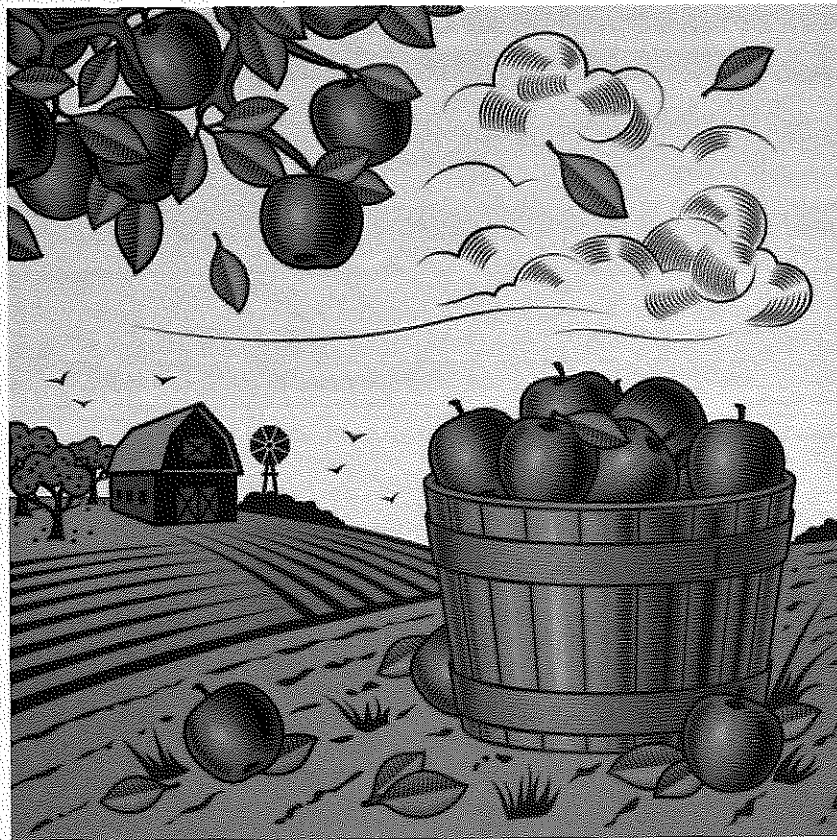


The Villas at MacIntosh Farms Cluster Association



Community Directory
&
Guidelines

The Villas at MacIntosh Farms Cluster Association, Inc.
Rules and Guidelines for Community Living
Approved by the Board of Directors: March 9, 2017
Effective Date: May 1, 2017

Our Cluster Association

The Villas at MacIntosh Farms Cluster Development is a “deed restricted” community comprised of 252 homes. The Declaration of Covenants, Conditions, Easements and Restrictions establishes the legal basis for our Association and outlines the expectations for community living. It defines the Association, its common property, and its government, as well as the responsibilities of Owners and the Board of Directors. The restrictions are reasonable and necessary to maintain a desirable development.

The Code of Regulations of The Villas at MacIntosh Farms Cluster Association, Inc. is the by-laws outlining the operation of the corporation. The Code of Regulations defines the Board of Directors, the officers and their duties, the conduct of meetings, and the finances of the Association.

The governing documents provide the legal basis for the Association and stipulate it as a not-for-profit corporation chartered by the State of Ohio and set forth the covenants and restrictions that run with the land. These documents were amended in 2006 to include an Occupancy Restriction that prohibits registered Sex Offenders from residing in the Villas at MacIntosh Farms. The State of Ohio enacted Chapter 5312 of the O.R.C. to aid in the governance of homeowner associations in September, 2010.

All Homeowners received a copy of the governing documents upon closing. The governing documents are required to be provided upon resale. Copies of the governing documents are available, for a small fee, from the Cuyahoga County Recorder or the management company.

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Government of The Villas Association

The Villas at MacIntosh Farms Cluster Association, Inc. has a duly elected Board of Directors. There is an Annual Meeting in March of each year to hear the reports of the officers and to elect members to the Board.

The Board of Directors is the governing body of the corporation/association. The Board prepares an annual budget and sets the required assessment. The Board chooses contractors to provide services to the Association. The Board promulgates reasonable rules for the benefit of the entire community and enforces the governing documents when necessary. The Board also establishes Committees to serve the interests of the Association and to help the Board.

The Board of Directors meets regularly throughout the year. These meetings are open to all owners of The Villas Association. Notice is given for the meetings. If you have a concern that you feel the Board should address, please put it in writing or email at least one week prior to the meeting to give the Board time to be prepared to fully answer your concern. Owners are given time at each meeting for comments.

The Board is charged with making policy decisions for the benefit of the entire Association.

The Villas at MacIntosh Farms Cluster Association is covered by liability insurance on the common elements. Each Owner needs to insure his home and property. The Association provides the Owners with lawn care services, snow plowing of the driveways, and may provide exterminating, window cleaning and gutter cleaning. The maintenance of the buildings i.e. siding, roofs, windows and doors is the responsibility of the Owner.

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MacIntosh Farms Community Association

MacIntosh Farms is a Planned Unit Development (PUD) conceived by Zaremba Development. That means that it is a community that was designed to have different types of housing i.e., single family homes, condominiums, and cluster associations with common green space and recreational facilities.

The Villas at MacIntosh Farms is a cluster home association. While it is autonomous in its operation, The Villas is also subject to the restrictions of the master association, MacIntosh Farms Community Association. It is the master association that operates the recreational facilities. MacIntosh Farms Community Association establishes the rules for the use of those facilities, i.e.: three pools, the tennis courts, pavilion, amphitheater, playground and the Red Barn.

The master association has bi-monthly meetings. There is an association fee paid to the master association monthly. The fee goes toward the maintenance of the common areas and recreational facilities.

For questions about fees paid to the master association, you should contact its property management company.

If you have concerns about the pools, other recreational facilities, or rental of the Barn for private parties, the MacIntosh Farms Community Association has a property manager to whom you should direct your inquiries. Reservations are not required for the tennis court.

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Design Review Committee

The Design Review Committee is required by the governing documents. The Committee's function is to review, and recommend to the Board of Directors for approval, all physical alterations and additions to existing homes and property prior to the work being initiated. The Committee will meet with the Homeowner to review plans and specifications and determine compliance with the Villas at MacIntosh Farms Cluster Association Guidelines. The Committee Goal is to allow flexibility to Homeowners while maintaining the standardized appearance throughout MacIntosh Farms. The Committee requires compliance with all City of Broadview Heights building codes and restrictions.

The Committee mission is based on the Declaration of Covenants, Conditions, Easements and Restrictions stating that modifications or additions to existing structures are prohibited without the prior written approval of the Board of Directors. Any unapproved alteration or addition is subject to legal action.

The Committee considers all requests for decks, patios, additional structures and any other changes that may alter the appearance of the house such as doors, windows, shingles, siding color, etc.. This list is not intended to be all inclusive. Other factors to be considered by the Committee can include complimentary or contrasting colors, construction materials, line of sight issues, concerns of the immediate neighbors and the overall compatibility of the requested change with the general appearance of the neighborhood.

The following procedure will be used:

1. The Homeowner will send a Design Request Form (available on the MacIntosh Farms website or from the Property Manager), a cover letter, plans and specifications to the management company.
2. The management company will email the request to the Chairman of the Design Review Committee within two (2) working days of receipt.
3. The Committee Chairman will contact the Homeowner to schedule a mutually agreeable visitation date within five (5) days.
4. The Committee will visit the Homeowner, review plans and specifications and provide a recommendation to the management office within two (2) days.

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5. The management company will forward the request along with the recommendation of the Design Review Committee to the Board of Directors. Each Board member will phone the management company with their vote within two (2) working days.
6. The management company will send written notification of the Board decision to the Homeowner within two (2) working days.
7. Failure to comply may result in an Assessment for Rules Violation.

The Landscape and Grounds Committee

The Landscape and Grounds Committee is a Committee created by the Board of Directors. The purpose of this Committee is to oversee the exterior planted areas and other grounds issues for which the Association is responsible.

The ultimate goal of this Committee is to insure that our Association's land areas are maintained according to the standards set by our homeowners. This responsibility includes selecting and recommending contractors for seasonable grounds work, reviewing relevant requests from homeowners, working with the city of Broadview Heights in areas of their responsibilities within our development, and initiating projects that will enhance the attractiveness of our Association's Planned Community Development.

The Committee encourages homeowners to actively improve their own individual home and land areas beyond what was originally installed and will provide help and assistance at the request of homeowners. The Association requires that the additional landscaping not impinge upon contractors' work performance. Homeowners are responsible for the cost and maintenance of any additional landscaping they create.

Homeowners are also expected to be aware of the work that is done by contractors, and your input is welcome and expected.

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Guidelines:

The originally planted shrub beds, and the mulched bed surrounding the street side tree, are the only mulched beds permitted at the front of the home. Owners may not plant additional trees in front or sides of homes, without applying for and receiving permission from the Villas Board. (Forms and details of this procedure are available from the Property Manager and on the MacIntosh Farms website.)

Garden statuary and lawn ornaments are permitted only in the back of homes, and must be contained within a mulch bed. Foundation plantings at the sides of homes **must** be contained within mulch beds and extend at least one foot, but no more than three feet, from the house's foundation. Enough room must remain in grass, between homes, to allow passage of mowing equipment. A foundation mulch bed is recommended at the rear of homes, around patios, decks and air-conditioning units as a pro-active solution to the possibility of lawn mower damage. A minimum of 40 inches between mulch beds is necessary to provide passage of mowing equipment.

While trees and shrubs are permitted at the rear of homes, they should be of a variety which, when mature, will be aesthetically in proportion to the design of our homes. For this reason, a list of acceptable trees and shrubs has been adopted by the Board of Directors. *As a guideline, trees whose mature height is 30 feet and under and shrubs growing no taller than 6 feet at maturity are considered acceptable.*

Planting trees too close to the house should be avoided so that gutters will not become clogged with falling leaves, seeds and other organic debris.

Groupings of trees and shrubs that will block the line of sight (both the homeowner's and/or the neighbor's) are prohibited.

Rear gardens (those containing trees, shrubs or flowers) either planted against the foundation or away from the foundation **must** be contained within a mulch bed. There must be a minimum of 40 inches between mulch beds to provide passage of mowing equipment!

The size of the originally installed beds may not be changed without prior written approval of the Board of Directors. The originally installed shrub beds at the front and sides of homes should remain essentially the same as designed by the Landscape Architect for Petros Homes. Seasonal plantings may be added.

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If homeowners apply additional mulch to any bed the mulch needs to be of the same color and type as the mulch applied by the Association. This will give a consistent overall appearance, and avoid a "patchwork" appearance.

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Requests for Landscape Changes

Prior to any landscape changes, a **written request or email** must be submitted by the homeowner to the management company.
The following procedure will be used:

- § The homeowner will send a request; including a cover letter or email, plans, and specifications to the management company.
- § If the requested changes fall within the aforementioned guidelines, the management company will send written approval to the homeowner within two working days.
- § If the requested changes do not fall within the established guidelines, the management company will forward the homeowner's request to the Chair of the Landscape and Grounds Committee within two working days. A member of the Landscape and Grounds Committee may contact the homeowner to schedule a site inspection for the proposed landscape change. If a site inspection is necessary, it will be scheduled at a time mutually agreeable to both the homeowner and the Committee member. After the site visit or Committee meeting, the request will be addressed by the Board of Directors and its decision will be sent to the management company within four working days.
- § The management company will send written notification of the Board decision to the homeowner within two working days, after all Board member decisions are received by the management company.
- § Failure to comply may result in an Assessment for Rules Violation.

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COVENANTS AND RESTRICTIONS

The Villas at MacIntosh Farms Cluster Association, Inc. maintains the common elements of the Association, the entrance ways, and community signs.

Those services that the Association currently provides:

- \$ Grass cutting weekly during the season
- \$ Edging of sidewalks and driveways
- \$ Lawn fertilization and weed control
- \$ Deep edging of front shrub beds and tree rings in the Spring
- \$ Light pruning of front shrub bed plants
- \$ Future replacement of deceased trees, common area only
- \$ Future replacement of deceased original plantings in the front bed only
- \$ Fall clean-up of leaves and debris
- \$ Snow plowing on driveways during the season

Those services that the Association provides at its discretion:

- \$ Mulching of front shrub beds and street side trees
- \$ Spring power spraying to control insects
- \$ Gutter cleaning, Spring and Fall
- \$ Window washing

Homeowners are responsible for the exterior maintenance, repair and replacement of their Living Unit and grounds. If an Owner fails to properly maintain, repair or replace the exterior of such Owner's home and grounds, the Association shall have the right, but not the obligation, to maintain, repair and replace the same and charge back the cost to the Owner of the home.

In addition to the maintenance responsibilities, there are covenants and restrictions on your property. The following are the current restrictions:

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A. Animals

1. No animals, livestock, reptiles or poultry of any kind shall be raised, bred or kept on any portion of the property without the approval of the Board, except that dogs, cats, birds and other customary household pets may be kept, subject to rules adopted by the Board. Feeding of wild animals (except for birds) is prohibited.
2. Pets may not be kept, bred or maintained for commercial purposes.

Any pet causing or creating a nuisance or unreasonable disturbance or annoyance shall be permanently removed from the Property upon three days' written notice.
3. Dogs and cats shall at all times whenever they are outside of a living unit be confined on a leash held by a responsible person
4. Cleaning up after your pet is a **must!!!** Proper disposal of waste material is required.

B. Commercial or Professional Uses/Commercial Vehicles

1. No industry, business, trade or full-time occupation or profession of any kind shall be conducted, maintained or permitted on any part of the Property. An Owner may use a portion of his Living Unit for his office or studio, so long as the activities therein shall not interfere with the quiet enjoyment or comfort of any other Occupant.
2. No tractor trailers, commercial tractors, or commercial vehicles shall be permitted to remain on any portion of the property for any period of time whatsoever, except while making deliveries or performing services to the Living Units.

C. Decks, Patios and Hot Tubs

1. Installation of decks, patios and/or hot tubs is prohibited without the prior, written approval of the Board of Directors of The Villas at MacIntosh Farms Cluster Association, Inc. and the MacIntosh Farms Community Association. Detailed plans and written specifications should be

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submitted along with a cover letter addressed to the Board of Directors, in care of the management company. The Design Review Committee will meet with the Owner before a recommendation is made to the Board of Directors.

2. Fabric gazebos are permitted on decks/patios from Memorial Day to September 30 only. Tents for family parties will be allowed in yards/driveways with a three-day restriction.
3. Decks and patios are not storage areas. They are to be kept neat and uncluttered. The maintenance of decks and patios is the responsibility of the Homeowner and not the Association.

D. Drainage Ditches

No person shall interfere with the free flow of water through any drainage ditches or storm sewers within the property.

E. Exterior Appearance

1. The exterior of any Home shall not be altered, modified, changed or redecorated to change the appearance or decor of the structure or of Lot, nor shall any of the landscaping appurtenant to such Home be materially changed without the prior, written approval of the Design Review Committee and/ or the Landscape and Grounds Committee and the Board of Directors.
2. Any addition, change, or alteration to the **Common Elements** of the Villas is prohibited.

F. Walls and Hedges

1. Walls, trees, hedges, and shrub plantings shall be maintained in a sightly and attractive manner, and shall not obstruct the right-of-way sight lines for vehicular traffic.
2. No structures or planting may be erected which would obstruct the sight lines of another Owner.

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3. Structures of any kind and landscaping of any kind shall not be erected, begun or permitted to remain upon any portion of the Property unless approved by the Design Review Committee and/or the Landscape and Grounds Committee and the Board of Directors or unless originally constructed by the Developer.

G. Firearms

Firearms, ammunition and explosives of every kind shall not be discharged nor shall any traps or snares be set, nor shall any hunting or poisoning of wildlife of any kind be permitted in or upon the Property.

H. Flags and Flag Holders

An American flag may be flown only from the flag holder attached to your Home under appropriate conditions.

I. Garage Sales

Garage sales, individual or group, are prohibited.

J. Grading

No Person shall change the grade on any portion of the Property.

K. Lampposts

Lampposts are prohibited on the front and sides of the property. Owners must apply for and receive permission from the Association Board to place lampposts in the rear of the property.

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L. Laundry

1. No clothes, sheets, blankets, laundry of any kind or other articles shall be hung out.
2. No clothesline may be installed.

M. Lawn Ornaments

Lawn ornaments including, but not limited to, stone animals, bird baths, waterfalls, plastic flowers, sports team logos etc. are prohibited in the front shrub beds of a Home. No lawn ornaments may be placed in such a way as to interfere with the mowing of the lawn.

N. Rain Barrels

Rain Barrels must be approved by the Board of Directors prior to installation.

O. Maintenance Fees

1. All assessments, including maintenance fees are due and payable on the first of each month and considered late if not received by the fifteenth of the month.
2. An administrative late charge, currently Fifteen Dollars (\$15.00) per month, shall be incurred for any late payment and on any unpaid balance. (Subject to increase upon further notice.)
3. Any payments made by the Home Owner shall be applied in the following order:
 - A. Administrative late fees owed to the Association.
 - B. Collection costs, attorney's fees incurred by the Association.

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- C. Principal amounts owed by the Homeowner for common expenses and assessments.
4. Any past due assessments may cause a lien and foreclosure to be filed against the Homeowner.

Any cost, including attorney fees, recording costs, title reports and/or court costs incurred by the Association in the collection of delinquent assessments shall be added to the amount owed by the delinquent Homeowner.

5. If any Homeowner fails to perform any act that he/she is requested to perform by the Declaration of Covenants, the Code of Regulations or the Rules and Regulations, the Association may, but shall not be obligated to, undertake such performance or cure such violation and shall charge and collect from said Owner of a living Unit the entire cost and expense, including reasonable attorney fees, of such performing or cure incurred by the Association. Any such amount shall be deemed to be an additional assessment upon such Owner of a Living Unit and shall be due and payable when the payment of the assessment next following notification of such charge becomes due and payable, and the Association may obtain a lien for said amount in the same manner and to the same extent as if it were a lien for common expenses.

P. Nuisance

No noxious, or any other, activity constituting an unreasonable source of discomfort or annoyance shall be carried on upon any portion of the Property, including the Living Units situated thereon, nor shall anything be done thereon that may be or become a nuisance or annoyance to other Owners. The Board shall have absolute power to determine what is "reasonable" and what is "unreasonable" under this Section.

Q. Owners' Right to Lease Living Unit

1. An Owner shall have the right to lease all of his Living Unit upon such terms and conditions as the Owner may deem advisable, except that no Living Unit shall be leased or sub-leased for transient or hotel purposes.

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- Any lease or sub-lease of a Living Unit for a period of less than six (6) months shall be deemed a lease for transient or hotel purposes.
2. "For Rent" signs are prohibited by the MacIntosh Farms Community Association.
 3. The Homeowner must provide the management company with the following information before the tenant takes up residence:
 - A. Copy of lease;
 - B. Full name of tenant;
 - C. Names of all occupants of the Living Unit;
 - D. Telephone number of tenant.
 4. The Homeowner is responsible for making the tenant aware of the Rules of The Villas at MacIntosh Farms Cluster Association, Inc.
 5. The Homeowner is responsible for tenant violations of the Declaration of Covenants, Code of Regulations or Rules. The Owner shall be responsible for rule violation assessments and all other damages and any recourse the Owner may wish to take against a tenant is in violation.
 6. The lease document must contain a clause making it subject to the covenants and restrictions in The Villas at MacIntosh Farms Cluster Association, Inc. Declaration of Covenants, Code of Regulations and Rules.

R. Owner's Right of Transfer

1. The Association shall have no right of first refusal with respect to the purchase or lease of a Home. An Owner shall be able to transfer his Home freely by sale, gift, devise, lease or otherwise without restriction, except that the Association must be notified in advance to enable the Association to maintain accurate records.
2. Yard signs are prohibited by the MacIntosh Farms Community Association. One (1) professionally printed "Open House" sign is permitted in front of the Home during the hours of the open house only.

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3. Within fifteen (15) days of executing a purchase or sales agreement, the Homeowner or real estate agent must notify the Property Management Company to make arrangements for the coordination of the paperwork with banks, real estate agents, appraisers and escrow agents. A transfer fee for these services shall be charged to the seller and paid out of escrow from proceeds due to the seller at the time of title transfer.
4. The seller is responsible for providing the following information to the buyer:
 - A. Copy of the Declaration of Covenants and Code of Regulations;
 - B. Copy of the Rules
 - C. A Certificate of Compliance

S. Parking

1. Parking is limited and permitted only in your garage or in your driveway immediately in front of your garage door.
2. There is no street parking permitted in the cul-de-sacs, as that could restrict the use by other residents and emergency vehicles.
3. There are guest parking areas throughout the Property for temporary use of guests.
4. These guest parking areas are not for habitual use.

T. Recreational Equipment

MacIntosh Farms is a Planned Unit Development which has recreational facilities and green space available for its residents. Therefore, recreational equipment, swing sets, etc. on individual Lots must meet the established guidelines and must have the prior written approval of the Board of Directors before installation. The equipment must be placed on mulch beds in the back yard and must not obstruct landscaper access.

U. Rubbish Removal

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1. Rubbish removal is a service of the City of Broadview Heights.
2. Rubbish must not be put out at the street edge prior to 6:00 p.m. of the day before the scheduled pick-up.
3. If you will be out of town, please ask a neighbor to set out your trash at the appropriate time.
4. Currently, trash day is Friday, unless otherwise specified due to holidays.

V. Satellite Dishes

The Federal government has decreed that satellite dishes cannot be prohibited on land that is Homeowner controlled. No satellite dish shall be placed in the common areas. The Board of Directors may make reasonable requests for screening of a satellite dish so as not to become a nuisance or annoyance.

W. Signs

1. Except for professional "Open House" signs, no sign or other advertising device of any nature shall be placed upon any portion of the Property. Open House signs are permitted in the front yard during the time of the Open House only.
2. One "For Rent" or "For Sale" sign is permitted on the inside of a window of your home.
3. Political Signs are prohibited anywhere on the property or in windows.

X. Storage of Material

No lumber, metals, bulk material, refuse or trash shall be burned, whether in indoor incinerators or otherwise (excluding the burning of firewood in a fireplace), kept, stored or allowed to accumulate on any portion of the Property, except normal residential accumulation pending pick-up and except building materials during the course of construction or reconstruction of any approved building or structure, except firewood may be stored within Living Units, on patio

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areas or other areas designated by the Board. If trash or other refuse is to be disposed of by being picked up and carried away on a regular recurring basis, containers may be placed in the open on any day that a pick-up is to be made, thereby providing access to persons making such a pick-up. At all other times, such containers shall be stored in such a manner that they cannot be seen from adjacent and surrounding property. No dumping of rubbish shall be permitted on any portion of the Property. Anything herein to the contrary notwithstanding, the Association or the Board may adopt a Rule or Rules which permit burning, incineration or storage of refuse or trash if the same becomes reasonably necessary for the safety, health or welfare of the Occupants, and is permitted by law.

Y. Storage of Vehicles

No truck (except a two axle truck with no more than four tires), camper, camper trailer, recreation vehicle, boat, boat trailer, all terrain vehicle, airplane, snowmobile, commercial vehicle, van, mobile home, tractor, bus, farm equipment, off-road vehicles or other vehicles of any kind, licensed or unlicensed, shall be stored on any driveway or other area in or upon the Property, except in the confines of garages.

Z. Storm and Exterior Doors

The Owner of a Living Unit may have a storm door installed on the front door, provided that it is a "full view" type. All exterior door installations must be pre-approved by the Association Board.

AA. Wind Chimes

Are not permitted if they become a nuisance or annoyance to another resident.

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Reporting Problems and Concerns

There are more than 250 homeowners in the Villas at MacIntosh Farms Cluster Association. In order to handle questions as well as problems and concerns from this large number of residents, a standard procedure is necessary. The procedure is as follows:

Put your question, problem or concern in writing. Your correspondence must include:

- 1. The date**
- 2. Your name**
- 3. Your address**
- 4. Your daytime phone number**
- 5. A clear statement or description of your question, problem or concern.**

Send your correspondence to the management company.

If the management company can resolve your question, problem or concern directly, they will do so. If involvement by one of the committees is required, the management company will forward a copy of your correspondence to the chairman of the appropriate committee for review and follow-up action.

Once the management company forwards your letter or email to a committee, committee members may need to discuss your question or problem. In addition, it may be necessary to meet with you. Sometimes the committee will need to discuss problem with the management company and/or the Board of Directors.

Responding to homeowners' questions, problems and concerns takes time. All of the committee members and the Board members are volunteers who give their time to help manage our community. We ask for your patience and understanding during this important process.

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Complaint Procedure

Complaints against anyone violating the rules must be submitted to the management company **in writing or email** and must contain:

- 1. The date**
- 2. Your name**
- 3. Your address**
- 4. Your daytime phone number**
- 5. Your signature**
- 6. A concise complaint with the violators name and address.**

The management company will, in most instances, contact the alleged responsible owner after receipt of each complaint, and a reasonable effort will be made to gain the homeowner's agreement to cease the violation.

If the reasonable efforts to gain compliance are unsuccessful, the homeowner may be subject to a sanction in accordance with the penalty provisions contained in the Enforcement Procedure.

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Enforcement Procedure

The homeowner shall be responsible for any violation of the Declaration of Covenants, Conditions, Easements and Restrictions; the Code of Regulations; or the Rules and Guidelines for Community Living by the homeowner, guests, or the occupants, including tenants, of his/her home.

A rule violation that, by the determination of the Board of Directors, affects the rights of others or their property may result in immediate legal action.

The entire cost of effectuating a legal remedy to impose rule compliance, including attorney fees, shall be added to the account of the responsible homeowner.

In addition to any other action and in accordance with the procedure outlined in Section 8 below, a penalty assessment of up to but not exceeding \$50.00 per occurrence, or if the violation is of an ongoing nature, per day, MAY be levied by the Board on any owner found in violation of a rule.

All costs for repairs stemming from the violation of a rule will also be added to the responsible homeowner's account.

Prior to the imposition of a penalty assessment (fine) for a rule violation, the following procedure will be followed:

1. Written demand to stop the alleged violation will be served upon the alleged responsible homeowner specifying:
 - A. The nature of the alleged violation;
 - B. The action required to abate the alleged violation; and
 - C. A seven-day (7) time period during which the violation be abated without the imposition of an assessment, if the violation is a continuing one, or a statement that the further alleged violation of the same rule may result in the imposition of an assessment.

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2. If the same rule is allegedly violated past the time period specified above, or over a period not to exceed twelve (12) months, the Board will serve the homeowner written notice of a hearing to be held by the Board. The notice shall contain:
 - A. The nature of the alleged violation;
 - B. The time and place of the hearing, including at least a fourteen (14) day notice;
 - C. A request for the responsible homeowner to attend the hearing and supply a statement or evidence on his/her behalf; and
 - D. The intent of the Board to impose up to a fifty dollar (\$50.00) assessment per violation occurrence or, if the violation is of an ongoing nature, per day.

At the hearing, the Board and the alleged responsible homeowner will have the right to present any evidence. This hearing will be held in Executive Session and proof of hearing, evidence or written notice to the homeowner to abate action, and intent to impose an assessment shall become a part of the hearing minutes. The assessment will only be imposed by the unanimous vote of the members of the Board then present at the hearing. The homeowner will then receive notice of the Board's decision and any penalty assessment imposed within ten (10) days of the hearing.