

**Westhaven at Wilmington
Homeowners Association
Rules and Regulations
Adopted 05-10-11**

The Members and Board of Directors of the Homeowner's Association would like to extend a warm welcome to you. Our community takes great pride in the appearance and atmosphere that has been created in Westhaven at Wilmington HOA.

In an effort to keep the neighborhood operating and looking its best for both residents & visitors, the Board of Directors requests that you comply with the following set of use restrictions, rules & regulations, architectural control guidelines in the following pages. Many of these items may be found in the Association's Declarations of Covenants & Restrictions that each homeowner is provided prior to purchasing their home in the community. However, the Board of Directors per their authority has added new items or revised others, if they were deemed appropriate for the betterment of all members. From time to time, the Board of Directors will review the existing rules and amend them accordingly. The most recent version will always be available at our property management company with the date of adoption printed at the bottom. To obtain a copy or inquire about the interpretation of any item in this document, please contact our property management company.

The current property management company is Archway HOA Management, LLC. They may be contacted at the following:

Archway HOA Management, LLC
4608 Cedar Ave, Bldg#3, Suite 114
Wilmington, NC 28403
Office number 910-613-0808
Fax Number 910-399-1269
jbarnes@archwaymgmt.com

USE RESTRICTIONS

A. **Land Use and Building Type:** No Lot shall be used for any purpose except for residential purposes, subject, however, to the rights of the Declarant contained herein. All numbered Lots are restricted for construction of one single family dwelling not to exceed on story in height (plus such detached garages and other accessory buildings as may be approved in their sole discretion by the Architectural Review Committee.)

B. **Nuisances:** No noxious or offensive activity shall be carried on upon any Lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood. There shall not be maintained any plants or animals, nor device or thing of any sort whose normal activities or existence are in any way noxious, dangerous, unsightly, unpleasant or other nature as may diminish or destroy the enjoyment of other Lots by the Owners thereof. It shall be the responsibility of each Owner to prevent the development of any unclean, unsightly or unkept condition of buildings or grounds on the Owners Lot, which would tend to decrease the beauty of the neighborhood as a whole or the specific area.

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C. **Temporary Structures:** No Structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any Lot any time as a residence either temporarily or permanently without the written consent of the Association.

D. **Vehicles/Boats:** No boat, motor boat, camper, trailer, motor or mobile homes, tractor/trailer, or similar type vehicle shall be permitted to remain on any Lot or on any street at any time, without written consent of the Association. The Association shall be entitled as a condition to its consent to require that any such items be stored in garages or otherwise out of view. No inoperable vehicle or vehicle without current registration and insurance will be permitted on any Lot, street or Common Element. The Association shall have the right to have all such vehicles towed away at the owner's expense. No repairs to any vehicle may be made on streets or in driveways but only in garages or other areas and not visible from the street.

E. **Animals:** No animals, livestock or poultry of any kind shall be kept or maintained on any Lot or in any dwelling except that dogs, cats or other household pets may be kept or maintained provided that they are not kept or maintained for commercial purposes and provided further that they are not allowed to run free, are at all times kept properly leashed or under the control of their owner and do not become a nuisance. We ask that you remove any droppings that your pet may leave in any common or personal property. If any pet shall become a nuisance, the Board shall have full authority to have such pet permanently expelled from the properties.

F. **Statuary TV Satellite Dishes and Outside Antennas:** No yard statuary or TV satellite signal receiving dishes are permitted on any Lot and no outside radio or television antennas shall be erected on any Lot or dwelling unit unless and until permission for the same have been granted by the Architectural Review Committee; provided, however, satellite dishes not over 18" in diameter which cannot be seen from the street are permitted.

G. **Construction in Common Elements:** No Person shall undertake, cause, or allow any alteration or construction in or upon any portion of the Common Elements except at the direction or with the express written consent of the Association.

H. **Signs:** No signs shall be permitted on any Lot or in the Common Elements without permission of the Board of Directors. The Board of Directors has amended this rule to permit "For Sale" signs on the specific property and allow "Open House" signs at the front entrance on the day of the event only. However, "For Rent" signs remain banned on any property and the front entrance. Yard & Garage Sale signs are permitted for the day of the event at both locations.

I. **Subdividing:** Subject to any rights reserved to the Declarant herein, no Lot shall be subdivided, or its boundary lines changed except with the prior written consent of the Declarant during the Declarant Control Period and thereafter by the Board of Directors of the Association.

J. **Mail Boxes:** All mail & paper boxes shall be on wooden post of the same design and painted white. Mailboxes shall be a standard #1 size.

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K. **Maintenance:** Each Lot Owner shall keep his Lot free from weeds, underbrush or refuse piles, or unsightly growth or objects. All structures shall be kept neat and in good condition and repair. All shrubs, tree, grass and planting shall be kept neatly trimmed and properly cultivated. The Association may proceed to have the lot improved or maintained with the costs assessed to the homeowner.

Rules Adopted By The Association

L. **Basketball Goals & Skateboarding Ramps:** No basketball goal may be permanently attached to a home or a pole, but portable basketball goals are permitted in the driveway only. Skateboarding or in-line skating ramps, rails, and other such items must be placed on the owner's property and not in the street at any time. Absolutely NO basketball play or skating activities that utilizes other equipment is allowed in the streets. Such activity and equipment storage shall be considerate of neighbors as to not create an eyesore or become a nuisance. The Association can at its discretion require storage of such equipment out of sight when not in use or its removal from the property.

M. **Garbage / Trash:** All garbage and trash shall be kept in containers. Trash containers must be stored in garages or behind a home or fence, or otherwise concealed from view except on garbage/trash collection days when the same shall be placed on the street or driveway for collection. Containers are to be brought in out of view the same day after collection.

N. **Parking:** No vehicles are allowed to park on any common grassed or landscaped areas including that of the residence. The Association shall have the right to have all such vehicles towed at the owner's expense. Please have you guest's park in your driveway or along the street off if the grassed and landscaped areas. Additional parking is available at the pool for overnight use only.

Architectural Control & Review

Approval of Plans for Building and Site Improvements: No dwelling, wall or other structure (including mail boxes) shall be commenced, erected or maintained upon any Lot, nor shall any exterior addition to or change in or alteration therein (including exterior surfaces) be made until the plans and specifications showing the nature, kind, shape, heights, materials, colors and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures an topography by the Architectural Review Committee. If the Architectural Review Committee fails to approve or disapprove such design and location within thirty (30) day after submittal of a complete application with said plans and specifications have been submitted to it, approval will not be

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required and this Article will be deemed to have been fully complied with. Refusal or approval of any such plans, location or specification may be based upon any ground, including purely

aesthetic and environmental considerations that in the sole and uncontrolled discretion of the Architectural Review Committee shall be deemed sufficient. One copy of all plans and related data shall be furnished to the Architectural Review Committee for its records. The Architectural Review Committee shall not be responsible for any structural or other defects in plans and specification submitted to it or any structure erected according to such plans and specifications.

Minimum Standards for Site Improvements.

A. Each dwelling shall have a minimum of 900 square feet of enclosed, heated dwelling area; provided, however, the Architectural Review Committee may permit a dwelling to a minimum of 850 square feet if the Committee in its sole discretion finds that the variance will not adversely impact property values within the Planned Community. The term “enclosed, heated dwelling area” as used herein shall mean the total enclosed area within a dwelling which is heated by a common heating system; provided, however, that such term does not include garages, terraces, decks, open porches, and like areas.

B. Since the establishment of inflexible building setback lines for location of houses on Lots tends to force construction of houses directly to the side of other homes with detrimental effects on privacy, view, preservation of important trees and other vegetation, ecological and related considerations, no specific setback lines shall be established by this Declaration. In order to assure, however, that the foregoing considerations are given maximum effect, the site and location of any house or dwelling or other structure upon any Lot shall be controlled by and must be approved absolutely by the Architectural Review Committee; provided, however, that not structure shall be constructed closer to a Lot line than is permitted by applicable governmental regulations.

C. The exterior of all dwellings and other structures must be completed within twelve (12) months after the construction of same shall have commenced, except where such completion is impossible or would result in great hardship to the Owner or builder, due to strikes, fires, national emergency, natural calamities, or complexity of design and construction.

D. All service utilities, fuel tanks, and wood piles are to be enclosed within a wall or plant screen of a type and size approved by the Architectural Review Committee, so as to preclude the same from causing an unsightly view from any highway, street or way within the subdivision, or from any other residence within the subdivision. All mail and newspaper boxes be uniform in design. Design for mail and newspaper boxes shall be furnished by the Architectural Review Committee. Fences shall be permitted on any Lot; provided, however, that the design, placement, and materials of any fence are approved by the Architectural Review Committee. Clotheslines are not permitted on any Lot.

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E. Off street parking for not less than two (2) passenger automobiles must be provided on each Lot prior to the occupancy of any dwelling constructed on said Lot which parking areas and the driveways thereto shall be constructed of concrete, brick, asphalt, or turf stone, or any other material approved by Declarant, the Board or Architectural Review Committee.

F. All light bulbs or other lights installed in any fixture located on the exterior of any building or any Lot for the purpose of illumination shall be clear, white or non-frost lights or bulbs.

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**Rules and Regulations
Enforcement Procedure**

Violation of any Use Restriction, Architectural Review, Rule or Regulation of the Kirkwood at Arrondale Homeowners Association, Inc, its Declaration or By-Laws may be subject to the following procedure.

All owners are responsible for their conduct and that of their tenants and guests. It is therefore their responsibility to ensure that tenants and guests adhere to all Rules and Regulations of the Association.

A Notice of Violation will be sent to the homeowner indicating the nature of the violation(s) and will state a reasonable time to correct the situation. After the correction deadline, remaining or repeat violations may be assessed fines. The Association may assess a fine up to \$100.00 per day for each violation.

1 st Violation:	Notice of Violation and Correction Period Provided
2 nd Violation:	Second Notice of Violation & Correction Period Provided or Hearing Date Set
3 rd Violation	Hearing Date Set

DUE PROCESS:

A written response to the Board is required for each violation notice issued and if you believe the violation is in error, then this is your opportunity to express that assertion.

In the event that a violation is not corrected or it is repeated later, then a hearing date will be set to provide you with an opportunity to verbally present your case to the Board or other authorized panel. Upon hearing your information, then a decision will be rendered as to what action will be taken and you will be notified in writing after 5 days.