

Selected Covenants & By-Laws Overview

* Condensed Version

Please see complete documents for full and binding information!

If you are a member of a Condominium Association, it may have more stringent rules and regulations than those in this document. Please check them for more information.

Definitions

Living Unit = any portion of a building designed for use as a residence by a single family, whether a single family house or an apartment/condo unit.

Lot = any plot of land intended for a detached single family residence.

Multifamily Structure = any building containing two or more "living units" under one roof (except for living units situated on a private lot).

Multifamily = Condominium

Parcel = any plot of land intended and subdivided for a multifamily structure/condo.

Party fence = a fence situated on the boundary line between adjoining properties.

Party wall = the entire wall, all or a part of which is used for the support of each adjoining property, situated on the boundary line between adjoining properties.

Properties = properties and additions within Quail Hollow Estates.

Structure = any building, garage, porch, shed, greenhouse or bathhouse, coop or cage, covered or uncovered patio, swimming pool, antenna, fence, curbing, paving, wall, hedge more than 2 feet high, signboard, temporary or permanent living quarters or lot/parcel improvement of any kind. It can also mean, any excavation, fill, ditch, diversion dam or any device that affects water flow or any change in the grade of any lot/parcel of more than six inches.

Note: Based on the definitions above, an attempt has been made to indicate whether the Article or Section stated applies to Single Family Homes, Multifamily condominium units or both. Please see notes at the end of each statement.

* In October 1999, a committee was formed by the Board of Directors of the Quail Hollow Homeowners Association to review the wording of the Declaration of Covenants, Conditions and Restrictions of Quail Hollow Estates and place current day verbiage where the original wording from 1971 seemed ambiguous or, by today's standards, or technology, seem inadequate to describe the original intent. At it's November 6th, 2000, meeting, the Board of Directors adopted the following interpretation. *The following document does not, in any way, replace or change the Declaration as it was written. It is only to serve as a guide for the Board of Directors and for the community.*

ARTICLE VI

Party Walls and Fences

(Note: Single Family Homes)

1. General Rules of Law to Apply. If a party wall or fence is later found to be protruding into a neighbor's lot, it cannot be considered an encroachment and will be granted a permanent easement onto the adjoining property for maintenance and use.
2. Sharing of Repair and Maintenance. The cost of reasonable repair and maintenance of a party wall/fence is shared by the owners sharing the wall/fence.
3. Destruction by Fire or Other Casualty. Owners of a shared wall/fence will contribute to the cost of restoration in proportion to their use of it, no matter who initiates restoration. The exception is when negligence or lack of reasonable action by one owner gives other owners the right to call for a larger contribution from the responsible owner.
4. Weatherproofing. An owner causing a party wall to be exposed to the weather is responsible for the whole cost of repair and protection from the weather.
5. Right to Contribution Runs with Land. The right of one owner to receive contribution from any other owner is tied to the land and passes to future owners.
6. Arbitration. In disputes over a party wall/fence, each household will choose one arbitrator. Arbitrators will select one additional arbitrator. Decisions reached by majority vote of the arbitration team will be binding.

ARTICLE VII

Exterior Maintenance

(Note: Single Family Homes)

If an owner does not maintain his property as specified in Article VIII, the Quail Hollow Homeowners Association, Inc., with a two-thirds vote of the Board of Directors, can grant entrance to the property by employees/agents for the purpose of repairs, maintenance and restoration of the property. The cost will be added to and become part of the responsible owner's assessment.

ARTICLE VIII
Maintenance of Property

(Note: Single Family Homes)

Owners must keep lots and buildings in a clean and sanitary condition and in good order and repair. This includes painting and landscaping upkeep but is not limited to these items.

ARTICLE IX
Architectural Control

(Note: Single Family Homes)

The Architectural Committee, based on plans and specifications provided by the owner, must approve in writing all proposed changes to the property. This requirement includes new structures built, changes to the exterior of a property or any landscaping changes. The committee is composed of 3 or more persons, one a designated member of the Association Board of Directors and the others appointed by the Board member and approved by the Board. Plans and specifications must include the nature, kind, shape, height, materials and location of the proposed change(s) and must be submitted in writing. The committee will make a judgment based on harmony of the external design, location to surrounding structures and the topography of the area. (Purpose: to preserve the architectural and esthetic values of the properties.)

(Note: Please see Attachment A for a definition of the Architectural Committee's responsibilities and previously published guidelines. Condominium unit owners, please also see your individual association's By-laws and Covenants.)

ARTICLE X
Protective Covenants

Section 1. Prohibited Uses of Property.

- a. No nuisances or offensive acts (as determined by a committee of the Board or as outlined in Rules and Regulations) shall be allowed on the properties. (Single Family or Multifamily)
- b. No Single-Family Homeowner can subdivide his property for resale, gift or transfer if the resulting properties are smaller or have less street frontage than the smallest lots originally sold in the properties. (Single Family)
- c. No facilities to include poles, wiring, communications or Electrical transmission equipment or other personal facilities may be placed above ground on any lot/parcel. Individual condominium associations now govern policies concerning antennas in each community. Please check there for

information concerning installing antennas. Single Family homeowners should submit requests to install antennas to the Architectural Committee including approvals by their neighbors. (Single Family or Multi-family)

- d. No non-private passenger type vehicles may be parked or stored on the properties. Private passenger vehicles include examples such as two or four door automobiles, sports utility vehicles, passenger vans or two axel pickup trucks used for personal transportation. Vehicles expressly not allowed include examples such as boats, travel or hauling trailers, house trailers, or any commercial vehicles such as those with commercial signs on the exterior or those which have tools such as ladders mounted on them, trucks with more than 4 wheels or oversized vehicles used for hauling, among others. An exception can allow non-permitted vehicles to be stored in a garage so that they are entirely hidden from view of any adjacent or surrounding property. Otherwise these vehicles must be stored off-site. The term "Store" includes parking vehicles overnight. Short term and temporary exceptions may be requested and approved through the Quail Hollow Homeowners Association property manager. (Single Family or Multifamily)
- e. No temporary structure may be used as a residence on any lot/parcel. Examples could include trailers, garages or buildings in the course of construction, among others. (Single Family or Multifamily)
- f. No building materials, refuse or trash may be kept, stored or accumulated on the properties. Examples are lumber, metals, bulk materials, garbage and the like. An exception may be granted for a reasonable period during Architectural Committee approved construction of a structure. (Single Family or Multifamily)

Trash disposal will be provided by a pickup service on a regular basis and containers may be placed in view at specified times (as late as possible on the day before pickup until after pickup on specified days) to allow pickup access. Otherwise, containers are to be stored so that they cannot be seen from surrounding properties. The Architectural Committee adopts and publicizes reasonable rules and regulations relating to size, shape, color and type of containers permitted and the manner of storage on the lots/parcels. (Please see individual Condominium Association Rules and Regulations documents). (Single Family or Multifamily)

- g. No water pipe, hose, sewer pipe or drainage pipe can be installed above ground on any lot/parcel, except hoses and movable pipes used for irrigation. No lot/parcel can be used for boring, mining, quarrying or exploring for elements such as oil, other hydrocarbons, minerals, gravel or earth. (Single family or Multifamily)
- h. No trees over six inches in diameter at two feet above ground, shall be removed by an owner without expressed written authorization of the Architectural Committee. The Committee may publish rules and regulations for the preservation of natural resources and wildlife within the properties. Certain trees may be marked, regardless of size as not removable without written authorization. (Exception: The Architectural Committee gave blanket permission to QHHA's property manager to remove dead or diseased trees

as necessary without committee authorization.) (Single Family or Multifamily)

- i. No birds, animals or insects shall be bred, raised, kept or maintained on the properties except for domestic purposes. No commercial, business enterprise involving animals shall be conducted on the properties. The Architectural Committee can publish rules specifying the types and number of domestic animals that may be kept on any lot/parcel. (Note: Please also see individual condominium Rules and Regulations.) (Single family or Multifamily).
- j. No sign or advertising device shall be placed on any lot/parcel (except as stated in the insert below).

From: ARCHITECTURAL COMMITTEE Guidelines Published 8-1-98:

In addition to the Rules and Regulation governing real estate signs, the Architectural Committee has established the following guidelines for the placement of FOR SALE or FOR RENT signs in the condominiums and patio homes.

1. Units facing the street may place signs in the window. If the unit is a townhouse, it is preferred that signs are placed in the window on the second floor.
2. If the unit does not face the street, and if the garage has a window facing the street, a sign may be placed in the garage window nearest the unit.
3. If the unit does not face the street, and if the garage does not have a window facing the street, a sign may be placed in the shrubbery bed directly in front of the building in either East or South. As for the patio homes on Quail Lake Drive and the condominiums on Meadow Lakes Drive, a small sign (not exceeding 12" x 18") may be placed in a visible location at the corner of Quail Meadow Lane and the beginning of the streets, pointing to a home for sale. Further, a Realtor's sign or an appropriate HOME FOR SALE sign may be conspicuously placed in a window or in the shrubbery bed of the home offered for sale.
4. On weekends between the hours of 1:00pm and 6:00pm, an OPEN HOUSE sign may be placed on common property at the entrance to Quail Hollow Estates and in front of the building of the unit begin sold or rented as long as the advertised unit is attended by the owner or realtor. The signs must be removed at 6:00pm.
5. Immediately after the sale/rental, the individual or agent placing any signs in Quail Hollow Estates is responsible for their removal.

(Note: Please also see individual condominium Rules and Regulations).
(Single family or Multifamily)

- k. No use of a lot/parcel for any purpose other than as a residence shall be permitted without the specific written approval of the Architectural Committee. Other permitted uses must be considered by the Architectural Committee to be compatible with a high quality residential neighborhood. (Single Family or Multifamily)

- l. No household fabrics or clothing may be hung outside in the open unless enclosed by an approved fence or enclosure at least six inches higher than the hanging articles, or hidden from view by surrounding properties. (Indoor or off-site laundry facilities should be used.) No non-residential types of machinery (backhoes, front end loaders, tractors, etc.) shall be placed or operated on any lot/parcel. (Single Family or Multifamily)
- m. No change in exterior colors, doors, windows or trims of any dwelling shall be made without the expressed written authorization of the Architectural Committee. (Single Family or Multifamily)

Section 2. Prohibited Structures. No dwelling or additions may be erected unless the Architectural Committee has approved plans and specifications in writing. (Single Family or Multifamily)

Section 3. Size of Single-Family Detached Dwelling. No dwelling with less total floor area for the main structure of less than one thousand seven hundred (1,700) square feet, exclusive of porches, garages, and carports shall be erected on any lot, unless approved in writing by the Architectural Committee. (Single Family).

Section 4. Easements. The developer created easements over, under, in, on, and through the "easement area" for each lot/parcel for installation, construction, reconstruction, relocation, removal, maintenance, repair, operation and inspection of sewer, water, drainage, electric, gas, telephone, cable facilities and wires, lines, conduits and other necessary and proper attachments for the benefit of adjoining landowners, federal, state or local authorities, commission or agency having jurisdiction over or any corporation supplying or servicing these facilities.

Definition: Easement Area is defined as

- 1. a ten-foot wide strip of land parallel and adjacent to each front and rear lot line and five feet in width from each side of each lot/parcel; and
- 2. additional areas where easements are shown on recorded subdivision plats. (Single Family or Multifamily)

Section 5. Drainage. No one except the developer or its authorized agents, shall obstruct, alter or in any way modify the Established Drainage from, on or over any Lot or Parcel, nor shall anyone obstruct, alter or in any way modify any drainage swales, devices and or facilities now installed on any Lot or Parcel, nor shall any Structure be erected, placed or maintained which shall in any way obstruct the Established Drainage. (Single Family or Multifamily)

ATTACHMENT A

Architectural Committee Responsibilities

Mission Statement Published 4-3-95:

The mission of the Architectural Committee is controlled in the Declaration of Covenants, Conditions and Restrictions of Quail Hollow Estates. See Article IX Architectural Control; Article X Protective Covenants – Sections 1(f), 1(h), 1(i), 1(j), 1(k), 1(l), and 1(m). Also see Section 2 Prohibited Structures; Section 3 Size of Single-Family Detached Dwelling and Article XI General Provisions, Section 6 Construction Interpretation.

Process

Published 10-96

- The Chairperson of the Architectural Committee is appointed by the Board at it's Organizational Meeting immediately following the Annual Meeting of the Board of Directors June 1st of each year.
- At the July meeting of the Board, the Chairman of the Architectural Committee will present the names of members of his committee (ideally but not required to be two members from the single family homes, and two representatives from each of the three condominium associations) for Board approval.

The procedure for the homeowner is:

1. Provide four (4) (3 for Single Family Homes) copies of blueprints or drawings that show views and elevations, specifications as to materials, colors, etc., and probable effects on neighbors and common grounds.
2. Obtain written approval of immediate neighbors.
3. Submit blueprints and neighbors approvals to Condominium Board of Directors for approval.
4. Submit the above for approval of the Architectural Committee.

The Architectural Committee will:

1. Call a meeting within a reasonable amount of time to consider the application.
2. Physically visit the site (if necessary), examine the materials and view the colors (if available).
3. Retain one copy and return three copies of the approved proposal, one for the owner, one for the Condominium Board and one for QHHA management office for filing.

Owner should submit, if necessary, on copy of the approved proposal to the City of Charlotte to obtain a building permit.

If either the neighbors, the Condominium Association or the Architectural Committee reject the proposal, rejections should be made with suggestions for changes and revisions that would be approved.

The condominium owner is responsible for all costs related and affected by the approved change and should advise his insurance company to request coverage.

Costs of community changes that are initiated for the common good and approved as such by the Boards will be the responsibility of that respective Board.

Also previously published, undated:

- Please note that Article XI, Section 2, states that an offending party can be required to compensate the Association for any damages and, upon refusal to do so, the Board has the right to place a lien on the offender's property.
- Approval must be obtained for the removal of any tree "having a diameter of six (6) inches or more (measured from a point two (2) feet above the ground level and approval must be obtained to change any structure". Section (p) of Article I defines structure as "any thing or device (other than trees, shrubbery, which is more than two (2) feet high.)"