

WHISPERING RIDGE HOMEOWNERS ASSOCIATION

RULES AND REGULATION INFORMATION HANDBOOK

2018 Edition

Former Edition: November 2006

The policies outlined in this Rules and Regulation (R&R) Handbook are subject to the CC&Rs of the Whispering Ridge Homeowners Association (aka WRHOA or the Association).

Property owners of the Association are responsible for understanding and complying with the rule and regulations outlined in this handbook. The terms “property owner” and “homeowner” are synonymous. Family members, guests, tenants and household employees are also beholden to these rules under the auspice of the property owner.

Questions related to the 2018 R&R Handbook should be directed through the Association’s Property Manager to the Board of Directors. Written communication should be sent to document requests for service.

As of Spring 2018, the Property Manager is:

Walters Management
9665 Chesapeake Drive #300
San Diego, CA 92121

Website: www.waltersmanagement.com
Michelle Monahan (Community Manager)
mmonahan@waltersmanagement.com

858-495-0900 (office)
858-576-5556 (team management line)

The Whispering Ridge HOA website is: <http://www.whisperingridgehoa.org>

Preface

The community association concept is meant to engage property owners in the management of their community. Each property owner is a member of the Association and shares responsibility for the preservation, promotion and enhancement of the community they call home.

All property owners should have been provided copies of, including amendments and supplements to, the Articles of Incorporation, By-laws, and Declaration of Covenants, Conditions and Restrictions (CC&Rs) of the Woods at Scripps Ranch Association, commonly known as the WRHOA. Acknowledgement of receipt of these governing documents was made at the close of escrow. These documents are also available on-line at the HOA website and through the property manager.

Property owners are responsible for understanding and complying with the governing documents. They set forth the rights, duties and obligations of each property owner. They were designed to communicate overall policy.

This 2018 Rules and Regulations (R&R) Handbook is meant to be a synopsis of the Rules, Regulations, Architectural Guidelines, CC&R's and additional policies set forth by the Board of Directors.

Non-resident owners must provide a copy of this Handbook to their tenants. Owners retain responsibility for the compliance of tenants, guests and family members with these rules and regulations.

This handbook was approved by the Board of Directors (the Board) of the Whispering Ridge Homeowners Association (WRHOA also known as the Association).

Neighborhood Watch

Members of the Association are urged to report suspicious or criminal activities within the Association to the City of San Diego Police Department at 911 or 858-484-3154, as appropriate.

It is important to report such activities to the police to document the need for police resources and to keep members of the Association informed. If seemingly minor crimes or suspicious activities are not reported, the police department will not be able to justify adding increased support to the WRHOA.

Helpful Telephone Numbers

Police/Fire/Paramedics – Emergency Use 911

Police Department - Non-Emergency

858 484-3154

Police Dept. Northeastern Division	858 538-8000
Fire Department - Non-Emergency	619-533-4300
Property Management Company For WRHOA	858-495-0900
Water & Sewer Emergencies	619 515-3525
Water & Sewer Information	619 515-3500
City Information Center	619-236-5555
Building Development	619-446-5000

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1 GENERAL INFORMATION

1.1 Reporting Needs Or Problems Of Common Areas

If there is an emergency involving personal injuries or criminal activities, call 911, for police, fire, ambulance, or paramedic response.

If there is an emergency related to the common property grounds, call the Property Manager 24 hours per day.

The Property Manager as of October 2018:

Walters Management
858-495-0900

For other matters, write to the Board of Directors via the WRHOA Property Manager:

Walters Management
9665 Chesapeake Dr. #300
San Diego, CA 92123

1.2 Association Meetings

1.2.1 Board of Directors

The Association is governed by an elected Board of Directors (the Board), which meets monthly at the WRHOA Clubhouse (pool complex) to review and discuss items, make decisions, and take actions pertaining to the Association. The Board is responsible for maintaining, protecting and enhancing the assets and quality of life within the WRHOA.

Board Meetings are held on the 2nd Wednesday each month beginning at 6:30 pm. Monthly meetings of the Board typically last 2 hours and are open to all property owners. The first agenda item of each meeting is Open Time for Homeowners. Updated information on upcoming monthly Board meetings is posted on the bulletin board maintained at the WRHOA Pool Complex. Minutes from prior meetings are available from the Property Manager or the HOA website.

1.2.2 Annual Association Meeting

An Annual Meeting is held in June of each year (rescheduled to July if quorum is not met). Notice of the date, time and location of the Annual Meeting will be mailed to all property owners of record prior to the meeting. To avoid unnecessary expense and ensure proper functioning of the Association, members must vote by proxy or in person to elect new Board Members and conduct Association business.

1.2.3 Architectural Committee

Monthly Architectural Committee Meetings are generally held on the 1st Thursday each month at 6:30 pm at the WRHOA Pool Clubhouse, or as posted on the Association bulletin board maintained at the WRHOA Pool Complex. Minutes from prior meetings are available from the Property Manager or the HOA website.

1.2.4 Landscape Committee

The Landscape Committee conducts a monthly or bi-monthly walkthrough inspection of the common areas. The walkthrough is held on the 1st or 2nd Friday of the month, as posted on the Association Bulletin Board maintained at the WRHOA Pool Complex. Current meeting schedules for any Committee or Board Meeting can be determined by contacting the Property Manager.

1.3 Audits And Reserve Studies

A financial audit is prepared each year and mailed to property owners of record upon completion. A reserve study is performed every 3 years and reviewed annually by the Board to ensure adequate budgeting and funding for the long-term upkeep and replacement of Association assets.

1.4 Regular And Special Assessments

Assessments are charged in accordance with applicable law and the CC&Rs. The Board sets the dollar amounts of assessments based on current and future financial needs of the Association. Regular monthly assessments are due and payable on the first of each month. The Property Manager can set up automatic debit payments if desired. The Board, on an as-needed basis, in accordance with the CC&RS and applicable law may impose special assessments.

1.5 Insurance

The master insurance policies for the Association are reviewed and renewed each year by the Board. This information is shared with all property owners annually as required by law. The Board has arranged for property damage and liability insurance for the Association's real property on common areas. Landscaping and hardscaping are minimally insured due to limitations of insurance policies for Homeowner Associations. The Board has also arranged for Directors' and Officers' liability for the Board.

The Association master policies DO NOT cover property owners' buildings, grounds, personal property, and personal liability. Insurance policies to cover personal liabilities are the sole responsibility of individual property owners.

Renters And Lessees Note: Because landlord/homeowners' insurance policies likely do not cover adequately the property or personal liability of tenants, tenants should purchase their own individual policies to cover such personal property and liability.

1.6 Architectural Control

The Association's architectural philosophy, rules, regulations and procedures are contained in the Architectural Guidelines. They contain standards for the design and construction of architectural improvements; outline changes that are permissible; explain

how to submit projects for approval; and outline maintenance requirements for all properties. The Architectural Guidelines in their entirety are located within this 2018 R&R Handbook. Principal provisions are summarized below:

Any exterior alteration, addition or change to any structure, any appurtenance, any landscaping or hardscaping must be submitted to the Architectural Committee for approval prior to the installation or commencement of construction

All submitted plans must be witnessed by facing and adjacent neighbors, to indicate their awareness of the project and to provide them the opportunity to register concerns or objections (if any) with the Committee prior to its review

Work commenced before approval of plans and specifications by the Committee is subject to removal or restoration at the expense of the property owner if the Committee subsequently deems the work to be in violation of WRHOA Architectural Guidelines

All requests must be submitted via the management company, accompanied by a legible, completed Application for Improvement form and two sets of detailed drawings of the improvement; calling out materials, colors, dimensions, and location on the property. The Application for Improvement form is available from the Property Manager, or may be found in the Appendix of this Handbook, or on the HOA website.

The Architectural Committee reserves the right to request a deposit to cover the costs of architectural review by an independent architect and/or engineer. If requested, a deposit for an independent review will be paid upon submission of the architectural improvement application and all fees due will be paid prior to receiving final architectural review. Any portion of fees not expended will be refunded.

The Architectural Committee is responsible for setting and enforcing architectural guidelines in the Association. Guidelines are reviewed and updated by the Architectural Committee on an as-needed basis, but not less than every five years. Any changes to the Guidelines are subject to Board approval. Major revisions are subject to a period of exposure and opportunity for member comment before being submitted to the Board for Approval

Subsequent to the original issue of this Handbook, nothing shall be done on any lot which is inconsistent with the standards of the community, or which may be or eventually become an annoyance or nuisance to adjacent or facing neighbors or to the Association.

2 RULES AND REGULATIONS

2.1 Overview

The Rules and Regulations contained herein are issued and enforced by the WRHOA Board as authorized by the governing documents of the Association. The 2018 R&R Handbook is intended as a guide to the conduct and activities of all members, relatives, residents, tenants and guests within the Association. The purpose of the Rules and Regulations is to promote optimal harmony for each owner or resident within the Association and to minimize annoyance or interference from others.

This 2018 R&R Handbook is published as a complementary document to the Association's CC&Rs and By-laws, as amended. In the event of any unintentional conflict between these Rules and Regulations and the aforementioned documents, the provisions of the CC&Rs and By-Laws shall prevail.

The Board of Directors, Architectural and Landscape Committees, and members helping to manage the courts and common areas are all volunteers. The Board urges active, constructive participation by members to maintain and improve the Association and expresses its appreciation to all volunteers, past and present. This handbook was prepared by such volunteers.

2.2 Property Owner Responsibilities

1. Property owners are responsible for complying with the Association's CC&R's, Rules & Regulations, Architectural Guidelines and properly approved directives.
2. Each property owner is liable to the Association and shall reimburse it for any expenditures to repair or replace WRHOA property damaged by themselves, family members, guests, tenants or pets.
3. Each property owner is responsible for the prompt payment of all assessments and fines levied by the Board, including reimbursement assessments to recover legal fees and other costs incurred as a result of that owner's failure to comply with the Association's CC&R's, Rules & Regulations, Architectural Guidelines and approved directives.
4. Upon sustaining damage to or deterioration of their own real property, property owners shall make repairs as soon as reasonably practical in accordance with their original or subsequently approved plans and specifications.
5. It is the right and duty of each property owner and resident to report violations to the Board via the property management company or any Board Member or Committee Chair.
 - a. Violations that were called in must be followed up with a written complaint to merit a Board response (e-mail correspondence is sufficient as long as the sender is identified).

- b. Anonymous complaints prevent dialogue and constructive debate, and will not elicit a Board or Committee response.
6. Property owners are not responsible for setting or adjusting common area equipment. Only those authorized by the Board may adjust equipment.

2.3 Enforcement Of Governing Rules & Regulations

1. Property owners, relatives, lessees, tenants, residents and their guests are required to abide by these established Rules and Regulations.
2. Individual property owners are held solely responsible for the actions of their tenants, guests and other residents of their units.
3. The Property Management Company, acting on behalf of the Association, has been instructed by the Board to require compliance with the provisions of these Rules and Regulations, the CC&Rs, and By-laws by all persons on WRHOA properties. If alleged violations of these provisions occur, the property manager may:
 - a. Obtain names and addresses of alleged violators and report the details to the Board of Directors.
 - b. Call upon law enforcement agencies for assistance, if necessary.
4. The Whispering Ridge CC&Rs direct the Board to impose reimbursement assessments on a property owner as a result of the failure of that property owner to comply with the governing documents of the Association. These reimbursement assessments may include, but are not limited to, recovery of all administrative, legal and other costs associated with enforcement of these Rules & Regulations, Architectural Guidelines, Architectural Committee directives/rulings and any other rule or regulation adopted by the Association. Proper notice must be provided to the property owner/violator prior to this action.
5. The Whispering Ridge CC&Rs also authorize the Board to impose fines and penalties on a property owner as a result of the failure of that property owner to comply with the governing documents of the Association. Proper notice and the opportunity for hearing must be provided to the property owner/violator prior to this Board action.
6. The Board's multi-step process for handling alleged violations (initial notification and follow-up steps, up to and including legal action if warranted) shall be published on the Association website, and available to members in hard copy if requested.

7. The Board's detailed policies for reimbursement assessments and fines, including a schedule of common fines, will be reviewed and disseminated annually to property owners of record. At all times, accounting for assessments shall be kept separately from accounting for fines by management.
8. The Association's policies and practices with respect to enforcing lien rights and other penalties for default in regular, special or reimbursement assessment payments, in compliance with Civil Code Section 1365(d), are as follows:
9. Timely payment of regular, special and reimbursement assessments is of critical importance to the Association. Members' failure to pay assessments when due creates a cash-flow problem and causes those owners who make timely payments to bear a disproportionate share of WRHOA'S financial obligations. Assessments shall be charged in accordance with the CC&Rs and Bylaws.
10. Payments are late if not received by the designated management company by the due date. Payments not received within 15 days following the due date shall be charged a late fee in the amount as established and reviewed by the Board annually. Furthermore, late payments not received within 30 days following the due date shall accrue interest daily at the rate of ten percent per annum beginning the 31st day of delinquency. Should the Association be compelled to engage an attorney to collect these assessments, including late charges and interest, whether by lawsuit or otherwise, the property owner shall pay reasonable attorneys fees. If there is a lawsuit brought by the Association, the judgment shall include the amount of delinquent assessments, the interest, costs of collection, court costs and reasonable attorney's fees. Further, the Association has the right to claim a lien on a property owner's property to secure payment of assessment(s). This lien shall include the amount of delinquent assessments, accrued interest, costs of collection, and reasonable attorney's fees. Prior to any lien action imposed by the Board, the property owner will receive written demand for payment, which will include the date(s) and amount(s) of the delinquency. If this demand for payment is not met within ten (10) days, the Association will file a lien against the property owner's property with the Office of the County Recorder of San Diego County. Any lien attached to the property owner's property may be foreclosed upon by any manner permitted by law. If there is a foreclosure, the Association is entitled to obtain reasonable attorney's fees, court costs, title search fees, interest and all other costs and expenses to the extent permitted by law. If there is subsequent full payment on the lien, an officer of the Association will file and record a release of the claim of lien with the County Recorder of San Diego County. Non-use or abandonment of a property owner's property is not an excuse to stop paying assessment(s), nor is non-use of the Common Area and/or the Common Area facilities. The sale or transfer of a property owner's property shall not affect an assessment lien, nor will it diminish the owner's personal obligation to pay the lien, except as provided by applicable law. The Association may also take disciplinary action against property owners for failure to pay assessments, which may also result in a loss of voting rights and loss of use of the Common Area facilities in the Association.

2.4 Debris, Trash, Papers, Cans

1. No rubbish, trash, refuse, papers or cans shall be allowed to accumulate excessively on property owner's lots and shall never be placed on HOA common areas. No debris, trash, refuse, papers, cans, or their containers shall be stored in areas easily visible to most others, e.g., side walkways, front decks or patios, etc. These items must be screened and/or placed in unobtrusive locations so as not to be viewed. An exception is made when temporary construction is underway requiring a large commercial dumpster.
2. Trash, recyclables and yard debris should be placed at curbside after 4:00 p.m. the day prior to the scheduled pick up entirely within containers provided by, or in a form directed by the City of San Diego. After pick up, all empty containers and items NOT picked up must be removed from curbside the same day.
3. Members shall pick up and properly dispose of all trash spilled or blown onto streets, sidewalks and Common Areas.
4. Discarded items, such as furniture/appliances and any hazardous waste, shall be removed from the premises immediately and disposed of properly.

2.5 Noise Control

1. Noise pollution is a nuisance. Property owner consideration for other property owners and residents living in close proximity shall be the norm. Reasonable exceptions to this norm are acceptable, e.g., occasional social gatherings, etc. between the hours of 9 am – 10 pm.
2. Audible levels of radios, televisions, musical instruments, party activities, barking dogs, car horns, extended vehicle engine operation and other noise sources must be restricted to a level acceptable to those residents living and recreating nearby, and shall fall within the limits imposed by applicable City of San Diego Ordinances.
3. Homeowners, renters, parents and guardians shall be held accountable for the actions of their children and/or house guests regarding these noise control regulations.
4. Construction is prohibited from 6:00 p.m. to 7:00 a.m.
5. When property owners are unable to resolve disputes regarding noise nuisances, they may petition the Board for guidance. The Board shall determine the appropriate action after a hearing of concerned parties to the dispute.
6. The Board shall have the right to levy fines for repeated or excessive noise violations.

2.6 "Undue Risk" Board Resolution

Any activity on or near WRHOA properties, which is unlawful or which creates an unreasonable and/or undue risk or harm, shall be prohibited. The "Properties" include, but are not limited to, the Common Areas, Separate Interests, and any other real or personal property of the Association and any of its members. Unreasonable and/or undue

risk of harm shall be construed in the sole discretion of this resolution in accordance with the provisions of the Declaration of Covenants, Conditions and Restrictions, including Article VI, Section 6.1.

2.7 Animals

1. No animals of any kind shall be raised, bred or boarded for profit in or on any property owner's property or the Common Areas. A reasonable number of household pets may be kept within the property owner's property. A property owner wishing to raise or keep any animal(s) not normally considered a household pet must have prior written approval of the Board, for example, chickens, ducks, snakes, any dangerous or poisonous creatures.
2. All animals within the Association shall be kept on a leash when not within an enclosed area of a property owner's lot or under the immediate voice control of the property owner.
3. Any droppings deposited by pets on lawns, streets, sidewalks, paths or other Common Areas must be removed immediately by the owner or handler of the animal involved.
4. Owners shall be liable for any personal injury or property damage caused by their pets or the pets of their tenants or guests.
5. All animals must be registered and licensed as prescribed by law.
6. Residents disturbed by an animal are urged to first contact the animal's owner for resolution of the problem. If resolution is unsuccessful, residents should write to the Board via the management company and/or contact the San Diego Police Department directly if they believe a violation of City ordinances is occurring or has occurred.
7. The Board reserves the right to levy fines for repeated violations of the animal control or clean-up regulations.

2.8 Fence and Wall Maintenance

1. All fences and walls shall be kept in good material condition through proper maintenance, repair or replacement subject to approval of the Architectural Committee.
2. All fences and walls initially constructed by WHISPERING RIDGE developers are deemed to be wholly located on property owner lots, not on property lines. The property owners of those lots on which they are located shall permanently maintain these fences and walls.
3. The Association holds NO responsibility for fences or walls, except for those fences and walls surrounding or within the Common Area facilities, where the fences and walls are located wholly on Common Area grounds.

4. Whether fences and walls separate property owners' lots from Common Areas or separate property owners' lots from other property owners' lots, the property owners are responsible for maintaining all supports and surfaces on every side of those fences and walls.

5. When fences and walls are situated on any sections of the property lines separating individual property owners' lots, a joint responsibility exists and expenses for maintenance, repair, or replacement shall be absorbed fairly among those property owners involved.

6. Neither the Board of Directors, Architectural or Landscape Committees, nor Property Manager, will mediate private disputes regarding property owner's joint responsibility and ownership of shared fences or walls (or private property in general).

2.9 Garage, Driveway And Parking

1. The primary purpose of garage spaces should be parking of vehicles engaged in daily transportation. No more than one garage space should be dedicated to general household, vehicle or other storage without prior approval of the Board, unless the remaining space(s) can accommodate all owner/resident daily use vehicles.

2. Garage doors shall be kept closed when owners or residents are not in the approximate vicinity. When owners or residents are present, garage doors should be kept closed except for temporary but frequent garage door access.

3. All vehicles of property owners and residents should normally be parked completely inside their garages. Should owners or residents desire to keep more vehicles, intended for customary transportation and frequent use, than can be accommodated by the planned vehicle capacity of their garages, said owners or residents should park additional vehicles on driveways in front of their garages. For the common benefit of the entire Association, individual vehicular parking on streets within WRHOA is discouraged, except for those instances when guests' vehicles may temporarily outnumber available property owner parking spaces.

4. No major repairs or restorations of any vehicle or equipment shall be conducted upon any street, lot, driveway or elsewhere within WHISPERING RIDGE, except wholly within a garage. Further, such activity must not constitute a nuisance or hazard and such activity must not prevent garage parking as above delineated.

5. No owner shall park, store or keep on any property or street (public or private) within the Properties any large commercial-type vehicle (including, but not limited to, any dump truck, cement mixer truck, oil or gas truck or delivery truck), any recreational vehicle (including, but not limited to, any camper unit, or motor home), any bus, trailer, trailer coach, camp trailer, boat, aircraft, mobile home, inoperable vehicle or any other similar vehicle or any vehicular equipment, mobile or otherwise, deemed to be a nuisance by the Board, upon any unenclosed parking space, so as to be visible from anywhere in the Properties, except as provided by Section 2.10.6. The above excludes camper trucks and similar vehicles up to and including three-quarter (3/4) ton when used for everyday- type transportation and subject to approval by the Board.

6. Use of one garage space for parking or storage of any disabled motor vehicle, recreational vehicle, boat, trailer, aircraft, collector vehicles not normally used for transportation, other vehicle or equipment will be allowed as described in Section 2.9.1. Additional spaces may be so dedicated as long as such use will not result in the inability of owners and residents to park all their vehicles within the remaining garage spaces. If such use eventually results in the inability to use the garage for daily use vehicles, the disabled vehicle, recreational vehicle, boat, trailer, airplane, other vehicle or equipment should be removed and stored outside WHISPERING RIDGE at owners' expense.

7. Washing of vehicles and equipment on driveways or in the street is permitted.

8. Property owners are responsible for their guests parking appropriately, ensuring the Common Areas, city streets, sidewalks, and/or other property owners' driveways are not blocked.

9. The parking lot at the pool/court complex shall be used for vehicular parking only by property owners, residents and their guests when they are using the facilities of that Common Area.

These rules shall not be interpreted in such a manner as to permit any activity, which would be contrary to any ordinance of the City of San Diego or other governmental agency having jurisdiction over the Association.

2.10 Use Restrictions

1. The Association falls immediately under the jurisdiction of the City of San Diego. All applicable state, county, and city laws, ordinances, codes, and zoning apply. The PRD (Planned Residential Development No. 147) prevails over land use issues within the Association.

2. Each lot shall be used primarily for residential purposes. Any for profit or not-for-profit business or activity within the Association, which is conducted by residents or guests, must be invisible in all respects to all other residents. The only exceptions to this rule are: (1) marketing for the sole purpose of purchasing or selling a property owner's property as conducted by licensed real estate professionals or by property owners themselves, (2) Association and residents' support of publicly recognized community groups, e.g., YMCA, Red Cross, Cans For Cubs, Boy Scouts Newspaper Drive, Girl Scouts Cookie Sale, and (3) marketing and sales legally conducted via the U.S. Mail, FedEx, UPS, etc., which are not disruptive to neighbors.

3. Drying yards (clothes lines, clothes poles, etc.) are prohibited within the Association, unless screened from all views exterior to the lot on which the drying yard is located.

4. Outside television antennae, radio antennae, masts, unapproved satellite dishes, or transmitter/receiver towers may not be constructed, installed or maintained in the Association. Satellite receiver dishes, as allowed by federal, state, or city ordinances, are permitted subject to Architectural Committee approval (See Section 4.11.10).
5. No shack, shed, garage, trailer or outbuilding shall be used as a residence, either temporarily or permanently. No shack, shed, garage or trailer may be placed on a lot during construction of a residence, without written approval from the Board.
6. Use of camping tents, recreational vehicles or trailers as temporary residences to accommodate visiting guests of property owners shall be limited to eight days every six months. Parking of recreational vehicles, boats or trailers within the Association for equipment preparation and/or clean-up should be limited to two occasions per month.
7. One aesthetically acceptable sign, not to exceed 18 inches by 30 inches, to advertise a home or lot for sale, lease or rent, may be displayed for public view, but must be removed immediately after the sale, lease or rental agreement has been legally executed. "SOLD" signs are allowed up until the close of escrow.
8. A single, aesthetically acceptable sign, not to exceed 18 inches by 30 inches, reflecting a homeowner's support for publicly recognized community groups or candidates for public office may be placed on a homeowner's private property for brief periods (45 days or less) during fund raising drives or election. Homeowners may also permit a single 18 inch by 30 inch sign identifying an active contractor during construction. Such signs must be removed immediately after the election, fund raising drive or construction is concluded.
9. All landscape maintenance equipment, garden tools, garden hoses, firewood stacks, trash and recycling containers, storage piles, etc. must be screened and concealed from public view. Front yard garden hoses should be neatly coiled when not in use. If viewable from member properties or HOA common space, firewood piles, back-yard storage areas, tools, etc. should be maintained in a neat and orderly manner.
10. Permanent placement of basketball backboards and hoops or other game-related equipment on building structures is prohibited. Portable basketball equipment is authorized to be used within Association properties, but equipment must be maintained in good material condition.
11. Soliciting of any kind or actively supporting political candidates or issues are prohibited within the Common Areas.

2.11 Rental Requirements

1. Short-term rentals of less than 180 consecutive days are prohibited. A resident using a "house sitter" while on vacation is not considered a rental situation.
2. Property owners shall immediately notify the management company when a property is being leased or rented, Such notification shall include the legal address where correspondence with the property owner can be delivered and name of the responsible lessee or renter.
3. All owners shall provide their tenants with a copy of this handbook and are responsible for their tenants' compliance with the Rules & Regulations, Architectural Guidelines, By-laws, and CC&Rs. Owners are responsible for their tenants and tenants' guests and are financially liable for any damage to the Common Areas and Association equipments caused by any of those individuals or their pets.
4. Non-occupying owners remain responsible for the overall appearance and material condition of their properties. Maintenance and repair of all equipments, appurtenances and fixtures within a property are considered the sole responsibility of the property owner Rented homes will be cited for architectural violations pertaining to the aforementioned in the same manner as any owner-occupied HOA home. Copies of violation letters will be sent to both tenant and homeowner.

3 RECREATION COMMON AREAS

The “Recreation Common Areas” are defined as the Pool/Spa, Meeting Room, Courts and the Nature Park. Association members are encouraged to use these facilities for the enjoyment of their families and their invited guests. The appearance and care of these facilities are a direct reflection of the pride we take in our community. They add value to our individual properties and should be cared for accordingly. Please remember that a number of Association members live in close proximity to these areas and that your concern for their privacy and well-being is greatly appreciated.

3.1 General Rules For The Recreation Common Areas

1. Common courtesy for surrounding neighbors and other residents using the same Recreation Common Areas is expected with respect to the length and loudness of the parties and functions.
2. Smoking is not permitted in any of the Recreation Common Areas.
3. Discretion is expected when using audio systems of any kind in the Recreation Common Areas. Use of these devices should not be played aloud if others nearby object. Use of headphones is encouraged. The use of power amplifiers and loudspeaker systems is prohibited, except for Association-sponsored events as defined by the Board. The general guideline is that the event be community wide such as a community block party, or holiday like the 4th of July. In all cases, specific Board approval is required for the use of power amplifiers and loudspeaker systems.
4. Glass containers or any other forms of glassware are prohibited in the recreation common areas. However, with the understanding that the meeting room is often reserved for adult functions, an exception is made for wine bottles within the meeting room area. This is not to extend on to the pool decking surfaces and a meeting room reservation is required for the exception. Plastic cups are required for all dispensed beverages. All other glass containers including beer in bottles and glassware are prohibited anywhere in the Recreation Common Areas, including the meeting room.
5. Weapons of any kind and size are prohibited.
6. Skateboarding, roller-skating/blading, bicycling, and any other activities that may cause damage are prohibited inside the Recreation Common Areas or in the parking lot.
7. Property owners are responsible for any damages to the facilities caused by themselves, their family members, children, tenants, or guests and shall be charged for any such damages accordingly.
8. With the exception of those guests staying overnight or longer, all individuals, who are not residents of Whispering Ridge, must be accompanied by a resident at all times while using the facilities: Pool/Spa area, Meeting Rooms, Courts or Nature Park.

9. CA Code 25:663 of the Business and Professional Section “prohibits the consumption of alcoholic beverages by persons under the age of 21”. There are no exceptions, not even on private property, which includes our common areas, the minor’s home, with or without parental approval or supervision.

10. CA Health and Safety Codes 11350 and 11351 state “Controlled substance consumption of any kind is absolutely prohibited at all times in public and private places by all persons”.

11. All persons use the Recreation Common Areas’ facilities and equipment at their own risk.

3.2 Pool/Spa And Meeting Room Complex

The primary concern of all should be safety at the pool and spa complex. Therefore, all WRHOA members are asked to observe these rules to safeguard the lives of those using the complex and to prevent vandalism. The gates to the pool, spa and court complex must be kept locked and closed at all times to safeguard unattended minors from potential hazards. Residents and guests are required to obey all the rules posted at the pool and spa area as well as those listed below.

1. The complex is for the exclusive use of residents and their guests.
2. A maximum of two gate key cards will be assigned to each property in the Association. A lost or stolen gate key card may be replaced upon submission of a formal request to the property management company and payment of a replacement fee prescribed by the Board.
3. Hours for the pool/spa are from 6:00 a.m. to 10:00 p.m. daily. Lighting for the complex area is on a timer, adjusted seasonally, and will automatically turn on and shut off to accommodate these hours.
4. No lifeguard service is available at any time.
5. Children under the age of 14 are prohibited from using the pool and spa, unless they are under the active and direct line-of-sight supervision of a responsible adult resident or adult overnight guest (18 years old or older). Use of the spa by children under five years old is strictly prohibited.
6. When in the pool, children who are not completely toilet trained must wear waterproof swimsuits/clothing that properly seal around the body and legs.
7. Persons with active diarrhea, or who have had active diarrhea within the past 14 days MUST not enter the water.

8. All food, drink, food wrappers and drink containers must be kept out of the pool and spa water at all times. All litter shall be disposed of in the provided trash containers.
9. Only swimsuit attire shall be worn by all persons entering the pool or spa water. Hairpins, metal clips, and cut-off clothing with loose fringe threads are prohibited in the pool and spa. Unusually long hair should be held in place by a band or swimming cap. Showers are required prior to entering the pool or spa.
10. Pool furniture shall not be removed from the complex and shall not be "reserved" when the users are away from the complex. If any pool or spa furniture is moved by a resident or guest, it must be relocated to its approximate original position prior to leaving the complex. Users of furniture must wipe the furniture clean of excess suntan oils/lotions, food debris, drinking fluids, etc.
11. Non-floating objects, normally not approved for pool use, shall not be tossed into or around the pool or spa.
12. Playing with the pool maintenance support or life-saving safety equipment is prohibited. Using pool furniture for other than its intended purpose is prohibited, e.g., bouncing/jumping on or off furniture.
13. Running, pushing, shoving and other dangerous "horseplay", whether in or out of the water, are prohibited.
14. Diving into pool water less than four (4) feet in depth, i.e., shallow sections, is prohibited. Diving or jumping into the spa is prohibited.
15. Personal items must not be left intentionally in the complex overnight.
16. Pets and all other animals, except seeing-eye dogs, are prohibited.
17. Throwing or placing pool and spa furniture, trash receptacles, planting pots, etc., into the pool and spa is prohibited.
18. Common courtesy is required by all pool and spa complex users to maintain the cleanliness and good material condition of the restrooms, showers, and shelf areas.
19. The pool and court gates should be closed and locked at all times.
20. The pool and spa complex parking area shall be used by the residents and their guests for the purpose of accessing and using the courts and the pool/spa and meeting room facilities. Lingering, socializing, partying, and consuming beverages and food items in the parking area are prohibited except in the case of a special event previously approved by the Board.

21. Private swimming or exercise lessons, defined as those involving four students or less, may be conducted in the pool for the sole benefit of Association household members and occasional guests, providing they do not adversely impact enjoyment of the facility by others. Group swimming or exercise lessons, defined as those involving more than four students, may only be conducted with express approval of the Board. No resident, acting as an instructor for compensation of any kind, shall conduct swimming or exercise lessons for persons who are not Association residents, except under the auspices of the Board.

3.3 Courts

1. Courts are available for play from 7:00 a.m. to 10:00 p.m. each day of the week. All gates must be locked and all lights turned off upon the last occupants leaving the courts.
2. A sign-up board for court reservations is located inside the entrance to the courts. Reservations for court times may be made no earlier than 7:00 a.m. on the day prior to scheduled play, unless approved in advance by the Board. Reservations shall not be made for more than one hour of play per day for singles play, or one and a half hours of doubles play for each resident of an Association household who is entitled to play without adult supervision, unless approved in advance by the Board. A court reservation shall be held for ten minutes after the scheduled hour. If the person who reserved the court does not appear within this allotted time, the court shall become automatically available for others waiting to play.
3. No children under the age of twelve (12) shall be permitted on the courts unless accompanied by a resident of an Association household who is entitled to play without adult supervision.
4. No pets are permitted on the courts.
5. Any activity other than tennis and pickleball must have prior Board approval.
6. Pickleball reservations may only be made on Court #2.
7. No food or drinks, with the sole exception of water or hydration drinks, are allowed on the courts. Players shall dispose of all trash in the provided court-side receptacles.
8. Only tennis shoes and other athletic shoes with non-scuffing and non-marking soles are permitted on the courts.
9. Private tennis lessons may be scheduled and conducted on the courts for the benefit of residents of an Association household on the same basis as recreation playing. No group tennis lessons may be conducted on the courts at any time unless such lessons are conducted under the auspices of the Board. Group lessons are lessons involving more than four students and one instructor. Private tennis lessons are lessons other than group tennis lessons. No resident, acting as an instructor for compensation of any kind, shall

conduct tennis lessons on the courts for persons who are not Association residents, except under the auspices of the Board.

10. Tennis or pickleball tournaments or leagues, including those involving non-residents, are prohibited.

3.4 Nature Park

1. Nature Park hours are from 8:00 a.m. to dusk daily. Use is restricted to residents and their guests. Consumption of alcohol by persons under the age of 21 is strictly prohibited in the Nature Park as it is in all WRHOA common areas.

2. Children under the age of seven (7) must be accompanied and directly supervised by an adult resident or responsible sitter while in the Park.

3. Residents using the Park are responsible for disposing of all trash in the provided receptacles.

4. Pets are allowed in the Park in accordance with the Association rules governing animals.

5. Open fires are strictly prohibited. All cooking shall be confined to the provided barbeques or commercially made camping equipment placed on Park picnic tables. All cooking fires and hot coals shall be thoroughly extinguished before leaving the Park.

3.5 Private Parties And Functions In Recreation Common Areas

1. General Guidelines

a Any group seeking use of the clubhouse.....or any function having more than 6 guests over the age of 14, or a combined total exceeding 16 adults and children, in addition to the Association residents also attending is defined as a "large party". "Large parties" may have exclusive use of the clubhouse, but must share use of the pool/spa area with others. No more than one "large party" will be allowed in the pool area or clubhouse building at any one time. All "large parties" must have a reservation. Arrangements for a "large party" in the pool area or exclusive use of the clubhouse building must be made in advance following procedures, requirements and rules outlined in the Reservation section of the Association website at <http://www.whisperingridgehoa.org>.

b. Groups with 6 or fewer guests over age 14, or a combined total of 16 or fewer guests (adults and children), in addition to the Association residents also attending, are not restricted. More than one of such group will be allowed in the pool area at any one time. Advance reservations are not required.

- c. Reservations of Recreation Common Area facilities are restricted to residents. Use by outside organizations, whether or not requested by Association residents, must have prior approval by of the Board. Reservations for the clubhouse building (or “large party” in the pool area) will be limited to one specific time slot as outlined in the reservation system on the Association website. Back to back or consecutive reservations are not permitted. Use of the Nature Park should be limited to 3.5 consecutive hours. The Board must approve any exceptions to these reservation rules four weeks in advance of the scheduled function.
2. The purpose of the Meeting Room is to provide a place where Association business can be conducted. This would include Board and Committee meetings, discussions with businesses providing services to the Association and other Association-related business. The Board must approve all other uses of the Meeting Room.
3. Only one “large party” at a time will be allowed in any specific Common Area facility, with 40 as a maximum number of people.
4. Scheduled Association functions shall have reservation priority, e.g., neighborhood socials, Halloween parties, etc.
5. A fee or refundable deposit may be required to reserve a facility, in accordance with Board policy.
6. The Association resident who made the reservation for any Common Area Recreation facility must be present during the entire period the facility is in use under such reservation and shall be held monetarily responsible for any adverse consequences or damage caused by any attendee(s) of the party or function.
7. The Board retains the right to deny or refuse any party or function without written explanation and the right to temporarily or permanently suspend privileges for use of the Common Area facilities, should circumstances warrant this severe action.

4 ARCHITECTURAL GUIDELINES

4.1 Article I: Goals And Policies

4.1.1 General.

Whispering Ridge is a community of uncommon beauty, both in its architectural features and in the natural environment surrounding it. The primary goals of these Architectural Guidelines are to preserve and enhance that beauty and the property values of its members. In administering these Guidelines, the Whispering Ridge Homeowners Association (the "Association") is charged with balancing respect for privacy and individuality with a commitment to preserve the beauty of the landscape for the enjoyment of all. The impact of the area's natural and architectural assets could be undermined by a lack of control over the location, design, color, scale and number of improvements constructed in our community. Therefore, uniformity, consistency and harmony are encouraged, even in some apparently minor matters, in order to allow the area's outstanding natural and architectural features to dominate. When making decisions regarding external changes to properties, the Architectural Committee is responsible for maintaining consistent policies which preserve the value and esthetic harmony of the development as a whole, while remaining open to changing technology and community standards.

4.1.2 Application.

These Guidelines shall apply to the construction/installation of all improvements (as hereinafter defined) in our community by any property owner or resident.

4.1.3 Government Regulation.

Construction of improvements shall at all times be subject to applicable governmental regulation, including without limitation the build code of the City of San Diego. In the event of a conflict between the provisions of these Guidelines and the building code, the more restrictive document shall generally control. For example, if the Guidelines prescribe a type of construction or material, which the building code permits, the Guidelines shall control. City requirements, such as the Planned Residential Development (PRD), dictate land use and generally set the guidelines for the build able pad, setbacks, and land use.

4.2 Article II: The Architectural Committee

4.2.1 Role of the Architectural Committee

The Architectural Committee ("Committee") shall ensure enforcement of the CC&Rs and these Architectural Guidelines. The Committee has broad powers set forth in Article X of the CC&Rs. Generally:

- a. After Board appointment, the Committee is empowered to promulgate binding guidelines and quality standards regulating the construction, addition, alteration, decoration, redecoration, or reconstruction of exterior improvements. Construction of any kind is not permitted until the property owner's plans and specifications have been approved in writing by the Committee.

- b. The Committee is empowered to require any property owner(s) intending to build any new or replacement home to submit complete plans and specifications to the Committee, which shall be subject to review by its consultants and approval by the Committee.
- c. The Committee is empowered to inspect all improvements and to direct and require compliance with the approved plans and specifications, the Architectural Guidelines and CC&R's.
- d. The Chair of the Committee may or may not be a member of the Board of Directors. There will be no more than 2 Board members on the Committee at any one time; and preferably only one at a time. The Chair is responsible for a consistent, fair and open enforcement of guidelines to serve the entire Association.

4.2.2 Approval of Improvements.

Any exterior alteration, addition or change to any structure or appurtenance thereto, any additions or changes to landscaping or hardscape on any lot (herein called "improvements") must be submitted to the Architectural Committee for approval prior to installation or commencement of construction in the manner prescribed below.

4.2.3 Failure to Obtain Approval

Homeowner work commenced before approval of plans and specifications by the Committee is in violation of Association Architectural Review policy and subject to removal or restoration at the expense of the property owner, if the Committee subsequently deems the work to be in violation of these Guidelines. The Committee may also order work stopped until plans have been filed and approved. The Board of Directors may initiate legal action to stop work that has not been approved by the Architectural Committee.

Where acceptable improvements have been completed without advance approval, homeowners will be required to submit the proper duly witnessed application required of all members and documentation of the project as built to the Committee in order to receive confirmation that the improvements conform to the Architectural Guidelines.

4.2.4 Deviation from Approved Plans

If the Committee discovers that an improvement has been constructed or installed in a manner which materially deviates from approved plans, the Committee shall take appropriate remedial action, as authorized by the Board, including without limitation requiring the property owner to remove or restore any portion of an improvement which deviates from the approved plans. Formal notice will be provided and the opportunity for formal hearing granted before this action is taken.

4.3 Article III Meaning Of Architectural Committee Approval

4.3.1 General.

- a. Approval of an improvement by the Committee does not constitute building code approval of said improvement by the City or County of San Diego; Conversely, Building Code approval by the City or County of San Diego does not constitute approval by the Committee. In other words, Committee approval means only that the plans for the improvement comply with the current Architectural Guidelines and are consistent with the style and theme of Whispering Ridge, as interpreted by the Committee. The Committee's approval does not constitute approval of engineering design or provide assurance of compliance with zoning and building ordinances. As a practical matter, the City or County should not issue building permits until Architectural Committee approval has been previously obtained.
- b. Any improvement that has received written approval or has been granted a variance by the Architectural Committee or Board prior to the amendment of these Rules & Regulations shall be grandfathered.
- c. The approval of any improvement, plans or specifications for work done under one "Application for Improvement" shall not constitute a waiver of the right to deny a similar "Application" in the future.

4.3.2 No Liability.

The Committee, members of the Association, the Board, and the incorporated Association shall not be responsible or liable in any way for any workmanship or material defect in any improvement constructed in accordance with plans and specifications approved by the Committee.

4.4 Article IV: Submittal Of Plans For Improvements

4.4.1 Landscaping Plans.

Plans for landscaping the front and rear yards of newly constructed homes shall be submitted within 30 days of the home's completion and 60 days prior to beginning the work. The Architectural Committee may require plans to be submitted sooner, depending on the design of the home. For re-landscaping of existing homes, plans should be submitted at least 60 days before the planned start of construction.

4.4.2 Plans for New Homes and Other Improvements

Plans for construction of new homes and all other improvements may be submitted to the Architectural Committee any time, but should be submitted no less than 60 days prior to the desired improvement commencement date to ensure sufficient time for Committee review and approval. Detailed requirements for Custom Homes and/or Major Remodeling Projects are contained in Article XII.

4.4.3 Submittal of Plans in Duplicate

Two sets of these plans must be submitted to the Committee via the management company. The Association will retain one. One will be returned to the property owner, if requested, with the Committee's decision noted. The City of San Diego will require that the approved, stamped copy be presented with applications for building permits as proof of Architectural Committee approval.

4.5 Article V: Details Required In Plans

4.5.1 Detailed Plot Plan.

All submissions to the Architectural Committee must be in duplicate and in writing (on at least 8-1/2" x 11" paper) and be accompanied by a plot plan drawn approximately to scale showing the following. Plans shall be large enough in scale and detailed enough in design to permit the Committee to fully understand the proposed work. Minimum details shall include:

- a. Location of the residence on the lot, with all relevant dimensions indicated, particularly setbacks;
- b. Complete dimensions of the proposed improvements;
- c. Measurements of the proposed improvements showing their relationship to the home and lot lines;
- d. Detailed description of materials to be used in the improvements, including manufacturers, product names, styles as appropriate;
- e. Drawing showing applicable elevations, sections, footings, etc.;
- f. Color scheme of the end product, including manufacturers, product names, styles, photos or brochures for siding, roofing, stucco, paints or other items as appropriate;
- g. Plotted location of irrigated areas, sprinklers, drains, trees, shrubs, fences, patios, patio covers, built-in barbecues, outdoor kitchens, walls, swimming pools, spas and associated equipment, and all other structures;
- h. Street address, lot number, tract number, owner's name and telephone number and/or E-mail address where the applicant or his contractor can be reached between 9:00 a.m. and 5:00 p.m., as well as a home telephone number and/or E-mail address where the applicant can be reached in the evening.
- i. Estimated start date and completion time.

4.6 Article VI: Regular Architectural Committee Meetings

4.6.1 General.

The Architectural Committee will meet on a regular basis to review owners' proposed plans and either approve or disapprove the plans or recommend required revisions to the plans that would make the Committee's approval likely.

4.6.2 Attendance.

All interested property owners are invited to attend meetings of the Architectural Committee which are held the first Thursday of every month at 6:30pm in the WRHOA clubhouse building, or as posted on the WRHOA bulletin board.

4.6.3 Voting.

Votes of the Architectural Committee members will be open. Majority votes prevail. The Board of Directors has the authority to make decisions that overrule the Committee. See Article 13 regarding reconsideration and appeal procedures.

4.6.4 Reconsideration or Appeal of Architectural Decisions

Votes of the Committee may be appealed to the Architectural Committee for reconsideration or to the Board of Directors as outlined in Sections 13.1 and 13.2.

4.7 Article VII: Safeguarding The Rights Of Neighbors

4.7.1 Notices to Neighbors

All plans must be witnessed by "adjacent neighbors" and "facing neighbors" before submission to the Architectural Committee. The "Application for Improvement" form, which must accompany all plans, shall be used to record neighbor signatures, verifying they have seen the plans. The "Application for Improvement" form appears in the Appendix of this handbook or may be obtained from the property manager or the Association Web Site.

"Adjacent neighbors" means the people' owning properties with a common lot line to the property in question, including both sides and rear. "Facing neighbors" means the three properties located most directly across the street from the property in question. In addition, the Committee may entertain comments from other neighbors, on a case-by-case basis, on any improvement, which may impact their use and enjoyment of their property or Association property. (Hereinafter, applicants, adjacent neighbors, facing neighbors and other neighbors may be collectively referred to as "interested parties.")

4.7.2 Objections.

Interested residents are encouraged to attend Architectural Committee meetings to voice their support, objections or concerns. If unable to attend a meeting, members may also submit their comments in writing to the property manager before the date of the meeting. Interested parties do not approve or disapprove neighbor improvements. The decision-making authority rests with the Architectural Committee, which shall consider input on an advisory basis. Adjacent and interested parties are required to sign architectural improvement forms, indicating they have seen the plans, as part of the review process.

4.7.3 Notification to Uncooperative Interested Parties

Adjacent neighbors who will not witness or sign the “Application for Improvement” form do a disservice to the review process. When an adjacent neighbor refuses to cooperate, the Architectural Committee will accept submission of a certified mail receipt, showing name, address, and date of delivery to the adjacent neighbor by the submitting member as proof that the interested party was offered an opportunity to review the application. The receipt must be dated a minimum of 5 days prior to the monthly Architectural Committee Meeting and the Application for Improvement Form must contain a note indicating that an adjacent neighbor was offered the opportunity to review the plans but refused to sign.

4.8 Article VIII: Timing For Approval Of Plans

4.8.1 General.

The Architectural Committee must approve or disapprove “Applications for Improvements” within 30 days after receiving a complete set of plans and specifications. Plans are considered to be “received” on the date they are delivered to the management company. If the Architectural Committee disapproves any plans, it shall send the property owner in question a written notice to such effect, postmarked or delivered before the end of said 30-day period. Failure to timely send a disapproval notice or a request for additional information shall constitute approval of the proposed plans.

4.8.2 Preliminary Approval.

Preliminary verbal approval or disapproval of proposed plans will be given as soon as possible after all questions have been answered to the Architectural Committee's reasonable satisfaction.

4.8.3 Written Approval.

If the Committee does not outright disapprove the proposed plans, the property owner will be notified of the approval or required revisions. One copy of the plans will be returned to the property owner with approval or required revisions noted if requested.

4.8.4 Resubmission of Plans

Revised plans incorporating design changes required by the Architectural Committee must be resubmitted for approval by the Architectural Committee before any work can start.

4.9 Article IX Timing For Work Commencement

4.9.1 General.

Work may be commenced only after receipt of written approval or signed plans from the Architectural Committee and also the satisfaction of any Committee imposed conditions or stipulations to such approval.

4.10 Article X Deadline For Completion Of Improvements

4.10.1 Deadline.

Substantial completion of all improvements, including landscaping improvements, must be achieved within four months after approval of the plans by the Architectural Committee. For extensive, major remodeling projects, the Committee may be petitioned to waive this requirement and approve extra time for construction or landscaping, based on realistic estimates supplied by the homeowner or his/her contractor(s) to complete the project.

4.10.2 Consequence of Failure to Meet Completion Deadline

If substantial completion of an improvement has not been achieved within four months after the date of approval, the Architectural Committee reserves the right to request that the property owner attend a meeting of the Architectural Committee to discuss the status of the improvement. If the property owner fails to provide a reasonable schedule for completion of the project and/or satisfactory explanation for the delays to date, the Board may, upon recommendation of the Committee, initiate appropriate actions to insure prompt completion of the work at property owner's expense. Notices of this meeting will be given to all Adjacent and Facing Neighbors. Unless the property owner has a reasonable explanation for the failure to complete construction of the improvement, the Board shall initiate the procedures for violation of the CC&RS and these Guidelines.

4.10.3 Notice of Completion

Within 30 days after completing an improvement, property owners shall file a written Notice of Completion through the management company. The Architectural Committee will use this notice as the basis for a final inspection to assure improvements conform to approved plans,

4.11 Article XI Architectural Material Standards

4.11.1 Trees.

No living tree more than six feet in height may be removed by a property owner without the prior written approval of the Architectural Committee.

4.11.2 Fences and Walls

General Policy. Fencing on a large scale can detract from the community's natural beauty. For that reason, these Guidelines limit and set standards for perimeter fencing on the wooded slopes and flat portions of all properties within Whispering Ridge. Fencing should be erected for specific purposes, not merely to define property boundaries. All property owners have a right to privacy in their home and immediate yards. Construction of fences and walls will be permitted to ensure that right, except as set forth herein. However, the rights of other property owners to the enjoyment of the natural landscape must also be respected. Except where privacy or protection is at issue, fencing will not be

allowed to obstruct neighboring views, or permitted to interfere with the open, woody, quality of the slopes. California Civil Code Section 841 requires that the cost of building and maintaining common fences be shared by adjacent property owners. For that reason, it is incumbent upon adjacent property owners to reach agreement on the design and cost of their shared fences. Plans for the first time placement or redesign of fences, like any other improvement, must be submitted to the Architectural Committee for review prior to the start of construction. Fencing plans must be accompanied by an “Application for Improvement” form, signed by all Adjacent and Facing Neighbors. Repair/replacement of existing fences with the same installations meeting the fencing standards below, do not require Architectural review. Modification or changing of fences to new styles or materials requires architectural review and approval.

4.11.2.1 Fencing Standards.

(1) Acceptable styles and material for the extension, repair or construction of fencing shall include:

(i) Wood panel fencing in a “Picture frame” design (no dog ear planks) conforming to the style currently found throughout Whispering Ridge. The wood shall be stained or painted to match or harmonize with the exterior finish of the existing dwelling and neighboring fences and to prevent uneven weathering;

(ii) Open wrought iron or its aluminum imitation in the style currently found throughout Whispering Ridge (painted black or other color approved by the Architectural Committee);

(iii) Brick, stone, landscape block or stucco, if the type, quality, coloring and style of the materials used are consistent with the character of home and the community.

(iv) Clear translucent polymer panels above solid fencing or walls in unobtrusive locations on the rear portions of lots where they are not readily viewable from the street.

(2) Unacceptable materials for fencing shall include without limitation:

(i) Tin or aluminum sheet metal;

(ii) Chicken wire;

(iii) Metal or plastic coated chain link;

(iv) Plastic webbing, reeded or straw-like materials; (v)

Plastic or fiberglass panels;

(vi) Grapestake;

(vii) Glass Block

(viii) Spiked, barb wire or other hazardous material

- (ix) Any other material deemed to be inconsistent with the character of Whispering Ridge during Architectural Review. (3) No fence or wall shall be more than six feet high.
- (4) Structural framing on the unfinished side of a fence shall not be exposed to any public street, sidewalk, or open space. Fences shall not be propped up with sticks or planks.
- (5) Solid fencing or walls will be permitted only on the flat graded portion of any lot to provide or expand privacy or protection.
- (6) For fencing that extends up, down or across natural wooded slopes only open wrought iron or its aluminum imitation is acceptable at a maximum height of six feet. However, variances will be considered for any unusual topographical situation.
- (7) Existing fencing that differs from these standards must be brought into conformance at any time it is replaced or changed.
- (9) No double fences shall be constructed along property lines, i.e., adjacent property owners shall not construct separate fences parallel to one another. Property owners may, however, construct interior fences or walls, provided the materials used are consistent with these Guidelines and the planned improvements undergo architectural review.
- (10) A picture, photograph or drawing of any proposed fence (elevation view) together with color and/or material samples must be included with all plans submitted to the Architectural Committee.

4.11.3 Patio Covers, Balconies, Gazebos and Other Secondary Structures.

All such structures shall conform to the architectural character of the home and shall be constructed only with stone, brick, stucco or wood painted or stained to match the trim or siding of the house. Patio covers shall not be constructed of aluminum, other metal, plastic, or fiberglass materials. However, the use of attractive, fire resistant materials as a replacement for wood will be considered by the Architectural Committee on a case by case basis. Cloth shade screen, fiberglass panels, sheet metal or composition shingles are generally not acceptable coverings for pergolas, shade structures or patio covers. However, as aesthetics evolve, these and other materials may be submitted to the Committee for consideration on a case by case basis.

4.11.4 Additions, Changes, Alterations

All exterior additions, changes or alterations shall be consistent with the existing structure in terms of roofline, material, finish, color and overall style.

4.11.5 Decking.

Decks must be approved by the Architectural Committee and shall be constructed in a manner consistent with the philosophy of these Guidelines. Decks designed to overhang slope areas will be approved only if they can be constructed so as to be visually unobtrusive to other residents. This means that, in some instances, the construction of decks,

which would overhang slope areas may not be permitted. Decking surfaces shall be wood or composite materials with the look and feel of wood. Visible concrete pilings supporting any deck will generally be required to be enclosed in stone, brick, landscape block or wood to enhance the appearance. In addition, the planting and maintenance of shrubs, bushes or other plant material to soften the visual effect from viewable portions of the street or adjacent properties will generally be required.

4.11.6 Other Improvements on Slope Areas

Improvements on slope areas must not be allowed to interfere with the flowing, wooded character of the slopes or the natural drainage patterns across Common Areas or other owner properties. Improvements will be permitted on slopes only where they conform to fire and other codes and can be located unobtrusively, without significantly disturbing the natural contours of the slopes. Any trees removed must be replaced with appropriate varieties to minimize the visibility of improvements and maintain the wooded character of the community. Other measures may also be required. See the WHISPERING RIDGE SLOPE DEVELOPMENT ALLOWANCES contained in the Appendix of this handbook.

4.11.7 Pools, Spas and Associated Structures

Property owners have the right to install pools, spas and associated structures on their property in a manner consistent with these Guidelines and applicable governmental regulations. In reviewing plans and specifications for pool and spa installations, the Architectural Committee may require that pool and spa equipment be constructed and installed in a manner that will minimize adverse visual and aural impacts on Adjacent, Facing and Rear Neighbors. For example, noise-generating filtering equipment may have to be noise shielded to prevent neighbors from being unduly disturbed or annoyed. The WRHOA Architectural Committee and City of San Diego Development Office have agreed to jointly review and approve applications for disappearing-edge pools.

4.11.8 Patios, Driveways, Courtyards and Walkways

The Architectural Committee must approve first-time construction, or subsequent expansion or modification of patios, driveways, courtyards and walkways (hardscaping). Replacement of hardscaping using different materials, colors or finishes also requires Architectural review.

4.11.9 Roof Replacement.

(a) Acceptable materials for the replacement of existing split cedar shake roofing shall include:

Color-through cement tile, slate, stone, or gravel coated steel tiles with a split cedar shake appearance. The Architectural Committee must approve color and material. Generally, up to two muted (similar, non-contrasting) colors may be approved. The existence of any particular roof color(s) within the neighboring or Whispering Ridge community does not imply that it would be approved in the future. Owners must submit proposed tile and color names, together with a manufacturers brochure or samples and gain Architectural Committee approval before installing a new roof.

Unacceptable materials for roof replacement shall include composition shingles (fiberglass or asphalt), aluminum shingles, fiber-cement tiles with painted surface, clay or light weight cement tiles in "S" or "C" profiles, and any other material that does not simulate split cedar shake appearance

(b) Roof Maintenance. Every roof must be maintained in good esthetic condition. Broken, split or uneven tiles/shakes, water stains, fading or uneven colors, or tiles/shakes that are not laid uniformly as designed or initially installed. shall be repaired or replaced. The Association recommends replacing existing shake roofs with fire resistant materials. However, if a shake roof is kept against our recommendation, it must be well maintained and treated with fire retardant chemicals.

4.11.10 Direct Satellite Receiving Antennae.

Satellite receiving antennae or dishes shall not be erected, placed or maintained on a property, unless they are minimally visible from the street and unobtrusive to neighboring properties. Receiving dishes that are approved shall not be more than 36" in diameter.

4.11.11 Exterior Painting.

Paint on all external surfaces must be maintained in good condition. All new exterior painting, repainting, staining or restaining of exterior walls, sidings, trim and fences requires prior written approval by the Architectural Committee, unless substantially equivalent to the existing, previously approved finish. The exteriors of homes should be painted or stained with colors consistent with other homes in Whispering Ridge. At minimum, painting applications must include color samples (draw-down or color card of minimum size 8" x 10") and description of color scheme, with the intended location of each color accurately described. Ideally, homeowners should provide reference addresses where the proposed colors may be observed full scale, in natural light. Many homeowners have found that painting small sections of the existing home with the proposed colors is an effective way to evaluate their true appearance and may be requested at the discretion of the Architectural Committee. Three foot squares of corrugated cardboard or poster board, painted with the proposed colors have also proved useful in the evaluation of colors.

4.11.12 Mailboxes.

Association members are responsible for keeping their mailboxes and posts in good repair. Mailboxes on shared posts must be of uniform design and color. Original Whispering Ridge builder installed mailboxes and posts may be replaced in kind with installations of the same size, color and shape. The Committee has construction plans for the construction of these posts and will provide copies on request. All other replacements of mailboxes or posts must conform to one of the options described in the Mailbox Policy shown in the Appendix of this handbook. No name signs or decorations are permitted on mailboxes or supporting posts.

4.11.13 Photoelectric and Solar Water Heating Panels

All proposed photoelectric and solar water heating panel installations must be reviewed and approved by the Architectural Committee. Applications should include (1) detailed drawings showing precise location(s) of the proposed panels; (2) photograph(s) illustrating the appearance of other existing installations; (3) anti glare characteristics of the panel surfaces, angle of reflection/glare studies or professional assurances that reflected glare will not be a nuisance issue for neighboring properties. Questions regarding glare studies or other application requirements should be directed to the management company.

Monochromatic installations (all black support members, frames and panels) are preferable to those where bright aluminum frames create a checkerboard effect. Panels extending beyond roof edges or above peaks should be avoided. To the extent allowed by the California Solar Rights Act, the Committee may enforce these and/or other aesthetic requirements. Homeowners should carefully consider aesthetic issues like these when choosing solar panels/vendors/installers.

4.11.14 Miscellaneous.

(a) Dog Runs. Dog runs are considered architectural modifications and require Architectural Committee approval.

(b) Rain Gutters. Color of rain gutters shall match the house color or trim, as closely as feasible.

(c) Play Equipment. Swings, playhouses and other playground and recreation equipment normally will be evaluated on an individual basis, and approved only if plans delineate locations that are minimally visible from the street and unobtrusive to neighbors.

(d) Exterior Lighting. Exterior lighting, whether mounted on buildings or landscaping, shall not be directed in such a manner as to bother or annoy neighbors.

(e) Window Glass Tinting. Window glass tinting may be considered; however, mirrored or highly reflective finishes shall not be approved.

(f) House Numbers. Four inch high house numbers of the type installed by the developer are considered the norm. Any different style or size replacement house numbers, such as plaques containing the street name and number, are subject to approval by the Architectural Committee. Signs bearing family names are generally not permitted and may only be displayed in unobtrusive locations, with the prior consent of the Architectural Committee.

(g) Holiday or Special Occasion Lighting and Decorations. Exterior holiday or special occasion decorations and lighting must be removed within a reasonable time following the holiday or occasion. Specifically, December holiday lighting and decorations must be removed no later than January 31 of the year immediately following the December holiday.

(h) Miscellaneous Installations.

The following installations are not permitted and will not be approved by the Architectural Committee.

- (1) Prefabricated metal or plastic utility buildings; \
- (2) Permanent freestanding flagpoles;
- (3) Permanent basketball hoops or other game-related equipment attached to buildings or installed in front yards;
- (4) TV or radio antennae and towers;
- (5) Front yard sculptures
- (6) Exterior window air conditioners, unless they can be installed out of view of Adjacent or Facing Neighbors and do not pose a noise nuisance;
- (7) Exterior security bars over windows and doors.

The following improvements, which were previously restricted, may be submitted to the Architectural Committee for review on a case by case basis:

- (1) Well-constructed wooden or stucco utility structures, which conform to the style of the home, if they can be sited in totally unobtrusive locations.
- (2) Screen doors on the front of homes, if they are well-constructed of aesthetically acceptable materials.
- (3) Permanently attached sunshades on windows or doors, if they are well constructed of aesthetically acceptable materials.
- (4) Fountains and bird baths, which harmonize with the home and neighborhood, if they can be placed in unobtrusive locations, screened with foliage, or be tastefully incorporated into the landscape design.

4.11.15 Landscape/Hardscape

(a) Landscape & Hardscape shall be consistent with the style and quality of the community. First-time installations or significant changes to existing outdoor areas are subject to approval by the Architectural Committee. Plans shall specify the location, variety and quantity of all plantings plus the color and texture of all hardscape materials. Brochures, photos or samples should be included as appropriate

(b) It is recommended that a mixture of live plant materials, lawns, ground covers and/or low water vegetation be used. Growth to maturity should be considered when locating trees or other large plants, to avoid encroachment on or damage to neighboring properties, walls, foundations, sidewalks or public spaces.

(c) Artificial turf will be strictly limited to products that reasonably provide the look of natural grass and must be approved in advance by the Architectural Committee. Homeowners seeking approval for artificial turf products should include the addresses of existing installations, where the proposed material can be viewed and evaluated.

(d) When planning front yard artificial turf installations, homeowners should consider buffering with plant or other landscape materials when turf would be contiguous to sidewalks and driveways; limiting artificial turf to a maximum of 50% of the landscape area, and/or other ways of minimizing the visual impact.

(e) Gravel "lawns" are not permitted, but drought-tolerant gardens, incorporating decorative stone, natural rock or boulders, will be reviewed on a case by case basis. Artificial flora are not allowed in front yards or in areas that can be seen from the street or public areas of the association.

4.11.16 MAINTENANCE.

It is expected that all property owners will at all times maintain their property in a manner consistent with the high standards of the community.

(a) Landscaping Maintenance.

(1) Residents must plant (replant), water and maintain all improved areas of the property, including rights-of-way, to present an attractive appearance. Banks shall be planted and/or maintained with mulch as an integral part of the overall landscaping. Natural slope areas need not be watered but shall be kept free of debris and excessive undergrowth, subject to open space and fire safety regulations.

(2) Lawns must be kept neatly mowed. Front and backyard landscaping must be neatly trimmed, properly cultivated, weed controlled, and free of dead and diseased plant material, trash, and other unsightly material. Ground cover and grass shall be kept trimmed at sidewalks and driveways. Grass clippings and yard debris must not be deposited on common areas or any area exposed to public view. No tree, shrub, or other planting of any kind shall be allowed to overhang or otherwise encroach upon any sidewalk or pedestrian way from ground level to a height of seven feet.

(b) Structural Maintenance. All exterior structures including fences, gates, mailboxes, mailbox posts, patio covers, gazebos, etc. must be maintained structurally (materially sound, upright, properly aligned) and kept well painted or stained. Repainting or restaining with new colors needs prior approval of the Architectural Committee.

4.12 Article XII Construction Of Custom Homes On Vacant Lots Or Extensive Remodeling Of Existing Homes

4.12.1 Custom Homes.

The construction of custom or semi-custom homes on vacant lots located in our community is subject to the CC&R's and Architectural Guidelines of Whispering Ridge. The owners of vacant lots do not have the unfettered right to construct whatever size, style or color of home they desire. It is expected that new homes constructed on vacant lots will be estate type homes comparable in size, style, quality and cost to the homes in Whispering Ridge. Designs will be prepared by licensed architects and engineers hired by the custom lot owner. For guidance, set forth below and in the Review Procedures are minimum criteria required for custom or semi- custom homes. These are general criteria and the Architectural Committee will consider deviations from these criteria on a case-by-case basis. Consult the Review Procedures as well.

Specific Criteria:

- (a) Permitted Structures and Improvements may be constructed in our community subject to these procedures, the CC&R's, and city guidelines within the PRD.
- (b) Size. Homes should not be less than 2,500 net square feet in size (exclusive of garages).
- (c) Height. Homes shall be consistent in scale with surrounding homes and shall in no case exceed two stories (30') from the natural or improved grade.
- (d) Roofs. Light-weight, color-through cement tile, slate, stone, or gravel coated steel tiles with split shake appearance are required. New shake roofs are not permitted.
- (e) Roof Lines. Rooflines shall be gabled or hipped. Shed roofs are prohibited. (f) Exterior Colors. The exteriors of homes should be painted or stained with colors consistent with other homes in Whispering Ridge. Particular tints and hues are subject to the review and approval of the Architectural Committee.
- (g) Construction Materials. No second-hand materials other than used brick may be used in the construction of any building or other improvement without the prior written approval of the Architectural Committee. Exterior materials shall conform to prevailing industry standards for premium residential construction.
- (h) Garages. Garages should have space for from two to four vehicles but shall be no higher than one story.
- (i) Stripping and Rough Grading. Removal of trees on existing lots will be minimized. Trees with trunks greater than 4" in diameter that are damaged or removed for any reason shall be replaced at the commencement of approved landscaping with one tree with a

trunk not less than 4" in diameter. To maintain the natural beauty of the area, removed trees should be replaced with tree families approved by the Architectural Committee.

(j) Site Engineering and Fine Grading. As a general guideline, building pads may not be materially extended beyond the limits that existed prior to the Cedar Fire or those allowed under the PRD for Whispering Ridge. This is to maintain the natural character of the Scripps Ranch area and to ensure fair and consistent enforcement of the PRDs throughout the Cedar Fire Rebuild. The owner of a custom lot never before developed shall furnish the Architectural Committee with a grading plan located within the buildable portion of the lot as defined by the PRD. It shall be prepared and approved by a licensed civil engineer, licensed to practice in the State of California, and hired by the lot owner. The Architectural Committee must also receive a soils report prepared by a licensed soils engineer. The soils engineer and the civil engineer shall deliver a written indemnification in favor of the Association releasing the Association, in perpetuity, from any liability with respect to the work by such engineers.

(k) Setbacks. Setbacks must comply with all applicable city PRD requirements and be consistent with adequate and safe drainage from adjoining properties.

(l) Landscaping. Landscaping plans shall be prepared and submitted with the civil engineering plans. Such plans must be prepared and approved by a licensed landscape architect hired by the custom lot owners.

(m) Reconstruction of Slope Areas. In the event the owner of a lot alters any slope in connection with construction of improvements thereon, the slope must be reconstructed in accordance with all governmental regulations and the CC&Rs and under the direction of a licensed civil engineer.

(n) Fences. All fences shall comply with the CC&Rs and these Architectural Guidelines.

(o) Temporary Buildings. No garage, trailer, camper, motor home or recreational vehicle shall be used as a residence during the course of any construction or reconstruction of any home for any period of time.

(p) Changes of Approved Plans. All changes in approved plans of material magnitude must be approved by the Architectural Committee prior to commencement or continuation of construction. Unapproved changes are subject to removal or modification by the Architectural Committee with full cost and risk to be assumed by the property owner.

4.13 Article XIII: Reconsiderations And Appeals

4.13.1 Reconsideration.

In the event of an adverse decision, any interested party is encouraged to submit new or additional information, which might persuade the Committee to a

different decision and may request that the Architectural Committee reconsider its position. Requests for reconsideration shall be submitted to the Chairperson of the Architectural Committee via the management company. If no interested party elects to request reconsideration within 48 hours after a decision of the Committee is rendered, or if an interested party remains dissatisfied after reconsideration by the Committee, that party may appeal to the Board directly as provided below. Upon receipt of request for reconsideration, the Committee Chair may schedule a meeting for reconsideration or refer the matter for Board of Director review.

4.13.2 Appeals

An appeal of a decision of the Architectural Committee must be made by the interested party within ten days after the later of (1) the date of the initial meeting at which the decision was rendered or (2) the date of any reconsideration of the decision by the Committee.

4.13.3 Notice of Appeal

A notice of appeal must be in writing and must be submitted, via the management company, to both the Chairperson of the Architectural Committee and any Board Member. Upon receipt of the notice of appeal, the Chair shall notify all known interested parties of the appeal.

4.13.4 Attendance at Appeal

If an appeal is made to the Board, the Chair of the Architectural Committee (or a delegate on the Architectural Committee), the appellant, the applicant and all interested parties may present arguments before the Board. All appeal review meetings to be conducted by the Board shall be open to all residents of the Association.

4.13.5 Effect of Board Decision

The decisions of the Board on appealed cases shall be considered final and conclusive by the Association. If litigation is nonetheless initiated and pursued by any member against another member or the Association, the court costs and fees, including attorney's fees, of the prevailing party shall be paid or reimbursed by the losing party.

4.13.6 Legal Representation at Appeals

Third parties shall not be employed or utilized to represent or act on behalf of property owners at reconsideration meetings of the Architectural Committee or appeals to the Board. Property owners are expected to represent themselves. However, the Board may allow expert testimony from licensed contractors on a case-by-case basis.

4.14 Article XIV Future Developments

4.14.1 Future Developments.

These Guidelines are intended to be as comprehensive as possible under the circumstances existing at the time they were drafted. However, the passage of time may present issues not addressed in these Guidelines. The Architectural Committee reserves the right to respond to any future issues in a manner consistent with the spirit and principles of these Guidelines

These Guidelines may be modified, revised or amended from time to time, but shall be reviewed for necessary changes no less often than every five years. Major revisions will be subject to a period of review and comment by Association members. All major revisions to the Architectural Guidelines are subject to review and approval by the Board of Directors.

APPENDIX A: MAIL BOX STANDARDS

APPENDIX B: SLOPE DEVELOPMENT POLICY

APPENDIX C: BRUSH CONTROL

APPENDIX D: FINE POLICY