigned proxy who is the person named on the above proxy, do hereby designate

_____ as the undersigned proxy's nominee to act as proxy
(Name of substitute proxy)

as set forth in the forgoing proxy.

Signed this _____ day of _____, 19__.

(proxy's signature)

Figure 2-1. Proxy Form

2.5 Architectural Control .

Owners who wish to modify the exterior of their property in any way must first obtain architectural control approval from the Board except for those modifications presented in Section

4, paragraph 4.3.2 which do not require prior approval from the Board. Architectural control guidelines for most of the routine property modifications are included herein as Section 4, Architectural Control.

2.5.1 Procedures.

The following procedures shall be used to request and receive Board approval.

- 2.5.1.1 All requests for architectural control review shall be submitted to the Board in writing and shall be signed by the owner of record. Occupants other than the owner shall not cause the property to be modified without first having the owner obtain approval from the Board.
- 2.5.1.2 The written request shall identify the property by either Lot number or address, and shall describe the planned architectural modification in enough detail to allow evaluation by the Board. The request shall identify who will be doing the work, how long the work is expected to take, and the expected start date. The expected start date shall not be earlier than 35 days after the request is submitted unless and except that the Board has agreed to expedite the Owner's request. The request must include all attachments specified under the specific and applicable headings in Section 4. Incomplete requests will be returned to the owner without action.
- 2.5.1.3 The owner must include a plot plan (survey) of the property with the planned architectural revision shown and all dimensions indicated. If you are planning any type of addition, including a screened porch, you must also include elevations of your home with the proposed addition shown. If you are planning any other change which does not conform to the standard criteria under specific headings in Section 4, you must provide photographs or sketches which clearly show your intent. The more information you provide, the more rapidly a decision can be made by the Board of Directors.
- 2.5.1.4 The request will be reviewed by the Board of Directors and the Owner will be notified of their decision as soon as possible, but within 30 days after receipt of the request. If the request lacks sufficient information for the Board to make a decision, it will be marked "pending". When the additional information is received, the Board will review the request again and notify the Owner of the decision within 30 days after receipt of the additional information.
- 2.5.1.5 Shortly after the proposed completion date indicated on your form, the Board will inspect the project to determine that the work substantially complies with your approved request. Items which are not in compliance will be reviewed by the Board of Directors for further action as needed.
- 2.5.1.6 If an Owner's request is denied by the Board of Directors, the Owner may request a review by the Appellate Review Committee. This appeal must be made in writing and must clearly explain why you believe a variance should be granted or approval should be given for your specific request. Procedures for requesting action by the Appellate Review Committee are further discussed in paragraph 2.7, below.

2.6 Identifying Violations.

Homeowners who see violations of these Rules and Regulations, or the Architectural Control provisions contained herein are equally responsible with the Board to correct the violation and should report these violations to the Board of Directors. The Board will acknowledge complaints in writing within ten (10) working days. If this acknowledgment is not received, the homeowner making the complaint is asked to contact the Board of Directors.

2.6.1.1 Alleged violations will be confirmed by the Board of Directors by a visit to the property. If confirmed, a letter will be sent to the homeowner advising there is a violation and requesting that the violation be eliminated or that approval be sought from the Board, if appropriate.

2.6.1.2 Approximately thirty days from the date of written notification is permitted for this correction. If the violation is not corrected, another letter will be sent to the homeowner advising that the matter will be turned over to the Association's attorney for further and appropriate action unless there is action taken by the homeowner. A second notice may also assess a monetary fine, at the discretion of the Board. The Association will collect all fines and attorney's fees from the violating owners as allowed by the Governing Documents.

2.6.1.3 Property modifications which require, but are made without an approved building permit from Orange County, will be reported to the Orange County zoning authority for their action.

2.7 Fines.

2.7.1 Power to Impose Fines:

In addition to all other remedies available to the Association, a fine or fines may be imposed upon an Owner or against any tenant, guest or invitee for failure of an Owner, his family, guests, invitee, employees, or tenants (hereinafter "Owner"), to comply with the terms of any Conway Landings document, including but not limited to, the Declaration, Articles of Incorporation, these By-Laws and reasonable rules and regulations (hereinafter "Governing Documents"), provided that the procedural and due process requirements required by Florida law, (i.e. Section 720.306, Florida Statutes), as amended from time to time, are followed.

2.7.2 Appointment of "Association Fining Committee (AFC)":

In order to implement this enforcement tool, the Board of Directors shall appoint a committee to be known as the "Association Fining Committee (AFC)". This committee shall conduct hearings to determine if fines should be imposed for violations of the Governing Documents, all as amended from time to time.

The AFC shall be composed of at least three members of the Association who are not officers, directors, or employees of the Association, or the spouse, parent, child, brother or sister of an officer, director, or employee of the Association. For continuity purposes, and to the extent possible, the Board shall appoint committee members for staggered two-year terms. However, all committee members shall serve at the pleasure of the Board of Directors and may be removed with or without cause by the Board at any time.

2.7.3 Rules for the Imposition of Fines by Association Fining Committee (AFC):

The imposition of fines shall be in compliance with the following rules:

- 2.7.3.1 As to each possible fining event, a representative of the Association shall make a report to the Board. All such reports must, at a minimum contain the following information:
 - 2.7.3.1.1 The name of the owner/violator;
 - 2.7.3.1.2 The address and legal description of the infraction location.
 - 2.7.3.1.3 A brief description of the infraction, along with the citation of the section of the appropriate document that has been violated.
 - 2.7.3.1.4 Any other information deemed important, such as photographs.
- 2.7.3.2 If the alleged violator is involved in multiple infractions, then the representative may consolidate all information into one report.
- 2.7.3.3 The representative shall present these reports to the Board at duly constituted Board meetings and shall be prepared to answer any preliminary questions that may arise at that time.
- 2.7.3.4 If, at the conclusion of the preliminary presentation the Board believes that the reported infraction(s) exists, then the Board shall propose that a fine(s), be imposed against the violating party and shall direct that the AFC hold a hearing to determine if a fine(s) should be imposed. Additional provisions concerning the power of the Board are as follows:
 - 2.7.3.4.1 The Board may not propose a fine not in excess of \$100.00 per person, per violation. However, for violations of a continuing nature, such fine may be proposed on the basis of each day of such continuing violation as long as such proposed fine does not exceed \$1000.00 in the aggregate. The Board shall determine when and if a violation is a “continuing violation” and its decision shall be binding.
 - 2.7.3.4.2 The Board may propose a fine for each violation.
 - 2.7.3.4.3 Because the above fines are based on individual infractions, the Board may propose multiple fines if multiple infractions are found to exist.
 - 2.7.3.4.3.1 The Board reserves the right, but not the duty to prepare a schedule of fines for particular violations.
- 2.7.3.5 The Owner shall then be notified in writing of the alleged infraction(s) and of the proposed fine(s). The Owner shall also be notified that a hearing will be held concerning the same. The notice shall include the alleged infraction(s), the date, time and place that the hearing will be held and an announcement that the Owner may appear at such hearing to address the issue and to present reasons why the fine(s) should not be imposed. The notice shall be served on the Owner by certified and regular mail at least fourteen (14) days prior to such hearing. Service shall be completed upon the depositing of the notice in an official postal depository, postage prepaid.

- 2.7.3.6 At the appointed place and time, a full hearing will be held before the Association Fining Committee concerning the alleged infraction(s) and the proposed fine(s). A representative of the Association shall present evidence reflecting that the proper notice was served on the Owner, and shall then present the case to the AFC. The Owner may represent himself or shall have the right to be represented by counsel at the hearing. Both the Association representative and the Owner shall have the right to present such evidence as they deem appropriate and may present and cross-examine witnesses.
- 2.7.3.7 Multiple infractions by the same Owner may be discussed at the same hearing.
- 2.7.3.8 Strict rules of evidence shall not be required. However, the AFC shall comply with such standards that will insure due process and fair play.
- 2.7.3.8.1 The AFC has the right to continue any hearing for such periods of time that it deems necessary in order to insure that full information is presented upon which to make a decision. Appropriate notices of such continuances must be given to the Owner.
- 2.7.3.8.2 If notice is given as required above, the failure of an Owner to appear at the hearing shall in no way impede the completion of the hearing.
- 2.7.3.8.3 If, after a full hearing, the AFC does not approve a proposed fine by majority vote, then such fine shall not be imposed.
- 2.7.3.8.4 If, after a full hearing, the AFC, by majority vote, determines that the infraction or infractions has occurred, then the fine proposed by the Board will be imposed.
- 2.7.3.9 For multiple violations, the AFC may impose some fines and refuse to impose other fines.
- 2.7.3.10 All decisions of the AFC imposing fines shall be reduced to a written order. The order will then be submitted to the Board, who will immediately ratify the order as official Association action. The final order shall be mailed to the Owner by certified and regular mail not later than twenty-one (21) days after the Board meeting at which the order is ratified.
- 2.7.3.11 Except for those provisions specifically required by statute, minor deficiencies in the implementation of the foregoing rules shall not affect the validity or enforceability of any fine(s) imposed.

2.7.4 Collection of Fines:

Fines imposed hereunder shall be deemed an assessment due the Association from the Owner against whom it is imposed, which shall bear interest at the highest lawful rate until paid. The Association shall be permitted to collect said fine(s) using any method permitted by law or in equity as provided for in Article VI of the Declaration. Should it be necessary for the Association to employ an attorney to collect such indebtedness, in addition to such interest, the Association shall be entitled to recover the costs and expenses thereof, together with a reasonable attorney's fee.

2.7.5 Non-exclusive remedy:

These fines shall not be construed to be an exclusive remedy, and shall exist in addition to all other rights and remedies to which the Association may be otherwise legally entitled; provided, however, any penalty paid by the offending Owner shall be deducted from or offset against any damages which the Association may otherwise be entitled to recover by law from such Owner.

3. SPECIFIC RULES AND REGULATIONS

3.1 Common Property:

The Common Properties and facilities shall not be obstructed nor used for any purpose other than the purposes intended therefore; nor shall any carts, bicycles, carriages, motor vehicles, chairs, tables or any other objects be operated or stored thereon.

3.2 Association Employees:

In the event that the Association hires an employee, the Board of Directors shall be solely responsible for directing and supervising employees of the Association. Employees of the Association shall not to be sent out by Owners or Occupants for personal errands.

3.3 Annoyance or Nuisance

3.3.1 General.

Nothing shall be done or maintained on any Lot that may be or may become an annoyance or nuisance to the neighborhood. In the event of a dispute or question as to what may be or become a nuisance, such dispute or question shall be submitted to the Board of Directors, who shall render a decision in writing, which decision shall be final resolution of such a dispute or question.

3.3.2 Disturbing Noise.

No Owner or Occupant shall make or permit any disturbing noises in the Conway Landings Community and facilities by himself or his family, servants, employees, agents, renters, visitors or licensees, nor permit any conduct by such persons that will interfere with the rights, comforts or conveniences of other Owners. Loud noises shall not be tolerated.

3.3.3 Loud Music.

No Owner or Occupant shall play or permit to be played any musical instrument, nor operate or permit to be operated a phonograph, compact disk player, television, video cassette recorder, radio or sound amplifier or any other sound equipment in the Conway Landings Community in such a manner as to disturb or annoy other residents. No Owner or Occupant shall conduct, nor permit to be conducted, vocal or instrumental instruction at any time which disturbs other residents.

3.3.4 Children.

Children are the direct responsibility of their parents or legal guardians. This includes full supervision of the children while they are within the Community and requires full compliance with these rules and regulations and any others which may be included in the Declaration. Loud outside activities, such as basketball games, shall not be allowed after 9:30 PM.

3.3.5 Animals.

Other than household pets; animals, livestock or poultry of any kind shall not be raised, bred, or kept on any Lot. "Household pets" shall mean domestic dogs, domestic cats, domestic birds, rodents, rabbits, turtles, non-poisonous snakes and fish.

3.3.6 Pets.

Household pets shall not be kept, bred, or maintained for any commercial purpose, and shall not be permitted to become a nuisance or annoyance to any other Owner/Occupant.

3.3.6.1 Pets shall not be tied, chained or otherwise secured at the front of the residence nor permitted outside its Owner's/Occupant's Lot unless attended by an adult or other person who is physically capable of managing the pet, and on a leash not more than six (6) feet long.

3.3.6.2 Pets shall only be walked or taken upon those portions of the Common Properties designated by the Association from time to time for such purposes.

3.3.6.3 Pet nuisance shall include odors caused by an accumulation of pet excretions within the boundaries of the Owner's/Occupant's property when such odors become offensive to adjoining neighbors. Dogs or other pets shall not be permitted to have solid excretions on any Common Property or on any property which is not the pet Owner's property. In the event the pet does have a solid excretion outside of the pet owner's property, the pet Owner shall be responsible to immediately clean up any such excretions.

3.4 Business Use of the Residence:

In-home businesses shall be permitted provided the business does not affect the residential character of Conway Landings and the following conditions are met:

a. The business shall not create additional vehicular or pedestrian traffic in the neighborhood.

b. There shall be no visible or audible indication or signs that a business enterprise is being conducted on or in the property.

c. The business enterprise shall not create a disturbance or annoyance in the neighborhood or to any neighbor.

d. The business enterprise does not violate any provision of the Declaration, Articles, Bylaws, or Association Rules. For example; an in-home business relating to reconditioning vehicles for resale would not be allowed, since this would be in violation of the restriction against performing other than routine vehicle maintenance on the property. (See also, Rule 3.5, below)

e. The Owner/Occupant has obtained written approval for an in-home business from the Board of Directors. Requests for Board approval of an in-home business shall include a brief description of the type of business to be conducted.

3.5 Motor Vehicles

3.5.1 General.

All motor vehicles shall carry a current year's license tag and shall be in such operating condition as to not be a nuisance by noise or other condition.

3.5.2 Inoperable.

No motor vehicle which cannot operate on its own power shall remain in Conway Landings for more than twenty-four (24) hours except within the confines of a garage. All vehicle repairs shall be made within the confines of a garage. Routine maintenance on the vehicles of an Owner/Occupant may be done in that Owner's/Occupant's driveway providing that such operations do not exceed twenty-four (24) hours. Vehicles under repair shall not be left unattended in any driveway or on any street while on jacks, jack stands or hydraulic lifts. Repairs shall not occur on any street except those of an emergency nature such as changing flat tires.

3.5.3 Permitted Vehicles.

Standard passenger cars, vans, mini vans, conversion vans, pickup trucks of one (1) ton cargo capacity or less, and sport utility vehicles (such as Broncos, Blazers, and Jeeps) shall be permitted providing the following criteria are met:

a. The length of the vehicle shall not exceed 19 feet, the height of the vehicle shall not exceed 8 feet, the weight of the vehicle shall not exceed 8100 pounds, the tire rim size shall not exceed 16.5 inches, and the lowest portion of the bumper shall not be more than 36 inches above the ground.

b. The vehicles shall not display any commercial signs (other than temporary magnetic signs), equipment or apparatus which includes but is not limited to pipe, glass, or ladder racks and tool boxes (other than saddle box types designed for allowed pickup trucks).

3.5.4 Disallowed Vehicles.

Commercial vehicles, in addition to campers, mobile homes, motor homes, house trailers, or trailers of any other description, recreational vehicles, boats or boat trailers, horse trailers (herein "Vehicle" or "Vehicles") shall not be permitted to be parked or stored at any place in Conway Landings Community except within the confines of the Owner's standard garage or in the Owner's back yard when concealed behind an approved privacy fence. This prohibition of parking shall not apply to the temporary parking of trucks and commercial vehicles, such as for pick-up, delivery and other temporary commercial services. Temporary exceptions to this rule may be granted by the Board of Directors. A request for temporary exemption shall be made to the Board of Directors in writing at least two (2) weeks prior to the time the exception is required. Approval of such exceptions will be the sole discretion of the Board of Directors and shall not exceed three (3) consecutive days.

3.5.5 On-Property Parking.

Overnight parking on the properties of the approved vehicles listed in Rule 3.5.3 shall occur in the Owner's driveway or within the confines of the Owner's garage. Parking shall not be permitted on grass or other landscaped areas except for the limited time period necessary to wash the vehicle. Vehicles parked in the Owner's driveway shall not block use of the sidewalk.

3.5.6 On-Street Parking.

Vehicles temporarily parked on the streets shall not be parked against the flow of traffic, shall not obstruct the flow of traffic (i.e., two vehicles shall not be parked directly opposite each other), shall not hinder access to driveways, and shall not block access to mail boxes by U.S. Postal Service vehicles.

3.5.7 Vehicle Operation.

Only properly licensed motor vehicles, including but not limited to, automobiles, trucks, trail bikes, motorcycles, all terrain vehicles, go-carts and dune buggies shall be driven only upon paved streets and only by properly licensed operators. No motor vehicles shall be driven on pathways, sidewalks or upon unpaved areas. Motor vehicles shall not be driven on lawns or other landscaped areas at any time, except for the purpose of washing the vehicle, as allowed by Rule 3.5.5.

3.6 Exterior Appearance of the Residence.

Owners, their guests and tenants shall comply with the following rules and all pertinent requirements in Section 4, Architectural Control.

3.6.1 Signs.

Signs, advertisements, notices, or other lettering, shall not be exhibited, displayed, inscribed, painted, or affixed in, on, or upon any part of the Conway Landings Community except as approved in writing by the Board of Directors, to include any display of similar items in windows on the property which face the front of the residence. Signs advertising commercial ventures shall not be posted. Association rules for signs which do not require Board approval are as listed below:

a. A limit of one (1) "For Rent" or "For Sale" signs which do not exceed two feet (2') by two feet (2') may be posted upon the Owner's property. "For Sale" or "For Rent" signs posted by real estate firms may exceed this size restriction if the sign is properly installed using locally accepted commercial practices and presents a professional appearance.

b. "For Rent" and "For Sale", directional information and similar signs not exceeding two feet (2') by two feet (2') may be posted upon Common Property at the entrance to the Conway Landings subdivision for a period not to exceed three (3) days without written approval from the Board.

c. Temporary signs, not exceeding two feet (2') by two feet (2') such as those for garage sales, yard sales, open houses, and lost pets may be posted on the Owner's/Occupant's property and upon common Property for a period not to exceed three (3) days. Temporary signs shall be removed within 24 hours of the close of the event.

d. Political signs not exceeding three feet (3') by four feet (4') may be posted on an Owner's property. Signs may be erected not earlier than 30 days before the election and must be removed within two (2) days after the election. Political signs may not be posted upon the Common Property.

e. Parties posting any of the above approved signs shall be responsible for removal of the signs. Signs which are not removed within the limits indicated above may be removed by the Homeowners' Association with the party installing the sign being responsible for any costs incurred.

3.6.2 Exterior Antennas.

Section 207 of the Federal Telecommunications Act of 1996 (the Act) directed the Federal

Communications Commission (FCC) to promulgate a rule that would allow specific exterior antennas to be erected on private property. The FCC has adopted the rule required by the Act, which is designated Section 1.4000. Section 1.4000 provides that certain antennas must be allowed, but further provides that the Community Associations may adopt certain reasonable restrictions regulating the same, and as part of its rule making process, the FCC has released several reports, Opinions and Orders in which it discusses Section 1.4000 and pronounces general standards to be followed in the adoption of Community Association restrictions.

a. Schedule "C" of the Declaration of Covenants, Conditions, Restrictions, Reservations and Easements for Conway Landings (the Declaration), which is recorded at Official Records Book 4079, Page 2918, Public Records of Orange County, Florida, contains paragraph 16 relating to exterior television antennas, including satellite dishes, which reads as follows:

16. Antennas. Exterior television, satellite dishes or other antennae or aerials are prohibited, unless installed so as to be concealed from public view or as otherwise approved in writing by the Board.

b. The Conway Landings Homeowners' Association Rules and Regulations, dated August 1, 1997 contains Paragraph 3.7.2 relating to exterior television antennas, including satellite dishes, which reads as follows:

3.7.2 Exterior Antennae. Exterior television, satellite dishes or other antennae or aerials are prohibited, unless installed so as to be concealed from public view as seen from the front of the residence and are approved in writing by the Board, or as otherwise specified and approved in writing by the board. Digital Satellite and other exterior television antennae which are not more than 20 inches in diameter and 30 inches in height will be considered for approval by the Board depending upon the physical location of the planned installation, but the Board retains sole discretion for approval of exterior antennae on an individual, case-by-case basis.

c. The Board has now determined that paragraphs 16 and 3.7.2 are invalid as a result of Section 207 and Section 1.4000 as it applies to those antennas that are permitted by Section 1.4000.

d. Pursuant to Article VIII, Section 8.4 of the Declaration, which provides that the Board has the power to adopt rules and regulations concerning the architectural control of lots within Conway Landings and the permitted improvements located thereon, the Board has determined that it is in the best interest of its members to adopt rules and regulations addressing those antennas permitted by Section 1.4000, and has established specifications for Permitted Antennas and application requirements for ham radio antennas (See Section 4.3.18).

e. The standards established within this section are not intended to be applicable to ham radio antennas.

NOW THEREFORE, the Board hereby adopts the following standards for the installation of exterior antennas at Conway landings:

3.6.2.1 Property That Is Affected by this Restriction. This restriction shall apply to all property

that is under the jurisdiction of the Conway Landings Homeowners' Association, Inc.

3.6.2.2 Prohibited Antennas. Except as provided below, all exterior antennas are prohibited.

3.6.2.3 Permitted Antennas. Pursuant to the directives of Section 1.4000, the following exterior antennas (hereinafter referred to as "Permitted Antennas") may now be installed, maintained and used in Conway Landings, as long as the same are installed, maintained and used in conformance with the restrictions outlined in Section 4.3.18 of these Rules and Regulations:

3.6.2.3.1 Small Satellite Dish Antenna (DBS Antennas): "Dish" antennas that are designed to receive direct broadcast satellite service, including direct-to-home satellite service, that are one meter (39 inches) or less in diameter (hereinafter "DBS Antennas"). Examples of this type of antenna are the eighteen (18) inch dish antennas that are aimed at a stationary satellite and receive signals directly from the satellite.

3.6.2.3.2 Small "Wireless Cable" antennas (MMDS/Wireless Cable Antennas): Antennas that are designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, and are one meter (39 inches) or less in diameter or diagonal measurement (hereinafter "MMDS/Wireless cable" antennas). An example of this type of antenna are the small antennas that are marketed by BellSouth as "Digital TV" antennas which are aimed at the SunTrust Building located in downtown Orlando and receive signals from a transmitter located atop that building.

3.6.2.3.3 Standard "Old Fashioned" Exterior TV Antennas (TVBS Antennas): Antennas that are designed to receive television broadcast signals no matter their size (hereinafter "TVBS Antennas").

3.6.2.3.4 Masts: Masts that support any of the antennas described above.

3.6.2.4 Permitted Locations for Permitted Antennas. Subject to the specific locations restrictions provided in Section 4.3.17, Permitted Antennas may only be installed on property within the exclusive use or control of the antenna user, where the user has a direct or indirect ownership or leasehold in that property.

3.6.2.5 Prohibited Locations for Permitted Antennas. Permitted Antennas may not be installed, maintained or used on any property that does not meet the use, control and ownership/leasehold standards in 3.6.2.4, above.

3.6.2.6 Restrictions and Specifications. Restrictions and specifications pertaining to Permitted Antennas are outlined in Section 4.3.17.

3.6.3 Personal Property Storage.

The personal property, other than approved motor vehicles, of Owners/Occupants must be stored within the home/garage or in the back yard. Children's toys, bicycles, athletic equipment, etc., shall not be allowed to impede public use of the sidewalks at any time.

3.6.4 Waste Container Storage.

Garbage cans, supplies, yard debris, rubbish and trash, or other similar articles shall not be stored or permitted in front of the residence or in any area on the exterior of the dwelling or property which is visible to the public from ground level from the front of the property. Garbage cans,

yard debris and other trash to be picked up shall be put at curbside not earlier than the evening before the scheduled pickup. Garbage cans and recycling bins shall be removed from curbside by the end of the pickup day.

3.6.5 Exterior Drying Apparatus.

Outdoor clotheslines or other outdoor clothes drying apparatus are permitted subject to the written approval of the Board of Directors and the specifications set forth in Section 4, Paragraph 4.3.6. Linens, cloths, clothing, curtains, rugs, laundry, mops or other articles shall not be hung from nor on any exterior portion of the dwelling, fence or lot so that such items are visible to neighbors or the public.

3.6.6 Utilities.

All public or private transmission and service wiring for electric, gas, telephone, cable television communication services, and other service lines shall be installed and buried underground, where permitted, in accordance with applicable codes that may be imposed.

3.6.7 Wells.

Wells for the supply of water shall not be located, constructed, or used within the Conway Landings Community other than those for the sole purpose of lawn watering and irrigation. The locations of the well, pump and other equipment are subject of the approval of the Board of Directors.

3.6.8 Window Air Conditioners.

Window air conditioning units and similar devices which protrude outside of the window casing are not allowed. No Owner or Occupant shall install nor allow to be installed any window mounted device.

3.6.9 Exterior Maintenance and Improvements.

It shall be the responsibility of each Owner and their tenants to consistently maintain all structures and improvements located on his Lot in a neat, orderly and attractive manner so that the structures and improvements do not decrease the beauty of the community as a whole. To this end, but in no way limiting the generality of the foregoing, the Owner and their tenants shall prevent or correct as often as required the following specific conditions:

3.6.9.1 Exterior Painting. Flaking, peeling, unclean, mildewed, molded or unsightly conditions of the exterior paint or stain of the structure and improvements. (See 4.3.16)

3.6.9.2 Roofs. Mildew stains, broken shingles and broken tiles on the roof.

3.6.9.3 Window, door, and patio enclosure screens. Damaged screen fabric or visibly damaged frame materials.

3.6.9.4 Fences. Broken, sagging, unsightly, rotting or mildewing fences. (See 4.3.10)

3.6.9.5 Gutters. Broken, sagging, unsightly or mildewing gutters.

3.6.9.6 Mailboxes. Unsightly mailboxes or mailboxes in disrepair, to include all supporting

structures. Supporting structures shall not perceivably lean from the vertical. (See 4.3.2.10)

3.6.9.7 Driveways. Broken, severely cracked (greater than ½ inch), mildewed or stained driveways.

3.6.9.8 Sidewalks. Mildewed or stained sidewalks

3.6.10 Lawn Maintenance.

The grass on all Lots which is visible to the public including back yards that are visible from any other street or any other Conway Landings property shall be mowed, edged, trimmed, treated, watered, weeded and fertilized on a regular basis so that it shall be healthy, neat and manicured in appearance. Owner responsibility includes the grass area between the sidewalk and street.

3.6.10.1 Lawns shall be mowed on a regular basis and shall not exceed eight (8) inches in height between mowings.

3.6.10.2 Lawns shall be edged as needed to prevent grass from growing over adjacent sidewalks and driveways.

3.6.10.3 Grass around the exterior of the dwelling and adjacent to landscaping shall be trimmed regularly and shall not be allowed to exceed 8 inches in height.

3.6.10.4 Grass and weeds shall not be allowed to grow between expansion joints in driveways or sidewalks.

3.6.10.5 Dead and diseased grass, such as from mole cricket or cinche bug infestations, shall be removed and the area either reseeded or resodded/plugged.

3.6.11 Shrubbery Maintenance.

Shrubbery and other ornamental landscaping shall be pruned as necessary to present a neat appearance. Shrubbery areas shall not be allowed to become overgrown with weeds.

3.6.12 Trees and Large Ornamentals.

Trees and large ornamental plants or shrubbery planted adjacent to public sidewalks shall be pruned as needed. Pruning shall keep limbs and branches from interfering with public use of the sidewalks, and from obstructing the view of on-coming traffic to adjacent neighbors when backing a vehicle out of their driveway. Limbs and branches which over hang the sidewalk shall be trimmed even with and shall not extend over the edge of the sidewalk from ground level up to a minimum height of 7 feet. Diseased or dead trees and ornamentals shall be removed. Stumps shall be removed or ground down. (See 4.3.13)

3.6.13 Landscape Edging.

Landscape edging materials (e.g., landscape timbers, tree/shrub rings, cedar shake and plastic borders, etc.) shall not be broken, sagging, unsightly, rotting or in disrepair. Edging materials shall form a complete boundary around the landscaped area and the bounded area shall be kept free of weeds. (See 4.3.13)

4. ARCHITECTURAL CONTROL

4.1 Introduction.

This section of the Association's rules and regulations implements and expands upon Article VIII, Architectural Control, of the Declaration. Architectural controls and restrictions are established by the Declaration in order to preserve the values and appearance of Conway Landings.

4.2 Architectural Control Rules

4.2.1 Grand fathering.

Any previously approved/accepted additions and modifications to the Owner's dwelling and property which exist on the date of this document, and which violate the Architectural Control Rules and Architectural Control Guidelines contained herein, shall be "grand fathered" until such time as the addition or modification shall require extensive repair or become unserviceable. Upon reaching an unserviceable condition, these additions and modifications shall not be repaired or replaced. Extensive repairs to "grand fathered" additions and modifications which will exceed 50 percent of the original cost of construction shall not be effected without the written approval of the Board.

4.2.2 Exterior Attachments.

An Owner shall not cause anything to be affixed or attached to, hung, displayed or placed on the exterior walls, exterior doors, exterior balconies or exterior windows of his dwelling (e.g., shutters, awnings, placards, overhangs, lean-to, etc.) unless approved by the Board of Directors or specifically exempted from review in the Architectural Review Guidelines, Section 4.3.2.

4.2.3 Change Requests.

An Owner who desires to make any change to the landscaping or dwelling on their property which is not specifically exempted from review shall submit a written request to the Board, as stated in Section 2, paragraph 2.6, above, and as outlined in the appropriate Architectural Control Guidelines in this Section. The Board shall have a minimum of 30 calendar days from the date on which a request is received in which to evaluate the request and render a written decision. In the event that the Board requires more than 30 days in which to complete the evaluation (i.e., additional or missing information is necessary), the Owner shall be notified in writing of the reason for the delay and the estimated date for a written decision. Failure by the Board to act within these time frames shall constitute implied approval of the requested change. An Owner may request that the Board expedite the review, but any decision to expedite shall be at the sole discretion of the Board.

4.2.4 Authorization to Start Work.

An Owner shall not perform nor allow any contractor to perform any work on any addition or modification to the property until such time as written approval is obtained from the Board,

except as exempted from review in Section 4.3.2 of these Guidelines. Owners are cautioned that obtaining any required government permits does not constitute approval to start work. Additionally, the cost to restore the property to its condition prior to starting the unauthorized work shall be the sole responsibility of the Owner.

4.2.5 Completion of Work.

All additions and modifications to dwelling structures shall be completed in accordance with the plans and specifications approved by the Board of Directors, as set forth in Article VIII of the Declaration, within three (3) months after the commencement of construction. The Board may grant extensions where such completion is impossible or is the result of matters beyond the control of the Owner, such as strikes, casualty losses, national emergency, or acts of God.

4.3 ARCHITECTURAL REVIEW GUIDELINES

4.3.1 General Information

All changes to the exterior of your home or to your property require prior approval by the Board of Directors unless the planned changes are specifically listed in Section 4.3.2, Items Not Requiring Prior Approval. "All changes" includes those changes which may meet the standard criteria listed under the applicable heading, to include both the installation and removal of these items. You must obtain approval before starting any work. Further information on the process and the requirements is in Section 2, Paragraph 2.6, and in the specific sections that follow for individual items.

a. The Board asks that Owners notify their neighbors of any intended changes. The neighbors will appreciate the consideration and overall complications may be reduced or eliminated.

b. The following paragraphs, which usually identify both "specifications" and "application requirements" are, as the title indicates, "guidelines" which must normally be met in order to gain Board approval of the requested architectural change. Upon review of specific individual requests however, the Board of Directors may grant variances or exceptions to these guidelines. These variances will be granted at the sole discretion of the Board of Directors.

4.3.2 Items Not Requiring Approval by The Board of Directors.

The following listed architectural additions and modifications do not require approval by the Board of Directors when the Owner fully complies with all stated specifications for change. All other changes shall require prior approval, to include those changes listed below when the Owner will not comply with the stated criteria.

4.3.2.1 Landscaping which occurs within five feet (5') of the exterior of the house or which does not exceed 20% of the available permeable area, and which does not change the grading/drainage pattern of the property. For example, changing plants and shrubbery within an existing, landscaped area within 5' of the dwelling does not require approval. However, building a terraced plant and shrubbery area would require approval because it will affect the grading and drainage pattern of the property.

- 4.3.2.2 Landscaping which occurs totally within the confines of a rear yard with an approved six foot (6') high privacy fence and which does not change the grading/drainage pattern of the property.
- 4.3.2.3 Vegetable gardens which occur totally within the confines of a rear yard with a six foot (6') high privacy fence and which do not change the grading/drainage pattern of the property.
- 4.3.2.4 Seasonal decorations, providing they are placed and removed within 30 days of the event, and do not create a nuisance for the neighborhood.
- 4.3.2.5 United States flags displayed in a respectful manner using proper flag etiquette.
- 4.3.2.6 House identification numbers or plaques bearing the occupant's name providing size is limited to one foot (1') by one foot and six inches (1'-6").
- 4.3.2.7 Door hardware such as peepholes, kick plates, and locks.
- 4.3.2.8 Edging installed in or around existing landscape beds including aluminum, plastic, yard timbers, bricks, or concrete edging, providing that the installation does not exceed eight inches (8") in height and is not a permanent structure such as a mortared wall.
- 4.3.2.9 Rain gutters and down spouts providing they are painted to match or compliment the color of the house.
- 4.3.2.10 Curbside mailboxes which are without decoration or theme and are mounted on four inch (4") by four inch (4") posts or standard commercial support structures. Manufactured mail box units may be installed. Mail boxes shall be installed so that the bottom edge of the mail receptacle is between 36 and 40 inches above ground level and the support structure does not perceptively lean from the vertical. Large masonry mail box units are not allowed.
- 4.3.2.11 Low voltage lighting for landscaping.
- 4.3.2.12 Hanging baskets.
- 4.3.2.13 Hose reels/hangers which are mounted to the exterior side walls of the dwelling. Hose reels and hangers shall not be mounted on the front elevation of the dwelling.
- 4.3.2.14 Repainting the house using the exactly the same and existing, approved color scheme.
- 4.3.2.15 In-ground irrigation systems. However, see paragraph 3.6.7 restrictions on installing a well.

4.3.3 Additions.

Before planning a substantial addition or alteration, homeowners are encouraged to thoroughly evaluate the situation. Traditionally, major additions or alterations cost more than can be recouped when the property is sold. Zoning and easement restrictions should also be checked thoroughly prior to making any financial commitments to an addition.

4.3.3.1 Specifications

- 4.3.3.1.1 The materials used must be those which are used in standard residential construction in this community. The homeowner should make every effort to use the same or better materials than are used in the home.
- 4.3.3.1.2 The roof line shall be consistent with the adjacent elevations. The roof of any addition should be pitched to match the existing roof line, and shingles must match the existing shingles.
- 4.3.3.1.3 Architectural detailing on the existing house should follow through on the addition. Doors and windows must match the existing doors and windows. Exterior wall surfaces shall be stucco.
- 4.3.3.1.4 The paint colors of the addition shall match or compliment the existing house.
- 4.3.3.1.5 The overall square footage of the original living area (i.e., the total area that has heating and air conditioning) of the house shall not be increased by more than 25%.
- 4.3.3.1.6 The addition shall not cover more than 50% of the existing yard. All zoning setbacks and utility easements shall be observed.

4.3.3.2 Application Requirements. The application to the Association must include:

- 4.3.3.2.1 A plot plan showing the location of the proposed addition.
- 4.3.3.2.2 Elevations of all sides of the house from which the addition can be seen.
- 4.3.3.2.3 A complete set of plans for the addition which includes the floor plan, wall sections and details, and the materials and colors to be used.
- 4.3.3.2.4 An estimated construction period.
- 4.3.3.2.5 Completed written request for architectural review.

4.3.4 Awnings

Awnings are not permitted in the community. Most of the exterior elevations of the homes in this community are not appropriate for awnings. There are many ways to control excess sun and heat coming through the windows. These include approved landscaping to provide shade, approved window tinting, and specially lined blinds or curtains.

4.3.5 Basketball Backboards.

Basketball backboards on residential property should be treated in a manner which makes them unobtrusive. Once installed, backboards shall be maintained serviceable as a complete unit or shall be completely removed. When backboards become unserviceable or are no longer desired, poles set in a concrete base shall, as a minimum, be removed (cut off) to ground level. In selecting a location, the resident must consider the effect the backboard will have on their neighbors and property.

4.3.5.1 Specifications

4.3.5.1.1 Backboards and poles shall be kept in proper condition as a complete set, and maintained in good repair at all times, including the hoop and net. The backboard shall not be split or broken, the paint must be in good condition, and the backboard must be installed and maintained perpendicular to the ground.

4.3.5.1.2 The net shall be a rope net; chain nets are not permitted.

4.3.5.1.3 The hoop shall not be bent.

4.3.5.1.4 Poles shall be galvanized metal, painted either black or white, and must be kept in good condition.

4.3.5.1.5 Backboards that are designed to be portable/moveable will not be placed on the lawn causing the grass to be destroyed.

4.3.5.2 Application Requirements. The application to the Association must include:

4.3.5.2.1 A plot plan showing the proposed location of the backboard and pole.

4.3.5.2.2 A list of materials and colors for the backboard and pole.

4.3.5.2.3 Completed written request for architectural review..

4.3.6 Clotheslines.

Owners should refer to Section 3, Paragraph 3.6.5 for restrictions on clotheslines, in addition to the requirements below.

4.3.6.1 Specifications

4.3.6.1.1 Clotheslines or other outdoor drying apparatus shall be permitted only in a rear yard completely enclosed behind an approved fence.

4.3.6.1.2 Clotheslines or other outdoor drying apparatus shall not be greater than six feet (6') high at its highest point.

4.3.6.1.3 Exceptions or variances may be granted if the clothes drying apparatus can be screened by appropriate landscaping.

4.3.6.2 Application Requirements. The application to the Association must include:

4.3.6.2.1 A plot plan showing the proposed location of the clothesline.

4.3.6.2.2 A brochure, sketch or catalog clipping showing the type of clothesline or apparatus planned.

4.3.6.2.3 Completed written request for architectural review.

4.3.7 Decks/balconies.

A ground level or a second floor balcony can have a significant impact on the appearance of a house. A poorly designed or maintained deck or balcony can affect the privacy and views of adjacent residents.

4.3.7.1 Specifications

4.3.7.1.1 Decks shall be constructed of pressure treated or naturally weather/insect resistant lumber. If possible, the deck should be left to weather naturally. Painting of the deck will not be approved although a sealer stain may be approved if it coordinates with the house.

4.3.7.1.2 Balconies shall be constructed of pressure treated or naturally weather/insect resistant lumber. The balcony shall be painted or stained to match or compliment the colors of the house.

4.3.7.1.3 Railings should be constructed of the same type of wood as the deck surface.

4.3.7.1.4 Trim boards must be used to conceal the under structure of balconies.

4.3.7.1.5 Decks and balconies must be located in the rear yard area.

4.3.7.2 Application Requirements. The application to the Association must include:

4.3.7.2.1 A plot plan showing the location and size of the proposed balcony or deck.

4.3.7.2.2 A section showing the planned construction materials and method for the balcony or deck.

4.3.7.2.3 For balconies, the elevations of the house, showing the planned balcony.

4.3.7.2.4 Completed written request for architectural review.

4.3.8 Dog Houses/Dog Runs.

4.3.8.1 Dog House Specifications. All dog houses shall be located in the rear yard and enclosed by an approved fence. The dog house shall not be placed at either side of the dwelling and between it and a neighboring dwelling.

4.3.8.2 Dog Run Specifications. Dog runs shall refer to any manor of securing a dog within the rear yard. Dog runs shall include fenced pens, chain or other tethers secured to an in-ground stake or post, and chain or other tethers secured to an above ground cable or similar runner configuration.

4.3.8.2.1 All dog runs shall be located in the rear yard and enclosed by an approved fence. The dog run shall not be attached nor adjacent to the approved fence of an adjacent property without the expressed, written consent of the adjacent property owner.

4.3.8.2.2 Dog runs shall be maintained so that odors, insects, or noises do not become a nuisance to neighbors.

4.3.8.3 Application Requirements

- 4.3.8.3.1 A plot plan showing the proposed location and dimensions of the dog house or run.
- 4.3.8.3.2 The materials proposed for the construction.
- 4.3.8.3.3 A copy of the written consent signed by the Owner of any adjoining property who has agreed to allow use of their privacy fence.
- 4.3.8.3.4 Completed written request for architectural review.

4.3.9 Driveway Widening/Extensions.

4.3.9.1 Specifications.

4.3.9.1.1 Driveways may only be widened and extended using four inch (4") deep concrete that is properly reinforced to comply with best commercial practices for residential driveway construction. No other materials (e.g., gravel, stone, patio brick, etc.) will be used.

4.3.9.1.2 A house with a single car garage may have a driveway which is 12 feet (12') in width.

4.3.9.1.3 A house with a double car garage may have a driveway which is 22 feet (22') in width.

4.3.9.1.4 Other requests shall be considered on a case by case basis with major emphasis on maintaining a minimum of 50% of the front or side yard (as appropriate) as landscaped.

4.3.9.2 Application Requirements. The application to the Association must include:

4.3.9.2.1 A plot plan showing the proposed extension/widening of the driveway.

4.3.9.2.2 Completed written request for architectural review.

4.3.10 Fences.

Fences serve many purposes in the community; they restrain small children and pets; they provide privacy; and they provide a unifying element in the neighborhood.

4.3.10.1 General Restrictions.

4.3.10.1.1 No fence, barrier, wall, or similar structure shall be erected on any lot without the prior written approval of the Board of Directors and a properly executed Government permit.

4.3.10.1.2 Picket fences, basket weave fences, horizontal shadowbox fences, and chain link fences are prohibited.

4.3.10.1.3 No fence shall extend forward on the property (toward the street) to within five (5) feet of either front corner of the home that is formed by a side elevation wall and the adjacent front elevation wall of the dwelling.

4.3.10.2 Specifications

4.3.10.2.1 The standard fence shall be a six foot (6') high wooden stockade, board on board or vertical shadowbox fence.

4.3.10.2.2 Front panels of the fence that face and are parallel to the street shall be set back a minimum of five feet (5') from the front corner of the house and must abut the house. Exceptions may be granted for those houses which are on irregularly shaped lots or in the cull-de-sacs.

4.3.10.2.3 The finished, uniform side of the fence must face outward toward adjoining properties, except that those portions of the fence adjacent and parallel to the chain link fence around either of the retention ponds may be installed with the finished side facing inward. If the neighbors agree to share the cost of the fence, they shall decide between themselves who will have the finished side. Fences installed prior to January 1, 1996, may remain as installed until the fence is in need of replacement. (Refer to paragraph 4.2.1, above)

4.3.10.2.4 Fences shall not be painted, but may be treated with an appropriate, natural finish commercial coating to preserve the wood. Fences which are currently painted shall be maintained in a presentable condition until they require replacement. The replacement fence shall not be painted (Refer to paragraph 4.2.1, above).

4.3.10.2.5 Fences shall be constructed so that the outermost portion of the fence does not infringe on adjacent properties. If necessary to correctly determine the property line, the requesting Owner is responsible to obtain a current lot survey before installing the fence. If neighbors share the cost of the fence, they shall decide between themselves where to locate the fence. It is recommended that they put this decision in writing with signatures of all parties to eliminate problems with subsequent homeowners.

4.3.10.2.6 If the fence construction and location includes an abutment to or connection with the fence of an adjoining property, the Owner of the adjoining property must sign a letter of agreement indicating this planned use of their fence is acceptable without reservation.

4.3.10.2.7 Fences other than those expressly described above may be approved by the Board, provided they are not types which are specifically prohibited.

4.3.10.3 Application Requirements. The application to the Association must include:

4.3.10.3.1 A plot plan showing the proposed location of the fence, including dimensions.

4.3.10.3.2 A description of the type of fence proposed.

4.3.10.3.3 If the fence is not a standard type, complete details and elevations of the proposed fence.

4.3.10.3.4 A description of any Board exemptions which are proposed.

4.3.10.3.5 Copies of all letters of agreement between the requesting Owner and the Owner(s) of adjacent properties, if required.

4.3.10.3.6 Completed written request for architectural review.

4.3.11 Flagpoles.

4.3.11.1 Specifications

4.3.11.1.1 Flagpoles must be installed to withstand the wind loads required by the current Southern Standard Building Codes.

4.3.11.1.2 Flagpoles must be constructed of aluminum or steel and must be maintained appropriately at all times.

4.3.11.1.3 The maximum height above ground to the top of the pole shall be 20 feet.

4.3.11.1.4 Proper flag etiquette shall be used at all times when displaying the United States flag.

4.3.11.2 **Application Requirements.** The application to the Association must include:

4.3.11.2.1 A plot plan showing the proposed location of the flagpole.

4.3.11.2.2 The materials of the flagpole, the height of the flagpole, and the erection details.

4.3.11.2.3 Completed written request for architectural review.

4.3.12 Garage Conversions.

4.3.12.1 Specifications

4.3.12.1.1 The standard garage door must remain in place.

4.3.12.1.2 Screen doors in front of the standard garage door are not permitted.

4.3.12.1.3 The homeowner must accept full responsibility for accommodating his motor vehicles on his property in a manner consistent with the rules and regulations.

4.3.12.2 **Application Requirements.** The application to the Association must include:

4.3.12.2.1 A plot plan showing the location of the existing garage with any additional openings (windows or doors) which are planned.

4.3.12.2.2 A general description of the interior plan and materials.

4.3.12.2.3 An indication of where the vehicles will be parked.

4.3.12.2.4 Completed written request for architectural review.

4.3.13 Landscaping.

Landscaping in Florida plays an integral part in the overall appeal of each home and the adjoining neighborhoods. Proper landscaping can increase the value of the home and the surrounding homes and poorly planned or maintained landscaping can decrease the value of these homes.

4.3.13.1 Considerations. Homeowners are asked to consult a professional landscaper and study appropriate literature in order to answer the following questions about their proposed landscape changes.

4.3.13.1.1 How large will the planting be when mature? Many Florida plant varieties can easily triple in size creating a cramped, overgrown appearance and crowding out sidewalks and driveways. A tree with a dense canopy can create shade dark enough to prevent plant or grass growth underneath. Consult the specialists where you purchase your plants to determine how large a specific plant will grow.

4.3.13.1.2 Will the plant material receive the proper amount of light to grow? Many nursery plants come with tags that indicate the amount of sun or shade they will tolerate. This is particularly important in Florida because the intense summer sun can quickly kill plants that are not planted in an appropriate location.

4.3.13.1.3 Can enough supplementary water be provided to keep the plant in proper condition? Although traditionally Florida gets rainfall every afternoon in the spring and summer, this has not been true for the past several years. As a result, we have experienced water rationing for landscape purposes. Even though extensive rationing may not be in effect, consider whether or not you have a sprinkler system and whether you are willing to pay for the necessary water to supplement rainfall.

4.3.13.1.4 What are the fertilizer requirements for the plant? Florida offers many wonderful things, but the soil is not one of them! Due to the sandy composition of our soil, nutrients are readily leached from the base of the plant and must be regularly replaced to eliminate a nutritional deficiency in the plant. Healthy, growing plants are better able to withstand disease, drought, and cold temperatures.

4.3.13.1.5 Can the plant survive a sub-freezing winter night? Consider the replacement costs of the plant in the event we do have a harsh winter.

4.3.13.1.6 Am I willing to work continually on the landscaping or do I want a yard which requires less maintenance? Annuals are certainly beautiful and provide much color, but they must be replaced at least twice a year and sometimes as often as four times a year. Many plants require almost constant vigilance to keep pests away. Consider these and other maintenance issues when planning or planting.

4.3.13.2 Specifications

4.3.13.2.1 Creation of a planting bed or beds in excess of 20% of the total front and side yards, 20% of the total unfenced rear yard, or which will change the grade (and therefore, the drainage characteristics) of the property must be approved by the Board.

4.3.13.2.2 Plants must be kept alive and in a healthy condition. Dead or declining plant material must be removed.

4.3.13.2.3 In the front yard areas, a minimum of at least the builder-supplied plant material must be maintained. Removal of plants to create a barren view shall not be allowed.

4.3.13.2.4 See Section 3.6.9.

4.3.13.3 Application Requirements. The application to the Association must include:

4.3.13.3.1 A plot plan showing the proposed and/or existing location(s) of the plant materials.

4.3.13.3.2 The types and names of the new plant materials, and their anticipated sizes currently and at maturity.

4.3.13.3.3 Completed written request for architectural review.

4.3.14 Lighting.

Exterior lighting includes decorative and security lights. Proper lighting of property can visually compliment the look of a neighborhood and can deter crime by illuminating dimly lit areas. Improper or excessive lighting can be detrimental to neighboring property by creating unsightly views or a nuisance.

4.3.14.1 Specifications

4.3.14.1.1 Lighting shall be directed downwards, or be of low wattage.

4.3.14.1.2 Lighting shall not be directed toward adjacent properties.

4.3.14.1.3 Lighting shall be installed in accordance with local electrical codes.

4.3.14.1.4 Vapor light sources shall not be permitted due to excessive illumination.

4.3.14.2 Application Requirements. The application to the Association must include:

4.3.14.2.1 A plot plan showing the proposed location of the lighting.

4.3.14.2.2 Catalog cuts or brochures indicating the type of fixture to be installed and the wattage.

4.3.14.2.3 Completed written request for architectural review.

4.3.15 Exterior Painting.

All exterior painting of the dwelling which changes the original or previously approved colors shall be approved by the Board of Directors. Listed below are some considerations which will be taken into account by the Board in the review.

4.3.15.1 Considerations

4.3.15.1.1 Trends in colors change throughout the years.

4.3.15.1.2 Color intensifies when applied on large areas such as a house. Colors which appear acceptable on a 2" sample may be overwhelming when applied to an entire house.

4.3.15.1.3 Due to the strong sunlight and ultraviolet deterioration, some colors and paint types may not be appropriate for this geographical area.

4.3.15.2 Specifications

4.3.15.2.1 The exterior wall (primary) color must be a pastel and in harmony with the general color scheme of the community. A complimentary trim color will be used. A third, accent color may be used in moderation.

4.3.15.2.2 Bright or fluorescent colors are not allowed.

4.3.15.2.3 Color schemes which use two or more base colors, or two or more trim colors are not allowed, except that the front entrance door to the dwelling may be painted a different but complimentary color than was used for the base or trim colors.

4.3.15.3 Application Requirements. The application to the Association must include:

4.3.15.3.1 Samples of the proposed colors.

4.3.15.3.2 If the proposed change is significant, an elevation (drawing) or photograph of the front of the house with the colors shown or indicated in the appropriate locations. All locations where an accent color will be used must be identified in this manner.

4.3.15.3.3 Completed written request for architectural review.

4.3.16 Playground Equipment/Skateboard Ramps.

The Owner is responsible for the correct and safe installation of all playground equipment and skateboard ramps, to include maintaining adequate clearance for swings, gliders and similar items.

4.3.16.1 Specifications

4.3.16.1.1 All playground equipment, and other apparatus and fixtures shall be located in the rear yard, and enclosed by an approved fence.

4.3.16.1.2 Metal play equipment shall be properly painted and maintained in original operating condition.

4.3.16.1.3 Equipment constructed of natural materials is encouraged.

4.3.16.1.4 Skateboard ramps shall be no higher than the approved fence and shall be located a minimum of five (5) feet from the sides of the fence adjacent to any neighbor.

4.3.16.1.5 Play toys shall be kept visually unobtrusive to neighbors. Awnings and coverings over outdoor equipment shall be neutral or natural in color.

4.3.16.2 Application Requirements. The application to the Association must include:

4.3.16.2.1 A plot plan showing the proposed location of the playground equipment, and fixtures.

4.3.16.2.2 A catalog cut, sketch or brochure showing the proposed item which indicates the size and materials.

4.3.16.2.3 A list of construction materials and plans for the construction of playhouses, skateboard ramps, tree houses, or other items which are to be constructed.

4.3.16.2.4 Completed written request for architectural review.

4.3.17 Satellite Dishes/Exterior Antenna.

Refer to Section 3, Paragraph 3.6.2

4.3.17.1 Specifications

4.3.17.1.1 Specific Restrictions for Permitted Antennas. Subject to the variance provisions outlined below to insure that the following restrictions do not unreasonably delay or prevent the installation, maintenance or use of the same or preclude reception of an acceptable quality signal, all as defined by the FCC, the following specific restrictions shall apply to the Permitted Antennas:

4.3.17.1.1.1 DBS Antennas. DBS antennas shall not exceed one meter (39") in diameter. It is acknowledged by the Association that DBS antennas must have direct "line of sight" contact with the transmitting satellite to receive an acceptable quality signal. Therefore, it is undisputed that such antennas must be located to permit such contact. Notwithstanding this fact, the following standards must be met, if possible:

4.3.17.1.1.1.1 The DBS antenna must be placed in a location or be screened so that it cannot be seen from neighboring Lots and by a person six (6) feet tall, while standing on any street or sidewalk adjacent to the Lot upon which the Permitted Antenna is to be erected;

4.3.17.1.1.1.2 If standard "a." above cannot be completely achieved, then it shall be achieved to the maximum extent possible, which shall include, but not be limited to, location of screening devices, placing the antennas at the least conspicuous location and painting the DBS antenna a color that is coordinated with the antenna's background (e.g., if the antenna is to be attached to a structure, it must be painted the same color as the structure, if the antenna is to be placed in the yard, then it must be painted a color which will make it blend in with the background landscaping). Painting will not be required if to do so will impede adequate signal reception or invalidate any existing warranty on the antenna but will be required if reception is not impeded and the warranty will not be invalidated by such action, if a paint that will not degrade reception or invalidate the warranty is reasonably available or if the warranty has expired.

4.3.17.1.1.1.3 If a mast is required in order for the DBS antenna to achieve line of sight contact with the satellite, it must be no taller than is necessary to receive an acceptable quality signal and must meet the same standards outlined above.

4.3.17.1.1.1.4 Roof top mountings and tripod masts are not permitted.

4.3.17.1.1.2 MMDS/Wireless Antennas. MMDS/Wireless Cable antennas shall not exceed one meter (39") in diameter or diagonal measurement. It is acknowledged by the Association that MMDS/Wireless antennas must have direct "line of sight" contact with the transmitting source to receive an acceptable quality signal. Therefore, it is undisputed that such antennas must be located and placed at a height that will permit such contact. Notwithstanding this fact, the following standards must be met, if possible:

4.3.17.1.1.2.1 If structurally possible, the antenna must be attached to the chimney of the home.

4.3.17.1.1.2.2 If a. is not possible, the antenna must be attached directly to the house at a peaked area, on the rear or side of the house.

4.3.17.1.1.2.3 If a mast is required in order for the MMDS/Wireless Cable antenna to achieve line of sight contact with the transmitting source, it must be no taller than is necessary to receive an

acceptable quality signal and must meet the same standards outlined above.

4.3.17.1.1.2.4 Roof top mountings and tripod masts are not permitted.

4.3.17.1.1.3 TVBS Antennas. Because TVBS antennas do not require direct “line of sight” contact with the transmitting source, they will be treated differently than the DBS and MMDS antennas. Therefore, the following standards must be met:

4.3.17.1.1.3.1 The TVBS antenna must be located on the rear of the house.

4.3.17.1.1.3.2 If a mast must be used, it may not be taller than is necessary to obtain an “optimal quality signal” as the same is defined by the FCC.

4.3.17.1.1.3.3 Roof top mountings and tripod masts are not permitted.

4.3.17.1.1.4 Safety Requirements. No Permitted Antenna may be installed if the same shall violate any governmental safety requirements.

4.3.17.1.1.5 Variances from the Restrictions for Permitted Antennas. Any person who is qualified to erect a Permitted Antenna may disregard the above stated restrictions to the extent necessary:

4.3.17.1.1.5.1 To insure that they can receive an acceptable quality signal as defined by Section 1.4000 and the FCC’s Reports, Opinions and Orders.

4.3.17.1.1.5.2 To avoid unreasonable delay in or prevention of the installation, maintenance or use of the antenna as defined by Section 1.4000 and the FCC’s Reports, Opinions and Orders.

4.3.17.1.1.5.3 To avoid unreasonable increases in the cost of installation, maintenance or use of the antenna as defined by Section 1.4000 and the FCC’s Reports, Opinions and Orders.

Any person utilizing this variance provision must allow access by the Association to the antenna and other portions of their property at reasonable times so that the Association may make its own determination whether such variances are necessary. If such variance is not necessary, the antenna must be brought into compliance with these restrictions to the extent possible.

4.3.17.1.2 Notice of Installation. In order to insure that no installation of a Permitted Antenna will violate the above restrictions, thereby avoiding possible enforcement actions, all persons who wish to install, maintain, use or move a Permitted Antenna (installation) must contact the Association prior to the installation of the same. Forms for such notice shall be available from the Association. The Association will devise an expedited procedure for handling notifications so that the process does not unreasonably delay any such installations or alterations.

4.3.17.1.3 Number of Permitted Antennas. Only those Permitted Antennas that are needed in order to receive an acceptable quality signal or are necessary to receive all video programming available for reception in the viewer’s viewing area may be installed, maintained or used on each Lot. No antennas will be permitted to remain on a Lot if they are merely duplicative and not necessary for the reception of video programming.

4.3.17.2 Any person claiming that more than one antenna is necessary per Lot must allow access by the Association to the antennas and other portions of their property at reasonable times so that the Association may make its own determination whether more than one antenna is needed as provided above. Those antennas found to be merely duplicative and not necessary for the reception of video programming must be immediately removed.

4.3.17.3 Enforcement of this Restriction.

4.3.17.3.1 The Association may enforce Section 3.6.2.2 of this restriction in any fashion permitted by law, including imposition of fines.

4.3.17.3.2 The Association may enforce the remaining sections of this restriction in any fashion permitted by Section 207 and Section 1.4000, including the filing of an action the County or Circuit Courts in and for Orange County, as applicable. However, no fines, fees or other penalties will accrue against any antenna user except as permitted by Section 207 and Section 1.4000.

4.3.17.4 Ham Radio Antennas. The antennae for ham radios shall be retractable or fully removable, and shall be retracted or fully removed when not in actual operation. In the event that a ham radio operator is part of the communication link in a declared emergency, the antennae may remain in place during this emergency.

4.3.17.4.1 Application Requirements For Ham Radio Antennas Only. The application to the Association must include:

4.3.17.4.1.1 A plot plan showing the proposed location of the antenna(s).

4.3.17.4.1.2 A catalog or brochure indicating the type of antenna(s) and their size.

4.3.17.4.1.3 Completed written request for architectural review.

4.3.18 Screened Doors.

Although screened doors can improve air circulation throughout the house, care should be taken to choose a style of door that compliments the existing solid door and architectural detailing on the home.

4.3.18.1 Specifications

4.3.18.1.1 Doors shall be aluminum in a color which matches the existing windows, or painted to match an existing color on the house.

4.3.18.1.2 Screens should be the same material and color as the existing window screens.

4.3.18.1.3 Screens must be repaired promptly when damaged.

4.3.18.1.4 Screen doors shall not be permitted in front of garage doors.

4.3.18.2 Application Requirements. The application to the Association must include:

4.3.18.2.1 A plot plan and elevation drawing showing the location of the proposed screen door.

4.3.18.2.2 A photograph or drawing of the proposed screen door.

4.3.18.2.3 The materials and color(s) of the proposed screen door.

4.3.18.2.4 Completed written request for architectural review.

4.3.19 Screened Patio Enclosures.

Although standard aluminum roofs will be approved, the Board encourages construction

of a permanent roof with shingles and pitch to match the existing house. Such construction adds value to the property and dramatically enhances the aesthetic quality of the enclosure from the exterior.

4.3.19.1 Specifications

4.3.19.1.1 To qualify as a "screened enclosure", a minimum of 55% of each newly erected wall must be screened. Permanently installed windows are not acceptable.

Example: In an eight foot (8') high enclosure, a minimum of five feet (5') must be screening. The kick panel may be up to three feet (3') in height.

4.3.19.1.2 Enclosures not meeting the above criteria will be considered as "additions".

4.3.19.1.3 Screened enclosures on second floor balconies must have a permanent roof which matches the existing roof construction.

4.3.19.1.4 Aluminum enclosures should be the color of the existing window frames. Other colors may be approved if considered more appropriate for the individual house.

4.3.19.1.5 Enclosures other than aluminum should be constructed of materials appearing on the exterior of the existing house. Exposed materials shall be painted or stained to match the existing house.

4.3.19.1.6 Screened enclosures shall be permitted in the rear yard only. Screened enclosures on front porches are not permitted.

4.3.19.1.7 Screened enclosures with an aluminum roof which does not extend upward to the existing roof must be strong enough to walk on in order to allow painting of the outside wall area above the enclosure roof and the dwelling roof.

4.3.19.2 Application Requirements. The application to the Association must include:

4.3.19.2.1 A plot plan showing the location of the proposed screen enclosure, including dimensions.

4.3.19.2.2 A plan, and a list of materials to be used in the construction, including colors.

4.3.19.2.3 Elevations of the enclosure, and the house.

4.3.19.2.4 If windows are proposed, a brochure or catalog cut showing the type of windows.

4.3.19.2.5 Completed written request for architectural review.

4.3.20 Sheds.

Sheds are not encouraged in the community, but because storage space is at a premium in most homes, sheds are permitted. Homeowners are encouraged to consider their neighbors and community in the location of the shed and the construction materials of the shed.

4.3.20.1 Specifications

4.3.20.1.1 The shed must be enclosed within a six foot (6') high approved fence.

- 4.3.20.1.2 The maximum height at peak of roof is limited to eight (8) feet.
- 4.3.20.1.3 One shed will be permitted. The maximum size of the shed shall be ten feet (10') by twelve (12') or an equivalent square footage.
- 4.3.20.1.4 The shed must meet county zoning setbacks.
- 4.3.20.1.5 The color(s) must match those of the house.
- 4.3.20.1.6 The shed must be consistently maintained in an attractive manner.
- 4.3.20.2 Application Requirements. The application to the Association must include:
 - 4.3.20.2.1 A plot plan showing the planned location of the shed, including dimensions.
 - 4.3.20.2.2 If purchased, a brochure of the shed which indicates the materials and dimensions.
 - 4.3.20.2.3 If constructed, a set of plans showing wall and roof construction, a list of the proposed materials, and the dimensions.
 - 4.3.20.2.4 Completed written request for architectural review.

4.3.21 Skylights.

- 4.3.21.1 Specifications
 - 4.3.21.1.1 The skylight should have a low profile and preferably be flat or with a slight curve.
 - 4.3.21.1.2 The skylight frame should be painted to match the color of the roof.
 - 4.3.21.1.3 The skylight should be installed parallel with the roof ridge and edges.
- 4.3.21.2 Application Requirements. The application to the Association must include:
 - 4.3.21.2.1 A plot plan which shows the location of the planned improvement.
 - 4.3.21.2.2 A sketch which shows the lines and slopes of the roof.
 - 4.3.21.2.3 A description (catalog clippings) and the dimensions of the skylight.
 - 4.3.21.2.4 Completed written request for architectural review.

4.3.22 Solar Panels.

- 4.3.22.1 Specifications
 - 4.3.22.1.1 Solar panels on pitches (sloped) of roofs must lie flat on the roof and be placed so that the edges are parallel with and perpendicular to the roof edges.
 - 4.3.22.1.2 No part of the installation shall be visible above the roof ridge line.

4.3.22.1.3 Support brackets, collector frames, and exposed parts should be painted to match the roof color.

4.3.22.1.4 Pipes, wires, and control devices should be placed so that they may not be seen from adjacent properties.

4.3.22.1.5 Panels placed on the ground must be located in the rear yard. The yard must be fenced with an approved fence or the panels must be screened from view in all directions by landscaping.

4.3.22.2 Application Requirements. The application to the Association must include:

4.3.22.2.1 A plot plan showing the location of the proposed panels.

4.3.22.2.2 If roof installation is planned, a sketch which shows the lines and slopes of the roof.

4.3.22.2.3 A description and dimensions of the panels and accessories.

4.3.22.2.4 Completed written request for architectural review.

4.3.23 Spas/Hot Tubs

4.3.23.1 Specifications

4.3.23.1.1 Spas/hot tubs shall be located in the rear yard and enclosed by an approved fence.

4.3.23.2 Application Requirements. The application to the Association must include:

4.3.23.2.1 A plot plan showing the planned location of the spa/hot tub.

4.3.23.2.2 A brochure or catalog clippings indicating the size and type of unit to be installed.

4.3.23.2.3 Completed written request for architectural review.

4.3.24 Swimming Pools/Screened Pool Enclosures

4.3.24.1 Specifications.

4.3.24.1.1 In Ground Swimming Pools.

4.3.24.1.1.1 The pool shall be placed in the rear yard and screened by an approved, six (6) feet high privacy fence.

4.3.24.1.1.2 All pool accessories such as pumps, pump covers, or propane tanks shall be screened from view behind a fence or appropriate landscaping. The landscaping, at the time of planting, shall be a minimum of 2/3 of the height of the equipment and shall screen the equipment fully within six months.

4.3.24.1.1.3 Filtration and chemical systems shall be maintained in working order to prevent the water from becoming a breeding area for insects or bacteria.

4.3.24.1.1.4 Repairs or damage to the adjacent property during the construction of the pool are the responsibility of the pool owner. The Committee encourages notification to neighbors before beginning such a project.

4.3.24.1.1.5 County zoning setbacks shall be met.

4.3.24.1.2 Above Ground Swimming Pools.

4.3.24.1.2.1 Any above ground pool exceeding 12 inches (12") in depth or eight feet (8') in diameter or width shall be enclosed within a six foot (6') high approved fence.

4.3.24.1.2.2 Any above ground pool shall be drained once a week or provided with a filtration/circulation system to prevent the standing water from becoming a breeding area for insects or bacteria.

4.3.24.1.3 Aluminum Screened Pool Enclosures

4.3.24.1.3.1 Aluminum framework should be the color of the existing window frames. Other colors may be approved if considered more appropriate for the individual house.

4.3.24.1.3.2 If possible, the top line of the enclosure should follow the roof line of the house. If this is not possible, care should be taken to determine a shape which is compatible with the roof line.

4.3.24.1.3.3 Setbacks must conform to County zoning setbacks.

4.3.24.2 Application Requirements

4.3.24.2.1 A plot plan showing the proposed location of the pool and/or enclosure.

4.3.24.2.2 A plan and/or brochure from the contractor which indicates the materials to be used and the dimensions.

4.3.24.2.3 Completed written request for architectural review.

4.3.25 Water Treatment Systems.

4.3.25.1 Specifications

4.3.25.1.1 Units, if possible, shall be located in the rear yard or enclosed by an approved fence.

4.3.25.1.2 Units which are located in side yards shall be screened from view as indicated.

4.3.25.1.2.1 Behind landscaping which, at the time of installation, shall be a minimum of 2/3 of the height of the equipment and shall screen the equipment fully within six (6) months.

4.3.25.1.2.2 Behind a small wooden fence no higher than 12 inches (12") above the top of the unit. The fence shall not be painted.

4.3.25.2 Application Requirements. The application to the Association must include:

4.3.25.2.1 A plot plan showing the proposed location of the water treatment system.

4.3.25.2.2 A description of the screening method to be used.

4.3.25.2.3 Completed written request for architectural review.