

AMART SUMMER LAKE HOMEOWNERS ASSOCIATION
Resolution of the Board of Directors

ARCHITECTURAL RULES AND GUIDELINES

RECITALS

A. The “Association” is the Amart Summer Lake Homeowners Association, an Oregon nonprofit corporation. “Board” is the Board of Directors of the Amart Summer Lake Homeowners Association.

B. The Association is governed by the “*Fourth Amendment to Declaration of Covenants, Conditions and Restrictions of Amart Summer Lake*” recorded May 23, 2003 as Document No. 2003-08244 in the records of Washington County, Oregon (“Declaration”) and the “*Fourth Amendment to Bylaws of the Amart Summer Lake Homeowners Association*”.

C. Article III, Section 3.1 of the Declaration provides that the Board has the right to review, approve, conditionally approve or disapprove plans, specifications, design, construction or alterations of improvements on the property.

D. Article VI, Section 6.1 of the Declaration provides that the Association is directed to enforce the provisions of the Declaration and pursue any remedies available under law.

E. ORS 94.630 provides that the Association may adopt reasonable rules and regulations.

F. Article IV, Section 4.8.4, Article V, Section 5.4 and ORS 94.630 provides that the Board has the authority to levy reasonable fines for violations of the Declaration, Rules and Regulations.

G. From time to time, the Board receives complaints from owners regarding improper materials being used for the repair and remodel of homes within the Association.

H. For the benefit and protection of the Association and of the individual owners, the Board deems it necessary and desirable to establish a formal set of Architectural Rules and Guidelines to clarify which building materials are acceptable within the Association.

I. The Board deems it necessary and desirable to adopt a Schedule of Fines to be used by the Board in imposing sanctions for use of improper materials.

RESOLUTION

NOW, THEREFORE, IT IS RESOLVED that:

- I. All prior resolutions of the Board establishing architectural rules and guidelines, if any, are hereby rescinded and are no longer of any force.
- II. The architectural rules and guidelines set forth below, as shall be amended from time to time, will clarify those construction materials and practices which shall be acceptable for use within the Amart Summer Lake Homeowners Association.

ARCHITECTURAL RULES AND GUIDELINES

1. Generally: No external improvement of any kind shall be commenced, erected, placed, or altered on any portion of the property or on any lot without the prior written approval of the Board. Any such improvements shall also comply with state and local regulations.

2. Board Review: The Board shall review proposed improvements according to the following procedure:

- (a) Not less than 30 days prior to making any external improvement on any lot the owner of that lot must make written application to the Board for approval. If requested by the Board, the owner must also provide a color or materials sample.
- (b) Within 30 days of the application, the Board must grant a written approval or disapproval.

3. Roofs: All roofing within the Association shall be in conformity with the following rules. This shall include both homes and any accessory buildings as described in Section 6.

All roof materials shall be the color of naturally occurring well-maintained cedar shakes and in harmony with the colors of other roofs in the Association.

- (a) Roofs shall be constructed of one of the following materials
 - (i) Cedar Shakes
 - (ii) Tile Roofing
 - (iii) Fiberglass or asphalt shingles meeting or exceeding the following criteria:

- (1) Shingle construction shall be three-ply or greater
 - (2) Shingles shall have a minimum manufacturer's warranty of 40 years
 - (3) Shingles shall have a minimum weight per 100 square feet of 400 US pounds; and
 - (4) Shingles shall have a Class A fire and wind rating from Underwriters Laboratories or premium rating from a similarly situated agency.
- (b) Lots with noncompliant roofs will be fined. The amount of the fine shall be the difference in cost between a compliant roof and the existing, non-compliant roof plus a fine of 20% of the difference in cost. The amount of this fine shall be calculated by the Board as follows:
- (i) At the expense of the owner with the non-complying roof, a contractor or estimator will be paid to estimate what the non-complying roof cost would have been at the time it was put on, versus what the cost would have been for a minimally complying roof of the same material type.
 - (ii) Owners will be encouraged to submit receipts and other information purporting to prove the cost of the non-compliant roof.
 - (iii) The Board will determine the difference in cost between the compliant roof and the existing, non-compliant roof. In its discretion, the Board may consider the Owners receipts and other information regarding the cost of the existing roof.

4. Fences: Fences are allowed, but not required within the Association. All fences within the Association shall be constructed, repaired or replaced in conformity with the following guidelines:

- (a) Fences shall be constructed using cedar boards. However, 2" x 4" rail cross-members and fence posts may be made of non-cedar, wood material.
- (b) Wood fence posts are preferred on all Lots. Metal fence posts are only acceptable where they are not visible to neighbors and cannot be seen from the street or public walkways.
- (c) Fences shall not exceed six (6) feet in height.

- (d) Wire pet fences are allowed if they are entirely within a compliant wood perimeter fence. Wire fence used for any portion of the Lot perimeter fence is prohibited.
- (e) Side yard fences shall not project beyond the front of any dwelling or garage in which it is attached.
- (f) Masonry or concrete fences are allowed if they are contiguous with Scholls Ferry road. With prior written approval by the Board, fences contiguous with Summer Lake Park may use other fencing material not allowed in 4(a) and 4(b). The approval process shall be in conformity with Section 2 above.

5. Siding: All siding within the Association shall be in conformity with the following rules. This shall include both homes and any accessory buildings as described in Section 6.

- (a) Owners may replace existing siding with cedar siding. T-111 siding, plywood siding, vinyl siding, aluminum siding and imitation brick veneer is prohibited within the Association.
- (b) Owners may repair originally installed siding material if repaired with material of same type, composition, appearance and quality.
- (c) Unless originally installed otherwise, all siding shall be either lap or channel siding. Architectural accents, such as brick, may only be changed after the owner receives prior written approval from the Board in conformity with Section 2 above.
- (e) Owners may replace existing siding with other material not noted in 5(a) and 5(b) above only with prior approval from the Board in conformity with Section 2 above.

6. Accessory Buildings: All accessory buildings placed on a lot within the Association shall be in conformity with the following rules.

- (a) All accessory buildings with footprint greater than sixty-two (62) square feet and/or maximum height greater than six (6) feet shall use roofing, siding and paint as described in Section 3, 5 and 7, respectively.
- (b) Accessory buildings with dimensions less than or equal to those stated in 6(a), and not visible above fence from public street or sidewalk may use roofing, siding and paint other than that described in Section 3, 5 and 7, respectively.

- (c) All accessory buildings require prior written approval from the Board in conformity with Section 2 above. Visual impact to neighbors and neighborhood shall be one factor considered by the Board prior to approval.

7. Paint: All exterior paint within the Association shall be in conformity with the following rules. This shall include both homes and any accessory buildings as described in Section 6.

- (a) Paint must be earth tones which include those colors which imitate soil, bark and rock.
- (b) Bright, glossy and vibrant colors are prohibited.
- (c) With prior written approval by the Board, a home's front door may use other paint colors not allowed in 7(a) and 7(b). This shall be in conformity with Section 2 above.
- (d) As with all improvements, altering paint color requires prior written approval by the Board.

8. Driveways and Sidewalks: All on-site, poured concrete driveways or walkways, that are visible from public roadway and not being part of contiguous public roadway sidewalk, shall be of exposed aggregate concrete.

9. Other Excluded Materials: Other items not mentioned above that are specifically excluded from use are: exposed metal chimneys (except metal caps on pipe enclosed in a wood chase) and garage doors other than "roll up" style.

10. Yard Maintenance: Owners shall maintain their yards, in a manner that is attractive and does not detract from the aesthetics of the neighborhood.

BE IT FURTHER RESOLVED that:

- III. The Board hereby adopts the Schedule of Fines, attached as Exhibit A. Fines will not be applied to non-complying items completed before the date this resolution is adopted.
- IV. A copy of this Resolution, and amendments, will be given to each owner at the address shown on the records of the Association.

Date: **April 11, 2007**

ATTEST:

Signature on File
President, Board of Directors
Amart Summer Lake Homeowners
Association

Signature on File
Secretary, Board of Directors
Amart Summer Lake Homeowners
Association

EXHIBIT A
SCHEDULE OF FINES

All fines will begin to accrue 10 days after the Board sends written notification to the owner of the noncompliant item. If the noncompliant item is made compliant within 30 days of the date the Board sent its written notification, the fine will be forgiven.

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| 1. Non-conforming Roof: | Difference in cost between compliant roof and a non-compliant roof plus a 20% penalty as determined in accordance with Section 3(b) of the Architectural Rules and Guidelines Resolution. |
| 2. Non-conforming Fence: | \$10 recurring daily until compliant |
| 3. Non-conforming Siding: | \$10 recurring daily until compliant |
| 4. Non-conforming Accessory Buildings | \$10 recurring daily until compliant |
| 5. Non-conforming Paint: | \$10 recurring daily until compliant |
| 6. Non-conforming Driveways and Sidewalks: | \$10 recurring daily until compliant |
| 7. Failure to Maintain Yard: | \$5 recurring daily until compliant |