

# RIVERSIDE VILLAGES HOMEOWNERS ASSOCIATION

## ARCHITECTURAL GUIDELINES

Adopted By:

Architectural Review Committee / Board of Directors

Effective:

Version 1.0 June 1, 2007

Version 2.0 September 2010

## I. INTRODUCTION

### A. OBJECTIVES

1. To provide uniform guidelines to be used by the Architectural Review Committee (ARC) in reviewing applications in the context of standards established by the protective Covenants of Riverside Villages Homeowners Association Inc.
2. To assist homeowners in preparing an acceptable application to the ARC.
3. To increase residents' awareness and understanding of the Covenants.
4. To help maintain a reasonable uniform and architecturally sound appearance for Riverside Villages community, thus enhancing the investment of all homeowners.

### B. PROTECTIVE COVENANTS

Basic control for maintaining the quality of design at Riverside Villages is directed by Covenants, which every home and deed is subject to. The ARC ensures that proposed exterior alterations comply with the standards set forth in the Covenants. This involves the regular review of all applications for exterior alterations submitted by homeowners.

These Architectural Control Guidelines are being adopted pursuant to the authority to adopt same in the Covenants. However, these Guidelines are subject to the language and requirements of the Declaration of Covenants, Conditions, and Restrictions as recorded in the Land Records of Berkeley County, West Virginia. In case a conflict between the Covenants and these Guidelines or any other Guidelines, the Covenants control.

Every Riverside Villages homeowner should have received a copy of the Declaration of Covenants at settlement. However, all too frequently the Covenants are not read by the homeowners. Since these Covenants "run with the land," they are binding on all homeowners and should be fully understood.

### C. ARCHITECTURAL REVIEW COMMITTEE APPROVAL

All of the responsibilities and duties herein delegated to the Covenants Committee shall be carried out by the Board of Directors of the Association, unless and until the Board appoints such a Committee. References hereinafter to the Covenants Committee shall apply with equal force to the Board of Directors acting in the capacity of such a Committee.

The first act of the Architectural Review Committee has been to establish and promulgate these guidelines, the purpose of which are twofold: (1) to give blanket approval on certain modifications, and (2) to explain the mechanism for receiving approval for items not given blanket approval. Each Architectural Change Request Application is reviewed separately. For example, a homeowner who wishes to construct a deck identical to one already approved by the ARC, is still required to submit an application. In each case not covered by blanket approval, an

application must be submitted and reviewed in order to consider specific implications of location and impact to surroundings.

**D. AMENDMENTS TO THE ARCHITECTURAL GUIDELINES**

These guidelines may be amended. It is anticipated that the changes will be primarily additive and will not involve substantive changes to existing guidelines. However, amendments may be made to reflect changed conditions or technology.

The ARC will conduct periodic evaluation of the guidelines to determine if amendments are required. Homeowners may also submit to the Architectural Review Committee of Riverside Villages Homeowner Association requests for additions or changes to the guidelines. The actual amendment proceedings will involve open discussion at a publicized meeting of the Board of Directors and Architectural Review Committee; acceptance will be made by a majority vote.

**E. MAINTENANCE OF PRIVATELY OWNED PROPERTY**

As a matter of personal pride; in the interest of developing an attractive community; in consideration of your neighbors, and in the interest of improving your property value, adequate time and effort should be taken to see that your yard, landscaping, and home are properly maintained.

1. Painting. During annual community inspections conducted by the BOD or its designated committee, paint conditions of homes and exterior structures will be evaluated. If the BOD determines that painting is required, the homeowners will receive written notification. The homeowner will then be given thirty (30) days to provide a schedule for complying with the notification. If the required painting is not completed in accordance with the approved schedule, the matter will be taken up by the Board of Directors for appropriate action. The Board of Directors, acting on behalf of the Association shall have the right, through its agents to take such action as is provided in Article V, Section 1.a, of the By Laws and/or enter upon such Lot and take such steps as may be necessary to remove or otherwise terminate or correct such violation and the costs thereof and all other fees and/or expenses incurred thereby may be assessed against the Lot upon which such violation occurred.
2. Grass. Grass height should not generally exceed four (4) inches, and should be kept even. The managing agent will accept written complaints for uncut grass.

## II. APPLICATION

**Note: If in doubt as to whether your exterior change needs approval, SUBMIT an application.**

Written applications for all exterior changes must be submitted to the Management Agent. Oral Requests will not be considered. Each alteration must be specifically approved, even when a similar or substantially identical alteration has been previously approved.

### A. APPLICATION APPROVAL PROCEDURES

1. A copy of the guidelines and application form may be obtained via regular mail or e-mail from ARC or managing agent. All necessary information should be stated in a clear, concise form to insure that the ARC will interpret the application as intended by the homeowner.
2. Description of Proposed Project. *A graphic description such as a site plan, elevations or sketches MUST be provided to avoid delay in the approval process. Incomplete applications will be returned.* A statement identifying proposed materials and colors should be included in the application. A site plan is most easily prepared by submitting a copy of the property plat with the proposed manufacturer's literature or photographs of similar projects. Written material should support and fully document any plans or sketches. All applications must include estimated completion dates.

### B. APPLICATION APPROVAL PROCEDURES

1. All Architectural Change Applications must be submitted to the Architectural Review Committee or Managing Agent for processing. The Architectural Review Committee meets the \_\_\_\_\_ of each month. A decision will be made on all applications received before the last day of the previous month within 10 working days of the Architectural Review Committee meeting.
2. Upon approval the ARC committee will issue a Riverside Villages Homeowners Association ARC Permit to be displayed prominently in the front window of the home during construction of the project. This permit will state the approval process has been initiated and approved and require signatures upon completion of the project to ensure the project remained within the covenants and restrictions.
3. Construction or alterations in accordance with the plans and specifications approved by the ARC shall be commenced within six (6) months following the date on which the same are approved by the ARC shall be substantially completed within twelve (12) months following the date of commencement. Exceptions must be submitted to and approved by the ARC.
4. At final inspection by the ARC, or Managing Agent, the ARC permit will be signed off on and place in the homeowners file for to document the completion of the project and that is remains in compliance with the original request. If there are deficiencies in the

project, the homeowner will be given fifteen (15) days to complete or correct any said deficiencies, or to request in writing an appeal of the inspector's decision.

5. If the project is still unacceptable, and no written response is received by the ARC or Managing Agent within fifteen (15) days, the Board of Directors will take appropriate action to correct the deficiency.
6. If the homeowner disagrees with the decision of the ARC, the homeowner may within seven (7) days after the rendering of such decision, make an appeal thereof to the Board of Directors. Failure to submit an appeal in the allotted time results in forfeiture of the homeowner's right to appeal.

### **C. APPLICATION DISAPPROVAL**

If the application is disapproved, the homeowner will be notified in writing and informed as of the problems in the application. The applicant is free to request that the ARC reconsider its position and is encouraged to present new or additional information which might clarify the request or demonstrate its acceptability. If upon resubmitting the application, it is still disapproved, the homeowner may within seven (7) days after rendering of such decision, make an appeal thereof to the Board of Directors. Not less than fifteen (15), or more than sixty (60) days after the noting of such appeal, the Board of Directors shall conduct a hearing thereon. Within fifteen (15) days of such hearing, the Board of Directors may affirm, reverse, modify or remand the decision appealed. Failure to submit an appeal within the allotted time results in forfeiture of the homeowner's right to appeal.

### **D. INSPECTION PROCEDURE**

The ARC or Managing Agent or a duly designated representative of such may conduct periodic inspections of the project while it is under construction to ensure compliance with the approved application. Any deviations from the application will be dealt with by the ARC. On completion of the project, the homeowner is required to contact the ARC within fourteen (14) days to conduct the Final Approval Inspection. Final Approval requires compliance with stated specifications of the approved application and signing off on ARC permit. Riverside Villages Homeowners Association ARC Permit must be displayed prominently in the front window of the home during construction of the project.

### **E. NON-COMPLIANCE**

1. Failure to Obtain a Written Approval: If a homeowner fails to make application and obtain written approval for a project, and has proceeded with any exterior change, the BOD/ARC/Managing Agent may assess fines up to \$100.00 and initiate any appropriate legal action up to but not limited to, additional fines and/or injunctive relief as permitted by the Covenants and applicable law. Absence of Riverside Villages Homeowners Association ARC Permit will be construed as a project in non-compliance.

2. Changes Made After Disapproval: If the homeowner proceeds with any exterior changes disapproved by the Committee and/or the BOD, the BOD may initiate legal action by the authority of the Covenants including, but not limited to, fines up to \$100.00 and/or injunctive relief as permitted by the Covenants and applicable law.

### **III. REVIEW CRITERIA**

#### **A. GENERAL GUIDELINES**

The ARC evaluates all applications on their individual merits. Besides evaluation of the particular design proposal, the evaluation includes consideration of the characteristics of the housing type and the individual site, since what may be an acceptable design of an exterior in one instance may not be for another. Judgments are based on the harmony of external design and location in relation to surrounding structures and topography and conformity with the design concept for the Property by the Board of Directors of the Association.

1. Design Compatibility. The proposed change must be compatible with the architectural characteristics of the applicant's house, adjoining houses, and the neighborhood setting. Compatibility is defined as similarity in architectural style, quality of workmanship, similar use of materials, color and construction details.
2. Location and Impact on Neighbors. The proposed alteration should relate favorably to the landscape, the existing structure, and the neighborhood. The primary concerns are access, drainage, view, sunlight, and ventilation. When a proposed alteration has a possible impact on adjacent properties, it is suggested that the applicant discuss the proposal with neighbors prior to making application area for this is provided for on the ARC Application. The Committee or BOD in some cases may require that neighbor comments be submitted along with the application.
3. Scale. The size of the proposed alteration should relate well to adjacent structure and its surrounding.
4. Materials. Continuity is established by use of the same or comparable materials as were used in the original house, except where so noted in the guidelines.
5. Workmanship. The quality of work should be equal to, or better than, that of the surrounding area. Poor workmanship can be visually objectionable to others, and can cause safety problems. The Association, Committee, and BOD assumes no responsibility for the safety of new construction by virtue of approval of design, workmanship or otherwise.
6. Building Permits. Obtaining appropriate permits does not eliminate the requirement that you obtain approval, nor does the ARC approval eliminate the need for a building permit. The ARC, (at its discretion) may ask that a copy of the building permit(s) be submitted.

7. Utility Lines. You should be aware that various types of utility lines are buried in the ground in your property and that you are prohibited from building permanent structures over those easements. You must contact "Miss Utility" or any local utility companies to determine the location of these easements and the steps which you must take to prevent cutting into utility lines.
8. Conformance with Covenants. All applications are reviewed to confirm that the project is in conformance with the Declaration of Covenants.
9. Drainage Easements. You should be aware that ownership of your property is subject to certain drainage easements, which you cannot and must not obstruct in any way. Failure to abide by this could result in legal action against you by your neighbors or the Association, and could also result in serious water damage problems for you and others near you.

## **B. GUIDELINES APPLICABLE TO SINGLE FAMILY OWNERS**

**BLANKET APPROVAL.** To facilitate matters for the homeowners, structures, alterations or additions as delineated below need not be formally approved. Any item *not* listed below must be submitted for approval to the Committee and/or BOD. Within the guidelines of blanket approval, conformance to the guidelines is still required. If in doubt, inquiry to the Managing Agent, ARC Committee, or BOD is recommended.

1. **Attic Ventilators:**
  - a. Location: They should be located on the rear of the roof and not extend above the ridgeline.
  - b. Color: They should be aluminum or galvanized steel, painted to blend with the roof or the house trim.
  - c. Design & Structure: Lattice ventilators or other mechanical apparatus requiring penetration of the roof should be as small in size as is functionally possible. Wind powered vents are not permitted.
2. **Exterior Lighting:**
  - a. No exterior lighting shall be directed outside the applicant's property. Light fixtures which are proposed in place of the original fixtures should be compatible in style and scale with the applicant's house.
  - b. Low voltage accent lights are permitted.
3. **Gutters & Downspouts:**
  - a. Location: The drainage patterns on adjacent property shall not be adversely affected, and no direct drain onto common or neighboring sidewalks is allowed.
  - b. Color: Gutters and Downspouts shall match the trim color of the house or be white.

- c. Design & Structure: A factory applied finish is required.
  - d. Underground Drainage Pipe: Black plastic underground drainage pipe is permitted and may be buried.
4. **House Numbers:**
- a. Are required to be placed ON EACH AND EVERY HOME IN THE COMMUNITY. The Fire Department encourages the use of large (at least three (3) inches) house numbers. They should be located in an area that is highly visible and in close proximity to the front entrance or on the mailbox.
5. **House Trim & Color:**
- a. Blanket approval will be given to homeowners maintaining home's color and trim with original and same colors, any change to the color in siding or trim must be submitted for approval by the ARC Committee and/or BOD.
6. **Storm Doors:**
- a. Storm doors compatible with the architectural style are acceptable provided they are painted to match either existing house trim color, Front Door Color. Raw or galvanized metal or clear anodized aluminum storm doors will not be allowed. Storm doors must be one and one-quarter (1¼) inches thick rustproof screening and frame. Storm doors will not have any decorative grillwork and/or bars attached over the glass portion of the door. They must be attached flush to the original door jam.
    - 1. Front Storm doors: Storm doors must be full-length glass doors (no cross buck doors). The glass must be clear safety panels and have no frosting. The storm door may have interchangeable glass.
    - 2. Rear Storm doors: Storm doors may be one-half (1/2) to full-length glass doors depending on the style of the rear door of the house. The glass must be clear safety panels and have no frosting.
7. **Storm Windows:**
- a. Storm window frames must be compatible with the color of the house trim, or white. Raw or galvanized metal or clear anodized aluminum will not be allowed. If temporary lightweight plastic film storm windows are used, they must be applied only to the interior of the window.
8. **Seasonal Decorations:**
- a. Seasonal decorations may be displayed on the property, but shall be removed within 30 days of the said holiday.



**REQUIRES APPROVAL:** Written application for the items listed below is required to be submitted to the Architectural Committee or BOD for review and approval prior to work beginning

9. **Air Conditioning Units:**

- a. No window air conditioning units will be approved for the main house. Window A/C units will be permitted for garage/sheds, so long as the unit is not on the front plane of the house. Exterior air conditioner or heat pump units may be added or relocated only when the unit does not interfere visually or acoustically with neighbors.

10. **Awnings:**

- a. In general, exterior awnings will be prohibited unless demonstrated to be clearly compatible with the architectural design and qualities of the home, and screened from the view of adjoining neighbors due to the proposed location of installation. The ARC must approve awnings and applications will be considered on an individual basis.

11. **Clothes Lines**

- a. Permanent clothes lines or similar apparatus for the exterior drying of clothes will not be permitted.

12. **Decks:** Defined as a permanent structure attached to the rear of the house with weather exposed flooring and railing (typical).

- a. **Materials:** Decks must be constructed of either redwood or pressure treated outdoor/deck lumber, composite, vinyl or PVC. This includes the substructure, flooring, railing, stairs, and permanent accessories.
- b. **Building Codes:** All construction must be able to meet all Berkeley County Codes. Note however, that approval for construction by the Riverside Villages Homeowner Association does not guarantee that the structure will meet code. It is the homeowner's responsibility to ensure that the structure will pass. Care should be exercised to ensure that concrete footers are large enough and deep enough to pass code requirements, and to support the structure throughout its lifetime, without sinking or settling.
- c. **Design:** Decks are suitable for at grade and above grade (often as much as seven (7) feet or more above) use. If more than twelve (12) inches above grade at any point on the deck, a safety rail is mandatory. Porch swings suspended below the decks, partial trellises, and similar accessories should be included in the application for architectural change.
- d. **Placement:** Decks will be located at the rear of single-family houses. Placement of a deck should not require the removal of any trees of more than six (6) inches

in base trunk diameter. No deck should wrap around the side laterally or protrude beyond the rear edge of the home. All property boundaries and casements must be considered in placement.

- e. Deck finishes will be approved by the ARC.

**13. Dog houses:**

- a. Dog houses shall be constructed of pressure treated lumber, T-111 wood, aluminum, or vinyl siding. All other materials shall be submitted for approval to the Committee and BOD.
- b. Height, size style and placement shall be reviewed by the Committee and BOD.
- c. Roofing color and materials shall match the existing home.
- d. No dog pens or dog runs shall be permitted. Facilities for other animals are not permitted.

**14. Driveways:**

- a. Any change, alteration, widening, or modification to the original driveway must be submitted for approval by the Committee and/or BOD. Residents are encouraged to provide proper routine maintenance to the driveway.

**15. Exterior Antennae: SATALLITE DISH INSTALLATION REQUIRES APPROVAL CONTACT Clagett Manangement TO RECEIVE CORRECT PLACEMENT INSTRUCTION AND IMMEDIATE APPROVAL OF YOUR DISH.**

- a. Roof top television antennac are to be approved on a case by case basis.
- b. Satellite receivers do not require an application provided the following guidelines are maintained. Design standards contained herein cover satellite dishes, which cover direct broadcast satellite service. Satellite receivers may be erected in accordance wit the following guidelines.
  - 1. The Satellite receiver is 1 meter (39.97 inches) or less in diameter.
  - 2. The device may not adversely affect the view, lifestyle, safety, or right of enjoyment of neighboring homeowners in their property. For reasons of safety, the system shall not emit electromagnetic radiation which is either harmful, or which interfcres with the operation of any appliance, or biomedical device in proximity of the installation of satellite receiver.
  - 3. The satellite receiver shall be placed in a location, which, while providing the homeowner with an "acceptable quality signal", minimizes the visual impact to neighbors and roadways. The homeowner shall make a reasonable effort to ensure that the receiver, once erected, will not be visible from the street or right-of-way in front of the property.
  - 4. The satellite receiver shall be of a color and material which are compatible with the colors and materials of the home to which it is attached, or painted to match the mounting site.
  - 5. Cables must be hidden from view.

6. When any satellite receiver is no longer in use as such, it shall be removed by the owner of the property upon which the device was installed.

16. **Fencing:**

- a. Non-Decorative: It is intended that such fencing completely enclose the rear yard of the property.

1. Such fencing shall not be erected forward of the rear foundation wall and may not attach to adjoining property.
2. Consideration is to be given to applicable County restrictions with regard to proximity to existing right-of-way.
3. SINGLE FAMILY HOMES: Primary acceptable style of perimeter fencing is Picket and Split Rail. Privacy (Stockade) style will be approved on a case by case basis. Perimeter fencing will not exceed four (4') in height. Thin wire fencing can be used in conjunction with a split rail or similar style fencing for the purpose of enclosing pets. Thin wire fencing must be placed on the interior of the fence and cannot extend beyond top rail of the fence. Finish is to be natural or white vinyl.
4. The Aristocrat ornamental iron fence can be used *only around pools. It is not suitable for yard fencing.* Maximum height for privacy fence around an in ground pool is six (6) feet high unless county code specifies a lower minimum height, but in under no circumstance will the fence exceed 6 feet in height.
5. TOWNHOMES Primary acceptable style of perimeter fencing is Shadow Box Board on Board to match the existing divider provided by the builder. Perimeter fencing will not exceed or be lower than six (6') in height. A six (6') foot fence may enclose the rear yard according to the following criteria; rear enclosure must be no closer than ten (10') feet from the rear property line allowing a minimum of forty (40') feet of open space between outside the fence between homes. Finish is to be natural.
6. ALL fencing will be installed with the finished side facing outward from the residence. All posts will be installed on the inside of the yard.
7. Materials used are to be wood, vinyl or PVC. The vinyl or PVC preferred color is white.

- b. Decorative: It is intended that such "fencing" is added to provide decorative accent to the property and does not enclose the property.

1. Must conform to non-decorative guidelines 2 through 6.

2. No more than one (1) ten foot section, except for corner accents as discussed below.
3. Corner accents, to border driveways or corner of lots only, cannot extend more than one (1) ten foot section, with one (1) additional ten foot section perpendicular to the first section being allowed.
4. Decorative fencing to the height of one (1) foot around flower beds in front yards, so long as they are constructed of one of the following: unpainted brick, landscaping timbers, field stone, landscaping stone. Wire fencing of any type is prohibited

**17. Patios:**

- a. No higher than six (6) inches above the ground.
- b. Material allowed: Concrete (reinforced), brick, block or flagstone. Note: wood, vinyl or PVC patio structures are considered decks.
- c. If brick is used, then a sturdy barrier must surround the perimeter if the patio unless brick is at ground level.
- d. Must not be located beyond the rear foundation wall or extend outside or beyond the building unless fenced.
- e. Patio must be attached to the rear of the house

**18. Playhouses / Play Equipment:**

- a. Defined as semi-permanent play equipment, which either constitutes a structure or it's appurtenant to an existing structure, requires approval.
  1. **Location:** Such equipment shall be placed in the rear yard only and cannot extend past the rear foundation of the house. A site plan showing location of swing set will be submitted with the application. Consideration will be given on case by case basis if yard warrants.
  2. **Scale and Design:** The equipment should be compatible with the lot size. The design and any visual screening are additional considerations in evaluating whether or not there will be adverse impact.
  3. **Color and Materials:** Equipment shall be constructed of pressure treated lumber, T-111 wood, aluminum or vinyl siding. All other materials shall be submitted for approval to the ARC.
- b. Height, size, and placement shall be reviewed by the Committee and BOD.
- c. Playhouses built on a platform or above ground shall have a safety railing.
- d. NO metal swing sets are allowed, no rust or chipping paint shall be allowed to accumulate in any component of the swing set. The Board of Directors reserves the right to determine if a swing set is in need of painting.
- e. If painting is required, the swing set must be painted to its original background color. All other colors require approval by the Covenants Committee and/or Board of Directors.

19. **Pools:** Pools are accepted in Riverside Villages provided they meet the following requirements:
- a. Above ground pools are prohibited. An above ground pool will be defined as a pool of ANY size requiring a filter. Including but not limited to temporary inflatable pools, and may NOT be erected, installed or maintained on any Lot. "Kiddy pools" (8") inches and less in depth and have the ability to be emptied daily are allowed in the rear yard.
  - b. All in ground pools shall be submitted to the ARC for approval. When planning, consideration is to be given to the effect of pool installation of the grade and storm water management of surrounding property and said property. Discuss with your contracted installer. Documentation from contractor in this regard is to be included with your application.
  - c. Applicable County Codes for enclosing pools in ground shall be enforced to afford security and safety. Applicable code requirements will dictate height and style.
  - d. In the absence of County Code Requirements, fencing shall be as follows:
    - 1. Material to be wood or decorative wrought iron.
    - 2. Finish: Fencing may be left natural, or finished in a clear or colored transparent stain/sealer.
    - 3. Minimum height to be (6) six feet. This does not supersede the county requirements set by County.
    - 4. Style must conform to fencing guidelines applicable to single family homes.
    - 5. Gates shall be self-closing and self-latching.
  - e. Proper maintenance and cleanliness are the responsibility of the homeowner and subject to enforcement by the Board of Directors.
  - f. Homeowners assume all responsibility and liability for ownership of said pool.
  - g. All pools shall be located behind the front plane of the house.
20. **Porches:** Defined as a permanent structure attached to the front or rear of a house, with railing and a roof. Porches are sometimes screened in.
- a. **Materials:** Porch substructures should be constructed of pressure treated lumber. Because much of the porch is protected from direct exposure to the weather, standard building materials may be utilized in the roof and side structure, and for the flooring. Generally, gutters will be required around the roof's edge to avoid water damage to the structure.
  - b. **Building Codes:** All construction must be able to meet all applicable codes. Note however, that approval for construction by Riverside Villages Homeowner Association does not guarantee that the structure will meet codes. It is the

homeowner's responsibility to ensure that the structure will pass. Care should be exercised to ensure that concrete footers are large enough and deep enough to support the structure throughout its lifetime without sinking or settling.

- c. Design: All porches will be designed with side railing and a roof. The roof must be an exact match to the existing house's roof in terms of color, style, and physical connection. Porch designs are not suitable in cases where the floor would be above grade by more than three (3) feet.
- d. Finish: Porches will be painted to exactly match the color scheme of the house. As with the house itself, porches must be maintained and periodically repainted.

**21. Sheds:**

- a. No metal sheds or exposed particle board shall be considered.
- b. All construction plans for sheds must be submitted to the ARC for approval. Height, size, style, and placement shall be reviewed and considered.
- c. Storage sheds attached to homes are not allowed.
- d. Storage sheds detached from the house shall meet the following criteria:
  - 1. Material to be pressure treated wood, T-111, aluminum or vinyl siding. All other material shall be submitted to the Committee and/or BOD for consideration and approval.
  - 2. Color: The walls of the shed shall match the exterior walls of the house. The trim may match the exterior walls of the house. The trim may match the walls or the trim of the house.
  - 3. The roofing color is to match that of the existing house.
  - 4. The maximum floor area is one hundred twenty square feet (120) square feet. The highest part of the shed's walls shall not exceed eight (8) feet in height. Every effort should be made to ensure that the roof pitch matches that of the homeowner's house or is of a Barn type design
  - 5. Location of the Shed must be behind the rear plane of the house.

Note: Under-deck sheds shall be permitted provided that these are fully screened with pressure treated lattice or other material and shall be submitted to the ARC for review and approval prior to installation.

- 22. Skylights:** Skylights must be located such that they are not visible from the front of the dwelling unit.

**Solar Panels:**

23. Solar panels are permitted but cannot exceed more than one-fourth (1/4) of the roof area.

24. **Trees:**

- a. ARC application must be submitted before a tree with a diameter of six (6) inches or more is removed.
- b. Due diligence should be given to replace trees removed with new trees in other areas of the homeowner's property.
- c. Removal of diseased damaged, and/or a tree that poses a safety concern does not require prior approval.
- d. Please contact managing agent and BOD to communicate your desire to remove any tree to avoid conflict.

# Riverside Villages Homeowners Association Collection Policy

One of the many advantages of living in a community association is sharing with other members the costs of certain maintenance, repairs, and amenities that are often too expensive for a single-family homeowner. All Riverside Villages HOA members are legally bound to share those costs.

## WE'RE IN THIS TOGETHER

To properly maintain the Riverside Villages Community common areas, it's imperative that all assessments, whether regular or special, be paid in full and on time. Delinquencies throw the association's entire budget off course and negatively affect all members' property values and lifestyles.

## KEEPING UP OUR END OF THE BARGAIN

To adequately maintain our community, state statutes and our governing documents give the Riverside Villages HOA board of directors the authority to impose and collect assessments and other allowable charges from members. In fact, the board owes a duty to all members to make sure everyone pays. The board has adopted the following policy to fulfill its duty in a fair, systematic, and impartial manner.

### 1. COMMON EXPENSES

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The term "common expense" refers to any amount a member must pay to Riverside Villages HOA. Among the charges it includes are regular annual assessments, special assessments, rules violation fines, late fees, common area repairs, and any other fees, interest, or charges imposed under this policy.

### 2. WHERE TO SEND PAYMENT

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Deliver all payments to the management office:

Riverside Villages Homeowner's Association, Inc  
c/o Clagett Management  
PO BOX 93207  
Las Vegas, NV 89193-3207

### 3. WHEN COMMON EXPENSES ARE DUE

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Annual assessments are due the first day of January and apply to that calendar year. Unless otherwise stated, all common expenses are considered delinquent April 1, if a member does not pay in full any common expense by its due date, that payment is delinquent.

### 4. LATE PAYMENTS

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Once a common expense is delinquent, Riverside Villages HOA may take any or all of the following actions as stated in the attached collection process.

- a. **Accelerate the balance for the rest of the year.** In the event of a Special assessment, if payment is not received by the due date, Riverside Villages HOA will send a written delinquency notice to the member within fifteen (15) days of the due date. If Riverside Villages HOA does not receive full payment of the amount owed within fifteen (15) days of the date on that notice, the delinquent member may not take advantage of Riverside Villages HOA's payment plan as set forth, for the rest of the year. The member will have to pay the entire remaining balance of the annual assessment immediately.

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- b. Late fees and interest.** If Riverside Villages HOA does not receive payment for any common expense in full after it becomes due or after April 1, the delinquent member shall pay liquidated damages for Riverside Villages HOA's time, inconvenience, and overhead in collecting the late payment, as follows:
- i. a late fee of \$25.00; and
  - ii. interest at a(n) 10% percent Annual Percentage Rate per annum from the original due date until the date of payment.

These charges will be treated as common expenses.

- c. Returned check fees and bank charges.** In addition to any late fee that may be applicable, for each check to Riverside Villages HOA that is returned by a bank for any reason, the member who wrote the check shall pay the following charges:
- i. liquidated damages in the amount of \$35; and
  - ii. any related bank charges that Riverside Villages HOA incurs because of the returned check; and
  - iii. Late fees and interest as previously stated

These charges will be treated as common expenses.

- d. Suspend privileges and access to amenities.** If an account contains delinquencies for more than thirty (30) days or has an outstanding balance of \$500.00 or more, Riverside Villages HOA will give the member thirty (30) days' notice of intent to file a lien against the property and suspend any or all of the community privileges:

- i. Voting privileges;
- ii. Use of Community Web site

Unless Riverside Villages HOA receives full payment by the end of the notice period, the privileges or amenities listed in the notice will be suspended.

- e. Account referred to an attorney.** Riverside Villages HOA Board of Directors may, in its sole discretion, refer a delinquent account to an attorney for further action. The attorney may do any or all of the following:
- i. File a lien against the unit in accordance with state law and Riverside Villages HOA's governing documents;
  - ii. File a lawsuit to collect the amount owed;
  - iii. Foreclose on the property; Notify the mortgage lender of any lien and/or lawsuit Riverside Villages HOA has filed; and/or
  - iv. Take any and all other appropriate legal action.

- f. Attorney's fees and costs of collection.** The delinquent member shall be responsible for all of Riverside Villages HOA's attorney's fees and costs of collection, including court costs. These charges will be treated as common expenses.

## **5. CREDITING LATE PAYMENTS**

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All delinquent accounts remain delinquent until paid in full. No partial payments will waive Riverside Villages HOA's right to pursue full payment and/or to enforce the provisions of this policy. Unless otherwise discussed and a Promissory Note is in place. Riverside Villages HOA will apply partial payments to the outstanding balance in the following order:

- Fines, late fees, and interest;
- Court costs, attorney's fees, and other costs of collection;
- Special assessments; and
- Regular assessments, with payment being applied to the oldest balance first.

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**6. NOTICES, PAYMENTS, AND CONSEQUENCES OF NONPAYMENT**

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Unless otherwise required by law, all notices will be sent by first-class mail, postage prepaid, to the delinquent member's address as shown in Riverside Villages HOA's books and records on the date the notice goes out. All amounts due must be paid in full before the notice period expires. If the notice period expires without full payment, the consequences set forth in the notice and/or in this policy shall apply. Providing updated contact information to Riverside Villages HOA is the responsibility of the Lot Owner, late fees and interest will not be waived if the address information is incorrect on the HOA books.

**7. WAIVER**

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The Riverside Villages Homeowners Association Board of Director may from time to time review and amend this collection policy as they see fit to best serve the community. In the event that provisions contained herein conflict with the Riverside Villages Covenants Conditions and Restriction, the covenants shall rule and prevail. The Riverside Villages Board of Directors wishes to work with the members to ensure timely payment of any assessment, no restriction, condition, obligations, or provision contained within this collection policy shall be deemed to be abrogated or waived by reason of any failure to enforce the same, irrespective of the number of delinquencies or breaches which may occur.

**7. SIGNATURE**

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IN WITNESS WHEREOF, the Collection Policy and Process set forth as adopted \_\_\_\_\_, 2010 by the Members and Directors and ratified by the undersigned, being all Directors of Riverside Villages Homeowners Association, Inc. and have hereunto set our hands this

\_\_\_\_\_ day of \_\_\_\_\_ 2010

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Sam Allen – Director