

**SUMMERS LANDING HOMEOWNERS ASSOCIATION, INC.
Policy Rules and Regulations No. 2006-02**

**Procedural Rule and Regulation to Clarify
ARTICLE IV, Architectural Control and Land Use
Paragraph 13, Architectural Control Committee**

This Policy Rules and Regulations No. 2006-02 supercedes and voids Policy Rules and Regulations No. 2005-02 which was approved by the Board of Directors on October 11, 2005.

Whereas: Article VI, Section 1, of the Bylaws of Summers Landing Homeowners' Association, Inc. provides that the Board of Directors (Board) has the power to adopt Rules and Regulations clarifying the Declaration, and the power to adopt procedural Rules and Regulations to implement the Declaration, so long as such Rules and Regulations do not Conflict With the Declaration; and,

Whereas: The Board has determined that there is a need to implement the provisions of Article IV, Architectural Control and Land Use, Paragraph 13, Architectural Control Committee; and,

Whereas: Article IV, Architectural Control and Land Use, Paragraph 13, Architectural Control Committee, provides in part that *"The initial members of the Architectural Control Committee shall be selected by the Declarant until all Lots subjected to this Declaration and subsequent Supplemental Declarations have been conveyed by Declarant..."* and that *"In the event of the ...conveyance of the last Lot subject to this Declaration, ... the Board of Directors of the Association shall appoint a minimum of three Committee Members to serve for a term, the duration of which shall be determined by the Board of Directors"*; and,

Whereas: All Lots subjected to the Declaration and subsequent Supplemental Declarations have been conveyed to others by the Declarant,

Now, Therefore be it Resolved that the Board adopts the following Policy Rule and Regulation to implement Article IV, Architectural Control and Land Use, Paragraph 13, Architectural Control Committee.

1. The Board shall appoint a minimum of three Summers Landing homeowners to serve on the Architectural Control Committee (ACC) as soon as possible after approval of this Policy Rules and Regulations. The initial term of the members of the ACC shall be one year, provided however that this term of appointment may be changed by the Board at its discretion at any time.
2. In addition to the above homeowner members, the Board shall, to assure continuity between the previous, current and future committees, also appoint one member from the Declarant ACC as a member of the Summers Landing Homeowners' Association ACC. This member's term of appointment shall be for a period of five years and may be extended by the Board at its discretion.
3. The Committee shall recommend appointment of a Chairperson as soon as possible. Upon concurrence by a Board majority vote, the approved Chairperson and other members advised of the selection. The Chairperson will be responsible for all official actions by the ACC except construction of new residences. The Chairperson will act as liaison between the ACC and the Board.

4. Review and Approval Procedures:

- a. Modifications, alterations and/or additions to existing residences: The Architectural Review Application, including necessary plans and other information, must be mailed by the homeowner(s) (Applicant) to the Summers Landing Homeowners Association Board. The Board shall submit the application package to the ACC in a timely manner. The ACC shall review the application, including required supplemental information, to assure that it meets the requirements of the Master Declaration of Covenants, Conditions, Reservations, Restrictions and Easements (Covenants). The ACC shall, in accordance with the provisions of the Covenants, evaluate all proposals for modifications, alterations and/or additions on any Lot within the Property, and shall further evaluate whether any variances under Article IV, Paragraph 12, Variances and Exceptions, of the Covenants for such modifications, alterations and/or additions should be granted. The ACC shall forward original application and associated documents with recommendation to the Board for approval, disapproval or return of the application for additional information on all proposals for modifications, alterations and/or additions on any Lot within the Property. The Board shall consider the recommendations of the ACC in determining the final action taken on the application. The Board will sign and return the original application reflecting final approval/disapproval action and any contingency factors to the lot owner(s)/builder and a copy to the management company if one exists. All actions by the ACC and the Board must be completed within 45 days of receipt of the application package by the Board.
 - b. Construction of new residences. The Architectural Review Application, including necessary plans and other information, must be mailed by the lot owner(s)/builder to the Summers Landing Homeowners Association Board. The Board shall submit the application package to the ACC member appointed from the Declarant ACC (ACC Declarant member) in a timely manner. The ACC Declarant member shall review the application, including required supplemental information, to assure that it meets the requirements of the Master Declaration of Covenants, Conditions, Reservations, Restrictions and Easements (Covenants). The ACC Declarant member shall have the authority, in accordance with the provisions of the Covenants, to approve or disapprove proposals for the construction of new residences on any Lot within the Property, and shall further have authority, subject to concurrence by the Board, for granting variances under Article IV, Paragraph 12, Variances and Exceptions, of the Covenants for new residential construction. The ACC Declarant member shall forward original application and associated documents with recommendation to the Board for approval or disapproval of any requested variances in a timely manner. The Board shall consider the recommendations of the ACC Declarant member in determining the final action taken on the application for granting variances. The Board will sign and return the original application reflecting final approval/disapproval action and any contingency factors to the lot owner(s)/builder and a copy to the management company if one exists. All actions by the ACC Declarant member and the Board must be completed within 45 days of receipt of the application package by the Board.
5. If an Architectural Review Application is disapproved, a letter stating the reasons for the disapproval shall be forwarded by hand or by first class mail to the Applicant by the Board. The letter shall advise the Applicant of his/her right to revise and resubmit the application or, submit a written request, within a specified number of days or by a date specific, to appear before the Board to communicate his/her request and appeal for reconsideration.
 6. If the Applicant does not revise and resubmit the application or request in writing an opportunity to appear before the Board by or before the date specified in the letter per

Section 5 above, the Board shall deem the member to have waived the right for reconsideration, and the actions by the Board shall be considered final.

7. When the Applicant's written request for an opportunity to appear before the Board is received by or before the deadline, the Board shall, at its discretion, set the time, date and place for a meeting with the Applicant and shall deliver written notice of the meeting to the Applicant by hand or by first class mail at least fourteen (14) days in advance of the meeting date. At the meeting, the Board shall provide the Applicant a reasonable amount of time to present any and all defenses to the disapproval and to request reconsideration.
8. Following the meeting with the Applicant, the Board shall meet in executive session to consider information presented by the Applicant and to determine whether it believes there is sufficient reason to reconsider the Architectural Review Application and/or to determine what, if any, supplemental information must be submitted by the Applicant for reconsideration of the Architectural Review Application.
9. The Board shall deliver its decision to the member at his/her/their address of record by hand or by first class mail within seven (7) days after the meeting. Decisions by the Board shall be considered final and may not be appealed. Copies of associated documents will be forwarded by the Board to the management company if one exists.

The effective date of this Policy shall be: _____

I hereby certify that this Policy was duly adopted by the Board of Directors on _____.

**BOARD OF DIRECTORS
SUMMERS LANDING HOMEOWNERS
ASSOCIATION, INC.**

By: _____
President