

**Townes at Umstead
Restrictions & Rules**

Adopted January 5th, 2009

**REVISED June 22rd, 2010
Effective July 26th, 2010**

These Restrictions and Rules are subject to change. New editions of the Restrictions and Rules will be published and distributed from time to time. Thank you for your understanding and cooperation.

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Declaration and Bylaws

At the time you (or the owner of your unit) purchased your townhome at Townes at Umstead, the closing attorney should have furnished the purchaser with a copy of the "Declaration of Protective Covenants for Townes At Umstead" and a copy of the "Bylaws of Townes At Umstead Community Association, Inc" at the closing. When purchasing a townhome, the buyer signs a form at closing which acknowledges the townhome owner's/tenant's duty to abide by the Declaration and Bylaws. Per the Townes at Umstead Declaration:

"NOW, THEREFORE, Declarant hereby declares that the Existing Property...is and shall be owned, held, transferred, sold, conveyed, leased, used, occupied, mortgaged, and developed subject to the covenants, conditions, restrictions, easements, charges, and liens set for in the Declaration, all of which shall run with the title to such real property, and as provided herein, be binding on and inure to the benefit of all Persons owning any right, title or interest in said real property or any part thereof, and their heirs, personal representatives, successors, successors-in-title, and assigns. "

Board of Directors Authority

The Board of Directors is elected by the Members for the purpose of conducting the business of the Association. The Association currently has a 3 member Board. With the exception of the initial Board, all Board members are elected to a three-year term. At the direction of the Board, various ad hoc committees (Architectural Review, communication, social) are established as needed to run the Association. All Board and committee members serve in a volunteer capacity and receive no compensation for their services.

The authority to adopt Restrictions and Rules ("Rules") for the Townes at Umstead is granted to the Board under Article X, Section 3 of the Declaration:

"Subject to the terms of this Article and the Board's duty to exercise business judgment and reasonableness on behalf of the Association and its Members, the Board may adopt, amend, modify, cancel, limit, create exceptions to, or expand the Restrictions and Rules."

The Board must provide notice to all Owners at least 5 business days prior to taking action on any Restrictions or Rules. Owners shall be given a reasonable opportunity to be heard at a Board meeting prior to such action taking place. The Board must provide a copy of the Rules to all Owners within 30 days of any action on the Rules. The Rules will become effective the latter of 31 days after the original notice date or the date specified in the notice.

The Rules apply to all Property subject to the Declarations, including attached dwelling units (townhomes) and detached dwelling units (single family homes). Specific Rules for detached dwelling units are noted; otherwise all Rules apply to all Property, Owners,

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and Residents. Owners and Residents are responsible for their guests' behavior and adherence to the Rules while on the Properties.

To Be an Informed Resident

To be an informed resident you should have, or have access to, the Declaration, Bylaws, and the Restrictions and Rules. In addition, take the time to read all mailings and correspondence published and distributed periodically for updates.

These Restrictions and Rules are in addition to the Declaration and Bylaws. These Rules in no way change or override the Declaration and Bylaws. The Rules are subject to change and will be updated from time to time.

If you failed to receive a copy of the Declaration and Bylaws at the purchase of your townhome, you can request a copy from the management company for a reasonable fee.

All owners are expected to provide a current copy of the Restrictions & Rules to the tenant of their unit at the time of lease signing and to communicate any updates to their tenants.

Assessments

The term assessment will be used in regard to the monthly assessments, association dues, and any special assessments. Article VI Sec. 1 of the Declaration states: "Each Owner, by execution of the Declaration or by acceptance of a deed or other instrument conveying title to a Lot...is deemed to consent and agree to pay to the Association...all assessments and other charges as required or allowed by the Declaration, including those described by the City of Raleigh Article and including the following:

- (i) special individual assessments levied against an Owner to reimburse the Association for maintenance expenses resulting from the failure of such Owner to maintain adequately that Owner's Lot, or for such other purposes as stated herein,
 - (ii) architectural review fees and costs as specified herein;
 - (iii) fines for violations of the Restrictions and Rules and for violations of Associations rules and regulations with respect to the use of the Common Property;
 - (iv) late payment penalties and interest on unpaid assessments; and
 - (v) other charges imposed under authority contained in the Governing Document ...and, in addition to such assessment and other charges, to pay all costs, fees and expenses, including reasonable attorney's fees, incurred by the Association in enforcing or collecting any of the foregoing..."
- Monthly assessment payments are due on the 1st (first) day of the month. Any monthly assessment payment not received by the 20th day following the due date shall bear a late fee in the amount of \$10.00.
 - Monthly assessment payments can be made through an automatic bank draft program offered by the Property Management Company for no additional fee. See contact information at the end of this document for details.

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- Owners who fall behind in their assessment payments will be subject to having their account turned over to an attorney for collection. If an attorney has to be used for collection purposes, his/her fees and associated charges will be charged to the delinquent owner.

General Rules

- The sidewalks shall not be obstructed by the residents nor used by them for any other purpose than for ingress or egress to and from their respective townhomes. Therefore, no items (bikes, toys, flower pots, etc) may be stored in these areas or on any common property.
- Residents must not store items on the grass or where they obstruct maintenance of or cause damage to the landscaping. This includes storing hoses, flower pots, toys, bikes, yard furniture, and all other items.
- No building, fence, wall or other structure shall be commenced, erected or maintained upon the Properties, nor shall any exterior addition, change, or alteration be made on any of the Properties, until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same shall have been submitted to, and approved in writing, by the Board of Directors of the Association or, by delegation, the Architectural Review Committee (ARC).
- Architectural Review Request: Owners must obtain written permission from the Board, or, by delegation, the Architectural Review Committee (ARC), before making any exterior changes to their home or lot. Prior approval is required for all changes, including those such as:
 - planting trees, shrubs and other plantings (flowers in existing beds excluded),
 - modifying existing flower beds or natural areas,
 - creating new flower beds,
 - installing borders around flower beds,
 - installing landscaping pavers,
 - removal of trees, shrubs, and other plantings,
 - installing of satellite dishes,
 - installing a storm door,
 - installing or replacing exterior doors or windows,
 - Replacement or modification of garage doors,
 - installing lattice, screens, or hanging swings from any exterior surface
 - staining or painting of a deck or any exterior surface,
 - attic fans, gas tanks, skylights or solar light panels,
 - Jacuzzi or hot tub installation,
 - painting, paint colors, etc,
 - any and all changes to the exterior of a home or lot.

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Only the unit's owner can request any change. The owner will be responsible for any damage caused as a result of modifications made to the unit. A request form must be submitted to the Property Manager who will forward it to the Board, or by delegation, the ARC, along with required information. The request must include all plans and specifications of the proposed change and must include the approval of all direct neighbors. No work may begin until the Owner receives written notification that the request has been approved. Additional information on the ARC can be found in Article XI of the Declarations. Detached Dwellings are also subject to ARC approval for changes to the exterior of their home and new landscaping requests.

- Residents must water, in accordance with all City of Raleigh watering restrictions, all trees, plants, shrubs, flowers, grass, and other landscaping located in whole or in part on the Owner's lot.
- Residents should not play stereos, TVs or musical instruments loudly enough to disturb neighbors. Residents also should not have parties or gatherings that are loud and offensive. No obnoxious or offensive activity shall be carried on upon the Properties, nor shall anything be done which may be or may become a nuisance or annoyance to residence within the property. The Police may be contacted by residents in event of excessive noise and citations may be issued by the Police Department.
- Drapes, blinds and screens must be manufactured window treatments and kept in good condition.
- No lumber, firewood, paper or cardboard is to be stacked against the house, in the crawlspace, in garages, on the decks, porches or under the decks.
- Owners and Residents must cooperate with an annual termite inspection, including providing access to areas needed to properly inspect, and taking any corrective action or allowing for repairs as prescribed in the inspection.
- Owners and Residents must maintain good working order of fire detectors and must not store any combustible liquids within the Properties.
- Porches, decks and yards must be kept in a clean and orderly manner. No alteration of any kind (including attaching wire fencing, gates, screens, etc.) can be added to the porch or deck without submission and approval of an Architectural Review Request.
- An Architectural Review Request is required for any Jacuzzi or hot tub request.
- No clotheslines may be erected on any portion of Townes at Umstead and clothing, towels, bath mats, rugs etc. shall not be hung out on porches, decks or railings.
- Only one FOR SALE or FOR RENT sign can be placed on a property and must be placed as close to the front of the individual townhouse as possible and not interfere with the

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grounds keeping or impair access to the sidewalks. No FOR SALE or FOR RENT signs are allowed to be placed at the entrance of Townes at Umstead or in any of the common areas on the Property. Management will remove and dispose of any signs placed in the common areas.

- Only one flag may be displayed per unit (national or decorative). The American flag, when displayed, must be displayed in accordance with the laws in the United States Code, Title 4, Chapter 1. All flags, decorative or otherwise, must be in good condition and of a reasonable size.
- No littering of any areas of the Properties is permitted. Cigarette butts must be properly disposed of and not placed on the ground or in the landscape.
- No soliciting is permitted within the Properties.
- Detached Dwellings: detached dwellings must maintain their yard in accordance with the Community Wide Standard (as defined in the Declaration) and in accordance with the Architectural Review guidelines. Grass must be kept within 3 inches in height. Flower beds must be mulched regularly and no excessive weeds permitted to grow. As applicable, all other Rules also apply to Detached Dwellings.

Parking Rules and Regulations

- GARAGE UNITS: Those residing in homes with garages have two spaces available per unit, (1) their garage and (2) driveway. Garage residents may not park on the sidewalk, curb, or street, or in unmarked spaces designated for those without garages. Garage home residents that park in unnumbered spaces in front of non-garage homes will be considered to have violated the parking policy and are subject to enforcement.
- NON-GARAGE UNITS: Those residing in homes without garages currently have one numbered space per address, with other unmarked spaces available to non-garage residents on a first come, first serve basis. Residents and guests may not park in someone else's numbered space. Residents may not change, add, or alter the numbering in any way without prior approval from the ARC. NOTE: After the application of the final lift of asphalt, two spaces per non-garage home will be numbered. Spaces will be numbered as location permits, as it is not possible for all spaces to be located directly in front of a home.
- STREET PARKING IS NOT PERMITTED: Parking on curbs, private streets, sidewalks, or any other area of Townes at Umstead Property (other than those areas specifically designated for parking) is not allowed at any time. Towing is enforced 24/7.

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- Parking is not permitted where specifically prohibited, i.e. in front of the dumpsters during certain hours, according to City of Raleigh law on public streets such as Scotch Castle Dr., near intersections, in front of fire hydrants, etc.
- Guests should be asked to not park in spaces that are located in front of a townhouse or in spaces that are designated for resident parking. Guests should be asked to parallel park along Scotch Castle Dr. (public street) or in the spaces in between the mail center and dumpster corral on Sunset Branch Ct. Residents and owners are responsible for informing their guests of the parking policy.
- Residents and guests are not permitted to park any commercial vehicle, box truck, boat, camper, Jet Ski, motor home, RV, large van, tractor trailer, or trailer overnight within the community. Passenger vehicles with minimal exterior signage are permitted as long as they are the resident's primary vehicle. Moving trucks or storage cubes may be parked overnight for a 2 night maximum but may not impede access to and from parking spaces or units.
- All vehicles must have valid registration and license plates and must be maintained in good working order. Flat tires, heavily damaged vehicles, fluid leaks, missing hub caps, excessive rust, graffiti, mismatched paint, etc, are not permitted.
- Repair or maintenance of vehicles in the parking areas is not permitted. (Emergency maintenance is excluded).
- All motorized vehicles must be parked in designated parking areas. Motorcycle owners are encouraged to share parking spaces. Motorcycles may not park on the grass, on porches, or in any other area of the Property.
- No vehicles may be stored in the parking areas (remain unmoved for 14 consecutive days). If a resident is going to be out of town for longer than 14 days, management should be alerted to prevent tagging and towing.
- There will be no throwing of balls, Frisbees, or any other object in the parking areas.
- Residents will keep vehicles locked and valuables out of sight to help deter theft within the community.
- Extenuating circumstances should be brought to the attention of the Property Manager for review by the Board and appropriate committees prior to parking violation, if at all possible.
- **VIOLATION:** Notice of violation of the parking policy will be mailed to the address on record at the NC DMV based on the vehicle license tag. Vehicle owners will have 3 business days from the mailing of the 1st notice to remove the vehicle or correct the violation before towing is initiated, except as specifically outlined in "Towing" below.

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Violations occurring in a numbered space or driveway will also be addressed to the Owner of the unit. Owners will be subject to hearings and fines if violations are not corrected.

- **TOWING:** Vehicles illegally parked in a numbered space, handicapped space, in front of the dumpsters, on a sidewalk, curb, private street, on the landscape, or in a common area may be immediately towed at any resident's request. Residents may contact Ace Towing directly (919-821-2121) to have any vehicle in violation of this section of the parking policy towed. Residents may also contact the Property Management Company to report violations.

Vehicle owners will be responsible for all costs of towing and storage. The Townes at Umstead HOA will not be responsible for any damage to any vehicles parked on the Properties or damages that result from towing. The Association is not responsible for and will not reimburse any costs of towing and storage.

Pet Rules and Regulations

- All pets must be leashed and not allowed to roam freely. No pet may be tied outside and left unattended.
- Pets should be walked along sidewalks and in the natural areas along a resident's own lot. Residents shall not encourage their pets to walk in or on another resident's lot or to relieve themselves on such property.
- All pet waste must be immediately removed, placed in a plastic bag, tied securely, and placed inside of a dumpster.
- Pet stations are provided by the Association for the convenience of pet owners. In the event a wastebasket at a pet station is full, one must dispose of waste in the nearest dumpster. Do not place waste on the ground.
- Pens and doghouses may not be erected on decks, under decks, porches or any other area.
- Owners shall be responsible for damage caused by pets to landscaping, shrubs, trees, grass, and natural areas.
- Violations of the city animal control codes may be reported to the City's Animal Control Officer (831-6311).

Trash, Recycling and Yard Waste Disposal

- Dumpsters for trash and recycling are located throughout the community for the

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convenience of residents. Dumpsters are for resident use only.

- All household trash shall be placed in plastic garbage bags, tied securely, and disposed of in the dumpster. No trash may be stored on decks or porches for any amount of time.
- **All trash must be placed inside the dumpsters and not left on the pavement around the dumpster.** Items left next to dumpsters are not collected by the trucks and result in additional costs to the Association. If a dumpster is full, residents must locate and use another dumpster within the community. Residents found leaving items on the ground will be fined by the Association.
- Residents shall place items at the back of the dumpster whenever possible to ensure maximum usage.
- **Residents may not leave large items within the dumpsters or enclosures.** Large items are not included in the trash service and result in additional costs to the Association. Residents found leaving large items will be fined by the Association. Residents must call the City to arrange for pickup of large items or take them to the City landfill.
- The dumpster enclosures have two access points: (1) the large doors for garbage trucks; (2) smaller side doors for pedestrian access. Residents are to use the smaller side doors. All doors must be kept shut and secured at all times. Not properly shutting the doors results in costly damage to the dumpster, corral and surrounding property.
- Boxes must be broken down before placed in the cardboard recycling dumpster. Several cardboard recycling dumpsters are located throughout the community. No cardboard may be placed in the trash dumpsters.
- Recycling carts are provided at each dumpster corral. Recycling carts are for recycling only. Items placed in recycling bin may include: clean plastic, glass, aluminum containers; newspaper, etc. Do not place any waste in these containers.
- Christmas trees may NOT be disposed of in the dumpster, in the corrals, or anywhere on the Properties. Residents must call the City of Raleigh to arrange for pickup or take to a City landfill.
- Disposal of yard debris is not permitted in the dumpster or anywhere on the Properties. Residents must call the City of Raleigh to arrange for pickup or take to a City landfill.
- Detached dwellings have trash pickup from the City of Raleigh. All containers must be placed on the curb the evening before the pickup and removed the evening after pickup. Containers must not be stored in the front of the house.

Homeowners are encouraged to report violations of the trash policy. Residents found in violation will be subject to disciplinary action to include fee assessment and other remedies.

Enforcement

These Restrictions and Rules shall be enforced by the Board of Directors, and its management agent, in the manner set forth in the Declaration and Bylaws, including but not limited to hearing, suit or other legal proceeding to enforce compliance, and/or by the assessment against the liable homeowner of a reasonable penalty in an amount no less than \$25.00 per day, to be imposed so long as such offense(s) continue(s) unabated, and to be added to and become a part of the monthly assessment imposed on the owner of the unit. Fees incurred by the Association to abate, correct, or address a violation will be charged to an owner's account as needed.

The liable owner will be notified by the Management Company of the violation and be given 3 business days to correct the violation. If needed, a hearing will be scheduled in order for the affected owner to appeal the violation and/or fine. If the owner fails to comply prior to the hearing date, and fails to appear at the hearing, fines will be imposed daily until there is compliance. If the owner fails to appear for the hearing, a final decision of the outcome will be mailed to the owner by the Management Company.

Association's Responsibilities

The Association is responsible for maintaining or repairing the following:

Townhouse Exteriors

- Exterior building surfaces, excluding the following: doors and door frames, garage doors, storage doors, patio doors, windows and screens, light fixtures, electrical outlets and water faucets
- Gutters and down spouts; including gutter cleaning as needed
- Roof repair and replacement
- Decks and porches, including repair, cleaning, sealing or staining as determined by the Board.
- Driveways on garage units up to the exterior face of the garage door

The Grounds

- Common area plantings and mulching, including mulch applications as needed
- Grass cutting, edging and weeding for all townhomes. (Detached dwellings are responsible for maintaining lawns, shrubs, and plantings on their property.)
- Lawn seeding and fertilizing
- Shrub and tree care
- Sidewalks
- Street and community signs
- Private streets and parking areas
- Water and sewer lines from the meter or cleanout to the street (Sewer cleanout is defined as the junction at which the system services more than one home. The Homeowner is

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responsible for the sewer line from the home to this junction and the Association is responsible for the sewer lines beyond this junction.)

- Additional trees, flowers, or shrubs on an Owners lot, installed after approval by the ARC, are the responsibility of the Owner to maintain.

Miscellaneous

- Annual termite inspection
- Electricity for street lights
- Insurance covering common areas
- Mailboxes (not locks or keys)
- Maintenance and inspection of all Storm water facilities
- Common area structures

NOTE: Exterior repairs required as a result of acts of nature, fire, willful acts of negligence by the owner(s), tenant(s), or their guest(s), or from damage resulting from “home” repairs (i.e.: those performed by the homeowner, tenant or contractor hired by the owner/tenant) are the responsibility of the homeowner. Homeowners are required to purchase homeowner’s insurance to cover these costs.

Contact Information

Please contact the community manager to report violations:

Dan Quartermane, CMCA, AMS
Community Manager
c/o CAS, Inc.
1930 North Salem Street, Suite 101
Apex, NC 27523
Phone: 919-367-7711
Fax: 919-367-7715
Email: dan@casnc.com
www.casnc.com

Board Members

The Board of Directors for the 2009-2010 year is as follows:

- Valerie Cothran, President, 3 year initial term, expiring October 2011
- Brad Frazier, Vice President, 3 year term, expiring October 2012
- Susan Antley, Secretary and Treasurer, 2 year initial term, expiring October 2010