1.11.12

Rules and Regulation of the Architectural Review Board (ARB) adopted January 11, 2012.

THESE RULES AND REGULATONS ARE MADE PURSUANT TO THE DECLARATION OF PROTECTIVE COVENANTS, RESTRICTIONS, AND RESERVATIONS FOR ROCKCREST POINTE, A RESIDENTIAL DEVELOPMENT IN THE CITY OF SOUTH CHARLESTON, KANAWHA COUNTY, WEST VIRGINIA, DEVELOPED BY SKAFF FAMILY LIMITED PARTNERSHIP, AS RECORDED IN THE OFFICE OF THE CLERK OF THE COUNTY COMMISSION OF KANAWHA COUNTY, WEST VIRGINIA. ALL OWNERS OF PROPERTY WITHIN THE DEVELOPMENT SHALL BE BOUND BY THE TERMS OF THE RECORDED DECLARATION AND THESE RULES AND REGULATIONS AS MAY BE AMENDED FROM TIME TO TIME

1 ROCKCREST POINTE GUIDELINES

1.1 VISION STATEMENT

Rockcrest Point was designed to be a neighborhood with a cozy feel to call home. The development is nestled in the wooded hills of South Charleston overlooking the city and just minutes from shops, restaurants, and local Thomas Hospital. All the homes built within Rockcrest will be designed and built to blend in, using colors and low maintenance materials that compliment the surroundings and preserve the natural landscape of the property. This helps to ensure lasting beauty and value to all property owners. Rockcrest brings back community values such as the spirit of friendship and camaraderie but balances the respect of individual privacy. Rockcrest Pointe is truly a place for friends and family to gather and call home.

2 ARCHITECTURAL REVIEW BOARD

2.1 STATEMENT OF PURPOSE

Control of architectural and landscape design is affected through the Architectural Review Board (ARB), a permanent committee of the Rockcrest Pointe Development ("the Pointe"). The ARB shall administer and perform all architectural and landscape review and control functions on behalf of the Pointe. As set out in the Declaration of Protective Covenants, Restrictions and Reservations for Rockcrest Pointe, as recorded in the Clerk's Office, the ARB shall be appointed by the Developer, Skaff Family Limited Partnership [sometimes called the "developer" or "Skaff"], until three (3) years after 100% of the lots in the subdivision have been sold. After that date, the ARB shall be appointed by the vote of a majority of owners of developed lots within the subdivision. The initial Board shall consist of three (3) members appointed by the developer.

The ARB may amended these rules and regulations from time to time in its own discretion, provided, however that the individual lot owner is bound by the rules and regulations adopted and provided at the time its plans are approved.

The Owner of a lot within the Pointe is required to obtain the approval of the ARB for any construction on the lot, as well as for any alteration of its landscape and vegetation.

2.2 FUNCTIONS OF THE ARB

All aspects of architecture and landscaping are subject to review and approval by the ARB.

Until three years after 100% of the Pointe lots has been sold and conveyed to owners other than the developer, the developer has the right to (a) change the number of members on the ARB, (b) appoint all members of the ARB, and (c) remove and/or replace all members appointed to the ARB.

The ARB will conduct formal reviews and provide constructive guidance during essential stages of the design process, as well as engage in review with the architect, landscape architect, general contractor and Owner during the construction process. The ARB will inspect and monitor the construction through the completion of the project for compliance with the plans and specifications approved by the ARB.

The approval of architectural and landscape plans may be denied by the ARB upon any grounds, including those that are purely aesthetic.

Each member of the ARB shall have an equal vote and the majority of those present in person or by teleconference or by written proxy shall constitute a decision for approval or denial of an application. In the event of a tie vote, the Chairperson shall be weighted by a factor of 1.5 so as to allow the Chairperson to cast the deciding vote.

A majority representation of the ARB in person, by teleconference or by written proxy constitutes a quorum for an application to be reviewed. In the event that the Chairperson of the ARB is unable to participate in a decision, he will nominate someone to act on his behalf.

2.3 ARB RESPONSIBILITIES

The responsibilities of the ARB are as follows:

- Establish and amend the Guidelines
- Review all applications for compliance with the Guidelines and with the Declaration of recorded Covenants and Restrictions
- Review exterior and landscape design themes of all houses and other exterior improvements on the lots in the Pointe
- Ensure architectural and landscape designs that are in harmony with the natural environment and neighboring building sites
- Promote high standards of design and quality construction methods and help ensure that all properties are properly maintained

THE FUNCTION OF THE ARB IS TO DETERMINE THE ASETHETIC APPEARANCE OF THE DEVELOPMENT WITHIN THE SUBDIVISION. THE ARB SHALL IN NO WAY BE LIABLE FOR THE QUALITY OR SUITABILITY OF ANY CONSTRUCTION OR IMPROVEMENTS OR ANY DEFECT THEREOF MADE BY THE OWNERS WITHIN THE SUBDIVISION, WHICH SHALL REMAIN THE SOLE RESPONSIBILITY OF THE OWNER OF THE LOTS OR ITS AGENTS OR BUILDERS.

2.4 RESPONSIBILITIES OF THE APPLICANT OWNER

The ARB assumes no liability for the responsibilities of the Applicant Owner. These responsibilities include the following:

- Accuracy of all stakeouts and surveys
- Determination of environmental restrictions, runoff protection, drainage and grading requirements, and all surface and subsurface soil conditions
- Performance of quality work of any contractor or subcontractor
- Determination of structural, mechanical, electrical, and all other technical aspects of the proposed work
- Compliance with the Declaration of recorded Covenants and Restrictions and the Rockcrest Pointe Guidelines
- Compliance with all laws, codes, and ordinances of governmental agencies and bodies
- Deposits and fees

3 SITE DEVELOPMENT

3.1 SITE WORK

All site work must take place within the designated Building Envelope.

3.2 TREE POLICY

Careful preservation of existing trees is one of the most important considerations to the ARB. Trees help provide a foreground for the house, whether viewed from the adjacent road or as part of a vista from remote points.

In selecting the "footprint" (geometrical boundary) of a new house or of an addition to an existing home, owners and their architect are strongly urged to make such decisions to minimize the need for the removal of large trees.

No trees of six (6) inches and greater diameter, measured twelve (12) inches above ground level (and two (2) inches and greater diameter, measured twelve (12) inches above ground level, for flowering trees) are to be removed without written permission by the ARB.

3.3 SITE GRADING AND DRAINAGE

Site grading and drainage must be done with the goal of minimum disruption to the lot. Owners are to observe the following guidelines:

- All site grading and drainage controls should occur within the Building Envelope of the Lot.
- Prior to pre-construction site grading, the top layer of organic matter or topsoil shall be scraped away from the building area of the home site; this organic matter shall be stockpiled on the lot in the Building Envelope for later use in the finished site grading as applicable.
- The Owner shall minimize site grading in the Building Envelope to lessen the impact of soil erosion.
- Carefully consider site drainage and building runoff, avoid unnatural modifications of existing drainage.

3.4 BUILDING SETBACKS

Building setbacks are established for each neighborhood and are identified on the Blueprint.

All Building setbacks must comply with City of So. Charleston setbacks

Lot owner's responsibility to obtain copy of City So Charleston zoning ordinances for setbacks

Whichever setback requirement is more restrictive (greater) will be the approved setback

4 ARCHITECTURAL GUIDELINES

4.1 BUILDING SIZE

No residence shall be erected or placed upon such lot that contains less than 1,700 square feet or living area, exclusive of garages, decks an unfinished basements. . Square footage is defined as conditioned space, i.e., "under air": porches, garages and other non-conditioned areas outside the conditioned building envelope are excluded from square footage. A basement may be included in the square footage calculation. A basement is defined as an area with 100% of one wall and a minimum of 50% of the two side wall elevations below grade as calculated from proposed grade to the proposed first floor finish floor.

In general, new construction is to be designed to blend into the forest setting. The key will be the use of low maintenance materials in natural colors, brick, stone and approved siding exteriors and the range of browns, grays, greens and muted colors that characterize the surrounding forest.

4.2 ARCHITECTURAL MATERIALS, COMPOSITION AND DETAILS

Contextual factors, including site conditions and the stylistic character of the home and neighborhood, should be taken into consideration when selecting and detailing exterior materials. Not all approved materials may be deemed appropriate in all locations.

4.2.1 Garden walls and fences

The following are permitted for garden walls and fences:

- Aluminum
- Wood with painted or opaque stain finish. "good side" out
- Brick
- Ornamental metal with painted finish
- Natural stone
- No chain link, plastic mesh or wire fences are permitted, except as temporary construction fence.
- No white fencing of any type is permitted, unless in rear yards out of view from street.

4.2.2 Foundation and Exterior Walls

The following are permitted for exposed foundations and ground floor piers.

- Brick veneer on concrete block
- Traditional cement-based stucco applied to concrete block, smooth, textured or scored, painted in approved color
- Natural Stone or manfactured stone
- No concrete block or unfinished materials may be exposed

The following are permitted for cladding exterior walls:

Cement Fiber Siding

- Clapboard, also known as lap or bevel siding
- Board and batten
- Shake

Vinyl Siding

* Is not recommended but can be accepted if it is us as a secondary source of cladding and it is a higher end, such as a nice shake siding or foam back insulated siding,. Typical lap vinyl siding is only permitted on sides or rear or in gables area used for accent.

Brick

- Standard or traditional jumbo sizes
- Hand-molded or wire-cut to simulate hand-molded; rubbed or simulated rubbed bricks may be used around openings and for details
- Natural color

Stone

- Manufactured stone in approved color and shape
- Natural stone in approved color and shape

NOTES:
1. Sidewall materials may be used individually or in combination on exterior walls
2. Aluminum or plywood siding shall not be used.

4.2.3 Roofs, Soffits and Gutters

The following are permitted for roofs:

- Dimensional Asphalt Shingles (in approved colors)
- Copper or metal only approved as accent, and no greater than 1/5 (20%) of total roof (in approved colors)
- Roof flashing must be copper or pre-finished metal; no unfinished metal may be visible.

NOTES:
1. Roof materials may be used individually or in combination with one another.
2. Colors such as red, green and blue are not permitted to be used for roofing materials.

The following are permitted for roof overhangs and Soffits:

* Aluminum soffit and fascia in approved colors
* Cement Fiber soffit and fascia in approved colors
* Vinyl Soffit in approved colors

The following are permitted for gutters and downspouts:

- Standard K- style or round in aluminum or cooper up to 6"
- Rectangular or circular downspouts in the same materials

4.2.4 Exterior Doors and Windows

The following are permitted:

- Front doors must be wood or fiberglass
- Other exterior doors can be wood, steel, fiberglass, vinyl or aluminum clad
- Wood, vinyl or aluminum clad windows are recommended

4.2.5 Posts and Columns

The following are permitted:

- Wood, stone, brick or fiberglass classical or composite columns.

4.2.6 Porches and Railings

A welcoming front porch and gracious rear porch are integral elements of the look and lifestyle of the Pointe. Materials must be compatible with exterior wall materials.

The following are permitted for porches, balconies and railings:

- Wood railing is permitted only on the rear of the home
- Decking of wood, brick or concrete is acceptable, stone and certain wood composites as may be approved by the ARB.
- Ornamental metal, or aluminum with painted finish for railings
- Vinyl Railing in a soft earth tone.

4.2.7 Awnings and Canopies

Awnings must be appropriate to the design of the house and in compatible colors. Material must be cloth, or canvas. Rigid aluminum awnings are not allowed. Awnings and canopies must be compatible with the design and color scheme of the house and should not be used on the front of the house.

4.3 MECHANICAL ELECTRICAL AND OTHER EQUIPMENT

The following guidelines pertain to mechanical, electrical and other equipment:

- Air conditioning compressors and other mechanical equipment; utility meters, pool equipment; trash receptacles (where allowed), aboveground storage tanks, well pumps and sports equipment are to be placed inside service enclosures and may not be visible from a street, public amenity or other common thoroughfare.
- Clotheslines are not permitted.
- The installation of outside antennas and satellite dishes are subject to ARB approval; approval may be conditioned upon restrictions in size, location and visibility of such devices as allowed pursuant to the Federal Telecommunications Act of 1996.

4.4 MISCELLANEOUS ARCHITECTURAL GUIDELINES

4.4.1 Signage and Lot Verification

The following guidelines pertain to signage and lot identification:

- All signs are prohibited except as otherwise provided in the Declaration Political small yard signs may only be allowed on limited basis as provided in Declaration.
- The permitted construction sign is to conform to the approved ARB template
- Flags of a derogatory nature are not permitted

- All flags must be mounted to an appropriate flag stanchion attached to the exterior of the house and may not be freestanding.
- Consistent with 911 requirements, all houses must have signage noting the house number, please reference the House Signage Template for further details.

5.1 LANDSCAPE GUIDELINES

The landscape design of each Lot shall blend with its overall setting. New plantings are to be used to protect important view sheds, buffer exposure to adjacent houses and other improvements, help to define use areas on the Lot, and screen outdoor service areas and other improvements from adjacent lot and off-site views. Landscape improvements shall incorporate, rehabilitate and enhance existing vegetation.

All areas disturbed during construction excluding outdoor living areas, are to be re-vegetated.

5.1.1 Tree Removal and Selective Thinning

The removal of trees on Lots is to be avoided whenever possible. The ARB may approve tree removal and/or selective tree thinning within the designated Building Setback.

5.1.2 Site Utilities

All site utilities are to be installed underground on alignments that minimize grading, tree cutting and other disruption of the site. Utility boxes, including any meters, are to be located and/or screened to be essentially not visible from off-site.

5.2 EXTERIOR LIGHTING

Exterior lighting may be focused only on the Owner's Lot, and should be tastefully designed with minimum intensity and effect on neighboring properties. In general, other than limited use of wall-mounted sconces, exterior lighting sources should have the lamps shielded from view, including lighting for walkways, unless decorative lanterns are used. An excessive number of fixtures and light levels or glare is prohibited.

Exterior lighting is discouraged within setback areas, except at entry drives.

5.3 SWIMMING POOLS

Swimming pools must be in-ground and are subject to site review and approval by the ARB. A site plan showing the location of the pool and all other improvements must be submitted to the ARB for approval.

5.3.1 Pool Fencing

Pool fencing must be a minimum of three (3) feet in height or as is required by local codes, and utilize approved fencing materials. The fence must be screened with approved landscaping. See 4.2.1 for approved materials.

5.3.2 Pool Equipment

All pool equipment must be located in side or rear yards in locations which minimize noise on to adjacent lots and appropriately screened.

5.3.3 Pool Cabanas

Pool cabanas are permitted only with ARB approval and must be situated within the setbacks established for the applicable home site.

6 CONSTRUCTION GUIDELINES

6.1 CONSTRUCTION TRAILERS, PORTABLE FIELD OFFICES, ETC.

Any Owner or Builder who desires to bring a construction trailer or field office shall first apply for and obtain written approval from the ARB. To obtain such approval, a copy of the architect's site plan shall be submitted showing the proposed locations of such structures. All temporary structures shall be removed upon completion of construction.

6.2 TRASH REMOVAL

Builders shall clean up all trash and debris on the construction site at the end of each day. Each site shall have a dumpster or other appropriate receptacle for trash disposal. Trash and debris shall be removed from each construction site frequently and not be permitted to accumulate. Lightweight materials, packaging, and other items shall be covered or weighted down to prevent their being blown off the construction site. During the construction period, each construction site and the route to and from the construction site shall be kept neat and clean. Unsightly dirt, mud, or debris from activity on each construction site shall be promptly removed and the general area cleaned up.

6.3 SANITARY FACILITIES

Each Builder shall be responsible for providing adequate sanitary facilities for its construction workers. Portable toilets or similar temporary toilet facilities shall be located only within the Building Envelope or in another area approved by the ARB.

6.4 VEHICLES AND PARKING AREAS

Construction crews shall not park on, or otherwise use, other Lots or any open space. Private and construction vehicles and machinery shall be parked only within the Building Envelope or in areas designated by the ARB. All vehicles shall be parked so as not to inhibit traffic or damage trees or other vegetation.

6.5 RESTORATION OR REPAIR OF OTHER PROPERTY DAMAGES

Damage and scarring to any property or other Lot, including, but not limited to roads, driveways, concrete curbs, gutters, utilities, vegetation and/or other improvements, resulting from construction operations will not be permitted. If any such damage occurs, it must be repaired and/or restored promptly and any expenses are those of the Builder, and, in the event of default by the Builder in meeting these obligations, the Owner who has retained the Builder shall be responsible.

6.6 MISCELLANEOUS AND GENERAL PRACTICES

All Owners and Approved Builders will be absolutely responsible for the conduct and behavior of their agents, representatives, builders, contractors, and subcontractors while on the premises.

6.7 CONSTRUCTION SIGNAGE

Temporary construction signs shall be limited to one sign per Lot not to exceed six (6) square feet of total surface area. The sign shall be free standing within the Building Envelope, and its graphic design shall follow the template established by the ARB.

6.8 DAILY OPERATION

Daily working hours for each construction site shall be 7:00 a.m. to 6:30 p.m. Monday – Saturday. Construction is not permitted on certain holidays Thanksgiving and Christmas Day.

6.9 Building Practices

- All construction practices shall follow national, state, and City of So Charleston building codes.
- Footer size shall be a minimum 24"x12" with (3) #4 or (2) #5 rebar throughout for reinforcement. Concrete should be poured at a minimum 4000psi.
- All basements walls below grade shall be a minimum 12" thick and reinforced with a minimum #4 rebar grid and poured with 4000 psi concrete.
- All foundation walls shall be waterproofed and drains must be properly installed with gravel.
- All framing shall be to code using a maximum of 16" o.c. (no greater) for all framing members.
- Floor sheathing shall be a minimum of ¾" osb or plywood
- House wrap is recommended on all exterior walls. Wall sheathing shall be a minimum 7/16" osb (Zip wall is acceptable)
- Roof sheathing shall be a minimum 5/8" osb
- All concrete slabs will be poured at a minimum 4" thick with a reinforced (using either WWM or fiber) 4000 psi concrete.

7 USE OF PROFESSIONALS

7.1 ARB APPROVAL OF PROFESSIONALS

All professionals employed by Owners in the construction process shall be subject to the approval of the ARB. Owners must employ previously Approved Builder and a Landscape Installer or, if not previously approved by the ARB, submit the architect and builder and landscape installer proposed for their project for approval by the ARB. Approval by the ARB is not a warranty or guarantee by the ARB as to the qualifications of any professional, but rather specifies that the professional has met the criteria deemed necessary by the ARB to work within the Pointe. Only professionals approved by the ARB shall be entitled to participate in the design and construction of residences in the Pointe.

7.2 ARCHITECT

Each Owner must use a licensed Builder or architect qualified to conduct business in West Virginia to furnish design services. Design services shall include, but are not limited to, the Schematic Design, Construction Documents and construction administration adequate to confirm that the residence is built in compliance with the ARB approved plans.

7.3 LANDSCAPE ARCHITECT

Employing a professional landscape architect is recommended but NOT required, however the Builder or architect must ensure that the house design and landscaping are coordinated and conform to the requirements of these Guidelines.

7.4 APPROVAL PROCESS FOR PROFESSIONALS: ARCHITECTS AND LANDSCAPE ARCHITECTS (singularly referred to as architect, collectively referred to as architects)

Architect submits a Professional Qualifications Statement. The ARB, after review of the submitted documents and an interview with the architect, if requested by the architect or by the ARB, may either:

A. Grant the architect immediate approval to commence work and be placed on the list of Approved Architects; in this case no further review of qualifications is required.

B. Grant the architect conditional approval for design of one residence. Such approval by the ARB is conditional and limited to the project for which the architect has been retained. The Conditionally Approved Architect must satisfactorily complete the normal approval process of the ARB for the Owner's residence through the Construction Document submission. At completion of design process, should the Conditionally Approved Architect choose to pursue Approved Architect status, upon request, the ARB will reevaluate the qualifications statement. If placed on the Approved Architects list, the Approved Architect may accept subsequent commissions without need for further review of qualifications by the ARB.

C. Reject the application of the architect and require an alternate selection by the Owner. Note: The ARB reserves the right to remove any Approved Architect on the Approved Architects list for underachievement relating to the ARB or the execution of a project at Rockcrest Pointe, or for reasons relating to the professional conduct or standing of the Approved Architect.

7.5 APPROVED BUILDER AND LANDSCAPE CONTRACTOR

In order to successfully implement the plans completed by the Approved Architects, a qualified builder and or landscape contractor are required who have the experience, dedication, commitment and financial capability to construct buildings and install landscaping befitting the Pointe. The builder and landscape contractor must be licensed in West Virginia and approved in advance by the ARB. The builder and landscape contractor must submit a completed Professional Qualifications Statement to the ARB for review and approval in advance of commencing work within the development on behalf of an Owner. The ARB may also grant Conditionally Approved Builder or Landscape Contractor status to a builder or landscape contractor working on a house or landscape installation on a Lot at the specific request of the Owner.

8.1 SUMMERY OF APPROVAL PROCESS

The Approval Process for all new construction consists of the following phases:

- Professional Qualifications Statement Submittal and Approvals (if necessary, see section 7 above)
- Schematic Design Review and Approval
- Construction Documentation Review and Approval
- Approval to Proceed with Construction
- Construction Period Documentation Submittals, Inspection and Approval
- Certificate of Completion Submittals and Approval

8.2 Schematic Design Review

The Schematic Design submission is the first formal submission to the ARB and constitutes a critical step n the ARB process. By providing the ARB with the opportunity to review design sketches at an early stage in the project, Owner, Builder and the Approved Architects can explore the viability of their approach while retaining the flexibility to incorporate ARB recommendations. Architectural style, proportion and massing, and the anatomy of the site and the impact of the proposed structure on the surrounding environment will be among the issues examined closely.

The following documents and actions are required to initiate the Schematic Design review.

- Completed Form indicating proposed materials, finishes and colors.
- Site plan (minimum 1:20 scale) showing a neighborhood location map; building envelope, setbacks and easements; the residence and all other buildings or major structures; existing and proposed topography; location of any significant site features; and the location of any trees to remain or be removed; proposed area of disturbance; walks and drives; view corridors; north arrow.
- Conceptual floor plan(s) and principal elevations (minimum 1/8" scale? demonstrating conformance to Guidelines.
- Conceptual landscape plan indicating new and existing areas of lawn, planting beds, trees and shrubs; walks and drives; and drainage concepts.

Two sets of the above documentation shall be submitted to the ARB.

The ARB will review the submission and respond in writing to the Owner and applicant(s).

8.3 CONSTRUCTION DOCUMENTATION REVIEW

The following documents, submittals and actions are required to initiate the Construction Documentation review:

- "Checklist for Construction Documentation Review Submission", "Contractor

Qualifications Statement" if not using a builder on the Approved list. and updated from previous submissions with detailed information regarding all exterior finishes.

- Complete set of construction documents
- Samples of exterior materials and colors. Any colors submitted for approval must be applied to materials to be used on the building.). window specifications.
- Updated site plan (minimum 1:20 scale) showing neighborhood location map; the locations and areas of the Building Envelope; the residence and all other buildings or major structures; driveway; parking areas; patios; pools; walls; mechanical equipment; proposed utility service facilities and routes; screening for HVAC units. service yards and trash enclosures; site grading and grading plan. including existing and proposed contours at two (2) foot intervals; topographic features; the location of any trees to remain or be removed; proposed area of disturbance; elevation benchmarks of all finish floors. patios. and terraces.

Two sets of the above documentation shall be submitted to the ARB.

The ARB will review the submission and respond in writing to the Owner and applicant(s).

8.4 ARB APPROVALS

8.4.1 Approved

If plans are "Approved", the Owner. Builder and the Approved Architects may continue to the next phase of the Approval Process.

8.4.2 Approved with Comments

If plans are "Approved with Comments" the Owner. Builder and Approved Architects may continue to the next phase of the Approval Process but are asked to consider. but are not required to incorporate. the recommendations of the ARB.

8.4.3 Approved Subject to Stipulations

If plans are "Approved Subject to Stipulations." the Owner and Approved Architects may continue to the next phase of the Approval Process but are required to incorporate the stipulated changes prior to submitting the plans for the next phase of the review process.

8.4.4 Not Approved

In the event that plans are "Not Approved." the ARB will provide a written description of the basis for denial. Prior to re-submitting the application. the Owner and Approved Architects should consult with the ARB to review the deficiencies.

8.5 ARB DECISIONS AND ENFORCEMENT

All approvals granted by the ARB are subject to a specific review and do not set any precedents for future decisions. The ARB shall have the right to reject designs and to demand that modifications be made, including modifications to materials and colors.

8.6 VARIANCES

All requests for variances from the Guidelines must be made in writing to the ARB. The ARB has full authority to consider and grant variances at their discretion. All variances granted shall be considered unique and will not set any precedent for future decisions.

8.7 RE-SUBMITTAL OF DRAWINGS

In the event the ARB does not approve the Schematic Design or Construction Documentation the resubmission of revised documents must follow the same procedure as the original submittal.

8.8 APPROVAL TO PROCEED WITH CONSTRUCTION

After approval of the Construction Documentation, the ARB will forward a written authorization to proceed with construction to the Owner and applicant(s). Approval of the Construction Documentation does not relieve the Owner and Approved Architects from responsibility for compliance with the Declaration and the requirements of all governmental agencies.

8.9 BUILDING PERMIT

It is the responsibility of the Owner to obtain required permits from any city, county, state, or federal agencies having jurisdiction for required permits. The ARB must be notified of any changes to the construction documents resulting from external agency reviews. Approval by the ARB does not guarantee approval by any governing agency.

The County, City and the Rockcrest Pointe Building Permits (if used) must be displayed prominently on the construction site for the duration of construction.

8.10 CONSTRUCTION PERIOD DOCUMENTATION SUBMITTALS AND APPROVAL

The following requirements are to be addressed during the construction period:

- Final exterior color samples are to be submitted for approval by the ARB if not submitted and approved at the Construction Documentation submittal. All colors submitted for approval must be applied to materials to be used on the building.
- At least three (2) months prior to the anticipated substantial completion of the house, a final landscape plan in a minimum 1:20 scale indicating the location, size, species and quantity of all trees, shrubs and ground covers shall be submitted to the ARB for approval.

8.11 JOB SITE PLANS

A complete set of approved plans must be maintained on the job site at all times.

8.12 ENFORCEMENT/WORK IN PROGRESS INSPECTION

The ARB or its representatives shall have the right, during reasonable hours, to enter upon any site to inspect and ensure that all structures and improvements are constructed in conformance with the approved plans. Any structure, improvement or landscaping constructed that deviates from the approved plans shall be deemed to be nonconforming. Upon written request from the ARB, Owners shall, at their own cost and expense, remove such structure or improvement and restore the property to substantially the same condition as existed prior to the nonconforming work. Should an Owner fail to remove and restore as required, any authorized agent of the ARB shall have the right to enter the property, remove the violation, and restore the property to substantially the same condition as previously existed. Entry for such purposes shall not constitute a trespass. All costs, together with the interest at the maximum rate then allowed by law, may be assessed against the Owner and the benefited site, or may be deducted from the applicable Completion Deposits.

8.13 INTERMEDIATE INSPECTION

The Contractor shall provide the ARB with a notice to schedule a Dry-In Completion inspection at the completion of framing with doors and windows installed.

8.14 COMPLETION INSPECTION

The Builder shall provide the ARB with a completed "Inspection Request and Certificate of Compliance" form as written notice upon the completion of all construction. Thereafter, the ARB shall conduct an inspection for the issuance of Certificate of Completion and will review the property and neighboring areas for purposes of determining what portion of the Completion Deposits, if any, will be refunded. The Approved Builder should be present at the inspection. It is recommended that the Approved Architect and the Owner also be present.

Note: Under special circumstances the ARB may grant, at its discretion, a conditional Certificate of Completion if requested by an Owner prior to the completion of all exterior improvements.

8.15 DEFICIENCIES

If the ARB finds that the permitted work was not in compliance with the approved plans and specifications, the ARB will issue a letter to the Owner, Approved Architect, Approved Builder and, if necessary the Landscape Contractor, stating the reasons for non-compliance. The Owner must have the work brought into compliance and submit a letter certifying completion must be submitted. A final follow-up inspection will then be performed.

9 FEES, DEPOSITS, AND FINES

9.1 NEW HOME CONSTRUCTION SERVICES FEE

The fee for the review process is included in the cost of each lot.

9.2 CONTRACTOR COMPLIANCE DEPOSIT

The Owner or approved Builder must pay a deposit of $8.000.00 to ensure the completion of construction in accordance with the approved plans as well as to meet the costs of repairing any excessive damage to the Pointe infrastructure caused by the Approved Builder or his material suppliers and subcontractors during the construction process. The deposit will be held by the ARB in a non-interest bearing account and will be refunded, less any set-offs, after the Completion Inspection. The deposit shall be kept whole until after the Completion Inspection.

9.3 SCHEDULE OF FINES FOR VIOLATIONS

A fine may be levied when an Owner, Approved Builder or their agents, material suppliers and subcontractors violate any rule, regulation or covenant of Declaration and Guidelines. Such fines will be invoiced based on the nature of the violation.

Stop work orders or revocation of the Rockcrest Pointe Development Building Permit may occur for serious and/or repetitive violations.

A fine may be levied for violations including the following:

- Clearing of site without stakeout approval unauthorized tree removals; such actions could warrant expulsion of the Approved Builder and denial of further construction
- Construction does not conform to plans as approved by the ARB; such actions could warrant expulsion of the Approved Builder and denial of further construction
- Failure to build, finish and landscape in accordance with plans as approved by the ARB
- Occupying new house prior to completion (before issuance of the certificate of completion) Work not completed in 12 months; extensions may be requested but must be approved by the ARB
- Landscaping not substantially complete beginning 60 days after the completion of improvements
- Failure to prevent water drainage and/or soil erosion control
- Parking or storage of materials in prohibited areas
- Damage to road pavement, curbs and road right-of-way
- Trespass onto adjoining lots or common property of equipment, material, storage, etc.
- Failure to provide adequate trash receptacles or failure to keep site clean of debris
- Failure to provide and properly site portable toilet as approved on site plan
- Loud music, foul or offensive language, or inappropriate personal behavior

- Failure to provide adequate clean up of the roadway surrounding the construction site
- Permits not posted on site
- Modification to a structure without submission to or approval of the ARB

Note: The ARB can, at its discretion, levy fines for any violation to Rules and Regulations

Adopted: January 11, 2012

SKAFF FAMILY LIMITED PARTNERSHIP
DEVELOPER
By _____
Douglas J. Skaff, General Partner