

INTRODUCTION

These Architectural and Landscape Guidelines (the "Guidelines") have been prepared by the Architectural Control Committee ("**ACC**") and the **Architectural Review Board ("ARB")** for the residential community known as Sugarloaf Country Club ("Sugarloaf"). The Guidelines are contemplated in and are promulgated by Master Declaration of Covenants, Conditions and Restrictions for a Portion of Sugarloaf (the "Master Declaration"). The Guidelines consist of three components:

- I. Architectural and Design Guidelines
- II. Landscape Guidelines
- III. Construction Rules

All defined terms used in the Guidelines, as indicated by initial capitalization, shall have the same meaning ascribed to such terms in the Master Declaration, unless otherwise specifically defined.

The Guidelines shall be employed in conjunction with the Master Declaration. If there is a conflict between the terms of the Master Declaration and the terms of the Guidelines, the terms of the Master Declaration shall control and prevail; provided, however, the mere fact that the terms of the Guidelines may be more restrictive than the terms of the Master Declaration, or vice versa, shall not be construed as an express conflict, and in such case the most restrictive provision shall control and prevail. Of course, in the event governmental or quasi-governmental rules, regulations or requirements which are applicable to Sugarloaf are more restrictive or more stringent than the terms of the Master Declaration and/or the terms of the Guidelines, the applicable governmental or quasi-governmental rules, regulations or requirements shall control and prevail.

DESIGN PHILOSOPHY

The Guidelines have been developed to implement the design philosophy of Sugarloaf, namely, to blend structures, a golf course, and residents' lifestyles into a harmonious and aesthetically pleasing residential community which places a strong emphasis on the preservation and enhancement of the natural beauty of Sugarloaf. The Guidelines are intended to provide direction to Lot Owners and builders in the planning, design, and construction of residences and related Improvements on Lots. The primary emphasis of Sugarloaf is on quality of design and compatibility among all Improvements, without unduly restricting the ability of Lot Owners to exercise individuality in their choice or design of a residence and related Improvements. No residence, structure, or other Improvement should stand apart in its:

1. Siting
2. Design

3. Construction, so as to detract from the overall environment or appearance of Sugarloaf. The ACC will be open to and encourage creativity, innovative use of materials and design. Unique methods of construction will be considered as long as the final result is consistent with the spirit of the Guidelines and the guiding philosophy of Sugarloaf. The authority of the ACC to approve or disapprove plans, specifications and drawings for residences, related improvements and landscape improvements is provided by the Master Declaration.

The Guidelines have been established to provide Lot Owners and their architects, **designers** and builders **and any subcontractor including landscaping and pool** with a set of parameters for the preparation of plans, specifications and drawings for the construction of residences and related Improvements on Lots. Each Lot Owner and each Lot Owner's building team should become familiar with the Guidelines and the process for the submittal, review and approval of Building Plans and Specifications, Landscape Plans and Specifications and construction rules. If building in Sugarloaf for the first time, Lot Owners and their builders are encouraged to consult the ACC with questions regarding the application of the Guidelines to the Lot Owners' design concepts prior to the initiation of any design work.

The ACC has been created to explain and assist in the design review process as well as to review, approve, or disapprove Plans and Specifications. It is the ACC's objective to maintain a pleasing aesthetic relationship of building to site and building to building and not to restrict individual creativity or preferences. The ACC will use the Guidelines for the purpose of reviewing each design, but the ACC may consider creative and innovative approaches in order to address special site conditions or circumstances, provided such approaches are permitted under the Master Declaration and are otherwise consistent with the spirit of the Guidelines. The ACC may retain advisory design professionals to serve as members of the ACC to aid in the review of Plans and Specifications.

FUTURE AMENDMENTS

The ACC reserves the right to amend any or all provisions of the Guidelines at any time and from time to time, in the sole and absolute discretion of the ACC.

ARCHITECTURAL AND DESIGN GUIDELINES

1. PROCEDURES AND APPROVALS

1.1 Architectural Review Process.

Prior to the commencement of any construction activity of any type (including any **clearing or** grading work) on any Lot, an Application for Approval (using a form to be obtained from the ACC) of such work must be submitted by the Lot Owner or such Owner's designated agent to the ACC. The ACC must receive, review and approve the information and documentation required to be submitted under Section 1.3 "Design Review Procedure" prior to the commencement of any work. Also, all design and construction escrow fees required under these Architectural and Design Guidelines must be paid to the ACC at the closing and prior to commencement of any such work. **Submittals for review will be accepted after closing and collection of fees have occurred.**

1.2. Pre-Application Procedure.

To insure the quality of the Sugarloaf community, the ACC requires that each Lot Owner contract with a Featured Builder (as more particularly described herein) to serve as builder and general contractor for the construction of Improvements on such Owner's Lot. **Such Builder is responsible for ALL construction activity on building site.** Gwinnett County and its planning department have jurisdiction over the community at Sugarloaf. Each Lot Owner or a representative of each Lot Owner should contact representatives of Gwinnett County and its planning department at the beginning of the planning and design process relative to such Owner's Lot to ensure compliance with the rules, regulations and standards of Gwinnett County. Compliance with all governmental and quasi-governmental rules, regulations and standards is the obligation of each Lot Owner and the Lot Owner's builder. It should not be assumed, however, that compliance with the rules, regulations and standards of Gwinnett County and other governmental and quasi-governmental authorities will satisfy all requirements of the ACC.

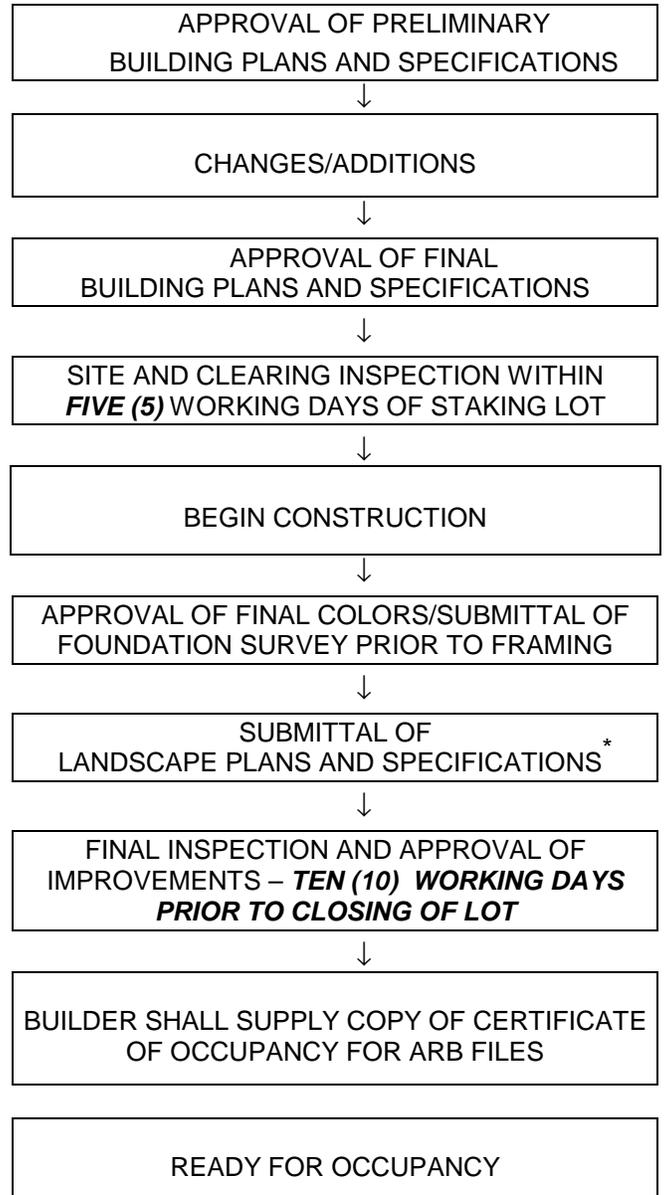
1.3. Design Review Procedure.

The successful completion of the design review procedure under the Architectural and Design Guidelines will be facilitated by reviewing and complying with the requirements outlined in the Architectural and Design Guidelines and by reviewing and following the step-by-step design review format described below. The review format has been structured to achieve a smooth and timely review from preliminary plan submittal to final site inspection and approval.

If a new residence is to be built "on speculation," the builder must submit a set of Building Plans and

Specifications for such Improvements to the Sugarloaf sales office to receive the benefit of the review and comments of personnel in the Sugarloaf sales office prior to submitting such Building Plans and Specifications to the ACC. An extra copy of the final approved Building Plans and Specifications submittal is to be delivered to the sales office for future reference by sales office personnel. The review of the Building Plans and Specifications by personnel in the Sugarloaf sales office helps to insure the quality and marketability of homes within the Sugarloaf community.

The following flow chart represents the necessary procedures in the process of building a residence in Sugarloaf :



* Addressed more particularly in the Landscape Guidelines herein.

The ACC has established a schedule for submittal of Building Plans and Specifications, review of Building Plans and Specifications, and meeting with the Lot Owner or the representative of the Lot Owner to discuss any questions or concerns of the ACC relative to the Building Plans and Specifications. The established schedule permits a timely review of submitted Building Plans and Specifications and allows Lot Owners and their representatives to accurately plan their schedules. Building Plans and Specifications must be submitted by the Lot Owner or the Lot Owner's representative to the ACC Coordinator [Phone Number: (770) 418-0777] at the Sugarloaf office by **4.00 PM** on the day prior to the scheduled ACC review meeting. Each submittal of Building Plans and Specifications must be accompanied by a completed Application for Approval form, and two (2) complete sets of the Building Plans and Specifications [**four (4)** sets if the residence is to be built "on speculation"]. The ACC has a review meeting once a week to review the Building Plans and Specifications that have been submitted since the most recent ACC review meeting. Each Lot Owner that has submitted Building Plans and Specifications for review is encouraged, although not required, to attend the ACC review meeting at which such Lot Owner's Building Plans and Specifications will be reviewed to respond to any questions that the ACC may have relating to such Lot Owner's Building Plans and Specifications. Appointments for ACC review meetings can be made by contacting the ACC Coordinator.

As set forth above, each Lot Owner will be charged a Processing Fee for the review of such Lot Owner's Building Plans and Specifications. The Processing Fee, which is Five Hundred Dollars (\$500.00), shall be paid by check at closing and shall be made payable to the ACC. The ACC shall have the right to increase the amount of the Processing Fee from time to time as stated in the Master Declaration and these Guidelines. The Processing Fee is intended to partially cover the expense incurred by the ACC in reviewing Building Plans and Specifications, including the cost of compensating any consulting architects, landscape architects, urban designers, inspectors, or attorneys retained by the ACC.

The Application for Approval, the Processing Fee, the Building Plans and Specifications and all other materials necessary for the ACC to review Building Plans and Specifications shall be sent to:

Architectural Control Committee
Sugarloaf Country Club
2675 Sugarloaf Club Drive
Duluth, GA **30097**

1.4. Recommended Preliminary Building Plans and Specifications Review.

The ACC encourages Lot Owners and builders who are building in the Sugarloaf community for the first time to participate in the preliminary Building Plans and Specifications review process. Although not required, the preliminary Building Plans and Specifications review process may help avoid unnecessary expense and delay by expediting later phases of the Building Plans and Specifications review process. The ACC will review with the Lot Owner or the Lot Owner's representative proposed design approach to confirm general compliance with the Architectural and Design Guidelines and the appropriateness of the design concept. To fully utilize the preliminary Building Plans and Specifications review process, a completed site plan and the architectural drawings for the Improvements (as outlined in the enclosed Application for Preliminary Design Approval form, a copy of which is attached as Schedule A) shall be included as part of the preliminary Building Plans and Specifications submittal. The preliminary Building Plans and Specifications submittal shall also include a completed Application for **Review**.

The ACC shall review the preliminary Building Plans and Specifications and return them to the Owner marked "**Approved As Submitted**", "**Approved as Noted**" or "**Resubmit**", as the case may be. As to any preliminary Building Plans and Specifications that are marked "Approved" by the ACC, final Building Plans and Specifications produced thereafter must be in substantial conformity therewith; provided, however, the ACC's approval of preliminary Building Plans and Specifications shall in no way bind or obligate the ACC to approve the subsequent final Building Plans and Specifications. **Multiple designs submitted for a single lot will be considered a separate review and require an additional review fee.**

The ACC may refuse to approve preliminary Building Plans and Specifications or any component(s), including, without limitation, the location, style, exterior colors or finishes or other specifications of the proposed Improvements for any reason or reasons, including purely aesthetic reasons, in the sole discretion of the ACC.

1.5. Required Final Building Plans and Specifications Review

The submittal of final Building Plans and Specifications shall incorporate all of the requirements stated in the Application for Final Design Approval form, a copy of which is attached as Schedule B, and other portions of the Architectural and Design Guidelines as well as comments from previous meetings and design reviews.

Two (2) complete sets of the final Building Plans and Specifications must be submitted to the ACC. Provided, however, **four (4)** complete sets must be submitted if the Improvements are to be built "on speculation." In addition, the following items must be submitted to the ACC as a condition to the final Building Plans and Specifications review process:

- The landscape/construction escrow deposit (the "Landscape/Construction Escrow Deposit"), as set and determined by the ACC as of the date the final Building Plans and Specifications are submitted. The Landscape/Construction Escrow Deposit is currently One Thousand Dollars (\$1,000.00) per Lot. The Landscape/Construction Escrow Deposit shall be paid by check made payable to Sugarloaf Residential Property Owners Association, Inc. (the "Property Owners Association") The Landscape/Construction Escrow Deposit will be held by the Property Owners Association and used for the purposes set forth in the Construction Rules. The maximum Landscape/Construction Escrow Deposit required from any one builder in the Sugarloaf community will be Five Thousand and No/100 Dollars (\$5,000.00).

- Owner's prorata share of the cost of the Common Driveway, if any, serving such Owner's Lot, which amount is to be set and determined by the ACC as of the date the final Building Plans and Specifications are submitted. This requirement applies only to Lots sharing a Common Driveway in cases where another Lot Owner has assumed responsibility for construction of the Common Driveway. In the event the Lot will share a Common Driveway and no other Lot Owner has assumed responsibility for the construction of the Common Driveway as of such time, the Owner first seeking approval of final Building Plans and Specifications shall include the cost and design of the Common Driveway in such Owner's final Building Plans and Specifications and shall construct the Common Driveway in accordance with the approved final Building Plans and Specifications; and in such case, upon completion of the Common Driveway, the Owner that constructed such Common Driveway shall be entitled to reimbursement from Crescent Resources, Inc. ("Crescent"), or its successor or assign as developer of Sugarloaf, for the prorata share of the total cost attributable to the other Lots served by the Common Driveway. Crescent shall receive reimbursement for such amount from the Owners of the other Lots served by the Common Driveway at the time they acquire title to their respective Lots. The Common Driveway installation and maintenance costs will be shared equally among the Lots served.

- A true and complete copy of a fully executed contract for construction of the Improvements between the Owner and a Featured Builder. Furthermore, in the case of construction of

Improvements on a Lot "on speculation" (i.e., where a builder is building such Improvements for sale to a third party) or in the case of construction of Improvements on a Lot by a builder for such builder's personal occupancy, there shall be no requirement that a true and complete copy of a fully executed contract for construction of the Improvements be submitted.

- Evidence that the Lot Owner (or if the Lot Owner is a Featured Builder with a prospective purchaser, that the Featured Builder's prospective purchaser) has executed at least one of the following Sugarloaf documents:

- 1) Lot Purchase and Sale Agreement;
- 2) Sugarloaf/Builder Purchase and Sale Agreement (in the case of a sale of a Lot directly to a Featured Builder);
- 3) Home Purchase and Sale Agreement; or
- 4) Request for Waiver of Right of First Refusal.

The required evidence of compliance with this requirement shall be the delivery to the ACC of a counterpart fully executed original of each such Sugarloaf document.

If found not to be in compliance with the Guidelines or if found to be otherwise unacceptable to the ACC, one (1) set of the final Building Plans and Specifications shall be returned to the Lot Owner marked "Resubmit," accompanied by a written statement of items found not to be in compliance with the Guidelines or to be otherwise unacceptable to the ACC. If the first resubmittal of final Building Plans and Specifications occurs more than **six (6) months** from the original submittal of the final Building Plans and Specifications, such resubmittal shall be accompanied by another Processing Fee (\$500.00); also, a resubmittal of final Building Plans and Specifications in excess of two (2) submittals shall be accompanied by a processing fee of \$1,000.00.

At such time as the final Building Plans and Specifications are approved by the ACC, one (1) complete set of the approved final Building Plans and Specifications for **custom homes** shall be retained by the ACC and the other complete set of the approved final Building Plans and Specifications shall be marked "Approved as Submitted" or "Approved as Noted" and returned to the Lot Owner, along with a written statement with design comments. **For spec homes, two (2) complete sets of approved final plans shall be retained at the sales office.** Once the ACC has approved final Building Plans and Specifications for Improvements to be constructed on a particular Lot, the construction of such Improvements must be

promptly commenced and diligently pursued to completion; and if such construction is not commenced within one (1) year following the date of approval of the final Building Plans and Specifications by the ACC, the approval of such final Building Plans and Specifications by the ACC shall be deemed rescinded. In the event of any such rescission of the ACC's approval of final Building Plans and Specifications pursuant to the immediately preceding sentence, construction of Improvements on such Lot may be commenced only after resubmission of final Building Plans and Specifications and a \$500.00 processing fee to the ACC for approval and approval of such final Building Plans and Specifications by the ACC.

Any modification or change to the "Approved" set of final Building Plans and Specifications must be submitted in triplicate to the ACC for its review and approval (using the same procedure as set forth herein relative to the submission and approval of the original final Building Plans and Specifications). The ACC may require the Lot Owner to pay an additional review fee in connection with any submittal of substantial modifications or changes to previously approved final Building Plans and Specifications.

1.6. Lot Staking, Site Inspection and Approval to Commence Work

Once final Building Plans and Specifications approval has been granted by the ACC, the Lot Owner or the Lot Owner's representative shall stake the Lot for review and approval by the ACC prior to commencing any construction work thereon (including grading work). The Lot Owner or the Lot Owner's representative must clearly stake the proposed house and property lines and, if applicable, pool and tennis court location. Staking shall be with a continuous ribbon or string encircling the area to be cleared, and any additional trees to be cleared located outside the encircled area shall be ribboned individually or in groups. ***The proposed finished floor elevation of the basement slab, 1st floor and garage slab will also be staked. All vertical elevations will be confirmed by comparing the established top of curb elevations at the property lines as shown on the marketing site plan for each lot with the approved site plan proposed elevations.*** After such staking of the Lot has been completed, the Lot Owner or the Lot Owner's representative shall request the ACC to make a site inspection prior to the commencement of clearing and construction work on the Lot.

The primary purpose of the site inspection by the ACC is to ensure compliance with the approved Building Plans and Specifications to prevent any unnecessary damage to specimen trees and other unique site features. In addition to the foregoing matters, the site inspection shall include a review of

the following matters and issues:

Building setbacks (as per stakes);

Side yards (as per stakes);

Clearing limits;

General grading

Finish floor elevations

Placement of excavation materials;

Protection of water meter and sanitary sewer boxes;

Protection of tree save areas by "tree save ribbon"

Protection of specimen trees by "tree save fence"

Location of construction entrances;
(30'W x 60'D Min.)

Location of temporary toilet;

Location of trash containers; and

Erosion control measures (fencing and hay bales as required).

Inspection by the ACC shall be made ***on Tuesday or Friday as the ACC schedule permits. Requests are advised to be made on the date final design approval is given.*** Written authorization by the ACC to proceed with the Lot clearing and construction work will be issued to the Lot Owner or to such Lot Owner's builder by the ACC promptly after the inspection is completed or, if problems are detected during the site inspection, written notification of such problems shall be given to the Lot Owner or such Lot Owner's builder by the ACC promptly after the inspection is completed. **NO CLEARING OR CONSTRUCTION ACTIVITIES MAY BE COMMENCED PRIOR TO ISSUANCE OF THE SITE INSPECTION APPROVAL BY THE ACC.** The ACC shall have the right to stop any unauthorized clearing and/or construction activities that are commenced on a Lot in violation of the terms and requirements of this paragraph. The ACC may delegate its site inspection functions under this section to the construction manager for Sugarloaf .

1.7. Failure of the ACC to Act.

If the ACC fails to approve or disapprove any final Building Plans and Specifications and other submittals which conform (and which relate to Improvements which will conform) with the

requirements of the Guidelines and of the Master Declaration or to reject them as being inadequate or unacceptable within thirty (30) business days after receipt, and provided such submittal was a full and complete submittal, in accordance with the Guidelines and the Master Declaration, of all items that were to have been submitted to the ACC, and provided the ACC shall again fail to approve or disapprove of such final Building Plans and Specifications and other submittals within ten (10) days after additional written request to act on such items is delivered to the ACC following the passage of such first above-described thirty (30) business day period, it shall be conclusively presumed that the ACC has approved such conforming Building Plans and Specifications and other submittals. The ACC has no right or power, either by action or failure to act, to waive or grant any variances relating to any mandatory requirements specified in the Master Declaration or any Additional Declaration for the Phase in which the Lot is located, and the ACC shall not be deemed to have waived any of the requirements set forth in Section 9.8, Section 9.9 or Section 9.10 of the Master Declaration or any corresponding provisions in the Guidelines. If final Building Plans and Specifications or other submittals are not sufficiently complete or are otherwise inadequate, the ACC may reject them as being inadequate or may approve or disapprove a portion, and either reject or approve the balance. The ACC is authorized to request the submission of samples of proposed construction materials.

2. SITE PLANNING

2.1. Site Analysis and Siting Considerations

The siting of a house is a critical and important design decision. The site plan concept developed for each Lot Owner should reflect functional needs but also should be sensitive to the unique characteristics of the Lot as well as the unique characteristics of the surrounding neighborhood. Due to relatively large Lots and open vistas of the Sugarloaf community and the Golf Course, residences and other Improvements on Lots will be seen from many different angles and viewpoints.

To accurately assess the design opportunities of each Lot, an individual site survey must be conducted for each Lot. The site survey shall determine the Lot's topography, locate significant trees, and pinpoint unique site characteristics. In addition to the site survey, a study of the design opportunities of the Lot also shall be undertaken. The design opportunities study merely involves walking the Lot for the purposes of locating the best views to and from the homesite, assessing relationships to adjacent Lots and structures, determining the dominant solar orientation, and reviewing existing terrain and elevations, soil conditions, drainage patterns and concerns, vegetation type and quality, and assessing

any other special site features. With the information provided by the site survey and the design opportunities study, the Lot Owner's design team can effectively optimize the design opportunities of the Lot.

The ACC shall consider each Lot independently but shall give consideration to the impact of the proposed improvements on each individual Lot on adjacent Lots and view corridors. Care must be taken to locate each structure, when and where possible, so as not to infringe upon golf course, adjacent Lots and structures constructed or to be constructed thereon, view corridors and natural amenities of the area. Consideration in this regard must be given to the following:

- 1) Topography of the Lot and other Lots in the vicinity.
- 2) Distant and intimate views from the Lot.
- 3) Distant and intimate views of the Lot from other Lots and from the Golf Course.
- 4) Existing vegetation type and quality.
- 5) Existing water and drainage patterns.
- 6) Driveway access.
- 7) Height of proposed structures on the subject Lot and the height existing and proposed structures on adjacent Lots.
- 8) Setback from street to align with adjacent Lots.
- 9) Location and screening of equipment including but not limited to: A/C units, pool equipment and play equipment.

2.2. Building Envelopes and Building Setbacks

The Gwinnett County Planning Commission has established minimum standards for building setbacks for various types of residential structures within Gwinnett County. The building setbacks required by Gwinnett County, however, are **NOT** to be construed necessarily as setbacks that will be approved by the ACC relative to Lots in Sugarloaf, and the ACC reserves the right to impose setback requirements relative to some or all of the Lots which are more stringent than the setback requirements imposed by Gwinnett County. The ACC has provided setback requirements that, when viewed in total, are designed to ensure that the Sugarloaf community will be pleasing in appearance not only from the Roadways but also from the Golf Course and other "public" facilities such as the Club Facilities. In that regard, the ACC has established a specific Building Envelope for each Lot, and the Building Envelope approved by

the ACC for each Lot will be available from the ACC on an unrecorded plat. The Building Envelope for each Lot defines the front, side, and rear yard setbacks, which setbacks are generally more restrictive than the setback requirements imposed by Gwinnett County. The intent of the ACC in imposing the Building Envelope is to allow for harmonious alignment of the Improvements on Lots to help assure appropriate views of and from the residences located on the Lots.

Within the Building Envelope, the residence and all other Improvements shall be located and tailored to the specific features of the particular Lot. All Improvements shall be located so as to minimize disruption or disturbance to the existing natural setting, including mature trees, drainage ways, and views. As part of the review and approval of Plans and Specifications, the ACC may require that the location and orientation of the house and other Improvements within the Building Envelope be modified. No building on any Lot including stoops, porches, patios, terraces, decks, swimming pools, tennis courts or other recreational Improvement on any Lot shall be erected or permitted to remain outside of the Building Envelope for that particular Lot. Provided, however, and notwithstanding the foregoing to the contrary, (i) exterior steps at the front and rear of the structure may project into the setback area established by the Building Envelope up to a distance of five (5) feet, provided no stair tread projecting into the setback area may be more than eighteen (18) inches above finished grade and (ii) fireplace chimney structures projecting from the side of a dwelling may encroach eighteen (18) inches into the side yard setback established by the Building Envelope.

As set forth in the Master Declaration, (i) the ACC shall have the right, in its sole discretion, to make exceptions to any Building Envelope to recognize any special topography, vegetation, Lot shape or dimension, or other site-related condition.

2.3. Driveways, Sidewalks, and Utilities.

The ACC **will establish** a recommended driveway location for each Lot. The ACC also may establish particular areas of the Lot in which the driveway, sidewalks, and utility lines must be located. The driveway location will vary from Lot to Lot, depending on the Lot size, **street tree locations**, shape, topography, vegetation, placement of the Building Envelope, sight distances at the entry to the adjacent public Roadway(s) and the location of other houses and access driveways in the vicinity of the Lot. Driveways and sidewalks should be configured and curved, where practical, to accommodate existing trees to avoid unnecessary cutting of existing trees and to avoid a "straight shot" view to the garage, parking area or front or side doors of the house. In

general, the driveway on a Lot should be separated from driveways on adjacent Lots by a distance equal to at least one-half (½) of the frontage of the Lot where the driveway is to be located. However, complying with this driveway siting guideline will not be possible in all situations, particularly on cul-de-sac lots, fan lots, and flag lots; but in no case shall the side boundary of a driveway, or retaining wall be located less than three (3) feet from a side boundary line of the Lot. Driveways should be constructed of brick or lightly brushed concrete with a smooth trowelled decorative edge, unless another material is approved for a particular Lot by the ACC. **ON CUL-DE-SAC LOTS, CIRCULAR DRIVES WITH TWO (2) STREET ENTRANCES WILL NOT BE PERMITTED.**

Exceptions to the designated driveway, sidewalk and utility areas can be made by the ACC in writing. However, the ACC will consider proposed deviations only if their implementation will not result, in the judgment of the ACC, in an adverse impact upon the natural features of the Lot, neighboring Lots, or the Sugarloaf community as a whole.

The driveway slope on a Lot shall not exceed a fourteen percent (14%) grade. As set forth above, the driveway shall be located on each Lot within the area designated therefor by the ACC on the unrecorded plat that also depicts the Building Envelope for such Lot.

2.4. Easements.

Landscape Improvements and the building of driveways or fencing within utility easements is permissible (unless otherwise prohibited by a recorded easement instrument). Provided, however, if in the future there is a need to disturb or remove such Landscape Improvements, driveways or fencing to access such utilities, such removal and any necessary repair and restoration shall be the responsibility of the Owner of the Lot. ***Landscape improvement will be considered for golf course easements. In general, any work within a golf course easement is not permitted.***

2.5. Grading and Excavating.

The design and development concepts of the Sugarloaf community call for the utilization and enhancement of the existing natural environment. The ACC is particularly conscious of site design and its potential. The ACC committee seeks to ensure that each residence accommodates and blends aesthetically with the natural site features and existing terrain of the Lot and the neighboring Lots. To help ensure compliance with this philosophy, as part of the final Building Plans and Specifications, a grading plan must be incorporated with the site plan. Approval of

the grading plan must be obtained from the ACC (as part of the approval by the ACC of the final Plans and Specifications) prior to moving or removing any dirt from any Lot. Absolutely no grading whatsoever shall be permitted on a Lot without first obtaining such authorization from the ACC. Also no burying of any type construction debris, clearing debris or other trash is permitted.

All grading plans submitted to the ACC shall be considered individually for each Lot. Recommendations or requirements of the ACC will be based on individual Lot location, terrain, soil conditions, vegetation, drainage, proposed cuts and fills, and any other conditions the ACC determines impact upon the site grading for the Lot.

2.6. Drainage and Erosion Control.

Drainage considerations for individual Lots play an important part in the ecological balance of the community. Each Lot should be graded such that all water draining from such Lot does not drain onto any adjoining Lots. Water runoff for each individual Lot must be handled by adequately sloping all areas so that runoff can be directed to the natural drainage areas or storm drainage facilities. Water runoff and control is the responsibility of each Lot Owner relative to such Owner's Lot. The water runoff shall be handled in such a manner as not to adversely affect any neighboring Lots **adjacent or remote**. Particular care must be taken on Lots fronting the Golf Course, lakes, and other amenity areas to protect the Golf Course, lakes and other amenity areas. Drainage swales must be sodded and/or utilize surge stone to mitigate erosion and washed out areas. **Eash lot will be evaluated based on the conditions unique to the lot and surrounding area.**

Slopes, existing or created, that are steeper than 3:a, 1.0' or rise for every 3.0' of horizontal distance, will require dense ground cover landscaping. Slopes greater than 2:1, 1.0' of rise for every 2.0' of horizontal distance, will not be permitted. In some instances a geo textile stabilization net may also be required for steep slopes. The toe of a slope or bottom of the slope must be a minimum distance ffrom all property lines to ensure adequate area for drainage swales.

In general, piping of downspouts must terminate a minimum of 15.0' from side property lines and 30.0' from rear property lines. At termination point, pop-up drains are encouraged, the drainpipe must discharge onto sod or other approved landscape material or surge stone as the lot conditions require. Piping of downspouts on the rear or sides of a house where the yard in question is adjacent to golf course property is not permitted. All downspouts that are not piped are to have splashblocks. Exposed or otherwise

visible drain lines are not permitted.

Additionally, downspout drainpipes made of corrugated, bendable black plastic will assist the collection of rainwater from the roof of the dwelling and carry it underground through the pipes to be "daylighted" or emptied at the street. "Daylighted" ends of the pipes must be cut at an angle, flush with the ground level so as to be less visible. Downspout drainpipes must not be directed to adjoining lots.

The ACC shall be entitled, at its sole option, to require that the Building Plans and Specifications for any Lot include a drainage plan for such Lot.

2.7. View Corridors.

Each Lot Owner must recognize and understand that views and view corridors to and from such Owner's Lot and the Golf Course, Common Areas and other areas within Sugarloaf are in all respects subject to the rights of other Lot Owners, the ACC, Sugarloaf and others under the terms and conditions of the Master Declaration and these Guidelines to construct buildings and other Improvements and install Landscape Improvements that might obstruct or otherwise diminish such views and view corridors. Views and view corridors must also be considered when developing a Landscape Design.

3. ARCHITECTURAL DESIGN.

3.1. Architectural Style.

The intent of the Architectural and Design Guidelines is to encourage the excellent design of a community of individual residences which, when viewed together, produce an outstanding total community environment. It is not the intent of the Architectural and Design Guidelines to dictate a particular architectural style, but rather to provide Lot Owners and their architects with a set of guidelines that will foster an attractive community.

The residential architecture at Sugarloaf should be custom-designed for each Lot to maximize the natural features of the Lot. Traditional architectural styles are preferred as the basis or foundation of the design, and examples of preferred traditional design are Colonial, Georgian, English Country, Tudor, and French Country. **Specific plan design should be limited to three (3) times, changes shall occur to the plan and elevations to prevent a repetitive style.**

3.2. Quality Design Features.

The homes in Sugarloaf should reflect the individuality of their owners while adhering to the principles of fine architecture. The following

considerations are among those to be addressed when developing the architectural design for Improvements to be constructed on a Lot:

- 3.2.1. The residence shall be located on the Lot with minimum disruption to the natural topography, vegetation, and unique site features.
- 3.2.2. There shall be a consistency in the site planning, architecture, and Landscape Improvements.
- 3.3.3. Sensitive **and consistent** interpretation of the architectural style is encouraged within the constraints of budget and site.
- 3.2.4. Specific features of the architectural style shall be well developed and carefully detailed. The features should be researched to ensure a certain degree of historic authenticity **in scale, proportion and material selection.**
- 3.2.5. A consistent scale shall be used throughout the design of the residence and other Improvements, with each element designed in proportion to the other design elements.
- 3.2.6. The various building materials shall allow for a pleasing and harmonious exterior appearance for the residence and other Improvements. Building materials shall be used logically. **Exterior wall finishes shall continue on all sides of the exterior, changes in material may occur only where architecturally sensible. Arbitrary changes of materials at corners will not be permitted.**
- 3.2.7. Appropriate colors shall be used, and colors shall be used with restraint. **Where colors are established or approved on adjacent and nearby lots, they may not be reused without altering aspects of the overall color selections.**
- 3.2.8. The main dwelling entrance shall be located in a position of prominence that is reflected in the design of the facade. The main entry shall be sheltered on the exterior and shall include either (a) French doors with or without sidelights or (b) a single door with sidelights. The main entry shall contain more architectural detail than other openings and entries but all openings and entries shall be consistent in **detail and style.**
- 3.2.9. Consistency of detailing on all elevations shall be maintained. Windows and doors shall reflect restraint in the variety of types, styles, and sizes. All openings shall be accented with the use of shutters, flat or arched lintels, projecting sills or relief surrounds.
- 3.2.10. Bay windows shall be carried down to grade or visual support of cantilevered conditions must be expressed. When bay windows are stacked in a two-story configuration, the blank panel between all facets shall be accented.
- 3.2.11. Masonry or stucco used as a veneer material on the facade of a residence shall continue around the front corners of such residence to a logical point of termination. The use of combinations of exterior materials **when the architectural style is conducive is acceptable.** Each proposed residence of this type will be carefully reviewed on an individual basis by the ACC.
- 3.2.12. Roof frames must be well organized and must demonstrate the same character on all sides of the residence. No roof shall extend continuously to cover both single and two-story sections of a residence. The primary objective of this architectural guideline is to avoid the appearance of a single-story facade with a two-story rear elevation.
- 3.2.13. The main roof shall have a minimum slope of nine (9) vertical to twelve (12) horizontal. Shed roof forms are permitted if architecturally detailed and appropriate for the design. Roof shapes and configurations shall be planned to avoid complex, awkward, or odd roof designs.
- 3.2.14. Gutters and downspouts shall be used at all eave lines, unless deemed inappropriate (**i.e. dormers**). All exterior downpipes (except copper downpipes) shall be painted to blend with the color of the exterior walls of the residence. In cases where a high contrast exists between gutters/fascia and the exterior wall material, downpipes shall be painted to be compatible with the wall color to avoid conspicuous contrast.
- 3.2.15. All roof structures, such as attic vents, plumbing vents, etc., shall be located on the rear plane of the roof, and shall be treated or painted to blend with the roof shingles, except that flashing applied to vertical surfaces may be painted to blend with the vertical materials where more appropriate.

3.2.16. All exterior utility service connections must be provided in unobtrusive and inconspicuous locations. All electric meters, **mains**, **disconnect** boxes must be positioned away from view. This may be accomplished by providing an enclosed recess in the side of the dwelling or through approved Landscape Improvements and/or screening.

3.2.17. Exposed electrical equipment, stubouts, conduit, drain lines, pipes and vents must be painted to match the color of the home. Exterior disconnects for air conditioning equipment, etc. shall be mounted at the lowest point allowed by applicable building codes.

3.2.18. Gas, electrical meters and A/C condensing units must be adequately screened with Landscape Improvements to conceal equipment from view.

1-½ Story	2,800	2,400
2-Story	3,000	1,500

B. Lots Containing Less Than 15,000 Square Feet.

	<u>Minimum Total Heated Area</u>	<u>Minimum Ground Floor Heated Area</u>
1- Story	2,300	2,300
1-½ Story	2,500	2,100
2-Story	2,800	1,500

Notwithstanding the foregoing requirements, the ACC shall have the right (but not the obligation), because of restrictive topography, lot dimensions or unusual site related conditions or other reasons, to allow variances from such minimum square footage requirements of up to ten percent (10%) of such minimum square footage requirements by granting a specific written variance.

4. DESIGN CRITERIA

4.1. Dwelling Types.

Each Lot may contain only one detached single-family private dwelling and one private garage for not less than two (2) vehicles and only such other accessory structures as are approved in advance in writing by the ACC. Provided, however, Crescent shall be entitled to use Lots owned by it from time to time for the construction and operation of construction offices and sales/marketing offices (and related uses) for the Sugarloaf project.

4.2. Dwelling Size.

The square footage requirements set forth below are for enclosed heated floor area and are exclusive of the areas in heated or unheated basements, vaulted ceiling areas and attics, unheated porches of any type, attached or detached garages, porte-cocheres and unheated storage areas, decks and patios.

Any dwelling erected upon any Lot shall contain not less than the following heated floor areas:

A. Lots Containing More Than 15,000 Square Feet or More.

	<u>Minimum Total Heated Area</u>	<u>Minimum Ground Floor Heated Area</u>
1- Story	2,500	2,500

4.3. Maximum Dwelling Height.

No dwelling erected upon a Lot shall contain more than two and one-half (2½) stories above ground level; provided, however, the ACC shall have the right (but not the obligation), because of steep topography, unique Lot configuration or similar reasons, to allow dwelling heights greater than two and one-half (2½) stories on rear and side elevations. The uppermost roof line shall not exceed 35.0’.

4.4. Ceilings.

Interior ceiling heights in dwellings constructed on Lots are required to be a minimum of nine (9) feet on the first (i.e., street grade) floor and a minimum of eight (8) feet on all other floors.

4.5. Garages.

Every house shall have an enclosed garage for not less than two (2) vehicles. Garage openings may not face the street on Lots that contain more than 15,000 square feet of land area unless approved in advance in writing by the ACC; and such approval will be given by the ACC only where particular hardship would otherwise result because of Lot size, configuration, topography, or other circumstances deemed sufficient by the ACC. Front entry garages (i.e., garages that have garage openings that face the front elevation street) are restricted to Lots that contain 15,000 or fewer square feet of land area.

The placement of garages and driveways has a great effect on the overall aesthetics of the street scene and on the architectural appeal of each specific residence. A street scene with emphasis on residences instead of garages and driveways is more

visually interesting. For that reason, certain garage placements on a Lot are discouraged.

Side entry attached garages on corner Lots are acceptable **provided the garage doors are set at an angle greater than 45° from the street and further are recessed a minimum of 1'-0" from the exterior face of the wall to the exterior face of the door. Berms and additional landscaping beyond the basic landscaping will also be required.**

In cases where a front entry attached garage must be used, recessing the garage from the remainder of the residence diminishes the adverse impact of the front entry garage on the street scene and keeps the residence from appearing to be composed of almost entirely the garage. Therefore, in cases where Lot size does not allow a side entry garage, a minimum **6.0'** offset of the front entry garage from the major facade of the house is required, and a greater recess distance [up to a maximum of ten (10) feet] is encouraged. **Columns, posts and/or brackets must be used in combination with roof elements to further minimize the impact of garage doors.**

Garage doors are required for all garages, and the garage doors must be paneled and/or detailed to provide appropriate scale. All garage doors must have operating remote control door openers. Single bay garage doors are preferred over double width garage doors. All ducts, pipes and wiring in garages shall be concealed from view above the level of the finished ceiling. For side entry garages, adequate screening of the garage opening and the garage doors must be provided (to minimize the view of the garage opening and the garage doors from the street) by the use of either Landscape Improvements, a wall, fencing, or a combination of these elements. The garage turnaround area must provide a minimum twenty-six (26) foot back-up distance, with an additional three (3) foot buffer between the edge of the driveway and the Lot boundary line [i.e., there must be a total minimum distance of twenty-nine (29) feet between the garage opening and the adjacent side Lot boundary line]. **Garage doors are not permitted in basements.**

4.6. Exterior Materials and Colors.

Exterior materials shall be brick, stucco, stone, cedar shake, or, if approved in advance in writing by the ACC, horizontal wood siding with a maximum of 5" exposure. **Real wood siding must be used. Synthetic, composite or other manmade siding materials are not permitted.** If approved by the ACC, the horizontal siding used must be fully back-supported to maintain a straight and even outer surface and must be fully and properly finished. Natural weathering of exterior wood materials is not permitted. Imitation stone or brick-like materials, or

composite board siding are not permitted. **Exterior materials are approved for aesthetic value only. ACC does not warrant any installation or material selections.**

4.7. Roofs.

Roofs and roof pitches shall be in proportion to the overall size and shape of the house. Except as specifically approved otherwise in writing by the ACC, the minimum roof slope for the main house structure shall be nine (9) vertical to twelve (12) horizontal. Acceptable roofing materials are (i) wood shingles, (ii) wood shakes, (iii) natural or man-made slate, (iv) flat tile or (v) minimum twenty-five (25) year warranty, dimensional shingle minimum weight **250** lbs., variegated (not solid) color, architectural (sculpted) style, composition (fiberglass) shingles. All specific roof materials to be used must be approved in writing by the ACC as part of the final Building Plans and Specifications prior to commencement of construction. All bay window roofs, low pitched porch roofs and exposed flashing must be copper or factory metal finished, **no painted metal or clear anodized roofing is permitted.**

Ridge vents will not be permitted, unless approved in advance in writing by the ACC. Roof vents, roof power vents, plumbing vent pipes and skylights will not be permitted on roofs visible from any street, unless approved in advance in writing by the ACC. Roof vents, roof power vents, rain diverters, skylight housings, plumbing vent pipes and non-copper flashing shall be painted to blend with the roof shingles, except that flashing applied to vertical surfaces may be painted to blend with the vertical materials where more appropriate. **Skylights and/or roof windows must have flat glazing and selfcurbing. Curbing shall be painted to match roof color. Skylights visible to the street(s) or golf course are not permitted.**

Eave lines shall align whenever possible. Eaves and rakes shall be accented by multiple fascia boards, cove and crown moldings **rake mold frieze boards and edge trim.**

4.8. Windows and Shutters; Doors.

In general true divided lite (tdl) windows are suggested. Windows shall generally be the same type and style all around the house. Exterior storm windows generally will not be permitted. Wood windows are required; however, vinyl or aluminum clad wood windows will be considered, provided the style and profile are visually similar to wood windows. **Window grills are required** to be a minimum width of 1". Window grills are required in all windows on all elevations. When shutters are used, wood shutters are required, and shall fit the proportion and shape of the windows and, shall be used for all windows on

elevations that are visible from the Roadway(s). Shutters shall be attached with appropriate hardware including hinges and holdbacks. Unless specifically waived in writing by the ACC, all windows and doors shall have caps of soldier course brick jack arches, wood caps or other approved decorative treatment, and no running bond brick will be permitted over any door or window of any elevation. No window or door casing or decorative treatment shall abut any frieze board. On **all front or street** elevations all window casing shall be a minimum of 1 x 4 with back band. No metal doors shall be visible from any street. **On golf course lots all window and door openings will have 1 x 4 and back band or 2" brickmould with stucco surrounds or other approved fenestration.**

4.9. Chimneys.

Chimneys shall be full foundation based and constructed of brick, stone, **or** stucco. Chimneys shall have a design and location, and shall be constructed of a material that is appropriate to the house. Exposed metal flues and wood chases shall not be used. Chimney cap covers are required for prefabricated metal flues. Direct vent fireplaces are discouraged if the location is a side elevation; and direct vent fireplaces shall not be permitted on a front elevation or on any elevation that is visible from the Golf Course.

All fireplace vents are to be enclosed in chimney structures. Fireplace vents 4" or smaller are exempt from this requirement. Vents are to be located on the rear plane of the roof in an orderly manner not randomly located.

4.10. Foundations.

Unless specifically waived in writing by the ACC, all foundations must be raised with a minimum three (3) foot high crawl space, and slab-on-grade foundations generally will not be permitted, except for garages, patios and unheated porches.

4.11. Porches and Decks

Porches and decks shall be designed with substantial, well-proportioned railing, flooring and support posts. Porches and decks shall blend with the style and material of the house (e.g., stucco deck fascia and piers with stucco house). Porch and deck support columns constructed of masonry shall be a minimum of **16" x 16"**, and porch and deck support columns constructed of wood shall be **10" x 10"** a maximum of 11'-0" tall (with base and capital detailing). One-story decks shall be appropriately screened with sufficient Landscape Improvements.

4.12. HVAC Equipment.

No air conditioning or heating equipment or apparatus shall be installed on the ground in front of, or attached to any front wall **or side street of** any residence on a Lot. Additionally, air conditioning and heating equipment and apparatus must be screened from view from streets and the Golf Course by Landscape Improvements.

4.13. Attachments; Satellite Dishes and Antennae.

No permanent attachment of any kind or character whatsoever (including, but not limited to, television and radio antennae, solar energy-related systems, satellite or microwave dishes or similar improvements) shall be made to the roof or exterior walls of any building on any Lot or otherwise placed or maintained on any Lot, unless such attachments or devices are approved in advance in writing by the ACC. Notwithstanding the above to the contrary, one satellite or microwave dish may only be installed within the rear yard of the Building Envelope of any Lot, provided such satellite or microwave dish does not exceed eighteen (18) inches in diameter and is properly screened from view. The location and screening of the satellite or microwave dish must be approved in writing by the ACC prior to installation.

4.14 Mail and Newspaper Boxes; House Numbers.

All mailboxes shall be of standard color, size and design as approved by the ACC and shall be installed only in a location approved by the ACC. In that regard, a standard mailbox and decorative post will be provided to each Lot Owner (at Lot Owner's expense) by Sugarloaf promptly following such Owner's taking occupancy of the residence on such Owner's Lot. In general, either side of the driveway is acceptable for the installation of the mailbox, and the Lot Owner should select the side of the driveway that will be most convenient to provide easy access to the mailbox; however, it is generally most aesthetically desirable to locate the mailbox on the side of the driveway that is closest to a side Lot boundary line. House numbers may be displayed on houses and/or mailboxes only as approved by the ACC.

4.15. Pools, Therapy Pools and Spas.

The size, shape and setting of pools (including standard swimming pools, therapy pools and spas) must be carefully designed to be compatible with the surrounding natural and man-made environment. In locating swimming pools, therapy pools and spas, the following shall be considered:

4.15.1. Indoor/Outdoor relationship;

4.15.2. Setbacks imposed by the applicable Building Envelope;

4.15.3. Views both to and from the pool area;

4.15.4. Terrain (grading and excavation); and

4.15.5. Fencing and privacy screening.

Pools, decks and related equipment will not be allowed outside of the rear Building Envelope area. Provided, however, pool decks may encroach into the setback area imposed by the Building Envelope on Lots that are not contiguous with the Golf Course if such deck is either at or within two (2) feet of natural grade and no closer than **ten (10) feet to a side property line and 30.0' of a rear property line**. No such encroachment of pool decks into the setback area imposed by the Building Envelope shall be permitted pursuant to the immediately preceding sentence on Lots that are contiguous with the Golf Course. Pool equipment enclosures must be architecturally consistent and harmonious with the residence and other structures on the Lot in terms of their placement, mass and detail. Pools, decks and related equipment and pool and pool equipment enclosures shall be screened or treated so as to avoid distracting noise and views. **Pool equipment may not be located within 15.0' of any side property line. Pool equipment must be enclosed by screening walls of material to match to adjacent wall. All screening walls require landscaping.**

4.16. Exterior Lighting.

Exterior lighting (which must be approved by the ACC as part of the Building Plans and Specifications) must be limited to areas within the Building Envelope (unless otherwise approved in writing by the ACC), must not result in excessive glare and must not interfere with the privacy of nearby dwellings, all as determined by the ACC in its sole discretion. Flood lights shall only be located **in the soffit on the rear, and the front corners of the house. Landscape lighting shall be minimized. In general, pathway lights are not acceptable. Building and landscape lighting is limited to low voltage 20W maximum rated fixtures and light bulbs. All fixtures must be screened from view with landscaping. The light source shall not be visible from the street, adjacent or surrounding lots, golf course or other common areas.**

4.17. Tennis Courts.

Tennis courts will be permitted only on lots sized in excess of an acre. Tennis courts must be constructed so as not to infringe upon view corridors and so they may be naturally screened from adjacent Lots. A site plan showing the tennis court location

with proposed grading and screening must be provided for review by the ACC. The minimum setback for a tennis court from any Lot boundary line is twenty-five (25) feet. The design and color of fencing materials for tennis courts must blend naturally into the surrounding area and plant materials must be added to soften the visual impact. Tennis court fencing shall be vinyl coated chain link and shall be black in color. Tennis court wind screens must be kept to moderate heights. Tennis court surface colors shall be restricted to colors such as soft reds and greens and not be highly reflective. Night lighting of tennis courts on residential lots shall not be permitted.

4.18. Play Equipment.

Unless elements of a planned park or playground, swing sets and similar outdoor play structures and equipment must be located where they will have a minimum impact on adjacent Lots and where they will be screened from general public view. All play structures must be within the rear building envelope. Such play equipment shall be located in the middle third of the Lot, and **NO PLAY EQUIPMENT MAY BE LOCATED ON GOLF COURSE LOTS**. Bright colored awnings **and other elements** are not permitted. All structures require A.C.C. approval **and landscape screening**.

4.19. Fences and Walls.

Walls and fences shall be considered an extension of the architecture of the residence and a transition of the architectural mass to the natural forms of the Lot. All wall and fence designs shall be compatible with the total surrounding environment. Special consideration must be given to design, placement, impact and view of the wall or fence from neighboring Lots. Fences and walls shall be considered as design elements to enclose and define courtyards, pools, and other private spaces, provide security and relate building forms to the landscape. Fences and walls must be run or curbed where practical between existing trees to avoid unnecessary cutting of existing trees. The location, materials, size and design of all fences and walls must be approved in advance in writing by the ACC prior to installation.

Privacy fences or walls which inhibit visibility such as a masonry wall may be permitted in certain areas of the Sugarloaf community. For Lots that are contiguous to the Golf Course, the unused rear Building Envelope area is the only area which can be enclosed by a fence.

Walls shall be constructed of solid masonry or

wrought iron with columns, using the same materials as found in the architecture of the residence. Prefab wood, prefab brick, chain link (except for approved tennis court fencing), or welded wire fencing will not be permitted. Wood privacy fences must have masonry columns spaced 10'-0" o.c. maximum finished in brick, stucco or stone. Once an approved fence or wall has been erected on a side Lot boundary line which is a common boundary line with another Lot, that approved fence or wall design and material(s) will be the only approved fence or wall design and material(s) that may be erected on that common Lot line. No double fencing will be allowed on side or rear Lot lines. A community standard for wood fences will be established. All wood fences are required to conform to this standard. Wood fences are not permitted on golf course lots.

No fence, wall, densely planted hedges, rows or similar landscape barriers shall be erected, placed or maintained on any Lot nearer to any Roadway fronting such Lot than the building corner of the main dwelling constructed on such Lot (unless otherwise approved in advance in writing by the ACC). No fence or wall shall be erected, placed or maintained on a Lot in a location that will substantially obstruct views of any lake or pond within the Common Areas of the Sugarloaf community. Fences and walls shall not exceed five foot six inches in height, except fences enclosing approved tennis courts may be up to ten (10) feet in height if located at least twenty-five (25) feet from all Lot boundary lines and screened with landscaping.

A retaining wall that is attached to the residence on a Lot shall utilize the same materials as the residence wall that it adjoins. Cross-tie timber walls may be used for retaining walls if set apart from the residence **a minimum of 20.0'**, only new timbers may be used. **Timber walls may not be in front or side yards, and may not be visible to any street or golf course. Timber walls are not permitted on golf course lots.**

4.20. Remodeling and Additions.

A Lot Owner desiring to remodel existing Improvements and/or to construct additions to existing Improvements is required to follow the Guidelines to the same extent as if such remodeling or addition were new construction. All criteria governing site location, grading and excavating, structures, roofs, landscape and aesthetics will apply to remodeling and additions to the same extent as to new construction. Possible future Improvements or additions that will be of particular concern to the ACC are skylights and solar collectors, recreational features, lighting, antennas and satellite television. An approval from the ACC is required for remodeling and additions just as it is for new construction.

As set forth in the Declaration, the Master Board (i.e., the board of directors of the Property Owners Association) may hereafter create and establish an Architectural Changes Committee to review and approve Building Plans and Specifications for all renovations, changes and additions to existing Improvements on Lots. In the event the Master Board acts to create and establish the Changes Committee, with regard to renovations, changes and additions to existing Improvements on Lots, the Changes Committee shall have all rights and powers that are reserved to the ACC in the Guidelines.

5. MISCELLANEOUS MATTERS

5.1. Diligent Construction.

All Improvements to be constructed on a Lot must be completed within **one (1) year** following commencement of construction (i.e., commencement of grading) of the first of such Improvements, unless a longer time is approved in writing by the ACC.

5.2. Featured Builders.

Only builders in good standing under the Sugarloaf Featured Builder Program may serve as the general contractor/builder for the construction of Improvements on any Lot. Upon request, the ACC will make available to any Lot Owner a list of the then-current Featured Builders. To qualify as a Featured Builder, a builder must satisfy certain criteria and requirements established by the ACC and Sugarloaf. However, the criteria and requirements established by the ACC and Sugarloaf for a builder to qualify as a Featured Builder are solely for the protection and benefit of the ACC and Crescent and are not intended to, and shall not be construed to, benefit any Owner or any other party whatsoever. The ACC and Sugarloaf make no representation, express or implied, to any Owner or any other party whatsoever with regard to the Featured Builders, including, without limitation, the existence, nature and extent (including coverage amounts and deductibles) of insurance policies that may be maintained by the Featured Builders from time to time, the solvency or financial status of the Featured Builders from time to time, the nature and amount of any bonds that may be maintained by the Featured Builders from time to time, the performance (or the ability to perform) by the Featured Builders of their contractual obligations (including any contractual obligations of any of the Featured Builders in favor of any Owner or any other party whatsoever), the compliance by the Featured Builders with building codes and other requirements, rules, laws and ordinances of federal, state and local governmental and quasi-governmental bodies and agencies relating to the construction of homes and other activities engaged in by the Featured Builders from time to time, and the compliance by the Featured Builders with any licensing requirements

imposed by federal, state and local governmental and quasi-governmental bodies and agencies from time to time. Furthermore, neither the ACC nor Sugarloaf, nor the officers, directors, members, employees, agents or affiliates of either of them, shall have any responsibility whatsoever for any sum that any Owner or any other party may deposit with a Featured Builder, including, without limitation, any earnest money or other deposit that any Owner may deliver to a Featured Builder. The selection of a Featured Builder by an Owner shall be conclusive evidence that such Owner is independently satisfied with regard to any and all concerns such Owner may have about the Featured Builder's qualifications. Owners shall not rely on the advice or representations of the ACC, Sugarloaf or the officers, directors, members, employees, agents or affiliates of either of them in that regard.

5.3. Purpose and Use of Landscape/Construction Escrow Deposit.

The Landscape/Construction Escrow Deposit that is required to be paid to the ACC by each Lot Owner pursuant to Section 1.5 herein shall be deposited by the ACC in an escrow account. The Landscape/ Construction Escrow Deposit paid by an Owner may thereafter be used by the ACC for any of the following purposes:

5.3.1. To pay for the cost to repair any damage to the Roadways or Common Areas in Sugarloaf caused by the Owner or the Owner's builder or subcontractors and not repaired by the responsible Owner or such Owner's builder or subcontractors.

5.3.2. To complete any Landscape Improvements shown on the approved final Landscape Plans and Specifications for such Owner's Lot, if and to the extent such Landscape Improvements have not been completed within three (3) months after completion of the residence on such Lot.

5.3.3. To pay for the cost of completing any Improvements so that they are in accordance with the approved final Building Plans and Specifications, if and to the extent the Owner fails so to complete such Improvements consistent with the terms of the Guidelines and the Master Declaration.

5.3.4. To pay for the cost of restoring or replacing any trees, other vegetation, grades or other natural features improperly removed, altered or destroyed by the Owner in violation of the Guidelines. ***This shall include payment to professionals for reports.***

5.3.5. To reimburse Sugarloaf for the

Owner's share of street cleaning costs during construction, if the Owner does not pay such amounts to Sugarloaf in a timely manner as specified in the Construction Rules.

5.3.6. To reimburse Sugarloaf for the cost of cleaning up any significant amount of dirt, cement, or debris left by the Owner or by the Owner's builder or subcontractors on any street, if and to the extent such materials and debris is not immediately removed by the Owner or the Owner's builder or subcontractors.

5.3.7. To pay the cost of clean up and/or repair of damage to adjacent lot owner caused by.

5.3.8. To pay for the cost of enforcing any of the Owner's other obligations under the Guidelines or the Master Declaration.

5.3.9. To pay any other costs, fines or expenses which, by the express terms of the Guidelines, may be deducted from the Landscape/Construction Escrow Deposit.

Except for the reimbursements described in Section 5.3.6 above and except for the application of the Landscape/Construction Escrow Deposit in accordance with the express terms of other provisions in the Guidelines, the ACC shall give an Owner prior notice that the ACC intends to use such Owner's Landscape/Construction Escrow Deposit for a particular purpose. Such Owner thereafter shall have five (5) days from the date of the notice to complete the performance that is required and for which the ACC intended to use such Owner's Landscape/Construction Escrow Deposit or, if the performance cannot be completed during that time, to begin the performance and to thereafter diligently pursue such performance to completion. Upon the completion of all Improvements and all Landscape Improvements and the performance of all other obligations by an Owner pursuant to the terms of the Guidelines and the Master Declaration, the ACC shall return to such Owner the unused portion (if any) of such Owner's Landscape/Construction Escrow Deposit.

5.4. Notices.

Each notice, document or submittal (collectively, "notice") required or permitted to be given under the Guidelines must be given in compliance with the requirements of this section.

5.4.1. Each notice shall be in writing.

5.4.2. Any notice to be given to the ACC shall be deemed to have been duly served and to be effective only when a receipt acknowledging such delivery

(such as a registered mail, overnight express service or hand delivery receipt) is signed by a member or authorized representative of the ACC. The address of the ACC for delivery of notices hereunder shall be as follows:

Architectural Control Committee
Sugarloaf Country Club

2675 Sugarloaf Club Drive
Duluth, GA **30097**

Delivery Address is:
2675 Sugarloaf Club Drive
Duluth, GA **30097**

A copy of each notice shall be mailed to Sugarloaf Country Club (via certified or registered mail, return receipt requested) at the following address:

Sugarloaf Country Club
2675 Sugarloaf Club Drive
Duluth, GA **30097**

Delivery Address is:
2675 Sugarloaf Club Drive
Duluth, GA **30097**

5.4.3. Any notice to be given to an Owner shall be deemed to be duly served when picked up by the Owner at the ACC's office or when delivered to the Owner's address by regular U.S. Mail Service. Delivery is presumed to have occurred on the second (2nd) day following the deposit of such notice by the ACC in the U.S. Mail. The address of an Owner shall be as set forth in the Owner's submittal of preliminary Building Plans and Specifications, or, if different, then as set forth in the Owner's submittal of final Building Plans and Specifications.

5.4.4. Either the ACC or an Owner may change its address for notices hereunder by written notice to the other party designating the new address, such written notice of the changed address to be given to the other party in accordance with this Section 5.4.