

MEMORIAL ASHFORD TOWNHOUSE CORPORATION  
"ASSOCIATION"  
**Rules and Regulations for Common Areas and Facilities**

**X ARCHITECTURAL CONTROL**

- a. Exterior areas are governed and controlled by the Board; Use, modifications, or alteration will not be allowed without prior written permission from the Architectural Committee ("alterations" shall consist of burglar bars, sprinkler systems, enlarged shed, landscape lighting, etc.). All homeowners should understand and accept that modification/alterations even though made with the approval of the Board, requires the following:
1. The modification is to be made solely at the homeowner's expense. In addition, the responsibility for the maintenance and repair of the modification will be the responsibility of the owner of the unit, including subsequent purchasers.
  2. If the Association must make repairs or perform any maintenance on the common elements, the homeowner or the subsequent owner of the unit will be required to remove and to bear the expense of the removal of the modification in order that the repair or maintenance of the common elements may be undertaken.
  3. If any damage occurs to the modified common elements, the Association is not responsible for the repair or replacement of such modified common elements, regardless of whether such damage occurred during the repair or maintenance, which may have been undertaken by the Association.
  4. Homeowners requesting to alter the common elements must complete the ACC request form and a Revocable License prior to the starting of the alteration, (See Form A-8). The contents of the requests and approval for modification should be disclosed by the homeowner to subsequent purchaser of your unit in order to avoid misunderstanding in the even that the homeowner or a subsequent purchaser is requested to move the modified common elements, to repair or to maintain the modified common elements.
- b. No advertising signs shall be permitted except one "FOR RENT" or "FOR SALE" sign (not more than five (5) square feet) per unit, which may only be displayed inside the window of the unit.
- c. The Board reserves the right to approve the design and wording of all signs, and may enter in and upon the lot for the purpose of removing signs which do not conform to the Rules and Regulations or have not been approved by the Board.

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- o. The Association is not responsible for foundation repairs. The foundations are the Homeowners' responsibility; however, Homeowners will submit any plans for repair, with all required signatures of those Homeowners in that building to the Architectural Control Committee. This requirement is to insure that homeowners are aware of the possibilities a damage to underground lines such as, water, water, cabling, etc
  
- f. Garage sales, carport sales, estate sales, and/or any other kind of sale open to the public, is strictly prohibited within the property boundaries.
  
- g. School spirit items allowed for a 72-hour period with the Board reserving the right to approve and enter in and upon any lot for the purpose of removing items, which do not conform, to the limitations set.
  
- h. Holiday decorations for the property will be permitted under the following guidelines:
  - a) Christmas decorations ..The day after Thanksgiving through the first week of January;
  - b) St. Patrick's Day .....Two days before and one day after
  - c) Easter .....Two weeks prior to Easter with removal one day after Easter
  - d) Memorial Day .....Weekend only – Friday thru Sunday
  - e) 4<sup>th</sup> of July .....One Day only
  - f) Thanksgiving ..... Wednesday thru Sunday
  - g) Halloween ..... 10 days prior – Removal immediately thereafter

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- d. All equipment, garbage cans, furniture and other objects shall be kept inside the storage shed or behind it so as to conceal them from view of neighboring townhouses and streets. The storage of anything unsightly will be determined by the Board through the Architectural Control Committee. Firewood is acceptable so long as it is neatly stacked and kept away from areas of possible termite invasion such as building siding, fences, unit sheds, etc.
- e. No business activities of any kind shall be conducted in any building or upon any portion of the common area.
- f. Clotheslines shall be only confined to the patio areas and shall be concealed from view of neighboring townhouse and driveways.
- g. Planting, gardening, hedges, plants, flower beds or bordering of planted areas shall be prohibited outside the patio areas unless approved by the Board through the Architectural Control Committee as covered in Section XI, Landscaping policy.
- h. No fences, or patio covers will be erected or maintained except such as are installed in accordance with the initial construction unless approved by the Board through the Architectural Control Committee.
- i. No structure of a temporary nature (i.e. trailer, basement, shack, barn, garage or other outbuilding without the approval of the ACC committee. This includes temporary and/or permanent athletic equipment) shall be used on any portion of the property.
- j. Any storage-shed modifications must be approved by the Architectural Control Committee prior to construction.
- k. No Storage shed will be built or installed in any carport or open common parking area.
- l. Appliances installed in Patio areas shall be concealed from view of neighboring townhouse and driveways. Appliances shall not drain to patio or carport area.
- m. No window fans or A/C units will be installed in any window or doorway opening of any unit.
- n. No aerials, wiring, or radio, CB, satellite dishes, or television antennas will be permitted on exterior portions of buildings or located anywhere upon the common areas, unless approved by the Board through the Architectural Control Committee.

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**XI LANDSCAPING POLICY**

- a. If Homeowners so choose, they may, with prior approval, replace any shrubs, grass, flowers, or trees so long as the approved guidelines as set forth from time to time by the Architectural Control Committee are followed. Homeowners must submit specific plans, listing plants to be used and indicating the placement of the plants. The Architectural Control Committee will provide written authorization or rejection within thirty (30) days. NOTE: Any and all planted trees, shrubs, or bushes will be considered common area property and the up-keep and maintenance will be the responsibility of the Association.

**1) TREES**

- a) No trees may be removed, replaced or added without prior approval of the Architectural Control Committee and the Board of Directors.
- b) Only slow growing, low maintenance trees are approved for planting. The approved list includes but is not limited to:
- Crepe Myrtle
  - Purple Leaf Plum
  - Red Bud
  - Dogwood
- Trees such as Pine, Elm, Arizona Ash, Willow, Chinese Tallow and Hackberry are strictly prohibited.
- c) No vegetable, fruit, or nut bearing trees will be planted.

**2) SHRUBS**

- a) No shrubs may be removed, replaced or added without prior approval of the Architectural Committee and the Board of Directors.
- b) Only slow growing, low maintenance shrubs are approved for planting. The approved list may include:
- Burford Holly
  - Chinese Holly
  - Yupon Holly
  - Wax Ligustrum
  - Nandina
  - Azaleas
  - Photina

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- Pittoaporum
- Juniper

Shrubs such as Elaeangus and Euonyus are strictly prohibited.

- c) Shrubs may not be planted closer to sidewalks or buildings than the ultimate height they will attain.
- d) No vegetable, fruit, or nut bearing bushes will be planted.

**3) OTHER**

- a) Approved ground cover may be:
  - Lineope
  - Jaemins,
  - Monkey Grass
  - St. Augustine grass

Ground cover may be planted where grass will not grow, such as under trees or as borders for flowerbeds.

- b) No vines of any kind shall be permitted in common areas or in patio areas.
- c) Wood edging in landscape area is strictly forbidden.
- d) No artificial plants or flowers are to be installed in common areas.

**4) PATIO COVERS, TREES AND SHRUBS**

- a) Homeowners with prior approval of the Architectural Control Committee and the Board of Directors may install Patio Covers. The following outline will provide the Homeowner with a guide of materials and conditions to qualify the installation of the patio cover; however, the Board of Directors and the Architectural Control Committee reserve the right to change, amend, add or delete specifications and requirements from time to time.

- 1) Patio covers must be installed with an "L" shaped flashing, one end to slip under the siding edge at least one (1) inch and the other end extending out at least six (6) inches from the wall over the cover. The cover must have a slope of at least

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- ½" inch per foot away from the building and extend over the fence for drainage (no flat roofs are permitted).
- 2) The width of the patio cover must not extend beyond eighteen (18) inches from other end of the side fence to allow for sunlight and ladder access.
  - 3) Load bearing beams must be fastened to the building with leg bolts that are screwed through the siding into studs (not just the siding).
  - 4) All fasteners that hold structures must have a waterproof seal to keep water from leaking through.
  - 5) All materials must be architecturally compatible with the surroundings and further must be resistant to weather, rot and termites.
  - 6) Aluminum, fiberglass and vinyl are preferred; however, treated timber properly sealed and maintained is acceptable.
  - 7) To prevent mildew, rot and other adverse conditions that affect the siding, paint and wood, the patio covering material must allow adequate light and ventilation.
  - 8) All piping or structural supports must be free-standing and footed in concrete. Wood supports may be placed no more than two (2") inches from the ground and may not penetrate the concrete in order to prevent rot and termites. Piping or structural supports may not be any closer than two (2") inches from the fences to prevent rot and termites and to allow for painting and repair. If a patio cover must be removed for building rehabilitation (as approved by the Board of Directors)
  - 9) Trees and shrubs on patios are the Homeowners' responsibility and must be maintained by the Homeowner to prevent damage to the exterior of the buildings, foundations, sidewalks, and fences.
  - 10) Patio tree branches, bushes and any other plant must be cut back from the exteriors of the buildings and fences so as to prevent roof, fence and building siding damage of any kind. Roofs that impact foundations, sidewalks or fences from

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patio trees, shrubs and plants must be removed. Homeowners at their sole expense have the responsibility to provide this maintenance.

11) If Memorial Ashford Corporation "Association" must take action to correct any of the above conditions, the Homeowner will be notified of such action and will be charged accordingly.

5) **PATIO FENCING POLICY**

- a) For the mutual benefit and protection of ALL owners, no fences shall be erected, modified, or repaired nor shall any fence lines be altered without the approval of the Architectural Control Committee.



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**XII ASSESSMENT FEES**

- a) Maintenance Assessments are due on the first day of each month.
- b) All accounts not paid by the 20<sup>th</sup> of each month will be assessed a late charge of \$25.00.
- c) A reminder notice will be mailed to the homeowner of record on or about the 20<sup>th</sup> if the dues for that month have not been received and will include all fees due to the Association.
- d) All accounts two (2) months past due and one (1) month currently due over \$500.00) will be sent to the attorney for collection.
- e) All costs of collections shall be charged to the homeowner's account. These charges shall include but not limited to the cost of filing suit, the cost of filing a lien, or the cost to release the lien), the cost of certified letters, and reasonable administrative costs necessary to collect balance due.
- f) Homeowners shall have no right to withhold any maintenance fees or assessments and are subject to actions described.

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**XIII GENERAL**

- a) Association members shall exercise extreme care to minimize noise so as not to disturb other persons and shall in general be required to conduct themselves so as not to create a nuisance.
- b) It shall be the individual responsibility of each Homeowner, at his own expense, as he sees fit, to cover his townhouse for theft, personal property damage, loss and any other insurance, as the Homeowner deems necessary.
- c) Per the Governing documents, it is required that each Homeowner provides adequate replacement cost value Homeowner's liability insurance and a copy of the Declaration page (which must show townhouse address, date of policy expiration and amount of coverage) of policy. The Memorial Ashford Townhouse Corporation "Association" shall be named as additional insured.
- d) Memorial Ashford Townhouses are single-family dwellings, and may not be leased/rented for transient, multiple family, or hotel purposes. Each individual with lease/rental property must fill out the required paperwork, giving complete information about their tenants required by the Association in order for their tenants to be allowed access to the common areas (i.e. pools, tennis courts, etc.) and add to their lease under "Special Provisions" (Tenant and any guest tenant shall comply with all Memorial Ashford Rules and Regulations and any future changes thereof and are made a part hereof). A copy of the lease and the "Homeowner / Tenant Information / Car Sticker Request" form must be signed by the Homeowner and the Tenant acknowledging receipt of the current Rules & Regulations and returned to management no later than 10 days after move-in.
- e) Association Members (Homeowners) will be held legally and financially responsible or his/her Family Members' Tenants' and/or Guests' actions, including but not limited to any costs and/or fines occurring from the enforcement or violation of the Association's Rules & Regulations for Common Areas and Facilities, (i.e. additional Police / Patrol Service; costs of legal representation and court costs, etc.)
- f) If violation of the Rules and Regulations, Bylaws, and CCR's by a tenant the homeowner will be responsible for all fines according to the Rules & Regulations. All tenant contracts must be on file at the management office.

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**XIV PENALTIES**

- a) The Board may spend the voting rights and right to the use of the recreational facilities by an Association Member for the period during which any assessment against his lot remains unpaid.
- b) Upon violation by an Association Member or their delegate (tenants, etc) of any portion of the Declaration of any of the Rules & Regulations, the Board may, in its sole discretion, take the following actions (unless previously specified) in the Rules & Regulations:
  - (1) Written Violation Notice
  - (2) \$100.00 Second Violation Notice
  - (3) \$200.00 Third Violation Notice & subsequent violations
- c) In addition to the above, the Board may suspend said Association Member's rights to use and enjoyment of all facilities for a period of thirty (30) days.
- d) The Association Member, upon receipt of written notice specifying the violation and period of suspension, may request an opportunity to meet within three (3) days with a committee designated by the Board and present evidence as to why the suspension should not be enforced. The ruling of the Committee shall be final.

**ALL PREVIOUS RULES, REGULATIONS AND POLICY DOCUMENTS DATED PRIOR TO THE REVISION DATE DECLARED HEREIN ARE HEREBY DISCONTINUED AND ARE CONSIDERED NULL AND VOID.**