

ARCHITECTURAL GUIDELINES,
RULES AND RESTRICTIONS
FOR
OLD KINDERHOOK

DATED: *May 27, 1998*

THESE GUIDELINES, RULES AND RESTRICTIONS HAVE BEEN PREPARED BY THE ARCHITECTURAL COMMITTEE OF THE OLD KINDERHOOK COMMUNITY ASSOCIATION. THE ARCHITECTURAL COMMITTEE RESERVES THE RIGHT TO ADD TO OR MODIFY THESE GUIDELINES AT ITS DISCRETION. PLEASE CHECK WITH THE ARCHITECTURAL COMMITTEE TO BE CERTAIN YOU HAVE THE LATEST EDITION.

ARCHITECTURAL GUIDELINES, RULES AND RESTRICTIONS

I. INTRODUCTION

1.1. Basis for Guidelines. These Guidelines, Rules and Restrictions (hereinafter referred to as the "Guidelines") are adopted pursuant to the Declaration of Protective Covenants, Conditions and Restrictions for Old Kinderhook (the "Community Declaration") and are intended to assist homeowners in Old Kinderhook in the making of landscaping and other improvements to their property, and, as provided for in Section 5.15 of the Community Declaration, to list rules, regulations and restrictions adopted by the Community Association with respect to the use of Residential Lots.

THE COMMUNITY DECLARATION FOR OLD KINDERHOOK COMMUNITY ASSOCIATION, INC. REQUIRES PRIOR APPROVAL OF THE ARCHITECTURAL COMMITTEE BEFORE ANY "IMPROVEMENT TO PROPERTY" INVOLVING A RESIDENTIAL LOT IN OLD KINDERHOOK. Improvement to Property" is very broadly defined in the Community Declaration. For instance, an "Improvement to Property" includes any landscaping or change of the grade of property; the construction or installation of any accessory building, patio, deck, pool or hot tub; the demolition or removal of any building or other improvement; and any change of exterior appearance of a building or other improvement.

In order to assist homeowners, the Community Declaration authorizes the Architectural Committee to establish these Guidelines and authorizes the Architectural Committee to exempt certain Improvements to Property from the requirement for approval. This booklet contains the Guidelines established by the Architectural Committee with respect to Residential Lots. Throughout this document the term "property" shall refer to a Residential Lot. These Guidelines do not apply to Private Amenities, the Community Association Properties or any Lots owned by the Declarant.

1.2. Contents of Guidelines. In addition to the introductory material, these Guidelines contain (a) a listing of specific types of Improvements which homeowners might wish to make with specific information as to each of these types of Improvements; (b) rules and regulations applicable to Residential Lots; (c) a summary of procedures for obtaining approval from the Architectural Committee; (d) some restrictions on the activities of Persons providing labor and material to Lots including contractors and subcontractors; (e) a definition section to define certain words used in these Guidelines; and (f) some helpful landscaping ideas and information.

1.3. Architectural Committee. The Architectural Committee consists of not less than three nor more than five (5) members, all of whom are appointed by Old Kinderhook Development Company, L.L.C., the Declarant, during the Declarant Control Period as provided in the Community Declaration. Thereafter, the members are appointed by the Board of Directors of the Community Association.

1.4. Committee Address and Phone. The address of the Architectural Committee will be the same as the address of the Community Association. The present address of the Architectural Committee is P.O. Box 1191, Camdenton, Missouri 65020. The phone number of the Architectural Committee is (573) 346-4444, and the fax number is (573) 346-4949.

1.5. Effect of Community and Neighborhood Declarations. The Community Declaration is a document governing all property within Old Kinderhook. Each Residential Lot is also subject to a Neighborhood Declaration which governs all lots within the defined Neighborhood. Copies of the Community Declaration and of the applicable Neighborhood Declaration are available at any time at the Community Association office for a nominal fee to cover copying costs. The Community Declaration and Neighborhood Declarations also restrict uses and contain provisions which could affect Improvements to Property. Each Owner should review and become familiar with the Community Declaration and with the Neighborhood Declaration applicable to his or her property. References to terms of the Community Declaration or certain Neighborhood Declarations are provided as a courtesy only and do not amend those documents. Nothing in these Guidelines can supersede or alter the provisions or requirements of the Community Declaration or of the applicable Neighborhood Declaration and, if there is any conflict or inconsistency, the Community Declaration and the applicable Neighborhood Declaration will control. Provisions relating to the use of a Lot and to Improvements to Property are generally found in Articles IX and XIII of the Community Declaration and in Articles III and IV in most Neighborhood Declarations.

1.6. Effect of Governmental and Other Regulations. Use of property and Improvements to Property must comply with applicable building codes and other governmental requirements and regulations. Approval by the Architectural Committee will not constitute assurance that improvements comply with applicable governmental requirements or regulations or that a permit or

approvals are not also required from applicable governmental bodies. For general information about Camden County requirements, homeowners may write or call Camden County at P.O. Box 960, #1 Court Circle, Camdenton, Missouri 65020; (573) 346-4440.

1.7. Limitation of Scope. The scope of review of the Architectural Committee is limited to criteria for approval set forth in Section 13.8 of the Community Declaration. The Architectural Committee does not review any plans or proposed Improvements from the standpoint of safety, whether structural, life safety or otherwise, or conformance with building codes or other governmental laws or regulations. The Architectural Committee is not qualified to give any advice on any such matters, and no Owner is authorized to rely upon any opinion of the Committee or any of its members on such matters. It is the responsibility of each Owner to satisfy itself on all such matters.

1.8. Interference with Utilities. In making Improvements to Property, homeowners are responsible for locating all water, sewer, gas, electrical, cable television and other utility lines and easements. Approval by the Architectural Committee does not constitute any assurance that the Improvements will not interfere with or encroach upon any such easements. Homeowners should not construct any Improvements over such easements without the consent of the utility involved and homeowners will be responsible for any damage to any utility lines or other underground facilities. UNDERGROUND UTILITY LINES AND OTHER UNDERGROUND FACILITIES CAN BE LOCATED BY CONTACTING THE MISSOURI ONE CALL SYSTEM AT (800) 344-7483.

Following are the names and phone numbers of the entities that may have underground utilities or other facilities. If you are in need of information concerning the location of underground utilities or facilities, however, we recommend you first contact the Missouri One Call System at (800) 344-7483.

<u>Utility</u>	<u>Company</u>	<u>Phone No.</u>
Electric	Southwest Electric Cooperative	(417) 326-5244
Telephone	Southwestern Bell Telephone Company	(573) 392-9744
Cable TV	Friendship Cable	(800) 825-6211
Water	Community Association	(573) 346-4444
Sewer	Community Association	(573) 346-4444

1.9. Goal of Guidelines. Compliance with these Guidelines, the provisions of the Community Declaration and the applicable Supplemental Declaration is intended to help preserve the inherent architectural and aesthetic quality of Old Kinderhook. It is important that the Improvements to Property be made in harmony with and not detrimental to the rest of the Community. A spirit of cooperation with the Architectural Committee and neighbors will go far in creating an optimum environment which will benefit all homeowners. By following these Guidelines and obtaining approvals for Improvements to Property from the Architectural Committee, homeowners will be helping protect the values of their properties and will be helping maintain the standards established for Old Kinderhook. If a question ever arises as to the correct interpretation of any terms, phrases or language contained in these Guidelines, the Architectural Committee's interpretation thereof shall be final and binding, subject to the right to appeal to the Board of Directors as provided in the Community Declaration.

II. SPECIFIC TYPES OF IMPROVEMENTS - GUIDELINES

2.1. General. Following is a listing, in alphabetical order, of restrictions as well as a wide variety of specific types of Improvements which homeowners often consider installing, with pertinent information as to each. UNLESS OTHERWISE SPECIFICALLY WAIVED IN THESE GUIDELINES, DRAWINGS OR PLANS FOR A PROPOSED IMPROVEMENT MUST BE SUBMITTED TO THE ARCHITECTURAL COMMITTEE AND THE WRITTEN APPROVAL OF THE ARCHITECTURAL COMMITTEE OBTAINED BEFORE THE IMPROVEMENTS ARE MADE. In some cases, where it is specifically so noted, a homeowner may proceed with the Improvement without advance approval by the Architectural Committee if the homeowner follows the stated guideline. In some cases, where specifically stated, a type of Improvement is prohibited. If you have in mind an Improvement not listed below, Committee approval is required.

2.2. Accessory Buildings. Committee approval is required. Approval will be based upon, but not limited to, the following criteria:

- (a) Accessory buildings must be of the same or generally recognized as complimentary architectural style

and color as that of the residence.

(b) Generally, the maximum size of an accessory building will be 8' x 10' x 8 1/2' in height including skids, foundation or concrete slab. Requests for approval will be reviewed on a case-by-case basis, taking into consideration the lot size, square footage of the home and proposed location of shed or accessory building.

(c) Accessory buildings must be "screened" by a fence or vegetation. Vegetation must be evenly distributed on all exposed sides and must not allow more than 50% of building to be viewed from ground level.

(d) Any utilities to an accessory building must be underground.

(e) Accessory buildings should be located in the side yard whenever possible.

(f) The roof of an accessory building must match the existing roof on the residence unless otherwise approved by the Committee.

(g) Accessory buildings should not unreasonably obstruct adjacent neighbor's views of the golf course or other open areas.

(h) Materials of accessory buildings must match existing residence unless otherwise approved by Committee.

Note: A playhouse shall not be considered an accessory building if it is less than 24 square feet and is less than 6 feet in height from highest peak to ground. See Playhouses, Section 2.60.

2.3. Additions and Expansions. Committee approval is required. Additions or expansions to any existing structure will require submission of detailed plans and specifications. See Section 3.3. Materials should match the existing residence. Improvements must not be constructed over easements. Generally, all improvements must be set back at least 20 feet from the property line, except this requirement shall not be applicable to attached residences which are constructed on a zero lot line basis. These requirements will, however, be applied to all other improvements constructed on such lots.

2.4. Address Numbers. Committee approval is required, including any relocation or replacement of existing numbers. See Mailboxes, Section 2.45.

2.5. Advertising. Advertising of any sort is prohibited. Realty signs, see Signs, Section 2.71.

2.6. Air Conditioning Equipment. Committee approval is required. Window units installed at street level must be located in a "side" or "rear" yard and must be "concealed" from adjacent properties. Installation of air conditioning equipment above street level will not be permitted. See also Propane Tanks and Other Equipment, Section 2.63; Evaporative Coolers, Section 2.24.

2.7. Antennae. Generally, exterior antennae of any sort are prohibited or limited to the maximum extent permitted by law. See Article IV.

2.8. Awnings. See Overhangs/Awnings, Section 2.52.

2.9. Balconies. See Decks, Section 2.18.

2.10. Basketball Backboards. Committee approval is required for every type of basketball goal. Free standing, pole mounted backboards may not be constructed in the "front" yard, whether permanent or sleeve-set. Garage mounted backboards may be approved. Portable freestanding basketball boards may be conditionally approved if reasonably placed for play and properly stored when not in use. "Rear" and "side" yard pole mounted basketball backboards may be approved based upon, but not limited to, the following considerations: proximity of goal to the property lines, proximity to the neighbor's living area, landscaping and vehicles. See Play and Sports Equipment, Section 2.59.

2.11. Birdbaths, Birdhouses and Bird Feeders. Committee approval is required.

- 2.12. Boats. See Motor Vehicles/Recreational Vehicles, Section 2.50.
- 2.13. Campers. See Motor Vehicles/Recreational Vehicles, Section 2.50.
- 2.14. Car Covers or Carports. Not permitted. See Section 2.50 for allowable methods of vehicle storage.
- 2.15. Circular Drives. See Driveways.
- 2.16. Clothes Lines and Hangers. Not permitted.
- 2.17. Compost. Committee approval is required. Container must not be immediately visible to adjacent properties and odor must be controlled. Underground composting is not allowed.
- 2.18. Decks. Committee approval is required. Must be wood or other material similar to the material of the residence and, if painted, must be a color similar to or generally acceptable as complementary to the residence. Must be installed as an integral part of the residence and patio area. Must be located so as not to obstruct or diminish greatly the view of adjacent property owners or to create an "unreasonable" level of noise for adjacent property owners. Construction must not occur over easements and must be set back at least 20 feet from the property line.
- 2.19. Dog Runs. Committee approval is required. Considerations may include, but not be limited to, location in "rear" or "side" yard and abutting the home, proximity to neighbor's residence, "screened" from view, type of cover if utilized, limited in size to 250 square feet, and no higher than the existing perimeter fencing. Chain link with wood or metal posts may be approved depending upon the size and specifications. If a cover is used, the cover type and materials used must be addressed in the request for approval; generally tarpaulins are not approved. Dog kennels are not allowed. The keeping of pets and other animals within the Community is subject to the Restrictions in the Community Declaration.
- 2.20. Doors. Committee approval is not required for the addition of screen or other type doors to a home or an accessory building if the material matches or is similar to existing doors on the house and if the color is generally accepted as a complementary color to that of existing doors on the house. Damage to screen doors must be repaired promptly. Security treatments for doors and windows must be approved by the Committee.
- 2.21. Drainage. Committee approval is required for any change interfering with the established drainage pattern over any part of the Community. Approval will not be granted unless provision is made for adequate alternative drainage. The established drainage pattern means the drainage pattern which exists at the time the overall grading of any property is completed. In most cases, this will be the drainage pattern engineered and constructed by the developer prior to (or in some cases, immediately following) conveyance of title of an unimproved Lot to the individual homeowner. Landscaping should be installed so that water drains away from the foundation of the house and that the flow patterns prevent water from flowing under or ponding near or against the house foundation, walkways, sidewalks and driveways. Water should flow fully over walkways, sidewalks or driveways into the street. The Architectural Committee may require a report from a drainage engineer as part of landscaping or other Improvement plan approval. Landscaping should conform to the established drainage pattern. Sump pump drainage should be vented a reasonable distance from the property line to allow for absorption.
- 2.22. Driveways. Extension, expansion, or resurfacing of driveways requires Committee approval. Any approved driveway expansion shall not be intended to promote the parking or storage of any vehicle off the driveway on a side yard. See Motor Vehicles/Recreational Vehicles. See Section 2.50.
- 2.23. Equipment. Committee approval is required. See Propane Tanks and Other Equipment. See Section 2.63.
- 2.24. Evaporative Coolers. Committee approval is required. No rooftop installations are allowed. See Air Conditioning Equipment, Section 2.6.
- 2.25. Exterior Lighting. Committee approval is required. Any addition or change to the original exterior fixtures (garage, front and rear doors) must be approved. Note: Builders shall not install accessory lighting without Committee approval. See Lights and Lighting, Section 2.44.

2.26. Fences. Committee approval is required for all fences and walls. Following are guidelines that will be used by the Architectural Committee in the review and approval of fences.

(a) Declarant Installed Fences and Walls. Fences and/or walls constructed by the Declarant or its affiliates may not be removed, replaced, painted a different color or altered without approval of the Architectural Committee. If any such fences or walls constructed by the Declarant which are located upon a homeowner's Lot are damaged or destroyed, the homeowner shall repair or recondition the same at the homeowner's expense.

(b) Fences Requiring Architectural Approval. Any fence or improvement to any existing fence that varies from the pre-approved fence guidelines, if any, will require Architectural Committee approval. An Owner must submit to the Architectural Committee a site plan which clearly depicts existing and proposed fences to be constructed on his or her Lot. The design for the fence proposed must be set forth in a sketch which clearly shows the design features and details of the fence. Fence types and locations which require approval include, without limitation, the following:

(i) Front yard fencing and walls. Front yard fencing (including walls) is permitted only with Committee approval. The Committee will consider approving front yard fences or walls only if the fences and walls are tied into the landscaping of the lot in a manner deemed acceptable to the Committee.

(ii) Golf Course fencing and walls. Fencing and walls which are along lot lines adjoining the Golf Course or otherwise facing the Golf Course are permitted only with Committee approval and the approval of the owner of the Golf Course. All such fences and walls must be set back off of the property line.

(iii) Property line or perimeter fencing over five feet. Height limitation will be six feet (top cap and three rails will be required), taking into account the terrain and slope of the area where the fence is located. Double fencing of property lines is not permitted.

(iv) Welded wire property line fencing. Committee approval is required. Welded wire may be approved when affixed to an open board or split rail fence design. It may not exceed the height of the top rail.

(v) Interior fencing in side and rear yards. May be wood or welded wire. Chain link fences will be reviewed on a case by case basis. Must be an integral part of the landscape design and therefore when running parallel to a property line fence a reasonable setback is required to allow for proper landscaping.

(vi) Fronting Other Property. Fence sections which front or abut any public or private street, another front yard, common walkway, greenbelt, park or non-urban area must be constructed such that the side of the fence which is generally accepted as being the most "finished" side faces that public or private street, common walkway, greenbelt, golf course, park or non-urban area. Such fences may also be required to satisfy the conditions for front yard fencing above.

(vii) Pilasters. Pilasters for fences or solid walls shall be similar to the brick or stone materials used on the residence located on the Lot or other natural stone indigenous to the area.

(viii) Miscellaneous. The Architectural Committee will require a transitional section of fencing where it is applicable for symmetry and aesthetics. PRIVACY FENCING 5' OR GREATER REQUIRES THREE 2" x 4" RAILS. No electrical fences will be allowed. No plastic, chicken wire, hog wire, barbed wire or strand wire will be allowed.

(c) Maintenance and Staining. Regular physical and aesthetic maintenance of fencing is required. If a sealer or stain is used it must be approved. Cedar tone stains may be approved. Fencing contiguous with Community Association fencing may be granted approval to match the stain of the preexisting fencing.

(d) Drainage Under Fencing. It is important to remember that certain drainage patterns may exist along or under proposed fence locations. When constructing a fence, the homeowner should be sure to provide for a space of 2" to 3" between the bottom of the fence and the ground elevation so as not to block these drainage patterns.

- 2.27. Firewood Storage. See Wood Storage, Section 2.102.
- 2.28. Flagpoles. Committee approval is required. May not exceed height of the peak roof line of the house.
- 2.29. Fountains. Committee approval is required.
- 2.30. Garbage Containers and Storage Areas. See Trash Pickup, Containers, and Enclosures, Section 2.86.
- 2.31. Gardens - Flower. Committee approval is not required if the garden is shown on approved landscape plan. All flower gardens must be weeded, cared for and carefully maintained.
- 2.32. Gardens - Vegetable. Committee approval is required. All vegetable gardens must be weeded, cared for and carefully maintained.
- 2.33. Gazebos. Committee approval is required. Must be an integral part of the landscape plan. Must not obstruct adjacent property owner's view.
- 2.34. Grading and Grade Changes. See Drainage, Section 2.21.
- 2.35. Greenhouses. Committee approval is required. Approval will be based upon but not limited to general aesthetics, quality and permanence of materials used. Adequate screening will be required.
- 2.36. Hanging of Clothes. Not permitted. See Clotheslines and Hangers, Section 2.16.
- 2.37. Hot Tubs. Committee approval is required. Suggested that it be an integral part of the deck or patio area and/or the "rear" yard landscaping. Must be in the "rear" or "side" yard. Must be installed in such a way that it is not immediately visible to adjacent property owners and that it does not create an unreasonable level of noise for adjacent property owners. See Gazebos, Section 2.33.
- 2.38. Irrigation Systems. Underground manual or automatic irrigation systems will not require approval of the Architectural Committee. See Section 2.38 for recommended irrigation system treatment.
- 2.39. Jacuzzi. See Hot Tubs, Section 2.37.
- 2.40. Junk/Inoperable Vehicles. See Motor Vehicles/ Recreational Vehicles, Section 2.50. Also see Community Declaration.
- 2.41. Kennels. Not permitted. See Section 7.1, Definitions.
- 2.42. Landscaping. Committee approval is required for landscaping. See Article V for Landscaping Suggestions. Landscaping is broadly defined to include any grading, excavation, filling or other similar disturbance to the surface of the land and any planting, clearing or removing of trees, shrubs, grass or plants. NOTE: Landscaping of all yards must be installed within ninety (90) days after completion of construction of a residence or within such longer period as may be approved in writing by the Architectural Committee. The Owner shall install and thereafter maintain landscaping on the Residential Lot, including any area between the boundaries of the Residential Lot and the pavement or curbing of the street, also known as the street border area. The 90 day installation period begins March 1 for homes purchased during the winter.
- 2.43. Latticework. Committee approval is required for any type of trellis or latticework.
- 2.44. Lights and Lighting. Committee approval is required for all exterior lighting, including, without limitation, the use of motion detector spots, spotlights, flood lights or ballasted fixtures (sodium, mercury, multi-vapor, fluorescent, metal halide, etc.). All changes or additions to such lighting also require Committee approval. Considerations may include, but not be limited to, the visibility style and location of the fixture. Exterior lighting for security and/or other uses must be directed towards the ground and house whereby the light cone stays within the property boundaries and the light source does not cause glare to other homeowners (bullet type light fixture are recommended). See Exterior Lighting, Section 2.25.

2.45. Mailboxes. Committee approval is required for the style and design of all mailboxes, including any central mailboxes installed by a Neighborhood Association or any other group of Owners, address markers, lettering and numbering. The Committee may adopt standards or otherwise limit the styles that will be permitted. See Address Numbers, Section 2.63.

2.46. Mechanical Equipment. See Propane Tanks and other Equipment, Section 2.63.

2.47. Meters. See Propane Tanks and Other Equipment, Section 2.63, and Utility Equipment, Section 2.90.

2.48. Motorcycle. See Motor Vehicles/Recreational Vehicles, Section 2.50.

2.49. Motor Homes. Not permitted to be located or parked permanently in residential areas. See Motor Vehicles/Recreational Vehicles, Section 2.50. Also see Community Declaration.

2.50. Motor Vehicles/Recreational Vehicles. The Community Declaration restricts parking of all vehicles and imposes additional Restrictions on commercial vehicles, pickup trucks, tractors, mobile homes, recreational vehicles, trailers (either with or without wheels), campers, camper trailers, boats and other watercraft and boat trailers. These additional Restrictions are also applicable to motor homes and all other oversized vehicles. Periodic movement of the vehicle for the sole purpose of circumventing the Community Declaration Restrictions shall not qualify the vehicle for exception from the Restrictions. Legally or mechanically inoperable vehicles shall not be repaired, constructed or allowed to remain on any property so as to be visible from any other property. The Community Association may adopt additional Rules restricting and regulating parking and use of vehicles. See Community Declaration, Sections 9.21 and 9.22.

2.51. New Construction. Committee approval is required. The minimum allowable enclosed living areas for dwelling units are as follows:

Plat 1 2,400 square feet	Plat 4 2,000 square feet
Plat 2 2,750 square feet	Plat 5 1,200 square feet
Plat 3 1,750 square feet	Plat 6 900 square feet

For two story residences, not less than two-thirds of the living area must be on the lower level (i.e, the first story).

2.52. Overhangs/Awnings. Committee approval is required. The color must be the same as or generally recognized as complementary to the exterior of the residence.

2.53. Painting and Maintenance. Committee approval is required for all exterior painting, including paint color. The submittal must contain the manufacturer's paint chips with name and code number. Approval will take into consideration, but not be limited to, the sheen of paint, the home's architecture, stone or brick accents, roofing color, and color of neighboring properties. Approval of paint shall include the requirement that the Owner promptly remedy any excessive cracks, peelings, stripping or fading of paint. Sheen is the degree of luster of a dried paint film. The Committee recommends paint with an angular sheen of 0-25 degrees for base and trim colors.

2.54. Patio Covers. Committee approval is required. Must be constructed of wood or material generally recognized as complementary to the home and be similar or generally recognized as complementary in color to the colors in the home. Free-standing patio covers may be permitted as well as extensions of the roof.

2.55. Patios - Enclosed. Committee approval is required. See Additions and Expansions, Section 2.3.

2.56. Patios - Open. Committee approval is required. Must be an integral part of the landscape plan and must be located so as not to create an unreasonable level of noise for adjacent property owners. Must be similar or generally accepted as a complementary color and design of the residence.

2.57. Paving. Committee approval is required, regardless of whether for walks, driveways, patio areas or other purposes and regardless of whether concrete, asphalt, brick, flagstones, stepping stones, pre-cast patterned or exposed aggregate concrete pavers are used as the paving material.

- 2.58. Pipes. Exterior pipes and equipment must be approved. Adequate screening may be required. PVC pipes are usually not allowed. See Utility Equipment, Section 2.90.
- 2.59. Play and Sports Equipment. Committee approval is required. Play equipment or items used for front yard play are to be stored out of view when not in use. See Basketball Backboards, Section 2.10.
- 2.60. Playhouses. Committee approval is required. If the structure is more than 24 square feet or over six (6) feet high, it is considered an accessory building. See Accessory Buildings, Section 2.2.
- 2.61. Poles. Committee approval is required. See Flagpoles, Utility Equipment, Basketball Backboards, Birdhouse, etc.
- 2.62. Pools. Committee approval is required. Above-ground pools are prohibited. See Hot Tubs, Section 2.37.
- 2.63. Propane Tanks and Other Equipment. Committee approval is required. All propane tanks, air conditioning compressors, mechanical equipment or other similar items must be located or screened so as to be concealed from view of neighboring lots, streets and the Club Property. Screening by berms and other landscaping is encouraged.
- 2.64. Radio Antennae. See Antennae, Article IV.
- 2.65. Roofs/Rooftop Equipment. Committee approval is required for original roof and if material is changed. Rooftop equipment must be approved and must be painted a color similar or generally accepted as complementary to the exterior of the house and installed so as to minimize the visibility of the equipment on the roof. Solar panels and other rooftop equipment must not be visible from any street or any portion of the Golf Course without the approval of the Club.
- 2.66. Saunas. Committee approval is required.
- 2.67. Screen Doors. See Doors, Section 2.20.
- 2.68. Sewage Disposal System. Cesspools, septic tanks or other non-central systems, other than recycling systems approved by the Committee, are prohibited. See Section 9.11 of the Community Declaration.
- 2.69. Shutters (Exterior). Committee approval is required. Exterior mounted security roll type shutters are not allowed.
- 2.70. Siding. Committee approval is required.
- 2.71. Signs. Committee approval is required for all signs including address numbers and name plate signs. All advertising signs are prohibited. Temporary "for sale" or "for lease" signs which are no more than four feet in height and no more than two feet by three feet in dimension, and which are conservative in color and style may be installed on a Lot without Architectural Committee approval provided there is no more than one sign per Lot. The Committee reserves the right to further restrict or prohibit such signs. See Section 9.9 of the Community Declaration.
- 2.72. Skylights. Committee approval is not required if 3 feet by 5 feet or smaller.
- 2.73. Solar Energy Devices. Committee approval is required. See Roofs/Rooftop Equipment, Section 2.65.
- 2.74. Spas. See Hot Tubs, Section 2.37.
- 2.75. Sprinkler Systems. See Irrigation Systems, Section 2.38.
- 2.76. Statues and Sculptures. Committee approval is required. All statues and sculptures are discouraged.
- 2.77. Storage Sheds. See Accessory Buildings, Section 2.2.
- 2.78. Sunshades. See Overhangs/Awnings, Section 2.52.

- 2.79. Swamp Coolers. See Evaporative Coolers, Section 2.24, and Air Conditioning Equipment, Section 2.6.
- 2.80. Swing Sets. See Play and Sports Equipment, Section 2.59.
- 2.81. Television Antennae. See Antennas, Article IV.
- 2.82. Temporary Structures. Committee approval is required. Section 9.7 of the Community Declaration prohibits tents, shacks, temporary structures or temporary buildings without the prior consent of the Architectural Committee and except in unusual circumstances, such consent will not be given. Camping tents for occasional overnight sleeping by children will not require Committee approval if left up for no longer than 72 hours.
- 2.83. Temporary Vehicles. See Motor Vehicles/Recreational Vehicles, Section 2.50.
- 2.84. Tents. See Temporary Structures, Section 2.82.
- 2.85. Trailers. See Motor Vehicles/Recreational Vehicles, Section 2.50, and Community Declaration, Sections 9.21 and 9.22.
- 2.86. Trash Containers, Enclosures, and Pick Up. Trash enclosures require Committee approval.
- (a) Section 9.6 of the Community Declaration provides that no refuse, garbage, trash, lumber, grass, shrub or tree clippings, plant waste, compost, metal, bulk materials, scrap, refuse or debris of any kind may be kept, stored or allowed to accumulate on any Lot except within an enclosed structure and approved by the Committee. See Compost, Section 2.17.
- (b) Trash may be placed on the street for pickup the evening prior to pickup. Trash containers must be properly stored the evening of pick up.
- 2.87. Tree Houses. Not permitted.
- 2.88. Trucks. See Motor Vehicles/Recreational Vehicles, Section 2.50, and Community Declaration, Sections 9.21 and 9.22.
- 2.89. Underground Installations. Committee approval is required.
- 2.90. Utility Equipment. Installation of utilities or utility equipment requires Committee approval unless located underground or within an enclosed structure. Under Section 9.8 of the Community Declaration, pipes, wires, poles, utility meters and other utility facilities must be kept and maintained, to the extent reasonably possible, underground or within an enclosed structure.
- 2.91. Vanes. See Wind Turbines, Wind Vanes, Wind Chimes and Directionals, etc., Section 2.101.
- 2.92. Vehicles (Large). See Motor Vehicles/Recreational Vehicles, Section 2.50, and Community Declaration, Sections 9.21 and 9.22.
- 2.93. View and Solar Obstructions. Although the Committee may take into account how Improvements may affect the views from other Lots and other properties, there are no "view" rights.
- 2.94. Vents. See Roofs/Rooftop Equipment, Section 2.65.
- 2.95. Walls. See Fences, Section 2.26.
- 2.96. Walls - Retaining. Committee Approval is required. See Retaining Walls, Section 5.5.

2.97. Water Purification or Treatment Systems. Committee approval is not required if the water system is completely contained within the dwelling unit and causes no architectural change to the exterior of the residence. See Wells, Section 2.98.

2.98. Wells. Individual private wells, cisterns and other individual water systems are not permitted, except drilling for underground water by Declarant or an entity designated by Declarant, including the Community Association or the Golf Course. See Section 9.11 of the Community Declaration.

2.99. Windows: Tinting, Security Bars, Etc. Committee approval is required. Security bars which are on second story windows and windows visible to the street are prohibited.

2.100. Window Coverings. Committee approval is required for any window coverings which are visible from the street or from any other homes on other Lots. Window coverings should have a white or off white backing, or blend with the exterior color of the structure, as determined by the Architectural Committee. Reflective window coverings are prohibited.

2.101. Wind Turbines, Wind Vanes, Wind Chimes, Directionals, Etc. Committee approval is required.

2.102. Wood Storage. Committee approval is not required provided it is located in the side or backyard, adjacent to the house, neatly stacked and not located so as to block any existing drainage pattern on the Lot.

III. PROCEDURES FOR COMMITTEE APPROVAL

3.1. General. As indicated in the listing of specific types of Improvements, there are some cases in which advance written approval of the Architectural Committee is not required if the Guidelines with respect to that specific type of Improvement are followed. In a few cases, as indicated in the listing, a specific type of Improvement is not permitted under any circumstances. In all other cases, including Improvements not included in the listing and all new construction, advance or prior written approval by the Architectural Committee is required before an Improvement to Property is commenced. This Section of the Guidelines explains the procedure for applying for such approval. Also see Article XIII of the Community Declaration.

3.2. Means to Expedite Review. The homeowner can best help facilitate a prompt response to its application by reading and understanding the requirements of these Guidelines and the Community Declaration, submitting all plans and materials in the form and manner required in these Guidelines and responding promptly to any request by the Committee for additional materials or information.

3.3. Drawings or Plans. All submittals to the Architectural Committee shall include the address of the property and the name, address and telephone number of the property Owner. Submittal must be made prior to commencement of work on any Improvement to Property. The submittal should include descriptions, surveys, plot plans, drainage plans, elevation drawings, construction plans, specifications and samples of materials and colors as the Architectural Committee may reasonably request showing the nature, kind, shape, height, width, color, materials and location of the proposed Improvement to Property. In most cases other than new construction and other major improvements, the materials to be submitted will not have to be professionally prepared by an architect, a landscape architect or draftsman and a simple drawing and description will be sufficient. In the case of major improvements, such as new construction, room additions, structural changes or accessory building construction, detailed plans and specifications, prepared by a licensed architect, may be required. Whether done by the homeowner or professionally, the following guidelines should be utilized in preparing drawings or plans.

(a) The drawing or plan should be done to 1/4" scale, and should include the square footage of any new improvements or additions, and depict the property lines of the Lot and the outside boundary lines of the home as located on the Lot. For the homeowner not using professional designers, a copy of an improvement survey of the Lot obtained when the residence was purchased is an excellent base from which to draw.

(b) Existing Improvements, in addition to the residence, should be so shown on the drawing or plan and identified or labeled. Such existing improvements include driveways, walks, decks, trees, bushes, other vegetation, etc.

(c) The proposed Improvements should be shown on the plan and labeled. Either on the plan or on an attachment, there should be a brief description of the proposed Improvement, including the materials to be used and the colors. (Example: Redwood deck, 10 feet by 12 feet with two inch by four inch decking. Natural stain.)

(d) The plan or drawing and other materials should show the name of the Owner, the address of the home and a telephone number where the Owner can be reached.

3.4. Submission of Drawings and Plans. One copy of the drawings or plans must be submitted to the Architectural Committee at the address stated in the introductory of these Guidelines. If the drawings or plans need to be returned, written notice of this must be included with the submittal. The homeowner has seven days after the Committee decision to pick up the drawings or plans. After that time, the Committee may destroy them.

3.5. Review Fee. Section 13.10 of the Community Declaration authorizes the Architectural Committee to collect a fee for review of plans of proposed Improvements. At the Committee's discretion, the homeowner may be required to pay a Review Fee including a Construction Deposit, prior to review of any such plans. The Construction Deposit will be returned to homeowner upon the homeowner submitting a Notice of Completion of the Improvement, and upon final approval of the Improvement by the Committee. Committee approval will be subject to the Improvement being completed in accordance with the approved plans and the Committee receiving the Notice of Completion within nine (9) months of the original approval (or such longer period as approved by the Committee) on the terms described in Section 3.8. A copy of the current Review Fee and Construction Deposit schedule, if any, being charged, may be obtained from the Architectural Committee upon request. The homeowner may, by written notice to the Committee, cancel the request for approval and the Committee will return the Construction Deposit, at which time the approval, if any, will be deemed null and void. At the Committee's discretion, upon cancellation the Review Fee may be refunded.

3.6. Construction Deposit. The Construction Deposit will be held without interest until all Improvements are completed and approved. Any damages caused during construction which are not promptly repaired by the Owner or any construction debris which is not promptly removed by the Owner may be repaired or removed by the Community Association and the costs of repairs and removal shall be deducted from the Construction Deposit. Any such costs of repairs and removal incurred by the Community Association in excess of the amount of the Construction Deposit shall be the responsibility of the Owner and the Owner shall promptly reimburse the Community Association for such amounts. Upon timely Notice of Completion and Committee approval of the Improvements, any portion of the Construction Deposit not used by the Community Association shall be refunded to the Owner, without interest.

3.7. Action by Committee. The Architectural Committee will meet regularly to review all plans submitted for approval. Pursuant to Section 13.7 of the Community Declaration, the Committee may require submission of additional material and the Committee may postpone action until all required materials have been submitted. The Committee will contact the applicant, by phone if possible, if the Committee feels additional materials are necessary or if it needs additional information or has any suggestions for change. Under Section 13.11 of the Community Declaration, the Architectural Committee must act on the plans within 30 days after receipt of all materials required by the Committee (unless the time is extended by mutual agreement). As a courtesy, if the applicant requests, the applicant will be notified, by phone if possible, to be followed by a written notice, of the decision of the Committee within this time period.

3.8. Prosecution of Work. The Community Declaration requires that, after approval, a proposed Improvement to Property should be accomplished as promptly and diligently as possible in accordance with the approved plans and description. Under this provision, the work must be completed, in any event, within nine (9) months of the date the Committee notifies the Owner of its approval, unless otherwise extended in writing by the Committee. The applicant may request a longer period in its application. Once started, all work must proceed continuously, weather permitting. The Community Declaration gives the Committee the right to inspect the work and to file a notice of noncompliance where warranted.

3.9. Notice of Completion. Under Section 13.15 of the Community Declaration, a homeowner is entitled to give the Committee a Notice of Completion and, under Section 13.18, the Committee must act within 30 days after receipt of a Notice of Completion or the Improvement to Property is deemed to be in compliance.

3.10. Rights of Appeal. In the event of adverse action by the Architectural Committee, an Owner may, under Section 13.19 of the Community Declaration, appeal to the Board of Directors of the Community Association. The decision of the Board of Directors will be final.

3.11. Questions. If you have any questions about the Committee's procedures, feel free to call and talk to the Committee or its representative at the phone number and address listed in the introductory part of these Guidelines.

IV. ANTENNAS

4.1. General Terms. The FCC has adopted a rule (the "FCC Rule") effective October 14, 1996, limiting the restrictions the Community Association may include in the Community Documents concerning the installation, maintenance and use of direct broadcast satellite, television broadcast, and multipoint distribution service antennas. The restrictions and regulations in this Article (hereinafter referred to as the "Antenna Rules") are intended to be the exclusive restrictions governing the installation, maintenance and use of Antennas (as defined below) in the Community and shall supersede any other Guidelines or any of the Community Documents to the contrary. All exterior radio antennas, television antennas, satellite dishes or other antennas of any type which are not subject to the FCC Rule are prohibited.

4.2. Definitions. The terms Antenna, FCC, DBS, MDS, Mast, Transmission Only Antenna and Telecommunications Signal are defined in Section 7.1 of these Guidelines.

4.3. Antenna Size and Type. DBS and MDS antennas that are one meter or less in diameter may be installed. DBS and MDS antennas larger than one meter are prohibited. Antennas designed to receive television broadcast signals, regardless of size, may be installed. Installation of Transmission-Only Antennas and all antennas not covered by the FCC rules are prohibited.

4.4. Location. Antennas shall be installed solely on an Owner's Lot. Antennas shall not encroach upon Community Properties or any other Owner's property. If acceptable quality signals may be received by placing antennas inside a dwelling, without unreasonable delay or unreasonable cost increase, then outdoor installation may be prohibited. Antennas shall be located in a place shielded from view from the street or from other properties to the maximum extent possible; provided, however, that nothing in this rule shall require installation in a location on an Owner's Lot from which an acceptable quality signal may not be received. This section does not permit installation on Community Properties, even if an acceptable quality signal may not be received from an Owner's Lot.

4.5. Installation. Antennas shall be no larger nor installed higher than is absolutely necessary for reception of an acceptable-quality signal. All installations shall be completed so that they do not damage the Community Properties or the Lot of any other Owner, or void any warranties of the Community Association or other Owners, or in any way impair the integrity of Improvements on Community Properties or any other Lot. Antennas must be secured so that they do not jeopardize the soundness or safety of any other person or property, including damage from wind.

4.6. Maintenance. The Owner of a Lot upon which an Antenna is installed shall be responsible for the maintenance, repair and replacement of the Antenna. No Owner shall permit an Antenna to fall into disrepair or to become a safety hazard. Upon the exterior of an Antenna deteriorating, the Owner of the Lot upon which the Antenna is located shall promptly repaint or replace such exterior surface. Owners are responsible for all costs associated with the Antenna, including but not limited to costs to: (a) install, repair, replace, maintain and move or remove antennas; (b) repair damages to the Community Properties, other Lots and any other property damaged by Antenna installation, maintenance or use; (c) reimburse residents of the Community Association, Owners or any other Persons for damages, including damages to property or person, caused by Antenna installation, maintenance or use.

4.7. Safety. Antennas shall be installed and secured in a manner that complies with all applicable laws and regulations and manufacturer's instructions. The Owner, prior to installation, shall provide the Community Association with a copy of any applicable governmental permit. Unless such laws and regulations require a greater separation, Antennas shall not be placed within 30 feet of power lines (above-ground or buried), and in no event shall Antennas be placed where they may come into contact with electrical power lines. The purpose of this requirement is to prevent injury or damage resulting from contact with power lines. In order to prevent electrical and fire damage, Antennas shall be permanently and effectively grounded. For safety reasons, Antennas and Masts must be installed to be able to withstand winds of 80 mph, and shall be designed and installed to withstand the pressure of snow and ice. Notwithstanding the Owner's compliance with the foregoing standards and any and all laws and regulations, the Owner shall at all times be liable for any damages caused by Antenna installation, maintenance or use as provided in Section 4.6.

4.8. Antenna Camouflaging. The Owner shall camouflage any Antenna on the Owner's Lot, providing the camouflaging does not result in an unreasonable expense to the Owner. The Community Association shall have the right, but not the obligation, to install such reasonable camouflaging of an Antenna on the Lot of an Owner, provided the Community Association does so at its sole cost and expense. Antennas or Masts may not extend beyond a railing or fence unless no acceptable quality signal

may be received from this location. Antennas situated on the ground and visible from the street or from other Lots must be camouflaged by existing landscaping or fencing, if an acceptable quality signal may be received from such placement. If no such existing landscaping or screening exists, the Association may require Antennas to be screened by new landscaping or screening of reasonable cost. Antennas may not obstruct a driver's view of an intersection or street. Antennas or Masts and any visible wiring must be painted to match the color of the structure to which it is installed and otherwise installed so its visibility is minimized. Note: Some manufacturers assert that painting may prevent the receipt of an acceptable quality signal. Each Owner is advised to make sure that paint will not degrade the signal.

4.9. Mast Installation. Mast height may be no higher than absolutely necessary to receive acceptable quality signals. Masts that extend 12 feet or less beyond the roof line may be installed subject to the regular notification process. Masts that extend more than 12 feet above the roof line must be approved before installation due to safety concerns posed by wind loads and the risk of falling Antennas and Masts. Any application for a Mast exceeding this 12 foot limit must include a detailed description of the structure and anchorage of the Antenna and the Mast, as well as an explanation of the necessity for a Mast higher than 12 feet. The Committee may prohibit such installation if the installation will pose a safety hazard to persons or property. The notice of rejection shall specify these safety risks. Masts must be installed by a licensed and insured contractor. Masts must be painted the appropriate color to match their surroundings. Masts installed on a roof shall not be installed nearer to the Lot line than the total height of the Mast and Antenna structure above the roof. The purpose of this regulation is to protect persons and property that would be damaged if the Mast were to fall. Masts may not encroach upon another Owner's Lot or any Community Properties.

4.10. Notification Process. Prior to installing an Antenna or Mast, the Owner must complete a notification form and submit it to the Committee. If the installation conforms to all of the above Antenna Rules, the installation may begin immediately. If the installation does not conform to the Antenna Rules or requires Committee approval, the Owner and the Committee shall meet at a mutually convenient time to meet to discuss installation methods. Generally, normal business hours on weekdays will be convenient for the Committee.

4.11. Antenna Removal. An Antenna which is no longer operable and being used for purposes of reception of video programming services shall be promptly removed by and at the sole cost and expense of the Owner of the Lot upon which the Antenna is installed. Upon removal of the Antenna, the Improvements on the Lot shall be restored to their original condition.

4.12. Installation by Tenants. Tenants who are Leasing a Lot or Unit in compliance with the Community Documents may install Antennas in accordance with these Antenna Rules with written permission of the Owner. A copy of this permission must be furnished with the notification statement.

4.13. Enforcement. If these Antenna Rules are violated, the Community Association may bring action for declaratory relief with the FCC or any court of competent jurisdiction after Notice and Hearing. To the extent permitted by law and the Community Documents, the Community Association shall be entitled to reasonable attorneys' fees, costs and expenses incurred in the enforcement of these Antenna Rules and to levy Assessments. If Antenna installation poses a serious, immediate safety hazard, the Community Association may seek injunctive relief to prohibit or seek removal of the installation.

4.14. Severability. All of these Antenna Rules and the Community Documents are intended to be consistent with the FCC Rules. If any provisions of these Antenna Rules or the Community Documents are unenforceable under the FCC Rules or otherwise, the remainder of these Antenna Rules and the Community Documents shall remain in full force and effect.

V. LANDSCAPING SUGGESTION

5.1. General. The purpose of this section of the Guidelines is to help you prepare an appropriate landscaping plan for your homesite. Careful landscape planning and design of your Lot will greatly enhance the ultimate appearance of the Community. The information set forth in this section is suggestive only and not mandatory

5.2. Slopes. In some cases, there may be relatively steep slopes on an Owner's property. It is important to note that if slopes are left un-landscaped, severe erosion and silting may occur. As a result, it is recommended that slopes be landscaped by the homeowner as soon as possible after moving in. Slopes and banks should be planted with site appropriate plants. Erosion of slopes can be lessened by terracing, or surfacing with stone or other free-draining materials. Loose aggregate and shredded bark mulch are also recommended on slopes if high quality weed barrier is used under mulching material. Weed barrier should be pinned securely, and mulch should be at least 3" in depth. Slopes can also be planted with ground covers, shrubs and bushes to prevent

erosion. Rock gardens are another technique to help prevent slope erosion and create a landscape amenity. Slopes given proper design treatment can become an attractive, interesting part of the landscape.

5.3. Drainage/Grading. Residents should investigate the existing drainage conditions and preserve and accommodate the drainage situation which exists on their site at the time of purchase. See "Drainage" in Section 2.21 of these Guidelines. Grading can be used to create berms, slopes and swales which can define space, screen undesirable views, noise and high winds. Grassed slopes of berms are suggested not to exceed three feet of horizontal distance to one foot of rise or vertical height (3 to 1 slope) in order to permit greater ease of mowing and general maintenance.

5.4. Soil Preparation. Soil conditions may vary throughout Old Kinderhook. Individual soil testing is suggested for each lot to determine the type of soil and level of fertility. A soil pH reading is important so proper plants or amendments may be used. Site specific testing assures correct levels of amendment. Soil preparation is very important due to our soil and climate. County extension services and local nurseries may offer assistance in determining the proper quantity and type of soil amendment. After the soil has been amended, make sure that the existing drainage pattern is reestablished on your lot. It is suggested that a minimum of 3 yards per 1,000 square feet of organic material be tilled in 6 to 8 inches.

5.5. Retaining Walls. Retaining walls may be used to accommodate or create abrupt changes in grade. Such walls should be properly anchored to withstand overturning forces. Stone walls should be made thicker at the bottom than at the top to achieve stability. To avoid destructive freeze-thaw action, all retaining walls should incorporate weep holes into the wall design to permit water trapped behind them to be released. Timbers for walls or other landscape use should be treated to resist decay. Walls should not be located so as to alter the existing drainage patterns, and should provide for adequate drainage over or through (by means of weep holes) the wall structure. Committee approval is required for all retaining walls.

5.6. Climate and Soils. Typical climatic conditions of this area include average to high precipitation, average to high humidity, variable winds, and a fairly wide temperature range.

5.7. Screening Views and Directing Winds. Pleasant vistas such as views of the lake can be framed by plant materials. Less desirable views of adjacent land (highways) can be screened with dense coniferous plantings, earth mounds, fences or walls. Care should be taken, however, to respect views of adjacent lots. See Section 2.93. Air circulation in the summer can be enhanced by proper tree and shrub placement.

5.8. Rockscapes. Boulders and cobbles present an attractive alternative landscape element if used sensitively within the overall landscape composition. However, large expanses of one material are not desirable and are not permitted. Check with the Architectural Committee.

5.9. Irrigation. Careful planning of irrigation systems will increase its efficiency while saving water. Several systems can be used to water your lawn: manual and automatic sprinkler systems and portable sprinklers. The following are some facts to consider in selecting the type and location of the sprinkler system you are going to use: (a) Size and shape of areas to be watered, (b) type of turf or ground cover, (c) available water supply and pressure, (d) environment of the area - wind, rain, temperature, exposure and grades, and (e) and type of soil and its ability to accept water. Please keep in mind that low spraying irrigation devices may help to minimize wasted water due to wind and evaporation. Also to be accounted for is installation of an irrigation system directly adjacent to front sidewalks may eventually cause undermining and deterioration to concrete and paved areas. Local nurseries or do-it-yourself sprinkler stores have detailed information concerning the type and installation of irrigation systems. Drip irrigation systems are recommended for tree and shrub areas.

Watering is recommended to be done in the early morning or late afternoon to early evening. Foliage should dry before dark to reduce foliar diseases. One of the most common tendencies is to over-saturate. Homeowners are urged to conserve water and as a result minimize problems on their own Lots as well as on adjacent Owner's Lots caused by over-watering. This can be accomplished by watering at shorter cycles more often during the course of the day.

5.10. Paved Areas. Paving may be used to define areas of intense activity and circulation patterns, such as patios, walks and steps. Materials that can be used to create attractive patterns and textures are brick, flagstones, stepping stones, stamped or colored concrete, pre-cast patterned or exposed aggregate concrete pavers. These materials are often more desirable than asphalt or typical poured concrete. It is suggested that paving materials be earth tone colors. Sufficient slope should be maintained in all paved areas to insure proper drainage.

5.11. Shade. Shade trees should be sized and planted so as to maximize the shade to the home and activity areas. Avoid shading a solar collector or inhibiting the effectiveness of passive solar design measures. For example, broad-leaved deciduous trees screen out the intense summer sun, but allow winter warmth to penetrate. Trees and shrubs in general should not be planted within existing drainage swales so as to block designated drainage patterns.

5.12. Landscape Materials. Deciduous trees and evergreen trees provide summer shade. Evergreens provide good backdrops for displaying ornamental trees and contrasting flowers as well as providing a visual screen.

Shrubs may be used as specimens or in masses. Shrubs can also be used in combination with trees as windbreaks or to add color and texture to the landscape. Low growing, spreading shrubs may be used as a ground cover treatment and present an attractive method of reducing water consumption.

Ornamental trees provide accent, color and additional interest to the residential landscape and may be a more appropriate scale for small areas of a lot.

Ground covers play an important role in consolidating the surface of fine-grained soils to prevent erosion and sedimentation. They may be useful in place of a lawn, especially on steep banks or shaded areas where they will also require less water than turf grass.

Vines may be used as a ground cover or as a shading element over a trellis or as a screen when planted adjacent to a fence.

Garden flowers may be used as elements of seasonal color. Perennials and annuals should be considered. Vegetable gardens may be integrated with planting beds and used ornamentally.

5.13. Mulches. Organic mulches modify the extremes of soil temperature and improve soil by producing humus and reducing evaporation loss. Suggested minimum depth for mulches is three inches. Mulches are typically used in shrub and ground cover beds and may consist of a variety of organic materials such as shredded bark or wood chips. Suitable crushed aggregate of dark, earth-toned colors may be used as an alternative mulch material.

5.14. Landscape Maintenance. Good, consistent maintenance is essential for healthy plant materials. The following are some suggested maintenance considerations and ways of minimizing maintenance problems: (a) Plant with regard to Old Kinderhook's climate; (b) consider ultimate size, shape and growth rate of species, (c) locate plants and irrigation heads out of the way of pedestrian/bicycle traffic and car bumpers, (d) provide simple guying systems for trees for one year and wrap trees most susceptible to sun scald with burlap or brown paper during fall and winter months, (e) make provisions for efficient irrigation; (f) drain and service sprinkler systems on a regular basis and conduct operational checks on a weekly basis to insure proper performance of the system, (g) provide good soil mixes with sufficient organic material - 30% per tilled depth is desirable, (h) use wood mulch at least three inches deep to hold soil moisture and to help prevent weeds and soil compaction (rock raises the temperature in beds, (i) provide required fertilization, weed and pest controls, etc., as required for optimum plant growth, (j) prune woody plants when needed; never prune more than 1/3 of foliage, (k) space groves of trees or single trees to allow for efficient mowing and (l) locate plants with similar water, sun and space requirements together.

5.15. Suggested Plant List. For your convenience, the following list of shrubs, trees, flowers and grasses is provided:

Large Deciduous Trees

Northern Red Oak
White Oak
Bur Oak
White Ash
Tulip Poplar
Hackberry
Bald Cypress

Small Deciduous Trees

Eastern Redbud
Flowering Dogwood
Hawthorn

Deciduous Shrubs

Fragrant Sumac
'Miss Kim' Lilac
Redosier Dogwood
Purpleleaf Sand Cherry
Oakleaf Viburnum
Doublefile Viburnum
Serviceberry
Ozark Witchhazel

Evergreen Shrubs

Juniper
Mugho Pine

Perennials

Daylily species
Phlox
Columbine
Butterfly Weed
Missouri Primrose
Coreopsis
Liatris species

Groundcovers and Vines

Liriope
Blue Fescue
Sedum

Deciduous Holly
Viburnum
Wild Plum
Goldenraintree

Inkberry Holly
Japanese Holly
Blue Holly
Densiflora Yew

Strawberries
Ferns
Hosta
Phlox
Virginia Creeper
Clematis
Trumpet Honeysuckle

Evergreen Trees
Austrian Pine
Eastern Redcedar
Eastern White Pine
Red Pine
Shortleaf Pine
American Holly

Ornamental Grasses
Switch Grass
Miscanthus species
Japanese Blood Grass
Carex species
Ravenna Grass
Fountain Grass
Indian Grass

5.16. Recommended Grasses.

(a) High maintenance areas. Will require permanent irrigation and regular mowing: - Merion Kentucky bluegrass (fine blade, more water) - Turf-type Tall Fescue (fine blade, less water).

(b) Low maintenance areas. Will require temporary irrigation, well-timed limited mowing is recommended because it will encourage a blend of grasses and forbes. This treatment will give a meadow type planting and is not appropriate to many areas.

- Forbes: Missouri Primrose
Indian paintbrush
Purple coneflower
Butterfly Weed

- Buffalo grass (requires little water, will brown with no water, not recommended as front yard turf)

- Indian Grass

- Little Bluestem

- Switch Grass

- Prairie Dropseed

VI. CONSTRUCTION OPERATIONS

6.1. General. All Improvements to Property shall be made subject to the following limitations and Restrictions. Each Owner will be responsible for any violation of any of these limitations and Restrictions by the Owner's contractor, subcontractor, supplier and all other Persons providing labor or materials to the Owner's Lot. Violation of these Restrictions is considered the same as a violation of the provisions of the Community Declaration and could result in costly sanctions imposed against the Owner by the Community Association and, in some cases, by governmental authorities. It is recommended that an Owner give a copy of these Restrictions to all such Persons and that the Owner require that such Persons agree in writing to be bound by them. Ultimately, however, in all events the Owner will be responsible for the actions of all such Persons.

6.2. Signage Restrictions. All construction signage is subject to all applicable Restrictions in the Community Declaration and these Guidelines.

6.3. Work Continuity. Upon commencement of excavation for construction, the work shall be continuous, weather permitting, until the Improvements are completed.

- 6.4. Barricades. An Owner shall provide barricades, fences and guards as necessary to protect against personal injury and damage to residences and Improvements adjacent to the work and to prevent the operation of construction equipment and stockpiling of construction materials within the drip line of existing trees, unnecessary cutting, breaking, skinning and bruising of roots, bark and limbs of any trees or other existing landscaping within the Community.
- 6.5. No Dumping or Washing. No dumping or washing of trucks is permitted within the Community without the consent of the Architectural Committee.
- 6.6. Damage to Streets and Improvements. Any damage to existing street, curbs, utilities or other Improvements within the Community relating to a construction project shall be the responsibility of the Owner who contracted for the work. See Repair of Damage, Section 6.16.
- 6.7. Construction Hours. General construction hours shall be from 7:00 a.m. to 7:00 p.m., Monday through Saturday, except as otherwise provided by the Community Association.
- 6.8. Waste Materials. Owner shall at all times keep the Lot free of accumulation of waste materials and rubbish.
- 6.9. Litter. Owner will be expected to maintain a clean job site characteristic of a first class residential neighborhood. Owner shall not allow any windblown trash and debris to leave the Lot. Owner shall provide a litter container at each construction site for all litter that may blow free of on-site garbage and trash piles.
- 6.10. Chemical Substance. All waste substances and trash shall be disposed of off site in accordance with applicable laws, ordinances, rules and regulations of governmental authorities. THE POURING OR DISCHARGE OF FUEL, PAINT, CONCRETE, HAZARDOUS MATERIALS, CHEMICALS OR OTHER FOREIGN MATERIALS ON THE PROPERTY OR IN STORM DRAINS OR SANITARY SEWERS IS PROHIBITED.
- 6.11. Toilet Facilities. Prior to commencing any work, the Owner shall supply and provide for maintenance of adequate chemical toilet facilities for workers at the building site for the duration of construction on that Lot in such a manner that the toilets do not constitute a noxious nuisance for current residents. The Committee may require these facilities to be relocated on the Lot if they are deemed to be located in an inappropriate place.
- 6.12. Storage of Materials. All building materials shall be stored only on the Lot upon which they are intended to be installed or off site of the Community.
- 6.13. Construction Traffic. All construction vehicles shall enter the Community via the construction entrance or as otherwise directed from time to time by the Community Association. The Owner shall furnish a list of and shall register with the Community Association all contractors, subcontractors and employees who shall require access to the Owner's Lot. Such Persons shall not be authorized to access portions of the Community other than those necessary to carry out their work.
- 6.14. Vehicles and Equipment. All vehicles and construction equipment must be removed from the street at the end of each work day.
- 6.15. Street Maintenance. At the end of each work day, the street shall be cleaned of any soil, sand, gravel, oil, fuel, litter or other materials deposited by those working on the Owner's Lot.
- 6.16. Repair of Damage. Any damage to streets, curbs, sidewalks, street lights, street signs, mail boxes, walls or other property of the Community Association, the Golf Course or any other Owner during construction shall be the responsibility of the Owner who caused such damage, and such Owner shall promptly repair or pay for the cost of repairing such property or returning such item to its original condition prior to such damage. Damage caused by an Owner includes any damage caused by the Owner's contractors or subcontractors, or others providing labor or materials to the Owner's Lot. The Community Association may make a Reimbursement Assessment against any Owner who fails to comply with this or any other provision of these Guidelines.
- 6.17. Nuisances. No music or other sounds from radios, boom boxes, televisions, recorders or any similar devices which can be heard off the Lot shall be permitted during construction.

6.18. Right to Deny Entry. The Community Association may deny entry to the Community to any contractor, subcontractor, supplier or any other Person providing labor or material to a Lot who fails to comply with the terms of these Restrictions or any other Guidelines.

VII. GENERAL

7.1. Definitions. All capitalized terms which are not otherwise defined in these Guidelines shall have the definitions ascribed to them in the Community Declaration. The following terms used in these Guidelines shall be defined as follows:

Antenna: Any device used for the receipt of video programming services, including direct broadcast satellite ("DBS"), television broadcast and multipoint distribution service ("MDS"). A reception antenna that has limited transmission capability designed for the viewer to select or use video programming is a reception antenna provided that it meets FCC standards for radio frequency emission. A mast, cabling, supports, guy wires, conduits, wiring, fasteners or other accessories necessary for the proper installation, maintenance and use of a reception antenna shall be considered part of the antenna.

Boat: A boat is a structure designed for navigation on the water and is propelled by oars, paddles, sails, or active power, and includes any object commonly understood to be a boat.

Camper Trailer: A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.

Camper Truck: A portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters for recreational, camping or travel use. This does not include pickup trucks 3/4 ton or less in size with a topper or shell that does not exceed the height of the cab.

Committee: The Architectural Committee of the Community Association.

Conceal: Requires that 80% of the area or object be hidden from the view of the adjacent properties.

Dog Run: A contained space that is intended to allow one or more animals free movement in the out of doors.

FCC: The Federal Communications Commission.

Homeowner: An Owner as defined in the Community Declaration.

Kennel: A structure where animals are individualized for purposes of boarding, breeding or training or any type of commercial venture.

Legally Inoperable: A vehicle's licensing status - e.g. expired plates.

Mast: The structure to which an antenna is attached that raises the antenna height.

Mechanically Inoperable: A vehicle's physical status - e.g., car is not road-ready (motor dysfunctional, drive train out, flat tires, etc.).

Mobile Home: A mobile home is any type of trailer or vehicle body, regardless of any appurtenances, additions, or other modifications thereto, without independent active power, manufactured upon an integral chassis or under carriage and designed either for travel over the highways or for housing accommodations or both.

Motor Home: A vehicular unit, built on a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreational, camping, or travel use.

Oversized Vehicle: An oversized vehicle is defined as a vehicle that cannot be parked within the garage of the particular Lot.

Recreation Vehicle: A recreational vehicle is a vehicle-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own active power or is mounted on or drawn by another vehicle.

Open Space: Land that is non-irrigated park land that may contain a variety of easements. Parks, greenbelts, street scape, the Golf Course, etc. are not open space.

Screened: Requires that 50% of the area or object be hidden from the view of the adjacent properties.

Telecommunications Signal: Signals received by DBS, television broadcast and MDS antennas.

Trailer: A trailer is any vehicle coupled to, or drawn by any motor vehicle. A trailer house is a trailer designed to serve wherever parked as a dwelling or a place of business.

Transmission-Only Antenna: Any antenna used solely to transmit radio, television, cellular or other signals.

7.2 **References.** All cross references in these Guidelines to other Sections and Articles are inserted solely for the purpose of convenience of reference, and are not intended to limit the applicability of any other provisions of these Guidelines or any other Community Documents. Also see Section 15, Effect of Community and Neighborhood Declarations.

FEE AND DEPOSIT SCHEDULE

The following are the current Review Fees and Construction Deposits required under Section 3.5 of the Architectural Guidelines, Rules and Restrictions for Old Kinderhook. The amounts of these fees and deposits are subject to change. See Sections 3.5 and 3.6 of the Architectural Guidelines for a further explanation of the fees and deposits.

Review Fee	\$75.00
Construction Deposit	\$0

Effective Date: May 27, 1998.