ARCHITECTURAL REVIEW COMMITTEE
STANDARDS AND GUIDELINES
For the Enclave at Moss Park

HANDBOOK FOR HOMEOWNERS

APPROVED BY THE BOARD OF DIRECTORS
BOARD MEETING DATE: 8/28/2012

Version 3.0
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PURPOSE OF THE HANDBOOK

The purpose of this handbook is to familiarize homeowners (both of the single family homes as well as the town homes) with the objectives, scope and application of design standards and guidelines, which will be used to maintain the aesthetic appearance and environmental quality of the community.

The handbook provides specific design standards and guidelines that have been adopted by the Board of Directors of the Homeowners Association (HOA). It also explains the application and review process that must be adhered to by homeowners seeking approval for any exterior modifications or changes to their homes or lots that are subject to approval by the (HOA) Association. Homeowners are reminded that approval by the Architectural Review Committee for a proposed change does not remove the need for the appropriate building permits or other documentation. This handbook will serve as a valuable reference source and will assist homeowners in preparing acceptable applications for review by the (HOA) Association's Architectural Review Committee. All homeowners are encouraged to familiarize themselves with its contents and to retain the handbook for future use.

BASIS FOR AND OBJECTIVES OF PROTECTIVE COVENANTS

The legal documents for the Homeowners Association include the Declaration of Covenants and Restrictions. They impose use restrictions and specify the process for obtaining approval for changes, improvements or alterations to an owner’s lot. Legally, these covenants are a part of the deed for each home and are binding upon all initial homeowners and their successors in ownership, irrespective of whether or not these owners are familiar with such covenants.

The primary purpose of this document is to establish design guidelines for the entire community. The promulgation and enforcement of design guidelines is intended to achieve the following objectives:

- Maintain consistency with the overall design concept for the community.
- Promote harmonious architectural and environmental design qualities and features.
- Promote and enhance the visual and aesthetic appearance of the community.
- Maintain a clean, neat, orderly appearance.

The enforcement of design standards not only enhances the physical appearance of a community but also assists in protecting and preserving property values. Homeowners, who reside in association communities that enforce design covenants are protected from actions of neighbors that can detract from the physical appearance of the community and, in some cases, diminish property values. In fact, surveys of homeowners living in association communities consistently reveal that this was an important consideration in their decision to purchase a home.

Mission and Values of the Enclave at Moss Park

As a Board of Directors, building a strong community is our top priority. To that end, we have adopted the following mission and values statement.

Mission:

- Foster a sense of community
- Preserve home equity value
- Maintain a safe environment
- Proactively and reasonably implement the covenants
- Give pride to our community, including tenants
Values:

- Provide clear, regular and transparent communication to all homeowners (resident, non-resident, banks and investors) and to tenants.
- Balance cost and quality of service in order to set dues at a reasonable level while maintaining the property well and planning for the future.
- Foster participation by including as many residents as possible in committees.

**ROLE OF THE ARCHITECTURAL REVIEW COMMITTEE**

All homeowners are automatically members of the Homeowners Association (HOA). The HOA is a not-for-profit corporation that owns and is responsible for the upkeep and maintenance of all common properties within the community.

The Association (HOA) is also responsible for the administration and enforcement of all covenants and restrictions. The Declaration of Covenants and Restrictions for the Homeowners Association provides the scope and authority of the Architectural Review Committee (ARC). The members of the ARC are appointed by the Board of Directors (BOD) of the Homeowners Association.

The Architectural Review Committee is responsible for enforcing the Association's Design Guidelines for exterior modifications to homes and improvements to lots as proposed by lot owners.

The ARC will review and approve (or disapprove) applications submitted by lot owners for exterior additions, alterations or modifications to a home or lot using Design Guidelines approved by the Association’s Board of Directors and the governing documents of the association.

As part of its responsibilities, the Architectural Review Committee will make recommendations to the Board of Directors with respect to the modification of the Design Guidelines initially approved by the BOD. Subject to the mandates contained in the Association’s governing documents and provided for under applicable Florida law, The BOD will also be responsible for reviewing possible violations of the Association's Design Guidelines.

**ALTERATIONS REQUIRING REVIEW AND APPROVAL BY THE ARCHITECTURAL REVIEW COMMITTEE**

Any changes, permanent or temporary, to the exterior appearance of a building or lot are subject to review and approval by the Architectural Review Committee. The review process is not limited to major additions or alterations, such as adding a room, deck, or patio. It includes such minor items as changes in color and materials. Approval is also required when an existing item is to be removed.

There are a number of exceptions to this otherwise inclusive review requirement.

1. Building exteriors may be repainted or re-stained provided that there is no color change from the original. Similarly, exterior-building components may be repaired or replaced so long as there is no change in the type of material and color.

2. Minor landscape improvements do not require Architectural Review Committee approval. This includes foundation plantings, single specimen plants or small scale improvements which do not materially alter the appearance of the lot, involve a change in topography or grade and which are not of sufficient scale to constitute a natural structure.
If there is any doubt as to whether or not a proposed exterior change is exempt from design review, and approval, homeowners should first seek clarification from the Architectural Review Committee before proceeding with the improvement.

APPLICATION AND REVIEW PROCEDURES

Application and review procedures that will be used by the Architectural Review Committee are detailed below.

1. **Applications.** All applications for proposed improvements must be submitted in writing using the application forms authorized by the Architectural Review Committee. A copy of these forms is included as an exhibit to this handbook. Applications must be complete in order to commence the review process. Incomplete applications will be returned to the applicant with a statement of deficiencies that must be remedied in order to be considered for review.

2. **Supporting Documentation.** The application must include a complete and accurate description of the proposed improvement(s). To permit evaluation by the Architectural Review Committee, supporting exhibits will frequently be required. Examples include: a site plan showing the location and dimensions of the proposed improvement; architectural drawings or plans, as applicable; landscape plan; material and/or color samples, etc. The design guidelines and application forms provide guidance with respect to the supporting documentation required for various types of improvements.

3. **Time Frame for Completion of the Review.** The Architectural Review Committee is required to approve or disapprove any proposed improvement within thirty (30) days after the receipt of a properly completed application. However, the thirty (30) day review period will only commence upon the receipt of a complete application form, including any required exhibits. It is therefore advisable for homeowners contemplating substantial improvements to first ensure that they are aware of all required supporting documentation prior to submitting a design review application.

4. **Notice of Approval/Disapproval.** Homeowners who have submitted design review applications will be given written notice of the decision of the Architectural Review Committee. This notice will be issued by the management company as directed by the ARC. Please do not contact the ARC in the interim of this process for approval or denial.

ENFORCEMENT PROCEDURES:

**Enforcement:** (From HOA Declarations, Articles, and/or Bylaws dated Sept. 2005)

**Section 1. Compliance by Owners.** Every Owner shall comply with the restrictions and covenants set forth herein and any and all rules and regulations adopted by the Board. No delay in enforcing these covenants and restrictions as to any breach or violation thereof shall impair, damage or waive the right of the Association or other Owners to enforce the same, to obtain relief against or recovery for continuance or repetition of such breach or violation or of any similar breach or violation thereof at a later time or times.

**Section 2. Enforcement.**

A. **By the Association and Owners.** The Association, or any Owner, shall have the right to enforce, by a proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Court costs and reasonable attorney’s fees for any proceeding to enforce this Declaration, including any appeal there from, shall be borne by the Owner(s) against whom the suit has been filed.
The Association shall have the right to suspend voting rights and use of Common Areas for any Owner violating these covenants and restrictions for a period of time which is the longer of sixty (60) days or the term of continued violation. The Association shall have the right to enforce the provisions of this Declaration through eviction proceedings or other self-help procedures appropriate to the violation.

B. By the District. The District (the South Florida Water Management District, an agency created pursuant to Chapter 373, Florida Statutes) shall also have the right to enforce the provisions of this Declaration which shall relate to operations, maintenance and management of the Master Surface Water Management System for the Community pursuant to the rules, requirements and permit promulgated by the District.

C. Dispute Resolution. Notwithstanding any provision of this declaration to the contrary relative to enforcement rights or remedies of the Association, (a) any election dispute between a Member and the Association must be submitted to mandatory binding arbitration with the Divisions of Florida Land Sales, Condominiums, and Mobile Homes and (b) before the filing of a claim in a court of competent jurisdiction, the following disputes between the “Association and an Owner shall be filed with the Department of Business and Professional Regulation for mandatory mediation; (i) disputes regarding the use of or changes to a Lot, a Home or the Common property and other covenant enforcement disputes, (ii) disputes regarding amendments to the Governing Documents, (iii) disputes regarding meetings of the Board and any committees appointed by the Board, (iv) disputes regarding Member meetings (not including election meetings) and (v) disputes regarding access to the official records of the Association.

Section 3. Fines/Suspensions. In addition to all other remedies, and to the maximum extent lawful, in the sole discretion of the Board of Directors of the Association, fines or suspensions may be imposed (excluding fines or suspensions imposed upon any Member for failure to pay any Assessments or charges when due which may be imposed without following the procedures in the Section 3) upon any Owner for failure of an Owner or that Owner’s tenants, licensees, invitees and guests to comply with any covenant, restriction, rule or regulation, provided the following procedures are adhered to:

A. Notice. The Association shall notify the Owner of the alleged infraction or infractions. Included in the notice shall be the date and time of an opportunity for a hearing before a committee appointed by the Board of Directors at which time the Owner shall present reasons why a fine(s) or suspension(s) should not be imposed. The committee appointed by the Board of Directors (Hearing Committee) shall consist of at least three (3) members who are not officers, directors, or employees of the Association, or the spouse, parent, child, brother or sister of an officer, director or employee of the Association. At least fourteen (14) days’ notice of such hearing shall be given.

B. Hearing. The alleged non-compliance shall be presented to the Hearing Committee after which the Hearing Committee shall hear reasons why a fine(s) or suspension(s) should not be imposed. The Owner shall have a right to be represented by counsel and to cross examine witnesses. If the Hearing Committee, by majority vote, does not approve a proposed fine(s) or suspension(s), it may not be imposed. A written decision of the Hearing Committee shall be submitted to the Owner not later than twenty-on (21) days after the hearing.

C. Amounts. The Board of Directors (if the Hearing Committee findings are made against the Owner) may impose a fine(s) against the Lot or Unity owned by the Owner as follows:

a. For each violation, a fine not exceeding One Hundred Dollars ($100.00).

b. For a violation or violations which are of a continuing nature after notice thereof (even if in the first instance), a fine not exceeding One Thousand Dollars ($1,000.00).

D. Payment and Collection of Fines. Fines shall be payable within thirty (30) days after receipt of the notice from the Association (“Payment Date”) to the Owner imposing the fine(s). In the event of non-payment, the fines shall bear interest at the rate of ten percent (10%) per annum from the Payment Date and the Association may proceed to collect the fine(s) and all accrued interest. In any action to recover a fine, the prevailing party
is entitled to collect its reasonable attorney’s fees and costs. Pursuant to Florida Statutes the HOA can now place a lien against a property for non-payment of fines.

E. **Application of Proceeds.** All funds received from fines shall be allocated as directed by the Board of Directors.

F. **Non-exclusive Remedy.** These fines shall not be construed to be exclusive, and shall exist in addition to all other rights and remedies to which the Association may be otherwise legally entitled; however, any penalty paid by the offending Owner shall be deducted from or offset against any damages which the Association may otherwise be entitled to recover by law from such Owner.

**DESIGN GUIDELINES**

The specific Design Guidelines detailed below have been adopted by the Board of Directors.

**Please note:** These guidelines will not cover every situation. If you wish to make a permanent or significant visual modification to your property that is NOT explicitly covered in these Design Guidelines, you still must submit an application to the Architectural Review Committee. Please follow the application procedures and note on your application that your request is a special circumstance.

**ANTENNAS and SATELLITE DISHES**

**Single Family Homes guidelines:** Exterior antennas are prohibited. Homeowners may install satellite dishes for the purpose of receiving audio and/or video programming and media reception. A dish that is one meter (39.37”) or less in diameter will be approved. The satellite dish must be mounted to the outside of the house in the location that best minimizes its visibility from the street(s) and from other homes. The dish should be mounted on the back of the house or otherwise placed to hide it from street view and should not extend above the crown of the roof. If reception cannot be obtained from these locations, the satellite dish should be located as unobtrusively as possible on the property. Masts higher than six (6) feet will not be permitted. Screening, such as shrubs, is required where possible.

**Town Homes guidelines:** Exterior antennas are prohibited. Homeowners may install a satellite dish for the purpose of receiving audio and/or video programming and media reception. A dish that is one meter (39.37”) or less in diameter will be approved. No dishes may be installed that is visible from a street. Satellite dish installation that is done within the confines of the area between a town home and the garage shall not exceed six (6) feet in height. This type of installation does not require ARC approval.

If reception cannot be obtained from this location, the satellite dish may be located on the roof overhang at the back door or on the patio side garage roof (not visible from the street or alley) or on the roof of the main building. If, as a last resort due to inability to obtain reception from the previously-enumerated locations installation must be on a roof, the owner must obtain ARC approval and sign a release indicating that they will cover all costs to temporarily remove the dish when the HOA replaces shingles as part of the ongoing maintenance of common areas of the town homes. (If the roof is damaged in any way by the installation of the satellite dish, owner shall bear the cost to repair.)

**For town homes with attached front-entry garages:** Satellite dishes must be installed in the rear of the property not more than six (6) feet in height and as unobtrusively as possible with screening, such as shrubs where possible (at the owners expense). , as a last resort due to inability to obtain reception from the previously-enumerated locations installation must be on a roof, the owner must obtain ARC approval and sign a release indicating that they will cover all costs to temporarily remove the dish when the HOA replaces shingles as part of the ongoing maintenance of common areas of the town homes.
CLOTHES LINES

Semi-permanent clothes lines or similar apparatus for the exterior drying of clothes are not permitted. Removable clotheslines may only be erected during daylight hours and only in locations that best minimizes their visibility from the street and from other homes and must be removed when not in use. Additional information can be located by referring to Chapter 163.04, Florida Statutes.

DECKS, ARBORS, GAZEBOS and SCREENED ENCLOSURES

The Architectural Review Committee must approve all decks, Arbors, gazebos and/or screened enclosures.

Homeowners are advised to consider the following factors:

1. **Location.** Items must be located in rear yards.
2. **Scale and Style.** The scale shall be compatible with the scale of the house as sited on the lot. Decks, particularly if elevated, should be of a scale and style compatible with the home to which attached, adjacent homes and the environmental surroundings.
3. **Materials.** Construction materials for decks and gazebos must be of smooth high-quality pressure treated lumber or comparable composite material. Screened enclosures must be constructed using aluminum.
4. **Color.** Materials for decks and gazebos should be treated with a neutral or wood color stain or sealer. Aluminum or wrought iron for screened enclosures must be white black or bronze.
5. Decks, Arbors, gazebos and screened enclosures must be well maintained keeping algae and other discolorations from being visible.
6. No under deck storage is permitted.
7. No elevated decks are allowed

DRIVEWAYS

Architectural Review Committee approval will be required for all driveway construction, extensions, modifications and additions to driveways. The primary considerations will be no adverse aesthetic or drainage impact on adjoining lots or common area.

Additions or modifications must be of the same materials as the existing driveway and shall not exceed the width of the garage. Driveways cannot be painted.

EXTERIOR LIGHTING

The Architectural Review Committee shall be responsible for determining whether exterior lighting is an annoyance or unreasonably illuminates other owner’s property. Proposed replacement or additional fixtures must be approved and compatible in style and scale with the applicant's house.

No exterior lighting may be directed outside of the applicant's property. Proposed additional lighting will not be approved if it will result in an adverse visual impact to adjoining neighbors due to location, wattage or other features.

Low-voltage or solar-powered landscape lighting, including low voltage floodlighting, is permitted along walkways, planting beds, or other landscaped areas, so long as all wiring is concealed from view, and light fixtures do not stand more than 18” above the ground. No more than 10 lights per lot are permitted for single family homes and no more than 6 lights.
per lot are permitted for town homes without prior approval from the Committee. For town homes, all lights must be located within the landscaping area; no lights are permitted in the lawn. All exterior lighting should be well maintained and functional at all times.

COLOR CHANGES (EXTERIOR PAINTING AND SHINGLES)

Single Family Home Guidelines:

1. Using the exact colors that the house is already painted, including base color, trim color, and accent color. ARC approval is not required for this option.

2. Using one of the following Sherwin-Williams color palettes. Houses may not be painted the same or substantially similar color as the house on either side or directly across the street. It is not required to use Sherwin-Williams paint, but the color must be color-matched to the Sherwin-Williams color palette. ARC approval is required for this option.

3. A color palette submitted by the Homeowner to the ARC for approval. All color palettes should be from Sherwin-Williams, and physical paint chips must be submitted with the application. A Sherwin-Williams store where paint chips can be found is located on Moss Park Road near Narcoossee Road. It is not required to use Sherwin-Williams paint, but the color must be color-matched to the Sherwin-Williams color palette. ARC approval is required for this option.

Town Home Guidelines: Exterior painting and shingle renovations are to be done only by HOA.

FENCES (From the HOA Declaration, Articles, and/or Bylaws dated Sept 2005)

Article XII. Section 25. Fences and Walls. Except for walls constructed by Developer, there shall be no fence or wall permitted on any Lot unless it meets the requirement below and has been approved by the ARC as to height, design, material, color, location, etc. No chain link fences shall be permitted. Landscape buffers may be required by the ARC on the outside of any fences and walls. Except for wall and fences installed by the Developer, no fence or wall may be constructed in the following areas of any Lot: (1) between the street along the front of the home and a straight line being the extensions of the surface of the furthest set back portion of the front side of the Home to each of the two side lots lines; (2) between the street facing a side of the home and a straight line being the extension of the surface of the furthest set back portion of the side of the home to the rear lot line; or (3) in any drainage or landscape easement area shown on area plat of the community. Also, except for fences and walls installed by the Developer, no fence or walls may be constructed which is higher than the plane of any wall which may be constructed along the perimeter of the Community. Notwithstanding anything herein to the contrary, so long as Developer or builders designated by Developer maintain any model homes within the Community, they shall have the right to fence all or any part of any Lots being used for parking for the terms of such use.

Prior to installation, a request shall be submitted to the Architectural Review Committee (ARC). This submittal shall include a plot plan with the proposed location and type of fence to be installed. The ARC will review the request based on height, design, material, color, location, etc.

Owner is responsible for obtaining any building permits through Orange County Building Department.

Lot Definitions:

Allowable fence types are broken in four lot type categories; Internal Lot, Lakefront Lot, Conservation Lot, and Perimeter Lot. These categories are defined as follows:
- **Internal Lot**: A lot that backs up against another lot or internal open space (i.e. Park, landscape buffer, etc.) within the community.

- **Lakefront Lot**: A lot that backs up against an internal lake or retention pond.

- **Conservation Lot**: A lot that backs up to a platted conservation tract.

- **Perimeter Lot**: Rear lot that backs up against another subdivision or private lot.

**Fence Standards**

**Internal Lot** - All fences on internal lots shall be constructed of white polyvinyl tongue & groove style (PVC) 6 feet high fence with flat post caps.

**Lakefront Lot** - All fences on lakefront lots shall be constructed of a 5 feet tall black aluminum wrought iron style.

**Conservation Lot** - All fences shall be constructed either with 6 feet PVC fence as described above, or a 5 feet tall black aluminum rod iron style fence.

**Perimeter Lot** – All fences shall be constructed with 6 feet PVC fence as described above, or a 5 feet tall black aluminum rod iron style fence.

**Fence Location**

- No fences shall be constructed past the front of the house set farthest from the street.
- No fences shall be constructed over a landscape or drainage easement without ARC approval.
- See Exhibit C for additional clarification on fences pursuant to Florida Statutes

**Exceptions**

So long as Developer’s or builders designated by the developer maintain any model homes within the community, they shall have the right to fence all or any part of any model lots or model parking.

**Town Home Guideline:** The only fencing allowed is what has been installed by Developer.

**FLAGS AND FLAGPOLES**

(In accordance with Chapter 720.304, *Florida Statutes*)

A. Any homeowner may display one (1) portable, removable United States flag or official flag of the State of Florida in a respectful manner, and one portable official flag in a respectful manner, not larger than 4½ feet by 6 feet, which represents the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, or a POW-MIA flag, regardless of any covenants, restrictions, bylaws, rules or requirements of the association. They may also display a holiday theme flag or team flag that is in good taste and removed when holiday is over and sports team is no longer playing.

B. Any homeowner may erect a freestanding flagpole no more than 20 feet high on any portion of the homeowner’s real property, regardless of any covenants, restrictions, bylaws, rules, or requirements of any association, if the flagpole does not obstruct sightline at intersections and is not erected within or upon an easement. The homeowner may further display in a respectful manner from that flagpole, regardless of any covenants, restrictions, bylaws, rules, or requirements of the association, one official United States flag, not larger than 4½
feet by 6 feet, and may additionally display one official flag of the State of Florida, or the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, or a POW-MIA flag. Such additional flag must be equal in size to or smaller than the United States flag. The flagpole and display are subject to all building codes, zoning setbacks, and other applicable governmental regulations, including, but not limited to, noise and lighting ordinances in the county or municipality in which the flagpole is erected and all setbacks and locational criteria contained in the governing documents.

Temporary flagpole staffs that do not extend higher than the roof of the house and are attached to the dwelling unit do not require approval by the Architectural Review Committee.

The following flags shall not require ARC approval, provided no more than two (2) are displayed on a pole as described in this section:

- U.S. flag (not to exceed 54” x 72” in size)
- State of Florida flag (not to exceed 54” x 72”)
- Official flags of the U.S. Armed Forces-U.S. Army, Navy, Air Force, Marines or Coast Guard (not to exceed 54” x 72” in size)
- Holiday flags
- School (team) sports flags
- Welcome sign

**Town Home Guideline:** No flagpole is allowed on the lawn.

**HOLIDAY DECORATIONS AND LIGHTING**

Homeowners may display a reasonable number of holiday decorations and lighting, beginning no more than 30 days prior to a publicly observed holiday or religious observance and remaining up for no more than 20 days thereafter. No ARC application shall be required. However, in the event the ARC determines the decorations and/or lighting are:

1. Excessive in number, size or brightness;
2. Draw excessive traffic;
3. Unreasonably interfere with the use and enjoyment of the Common Area and/or adjacent lots; or
4. Cause a dangerous condition to exist.

The Homeowner must remove the decorations or lighting within 48 hours after receiving written Notice from the Association.

Any themes that incorporate music must obtain permission from neighbors prior to installing sound (except if sound is available via radio waves). Sound must cease at 9:30 PM.

Decorations in townhome area must not be on the lawn or landscaping so as to deter landscaping maintenance. If the decorations are determined by the ARC or Management Company to prohibit or complicate lawn maintenance, owner must remove the decorations immediately upon notice.

**HOT TUBS/SPAS - Semi Permanent**

Exterior hot tubs or spas must be located in the rear yard that best minimizes its visibility from the street and from other homes. The incorporation of hot tubs as an architectural feature of decks and/or patios is encouraged. The exterior finish of an above ground hot tub should coordinate with the exterior finish of the home, deck or patio to which attached or most closely related. All hot tubs and spas must have a hard cover when not in use or incorporate other safety measures. Installation of exterior hot tubs or spas requires approval of the Architectural Review Committee.
IRRIGATION SYSTEMS

Irrigation systems must be kept in good working order to prevent dead or otherwise unsightly landscaping. Townhome owners must report irrigation issues to the Management Company for repair.

LANDSCAPING

Single Family Homes Guidelines: All major landscape installations or changes must be approved in advance by the Architectural Review Committee. Examples include the installation of multiple trees and plant beds that did not exist when the house was originally built.

The front and side yards are to be planted with grass or plant beds or “Florida Friendly” landscaping.

No additional landscaping is allowed between the sidewalk and curb beyond what was installed by the Developer. The homeowner is responsible for maintaining the area between the sidewalk and curb, including pruning of trees.

One statue or ornament not more than 36 inches in height shall be allowed in the front yard of a single family home.

Town Home Guideline: Additional landscaping is allowed in the front bed or yard with the following guidelines:

- ARC application has been submitted and approved
- Maintenance of additional landscaping is the responsibility of the townhouse owner
- No changes to the irrigation system is allowed

No statues are to be placed in the lawn in the front or side of any town home.

Borders/Edgers

- An application is required for the installation of all landscape borders, edging or similar structures to be located in front yards or areas visible to others in the community.
- The use of railroad ties is prohibited.
- In most cases the Committee will only approve landscape borders that are constructed up to two courses high or a maximum of 8” which ever is less. The border/edgers must follow the established landscape pattern.
- Landscape borders shall be of one color, of the same material and one style throughout the lot.

MAILBOXES

Any change to a mailbox requires the Committee’s approval. All mailboxes will be free of damage or discoloration. For parts and replacements contact Creative Mailbox, 13046 Racetrack Rd., Tampa, FL 33626 (407 568 7373)

MULCH

Plant beds and trees surrounded by edging that are visible from the street will be mulched with pine bark, cypress mulch, synthetic mulch or colored stone chips. Stone chips are only permitted when used in conjunction with a rigid permanent landscape edging. Material shall be of a single color scheme and type throughout the landscaping for the lot.

PATIOS

All patio construction requires Architectural Review Committee approval. Patios must be located in the rear yard behind the house. A durable construction material such as stone, brick, pavers, flagstone, concrete or similar material should be used. Any adverse drainage requirements that might result from the construction of a patio should be considered and
remedied. The use of a partially porous patio surface or the installations of mulch beds adjacent to the patio are suggested ways to eliminate drainage concerns.

REAL ESTATE SIGNS

Single Family Home Guidelines: Only one post sign advertising a property for sale or rent may be displayed on a lot. All “FOR SALE” or “FOR RENT” signs must be approved by the HOA except the post and lintel style or post with a hanging sign. Any “FOR SALE” or “FOR RENT” or “FOR RENT” sign displayed only in the "frame style" sign holder is discouraged. The approved “FOR SALE” or “FOR RENT” sign shall be maintained so as not to lean, become unfastened or unsightly in any fashion. No sign may be displayed on any exterior wall or in any window of the home. If the sign displayed exceeds 180 days, the property must be listed with a registered, active real estate broker in the state of Florida.

Town Home Guideline: One “step in” real estate sign advertising a property for sale or rent may be displayed on a lot. The sign must be located in the landscaping bed near the house in the front yard. No large post signs will be permitted at any time. The sign may not exceed 18” x 24” in size. No signs may be displayed on any exterior wall of the home.

RECREATION AND PLAY EQUIPMENT

All game and play structures, including temporary roll-out basketball hoops and backboards, tree houses, and other recreational equipment shall be located or screened so they cannot be seen from any street and are shielded from view from any adjoining Lot. No permanent basketball hoops or backboards shall be permitted within the community (except those installed in common areas) and all temporary hoops and backboards must be stored out of sight from the street and put away when not in use.

SIDEWALKS AND PATHWAYS

Sidewalks and pathways require Architectural Review Committee approval. They should be installed flush to the ground. Sidewalks will be concrete throughout the community. Pathways will be brick, pavers or stone. The scale, location, design and color should be compatible with the lot, home and surroundings. Sidewalks may not be painted.

SOLAR PANELS

Solar panels and solar collectors are permitted but require Architectural Review Committee approval.

Town Home Guideline: Solar panels and solar collectors are permitted but require Architectural Review Committee approval. If installation needs to be on a roof, the owner needs to obtain ARC approval and sign a release indicating that they will cover all costs to temporarily remove the panels or collectors when the HOA replaces shingles as the ongoing maintenance of common areas of the town homes.

STORM SHUTTERS

No Hurricane shutters or similar protective covering for the windows and glass doors of a residence on a Lot may be installed without ARC approval. If approved, mounting brackets must be discrete and may be permanently installed on the home; however, shutters may only be affixed to the house when winds of 50 mph or more are predicted; no sooner than 48 hours of predicted approach of the storm and must be removed and stored within 72 hours after winds have subsided.
SWIMMING POOLS

Temporary or above ground pools are not allowed. Only in-ground swimming pools are permitted. Pools must be located in the rear of the property. They must be approved by the Architectural Review Committee.

All permanent swimming pools shall have security fencing or screen enclosures installed in accordance with existing jurisdictional codes. Screen enclosures must have ARC approval.

Pool construction shall be in accordance with applicable governing agency codes.

Town Home Guideline: Not allowed.

Kiddie pools are not included in the above. The kiddie pool must be removable, limited to 6 feet in diameter and secure when not in use from neighbors, pets and animals. Kiddie pools must be stored when not in use so as not to deter landscaping maintenance or damage. Sod damaged from pools will be replace at owners expense.

TRASH CONTAINERS

All trash containers must be stored out of view of the street on non-collection days.

TREE REMOVAL

Living trees may not be removed without the prior approval of the Architectural Review Committee. Exceptions to this are trees that pose an imminent hazard to persons or property. Further defined, hazardous trees are those that are uprooted and leaning or have large limbs or branches that are splintered or otherwise damaged resulting in debris that may fall without warning. (Homeowners removing hazard trees without approval shall have written documentation and/or photographs of the hazard before removal). Trees approved for removal shall be cut at or ground down to grade level (on grade) or the stump should be ground down.

MAINTENANCE

Single Family homes: Single Family owners and tenants are responsible for maintaining the exterior appearance of their house, landscape and other improvements on their lots in good order and repair. While it is difficult to provide precise criteria for what the Association deems as unacceptable conditions, the following cases represent some of the conditions that would be considered a violation:

- Peeling paint on houses
- Damaged or dented mailboxes (including missing doors)
- Garage doors damaged, dirty or in need of repair or paint
- Fences and gates with leaning, broken, deteriorating or missing parts
- Recreation equipment or playhouses with broken doors or in need of painting or other repairs
- Decks with missing or broken railing or parts
- Unkempt lawn and landscaping in need of mowing and pruning (bushes, trees and Palms), edging, weeding or insect control or diseased, dying or dead plants.
- Landscaped beds in need of mulch
- Missing shutters, shingles, windowpanes or storm window parts, house numbers, bricks, siding, etc.
- Storage of play items, yard equipment and other clutter in front or rear yards
- Mold/mildew on exterior walls, fascia, sidewalks, driveways and garage doors.
- Weeds growing in the lawn, driveway, sidewalk or in landscaped areas.
The exteriors of all structures, including, without limitation, walls, doors, windows, roofs and porticos, shall be kept in good maintenance and repair. No structure shall be permitted to stand with its exterior in an unfinished condition for longer than twelve (12) months after the commencement of construction. In the event of fire, windstorm, extreme weather or other damage, the exterior of a structure shall not be permitted to remain in a damaged condition for longer than three (3) months, unless expressly accepted by the Committee in writing. If not properly maintained and/or is deemed as a safety hazard, the ARC or Board of Directors may make necessary repairs and bill the homeowner.

Town Home Guidelines: The association is responsible for maintaining the exterior surfaces of all of the Townhome Buildings, including roofs, gutters, downspouts, painting, repairs and replacement and the grass, irrigation, and landscaped areas from time to time located on all Lots in a neat and attractive manner, as determined in the exercise of the Association’s Board of Directors’ reasonable discretion. (Townhome owners should report any problems to the Management Company for repairs.) The resident is responsible for ensuring other improvements, including fences, on their lots are in good order and repair. Any alteration impacting irrigation or landscaping must be pre-approved by the Association and completed by the approved and specified contractor of the Homeowners Association. Expenses incurred due to such modifications will be the responsibility of the homeowner.

While it is difficult to provide precise criteria for what the Association deems as unacceptable conditions, the following cases represent some of the conditions that would be considered a violation:

- Damaged or dented garage doors
- Fences with leaning, broken, deteriorating or missing parts
- Missing shutters, shingles, windowpanes or storm window parts, house numbers, bricks, siding, etc.
- Storage of play items, yard equipment and other clutter in front or rear yards
- Mold/mildew on exterior walls, fascia, sidewalks, driveways and garage doors.
- Weeds growing in the driveway, sidewalk.

The exteriors of all structures, including, without limitation, walls, doors, windows, roofs and porticos, shall be kept in good maintenance and repair. In the event of fire, windstorm, extreme weather or other damage, the exterior of a structure shall not be permitted to remain in a damaged condition for longer than three (3) months, unless expressly accepted by the Board in writing. If not properly maintained and/or is deemed as a safety hazard, the ARC or Board of Directors may make necessary repairs and bill the homeowner.

**GRANDFATHER CLAUSE**

Any change made to a homeowner's property, which has been approved by the (HOA) Association and is properly documented prior to the adoption of the above guidelines, need not be modified in accordance with the guidelines specified herein. Also, any improvements made by the original builder are automatically grandfathered. These modifications will be considered acceptable under this clause.
EXHIBIT A - HOMEOWNERS ASSOCIATION DESIGN REVIEW APPLICATION

MAIL, FAX, OR SCAN AND E-MAIL APPLICATION AND SUPPORTING DOCUMENTS TO:

THE ENCLAVE AT MOSS PARK HOA • c/o Community Management Professionals • 4700 Millenia Blvd, Suite 515 • Orlando, FL 32839
Fax: (407) 903-9234 • Email: manager@mosparkenclave.com

Applicant’s Name: _________________________________________ Property Address: ____________________________________________
Mailing Address: _________________________________________ ( ) Townhome ( ) Detached/Single-family home
Owner’s Name (if different): __________________________________________
Applicant’s Phone: Day _____________ Night _________________ Applicant’s email (for response): ______________________________________

Instructions:
• Submit a separate application for each project.
• HOA assessments must be current prior to approval.
• This application may be mailed, faxed, or scanned and emailed to the address listed above. Color chip samples must be mailed.
• Only complete applications (including any required plans and specifications) will be accepted.
• As applicable, attach plans and specifications indicating site layout, structural design, exterior elevations, materials and colors, landscaping, drainage, lighting, irrigation, and other features proposed.
• The applicant will be notified in writing of a final determination within 30 days of receipt of the complete application. Provide an email address for a faster response.
• Unless the architectural guidelines and governing documents provide otherwise, work may not commence until written approval is received from the ARC.
• Once approval is granted, work must be completed within 60 days, or the application must be resubmitted and approved.
• The Homeowner assumes all liability for and is responsible for any and all damages to other lots and/or common areas which may result from the performance of this work and is responsible for the conduct of all persons, agents, contractors, subcontractors and employees connected with this work.

PURPOSE OF APPLICATION: Check appropriate item.
( ) Satellite Dish ( ) Swimming Pool ( ) Fence ( ) Screen Enclosure ( ) Patio ( ) Landscaping Change ( ) Lawn Replacement
( ) Exterior Color Change* ( ) Other ______________________________
*Attach 2 color swatches denoting body, trim, accent color, doors, garage doors, shutters, etc.

Description: ___________________________________________________________________________________________________________________
_____________________________________________________________________________________________________________________________
Contractor/Architect Name (if applicable): _____________________________________________________ Phone: ______________________

NOTICE

THE ARCHITECTURAL REVIEW COMMITTEE IS NOT RESPONSIBLE FOR THE STRUCTURAL INTEGRITY OR SOUNDNESS OF APPROVED CONSTRUCTION OR MODIFICATION, FOR COMPLIANCE WITH BUILDING CODES AND OTHER GOVERNMENTAL REQUIREMENTS, OR FOR ENSURING THAT EVERY DWELLING IS OF COMPARABLE QUALITY, VALUE, OR SIZE, OF SIMILAR DESIGN, OR AESTHETICALLY PLEASING OR OTHERWISE ACCEPTABLE TO OTHER OWNERS.

Signature of Applicant: ____________________________________________________________________ Date: __________________________

ARCHITECTURAL REVIEW COMMITTEE

Approved: ____________________________________________________________________________
Disapproved: _________________________________________________________________________
Signature Date Signature Date

COMMENTS/CONDITIONS FROM ARC:

______________________________________________________________________________________

ARC MEMBER VOTES

1. ( ) Yes ( ) No ( ) Conditional Initials______ 2. ( ) Yes ( ) No ( ) Conditional Initials______ 3. ( ) Yes ( ) No ( ) Conditional Initials______
4. ( ) Yes ( ) No ( ) Conditional Initials______ 5. ( ) Yes ( ) No ( ) Conditional Initials______ 6. ( ) Yes ( ) No ( ) Conditional Initials______

Date Received by CMP: _______________ Date Submitted to ARC: _______________ Date Received by ARC: _______________

Date Mailed to Mailing Address: _______________ Date Mailed Certified (if applicable): _______________
EXHIBIT B
APPROVED EXTERIOR PAINT COLORS  See following pages 19-21

Notebook of all approved colors are available at Community Management Professionals
www.community-mgmt.com
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**ColorWheel Paint**

Revised 5/9/12  ALWAYS KEEP DATABASE CURRENT! Call Orlando with scheme or formula changes or updates. Page 1
## COLOR & TINTING INFO REPORT

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</tbody>
</table>

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**Color Wheel Paint**

**Revision 3/2/13**

ALWAYS KEEP DATABASE CURRENT! Call Director with scheme or formula changes or updates.
Exhibit C

Florida Statutes (720.3035) reads that a home can only be considered as having one front yard (so no special setbacks for corner lots) **UNLESS** the governing docs say otherwise.

(3) Unless otherwise specifically stated in the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants, each parcel shall be deemed to have only one front for purposes of determining the required front setback even if the parcel is bounded by a roadway or other easement on more than one side. When the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants do not provide for specific setback limitations, the applicable county or municipal setback limitations shall apply, and neither the association nor any architectural, construction improvement, or other such similar committee of the association shall enforce or attempt to enforce any setback limitation that is inconsistent with the applicable county or municipal standard or standards.

Therefore it would appear that the guidelines have language regarding the set back on the sides of the home.

**Section 26. Fences and Walls.** Except for walls constructed by Developer, there shall be no fence or wall permitted on any Lot unless it meets the requirements below and has been approved by the Committee as to height, design, material, color, location, etc. No chain link fences shall be permitted. Landscape buffers may be required by the Committee on the outside of any fences and walls. Except for walls and fences installed by Developer, no fence or wall may be constructed in the following areas of any Lot: (1) between the street along the front of the Home and a straight line being the extensions of the surface of the furthest set back portion of the front side of the Home to each of the two side lots lines; (2) between the street facing a side of the Home and a straight line being the extension of the surface of the furthest set back portion of the side of the Home to the rear lot line; or (3) in any drainage or landscape easement area shown on any plat of the Community. Also, except for fences and walls installed by the Developer, no fence or wall may be constructed which is higher than the plane of any wall which may be constructed along the perimeter of the Community. Notwithstanding anything herein to the contrary, so long as Developer or builders designated by Developer maintain any model homes within the Community, they shall have the right to fence all or any part of any Lots being used for parking for the term of such use.

Fences that have already been approved based on the guidelines adopted by the previous Board, will be allowed per the grandfather clause. New fence applications will be reviewed subject to the declaration and design guideline standards.