

Architectural Control Committee Charter

Mission Statement

The Committee shall:

- (i) exercise the limited decision-making authority set forth below,
- (ii) with respect to any issue considered by it outside the scope of such authority (whether on its own initiative or at the request of the Board), recommend a course or alternative courses of action to the Board, and
- (iii) at the direction of the Board, and subject to its approval of the form and content of any such communication, communicate with Owners concerning matters within the Committee's areas of concern.

Membership

The Committee shall consist of 7 persons appointed by the Board, at least one of whom shall be a member of the Board, and all of whom shall be permanent residents of the community. The Board may determine the qualifications required of prospective members, appoint persons to be members who have complementary relevant qualifications, and establish procedures for soliciting expressions of interest from those wishing to serve as members and conducting an interview and selection process.

Term

Committee members shall serve at the pleasure of the Board and may be removed by it at any time, with or without cause. The Board shall designate a replacement for any member who resigns, dies, becomes incapacitated or is removed.

Chairperson

The Committee members shall elect a chairperson from amongst the membership by majority vote of those members present and voting at a meeting at which a quorum is present or by unanimous consent in lieu of a meeting, with the Board having the right to approve (or reject) any person so elected. No Board member serving as a member may be its chairperson.

Decision Making Authority

- (i) The Committee's decision-making authority is limited to:
- (ii) the review of rights set forth in Article VI, Section 3 of the Declaration ("Review by Committee")
- (iii) the rights set forth in Article VII, Sections 2 and 3 of the Declaration ("Failure to Maintain" and "Failure to Repair"),
- (iv) the rights set forth in Article VIII, Section 6 of the Declaration ("Trees, Vegetation, etc."), and
- (v) such other authority, if any, as the Board may delegate to it from time to time by resolution reflected in the minutes of a Board meeting. Any such delegation shall be revocable in whole or in part in the Board's sole discretion, whether or not that fact is stated in such minutes.

Administrative Procedures

The Committee shall meet on call of the chairperson no less frequently than once each calendar quarter. If necessary, meetings shall be held more frequently to avoid deemed

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waiver of the Committee's decision-making authority under Article VI, Section 3 of the Declaration ("Review by Committee") as a result of the Committee's failure to act upon an application within 30 days after receipt, by virtue of the provisions of Article VI, Section 5 of the Declaration ("Procedures"). Notice of the time, date and location of each meeting and, in the case of a meeting at which one or more application are to be considered pursuant to Article VI, Section 3 of the Declaration ("Review by Committee"), a copy or copies of such application or applications, shall be given to each member at least 2 business days in advance of any meeting. All meetings shall be held at locations within the community.

A quorum shall consist of the presence in person of a majority of Committee members. Except as set forth below, Committee decisions shall be by majority vote of those members present and voting at a meeting at which a quorum is present.

Except as set forth below, the Committee may act by unanimous written consent in lieu of a meeting. An application submitted pursuant to Article VI, Section 3 of the Declaration ("Review by Committee") may be acted upon without a meeting provided at least 3 Committee members, one of whom is the chairperson and each of whom has received a copy of the application, sign a written acknowledgement of the action taken.

The Association's President shall be an ex officio Committee member, provided that:

- (i) his or her presence at a meeting shall not be taken into consideration in determining whether or not a quorum is present,
- (ii) he or she shall not be entitled to vote upon any matter being considered by the Committee,
- (iii) his or her signature shall not be required in connection with any action taken by the Committee by unanimous consent in lieu of a meeting, and
- (iv) he or she shall not be eligible to sign any acknowledgement in lieu of a meeting that may be signed by less than all Committee members.

The Committee shall maintain written records of all applications submitted to it and the actions taken with respect thereto.

With respect to the Committee's decision-making authority under Article VII, Sections 2 and 3 of the Declaration ("Failure to Maintain" and "Failure to Repair"), the Committee shall:

- (i) cause an annual inspection of all Lots and improvements on Lots within the community to be conducted,
- (ii) issue notices concerning deficiencies that exist, stating corrective actions required to be taken,
- (iii) cause a follow up inspection of all Lots and improvements that are the subject of such deficiency notices to be conducted,
- (iv) give the Board a written report identifying the Lots and improvements with respect to which deficiencies exist that, based upon the follow up inspection, have not been remedied, and

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- (v) create and retain written records of such inspections, notices and report. In furtherance of the foregoing, the annual inspection shall be conducted and deficiency notices arising from such inspection shall be mailed prior to June 30th of each year, the follow up inspection shall be conducted prior to September 30th of each year, and the report to the Board shall be submitted in order to be considered at the Board's regularly scheduled meeting during the month of October of each year. Any such deficiency notices shall not be sent to Owners unless approved by a majority of the Committee members present and voting at a meeting at which a quorum is present or by at least 3 Committee members, one of whom is the chairperson, by written approval in lieu of a meeting.

Any Owner aggrieved by a Committee decision under Article VI, Section 3 of the Declaration ("Review by Committee") or Article VII, Sections 2 or 3 of the Declaration ("Failure to Maintain" and "Failure to Repair") may appeal the Committee's decision to the Board, provided any such appeal is made in writing and sent to the incumbent President of the Association within 30 days following receipt of notice of the Committee's action. The Board's decision with respect to any such appeal shall be final and binding on the Committee and the Owner. The Committee may make recommendations to the Board concerning areas of concern to the Committee within the community that are outside of the scope of the Committee's decision making authority, whether on the Committee's own initiative or in response to a request by the Board that a matter be considered by the Committee for the benefit of the Board, provided any such recommendation is first approved by a majority of the Committee members present and voting at a meeting at which a quorum is present or by the Committee members by unanimous consent in lieu of a meeting.

The Board may modify or supplement Committee procedures from time to time in its sole discretion.