

GRANDOTE GOLF AND COUNTRY CLUB

**AMENDED AND RESTATED
DESIGN GUIDELINES**

Adopted by the Grandote Golf and Country Club Design Review Committee:

Amended and Restated August 4, 2007

TABLE OF CONTENTS

INTRODUCTION 1

DESIGN PHILOSOPHY 1

PURPOSE OF DESIGN GUIDELINES; BASE DATA 2

DESIGN REVIEW PROCEDURE 3

SITE PLANNING GUIDELINES 4

ARCHITECTURAL DESIGN GUIDELINES 6

LANDSCAPE FEATURES GUIDELINES 8

SUPPLEMENTAL INFORMATION 21

Exhibit 1 Rules and Restrictions for Antenna Installation, Maintenance and Use 18

AMENDED AND RESTATED DESIGN GUIDELINES

(Grandote Golf and Country Club Filing Number One)

Effective as of August 4, 2007

INTRODUCTION

These Amended and Restated Design Guidelines (these “**Guidelines**”) are adopted and promulgated by the Grandote Golf and Country Club Design Review Committee (the “**Design Review Committee**”) and the Grandote Golf and Country Club Homeowners Association (the “**Association**”) pursuant to the terms of Article 9 of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Grandote Golf and Country Club Filing Number One, recorded in Huerfano County Records No. 374796 (the “**Declaration**”). The Declaration amended and restated that certain Declaration of Covenants, Conditions and Restrictions for Grandote Golf and Country Club Filing No. 1, recorded in Huerfano County Records No. 633, Book 2M, Pages 310 through 332, and these Guidelines supersede in all respects certain design guidelines previously promulgated pursuant to that prior declaration. These Guidelines apply to all construction and development on Residential Lots (as that term is defined in the Declaration), located within the real property known as Grandote Golf and Country Club Subdivision, Filing No. 1, Huerfano County, Colorado (the “**Property**”). Because these Guidelines simply augment the Declaration, the Design Review Committee strongly urges every Property Owner and Builder to become thoroughly familiar with both these documents. Nothing herein shall preclude the Design Review Committee from waiving or granting variances from particular provisions of these Guidelines should the Design Review Committee, in its discretion, believe that a waiver or variance is appropriate. Decisions of the Design Review Committee may be appealed to the Board of the Association pursuant to the terms of the Declaration. These Guidelines may and are intended to be enforceable by the Association as contemplated by Article 10 of the Declaration.

DESIGN PHILOSOPHY

The owners, developers and residents of the Property recognize and respect the unique physical environment of the Cuchara River Valley and the Grandote Peaks Golf Course. They realize it is their obligation to preserve and enhance the natural advantages of this environment so that its enjoyment may be shared by owners and visitors for years to come.

The owners, developers and residents of the Property also realize that the regional history and vernacular architecture of the Cuchara River Valley play a critical role in the Valley’s “sense of place” and community identity and that this “sense of place” can either be enhanced or impaired by future development and construction.

From the outset, the Property’s design consultants have sought an appropriate balance or harmony between the constructed environment and the natural environment while recognizing the importance of community identity. Toward this end, the Grandote Golf and Country Club Design Review Committee has prepared the following information to act as a “design guide” for Property homeowners, their design consultants and building contractors.

PURPOSE OF DESIGN GUIDELINES; BASE DATA

The Design Review Committee has been established to provide guidance to the property owners of the Property. Its purpose is to assist each owner in the development of his or her site by providing the owner with the observations and experience of the architects, planners, landscape architects, engineers, geologists and ecologists who have already participated in the development of the Property.

In concept, the committee's goal is to avoid harsh contrasts in the landscape, to preserve and protect the design integrity of the Grandote Peaks Golf Course, to encourage design adapted to existing environmental opportunities and constraints, to foster harmony between buildings and their sites and to promote a sense of community identity.

In addition to the Declaration and these Guidelines, many Federal, State, County and local rules, regulations and ordinances will govern and direct the activities and work products of the project's architects and builders. The Supplemental Information portion of these Guidelines provides the current names, addresses and phone numbers of many of the governmental agencies interested in development within the Property (all of which are subject to change without notice). The Design Review Committee strongly urges every Property owner, architect and builder to become thoroughly familiar with these agencies and their respective rules, regulations, ordinances and procedures.

The recorded plat of Grandote Golf and Country Club, Filing No. 1 as filed with Huerfano County in Pocket 7, Folder 1, Map 312, contains a number of plat notes, each of which the owner, architect and builder should be aware of. These notes include:

Lots 1, 5, 23 and 24 are affected by the 100 year flood plain. No building construction will be allowed within said flood plain without approval of the Huerfano Board of County Commissioners. (Note - only a small portion of each of these lots is affected by the flood plain. Construction within these affected lots, if outside of the flood plain, does not require special County approvals.)

No building permits will be issued for any buildings that would be constructed on a portion of a lot that exceeds 20% in slope without approval of the Huerfano County Planning Commission.

All foundations shall be designed by a registered professional engineer currently registered in the State of Colorado.

Past development within the Property has required the assemblage of large amounts of base data. Available base data will be made available by the Design Review Committee, upon written request, and can be very useful to owners planning to build within the Property. The data may include:

Master Project PUD Development Plans
Topographic Mapping
Platt Mapping
Utility Location Mapping
Flood Plain Mapping
Soil & Geologic Mapping
Aerial Photographics
Golf Course Layout
Grading & Drainage Plans
Road Plans & Profiles

Written requests for base data components should be addressed to the Design Review Committee. A charge of printing and reproductions will be assessed by the Design Review Committee. Because the base data was prepared for the total project, neither the Design Review Committee nor any other party responsible for preparation or maintenance of the original base data warrants the accuracy of the base data as it relates to construction on individual lots or otherwise. The base data is intended for preliminary investigations only. If used for contract document purposes, all base data must be verified by the owner's individual design consultants.

OWNERS PLANNING TO BUILD WITHIN THE PROPERTY ARE STRONGLY ENCOURAGED TO UTILIZE ARCHITECTS, LANDSCAPE ARCHITECTS AND ENGINEERS EXPERIENCED IN DEALING WITH ENVIRONMENTAL ISSUES SIMILAR TO THOSE FOUND WITHIN THE CUCHARA RIVER VALLEY.

DESIGN REVIEW PROCEDURE

The design review procedure for all construction within the Property consists of three separate phases including; (1) pre-design conference, (2) preliminary review and (3) final review.

The pre-design conference is a meeting between the Design Review Committee and the owner, during the early design stages, to confirm that the direction of the design is appropriate to the Property. The Design Review Committee requires the owner to meet with and/or present plans to the Design Review Committee for preliminary review.

The preliminary review deals with the basic design components of the proposed construction. Documents required for the preliminary review include:

Site plan illustrating proposed and existing contours, building envelopes, drives, walks, patios, decks, retaining walls, building setbacks, easements, lighting and drainage structures.

Floor plans.

Building elevations, rendered to illustrate shadow patterns, materials, textures and

colors.

Preliminary landscape plan illustrating general plant material type and location as well as treatment type of all ground surfaces.

Completed application form (see Supplemental Information)

Documents required for the final review include:

Final construction documents (plans & specifications)

Final landscape construction documents (plans & specifications)

Evidence of appropriate governmental licensing of contractors

The Design Review Committee understands the value of review time as it relates to a project's overall construction and development schedule. Therefore, the Design Review Committee will make every effort to keep review time to a minimum. The Design Review Committee will attempt to complete preliminary reviews within thirty days from date of receipt of all preliminary review documents, and to complete final reviews within thirty days of receipt of Final Plans. All Design Review Committee approvals must be in writing and the Design Review Committee will not be bound by any purported approval that is not in writing.

SITE PLANNING GUIDELINES

GRADING

When grading any home site, great care must be used to avoid disturbing existing natural features (i.e. rock outcropping and plant material) significant to the visual or ecological value of the lot or community in general.

DRAINAGE

A master drainage and erosion control plan has been designed and implemented within the entire Property. In general, concentrated drainage is kept within bar ditches adjacent to the roadway network or within the golf course. In a few cases, concentrated drainage moves through a development lot within drainage easements. The lot owner should review the project's recorded plat to ascertain if this type of drainage affects his lot and/or building design.

The owner must accept sheet drainage (non-concentrated form) in historical amounts from uphill lots. Drainage patterns on site may be modified, however, the location and historic amount of drainage leaving the site must not be changed. Sediment and erosion control measures should be implemented where necessary. In no case should existing drainage onto the golf course be increased or modified in any way without specific approval of the Design Review Committee.

SITING

It is recommended that houses be sited to take advantage of the dramatic golf course and mountain views. Additional design criteria should be utilized in the basic layout of the building functions as well as the location of the building on the site. Solar orientation, retention of significant site features, minimization of disturbances to existing site vegetation, golf course safety and the need for outdoor privacy all play an important role in the location of an owner's structure.

DRIVEWAYS AND PARKING AREAS

Driveways within the Property must be surfaced. A wide range of materials such as brick, stained concrete, concrete pavers or cobble stones or a natural colored base gravel will be considered. Asphalt will not be permitted. As a general rule, only one driveway access will be allowed for each individual lot; provided, however, that all so-called "circular" driveways in existence as of November 1, 2004 are hereby grand-fathered and deemed approved, and future "circular" driveways may be permitted by the Design Review Committee in its sole discretion based on the total design presented for a particular Lot and the compatibility of such design with surrounding Lots and the general appearance of the area.

Driveways should intersect adjoining roads at or as close as possible to a ninety degree angle. All driveways should be a minimum of 10' wide and should not exceed 9% gradients. Driveways should traverse the slope at an angle rather than run perpendicular to the slope.

Properly engineered culverts must be installed at all locations where driveways intersect drainage patterns. Such culverts must be in place during construction, as well as permanently after construction. As in virtually all site work, minimal disturbance to the existing landscape is a major criterion.

At least two covered off-street parking spaces in a garage must be provided for each single-family detached unit. In addition, each lot must provide for two exterior off-street parking spaces. Parking of boats, campers, trailers, motor homes, recreational vehicles, etc. is not permitted without specific Design Review Committee approval (see Declaration).

UTILITIES

All utility service extensions shall be underground. Utility service related structures (except fire hydrants) shall be screened from public view with either an architectural element or a landscape element. Without limiting the generality of the foregoing, all outdoor propane tanks used for heating purposes shall be buried underground, unless such burial is precluded by applicable law.

ARCHITECTURAL DESIGN GUIDELINES

ARCHITECTURAL CHARACTER

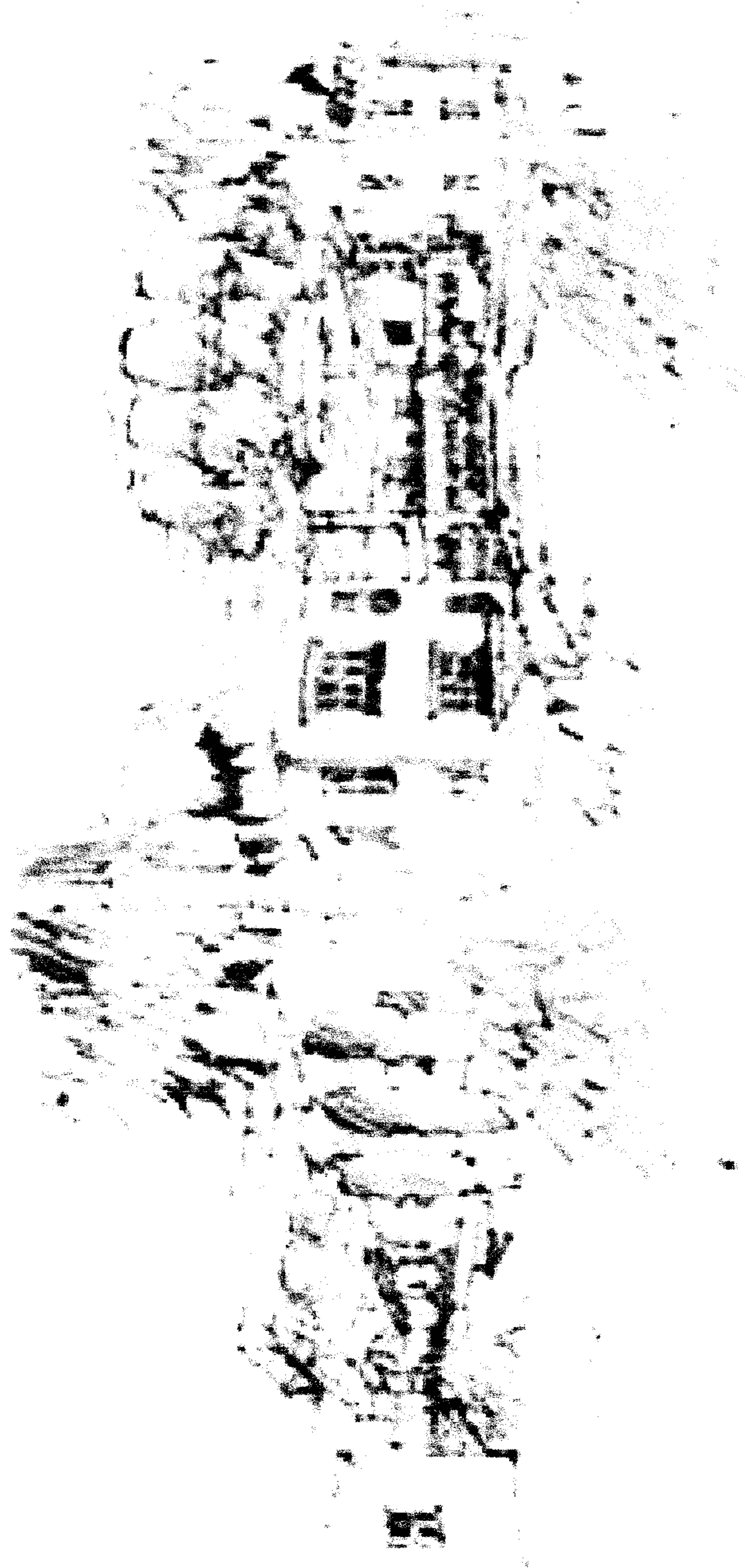
Architecture within the Grandote Golf and Country Club shall consist of a Southern Mediterranean or Moorish design theme. Under no circumstances will any prefabricated or manufactured homes or structures of any kind be permitted. Walls shall be primarily stucco with stone and heavy timber accents. The shape of buildings, including the shapes and sizes of windows, doors, chimneys and other features will be designed to create a harmonious look and will not be designed to attract attention by being unusual or dramatically "different" in form or scale. Site development and landscaping are considered to be an integral part of the overall architectural expression.

Examples are given on the following pages:

ARCHITECTURAL RENDERING:



ARCHITECTURAL RENDERING:



SIZE

All single family detached residences shall exceed 2350 square feet of living area except and unless there are special circumstances or unique architectural design solutions, as recognized and approved by the Design Review Committee.

HEIGHT OF STRUCTURES

The Design Review Committee intends to discourage, and has the right to prohibit, the construction of any residence or other structure that would appear excessive in height when viewed from the street or golf course. The maximum height for any residence shall not exceed 35 feet. Height shall be measured from the natural grade on the highest side of the improvement to the highest point of the roof or any projection therefrom (not including the height of the chimney). Any deviation from the above must be pre-approved by the Design Review Committee.

REFLECTIVE FINISHES

No highly reflective finishes (other than glass, which may not be mirrored) shall be used on exterior surfaces. Including without limitation the exterior surfaces of any of the following: roofs, all projections above roofs, retaining walls, doors, trim, fences, walls, pipes, equipment, mailboxes and newspaper tubes.

ROOFS

Roof materials will be an approved architectural glazed clay tile using one of the approved Grandote Golf and Country Club colors, terra cotta, green, blue, or earthen clay tones). Any other roof material will require special approval of the Design Review Committee. A sample of the roofing tile must be submitted to the Design Review Committee before final approval will be granted. COLORS

The colors of the Cuchara River Valley are rich and varied. They are highlighted by different light conditions based on the time of day and season of the year. The design guideline intent is to allow these colors to flourish. This is achieved by repeating the middle range values of the valley colors. The color of external materials must generally be subdued to enhance the colors of the natural landscape. Blues and greens, and earth tones, particularly off white through beige, generally muted, are recommended. Occasionally accent colors which are used judiciously and with restraint may be permitted.

MATERIALS - EXTERIOR SURFACES

Exterior surfaces will be generally of natural materials that blend with and are compatible with the natural environment. Predominant exterior surfaces should be stucco with stone. Samples of the stucco and stone must be presented to the Design Review Committee before final approval will be granted.

BUILDING PROJECTIONS

All projections from a residence or other structure including, but not limited to, chimney flues, vents, gutters, downspouts, utility boxes, porches, railings and exterior stairways shall match the color of the surface from which they project or shall be of an approved color.

ANTENNAE

See Exhibit 1

PATIOS AND COURTYARDS

The development of outdoor living areas including decks, patios and courtyards is strongly encouraged by the Design Review Committee. Decks, patios and courtyards should, however, be designed as integral portions of the residence's architecture and be constructed of architecturally consistent materials.

SOLAR APPLICATIONS

Solar collectors, associated with active solar systems, can result in excessive glare and reflection and can only be approved by the Design Review Committee if they are integrated into the structure and are not visible from neighboring properties.

SERVICE YARD

Walls are required as screening for all service yards, garbage and trash containers.

FOUNDATIONS

Exposed foundations are to be kept to a minimum. Foundations, where exposed, must receive a Stucco Finish with a color that conforms to the standards described above.

ADDITIONAL CONSTRUCTION AND/OR EXTERIOR CHANGES

Any changes to the approved plans before, during or after the construction of an improvement must first be submitted to the Design Review Committee for approval.

LANDSCAPE FEATURES GUIDELINES

GOLF COURSE FRONTAGE

All lots adjoining the golf course are affected by a 20 foot golf course access and maintenance easement. This easement is required to allow the golf course ground plane landscape and topographical theme to extend into the residential property. The residential property landscape theme must be consistent with the existing golf course theme for that specific location. In addition to the visual considerations of site development adjacent to the golf course, the site designer must be aware of safety issues present when any type of site development is considered

near or adjacent to a golf course.

Deck or patio walls and fencing may encroach within the required landscape easement as specifically approved by the Design Review Committee. Larger setbacks may be required adjacent to tees and greens.

DOMESTIC AND NATIVE LANDSCAPE AREAS

Each residential landscape development will deal with two types of landscape development. Domestic landscapes are those landscapes requiring irrigation for plant material to survive and are characterized by blue grass lawns and introduced species of shade trees, ornamental trees and shrubs. While the domestic landscape areas are certainly essential to the integrated design theme of each residential development, they do place a substantial burden on the community in the area of water resource conservation. Therefore, to conserve and better utilize limited water resources the domestic landscape areas should be kept to no more than 2,500 square feet per single family residence.

Native landscapes are those landscapes requiring no irrigation for plant material to survive and are characterized by the trees, shrubs, grasses and plants that can be found to exist naturally within the Cuchara River Valley ecosystem. Many native species are drought resistant because of the nature of their deep, broad root systems and other adaptive mechanisms. For this reason, some are harder to propagate than introduced species, but once established, are much hardier and more maintenance free. Clearing of native vegetation should be avoided wherever possible in order to preserve the native stands.

Where domestic landscape areas adjoin native landscape areas, a smooth, logical transition of plant material must be provided.

PROTECTION OF EXISTING SIGNIFICANT LANDSCAPE FEATURES

No existing rock outcropping, trees, large stands of shrubs, integrated plant material masses, or other existing significant landscape features may be removed without the specific approval of the Design Review Committee. All existing significant landscape features must be illustrated on the preliminary and final landscape development plans.

PUBLIC AREA LANDSCAPES

All areas of a site that are visible from either a roadway or the golf course must be landscaped with a combination of trees, shrubs and grasses. Each lot must have a minimum of 1 mature tree (at least 3 inch caliper) for every 30 feet of roadway frontage and 1 mature tree (at least 3 inch caliper) for every 30 feet of golf course frontage. Minimum tree requirements may be achieved by counting existing mature trees on site.

GROUND PLANE SURFACE TREATMENTS

All ground planes disturbed during construction must be revegetated immediately following construction. All ground planes must be covered by healthy live plant materials, either domestic or native and must be maintained in a manner consistent with community standards (see Declaration). Large areas of gravel or rock mulches are not acceptable and will not be approved by the Design Review Committee.

WALLS AND FENCES

Walls and fences should be a visual extension of the residence's architecture with colors, forms and textures conforming to the guidelines for all other architectural surfaces. All walls and fences shall reflect a consistent overall theme with regard to materials, colors and finishes and shall be designed as an integral part of the project's architectural expression. In general, fences and walls are intended to define outdoor living areas and provide additional privacy. Fencing designed solely to follow and define property boundaries is not acceptable. Solid fencing may not exceed 6 feet in height and must be constructed within 25 feet of the residence. Walls and fences of stucco or stone, may be used to delineate private outdoor living areas and as screening for cars and service areas. Wood and chain-link fencing will not be approved.

PLANTERS AND RETAINING WALLS

Steep or unusual terrain will in many cases present an opportunity to use retaining walls or planters. Stone and concrete (with a stucco finish) are the preferred materials, but construction with railroad ties is not acceptable. The use of exposed concrete or concrete block is not acceptable.

Retaining walls must be securely anchored into the ground and be provided with an adequate drainage system in order to prevent destructive freeze-thaw action.

EXTERIOR LIGHTING

Indirect low intensity landscape lighting is strongly encouraged by the Design Review Committee. All light sources are to be concealed and directed away from neighboring views. The preferred finish for all fixtures is a matte black.

Overhead lighting of all pool areas and tennis facilities must be reviewed by the Design Review Committee. Light levels must be directed away from neighboring lots and adjacent golf course.

SUPPLEMENTAL INFORMATION (Note: This information is provided solely as a convenience and is subject to change. Neither the Association, the Declarant under the Declaration nor the Design Review Committee shall have any responsibility, should any of this information be inaccurate or incomplete.)

APPLICABLE CODES AND REGULATIONS

Owner must confirm all applicable codes and regulations with:

HUERFANO COUNTY, Huerfano County Courthouse, Walsenburg

Zoning Administrator-----719-738-3485

Building Inspector-----719-738-1220

Health Department-----719-738-2650

Electrical Inspection-----719-738-1317

TOWN OF LA VETA, 204 S. Main, La Veta, CO 81055

Zoning Compliance-----719-742-3631

Building Permits-----719-742-3631

Building Inspector-----719-742-3631

Water & Sewer Permits-719-742-3631

UTILITIES & SERVICES

Water & Sewer Service-----TOWN OF LA VETA
204 S. Main
La Veta, CO 81055
719-742-3631

Fire Protection-----LA VETA FIRE PROTECTION DISTRICT
P.O. Box 44
La Veta, CO 81055
719-742-3656

Electric Service-----SAN ISABEL ELECTRIC ASSOCIATION
P.O. Box 44
La Veta, CO 81002
719-742-3686

Telephone Service-----CenturyTel
La Junta, CO
800-201-4099

Television-----Dish TV
La Veta, CO 81055
719-742-6555

Public Schools-----LA VETA SCHOOL DISTRICT RE-2
P.O. Box 85
La Veta, CO 81055
719-742-3662

DESIGN REVIEW COMMITTEE– Grandote Golf and Country Club
P.O. Box 6
La Veta, CO 81055

Exhibit 1

RULES AND RESTRICTIONS FOR ANTENNA INSTALLATION, MAINTENANCE AND USE

Introduction

These Rules and Restrictions for Antenna Installation, Maintenance and Use were adopted by the Board of Directors of the Grandote Golf and Country Club Home Owners Association (the "**Association**") as of November 1, 2004, which shall be their effective date.

RECITALS

WHEREAS, the Association is responsible for governance and maintenance of the common interest community ("**Community**") as described in the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Grandote Golf and Country Club Subdivision Filing Number One dated as of November 1, 2004 (the "**Declaration**"); and

WHEREAS, the Association exists pursuant to Colorado law and its Governing Documents (as defined in the Declaration); and

WHEREAS, the Association is authorized to adopt and enforce reasonable rules and regulations in the interests of the Community, pursuant to Colorado law and the Governing Documents permitting the Association to adopt and enforce rules; and

WHEREAS, the Federal Communications Commission ("**FCC**") adopted a rule relating to Over-the Air Reception Devices effective October 14, 1996, and amended effective January 4 and 22 and February 16, 1999 (the "**OTARD Rule**"), preempting certain association restrictions on the installation, maintenance, and use of direct broadcast satellite, television broadcast, and multipoint distribution service antennas ("**Covered Antennas**"); and

WHEREAS, the Association wishes to adopt reasonable restrictions governing installation, maintenance, and use of antennas in the best interests of the Community and consistent with the OTARD Rule;

NOW, THEREFORE, the Association adopts the following rules and restrictions for the Community, which shall be binding upon all owners and residents and their grantees, lessees, tenants, occupants, successors, heirs, and assigns and which shall supersede any previously adopted rules on the same subject matter.

I. Definitions

A. **Antenna**: Any device used for the transmission and receipt of video or audio services, including direct broadcast satellite (DBS), television broadcast, and multipoint

distribution service (MDS). A mast, cabling, supports, guy wires, conduits, wiring, fasteners, or other accessories necessary for the proper installation, maintenance, and use of a reception antenna shall be considered part of the antenna.

- B. **Covered Antenna:** An Antenna covered by the OTARD Rule.
- C. **Common Property:** Property owned by the Association.
- D. **Individual Antenna:** Antenna installed by one Resident for reception by that Resident.
- E. **Individually Owned Property:** Property defined in a recorded deed or other Association documents as being owned solely by the Resident, regardless of whether the Association has maintenance responsibility for that property.
- F. **Mast:** Structure to which an Antenna is attached that raises the Antenna height to enable the Antenna to receive acceptable-quality signals.
- G. **Resident:** Any person (or group of related persons) residing in an Individually Owned Property in the Community.
- H. **Transmission-Only Antenna:** An Antenna that has limited transmission capability and is designed for the Resident to select or use video programming.

II. Antenna Size and Type

Subject to criteria detailed elsewhere in these rules, the following are Covered Antennas and may be installed:

- A. Antennas designed to receive Direct Broadcast Satellite (DBS) service that are 39.4 inches (1 meter) or less in diameter may be installed. DBS antennas larger than 39.4 inches (1 meter) are prohibited.
- B. Antennas designed to receive Multipoint Distribution Service (MDS) that are 39.4 inches (1 meter) or less in diameter. MDS antennas larger than 39.4 inches (1 meter) are prohibited.
- C. Antennas designed to receive television broadcast signals, regardless of size.
- D. Transmission-Only Antennas that are necessary for the use of Covered Antennas
- E. Masts that are required for the installation of Covered Antennas.
- F. All other Antennas (including amateur or ham radio antennas) not covered by the OTARD Rule as amended are prohibited or subject to the architectural review process.

III. General Rules

A. Residents may install Covered Antennas according to the following rules, provided that these rules do not unreasonably delay Covered Antenna installation, maintenance, or use; unreasonably increase the cost of Covered Antenna installation, maintenance, or use; or preclude reception of acceptable-quality signals from Covered Antennas.

B. Location

1. Covered Antennas shall be installed solely on Individually Owned Property.
2. Television broadcast Covered Antennas must be installed inside a home whenever possible.
3. Covered Antennas shall not encroach upon any Common Property or any other Resident's Individually Owned Property.
4. Covered Antennas shall be located in a place shielded from view from other Parcels, from streets, or from outside the Community to the maximum extent possible. If Covered Antennas can receive acceptable-quality signals from more than one location, then Covered Antennas must be located in the least visible preferred location. This section does not permit installation on Common Property.
5. If an installation cannot comply with the previous section because the installation would unreasonably delay, unreasonably increase the cost, or preclude reception of acceptable-quality signals, the Resident must ensure that the installation location is as close to a conforming location as possible. The Association may request an explanation of why the nonconforming location is necessary.

C. Installation

1. Covered Antennas shall be neither larger nor installed higher than is absolutely necessary for reception of an acceptable-quality signal.
2. A Resident is not required to hire a professional antenna installer. However, any installer other than the Resident shall employ qualified personnel to install the Covered Antenna and shall provide the Association with an insurance certificate listing the Association as a named insured prior to installation. Insurance shall meet the following minimum limits: Contractor's general liability (including completed operations): \$1 million. The purpose of this regulation is to ensure that Covered Antennas are installed in a manner that complies with building and safety codes and manufacturer's instructions. Improper installation could cause damage to structures, posing a potential safety hazard to association residents and personnel.

3. Covered Antennas must be secured so that they do not jeopardize the soundness or safety of any structure or the safety of any person at or near the Covered Antennas, or cause property damage, including damage from wind velocity.

4. Residents are liable for any personal injury or damage occurring to Common Property or other Residents' Individually Owned Property as arising from installation, maintenance, or use of an Covered Antenna, and shall pay the costs to:

a. Repair damages to the Common Property, other Residents' Individually Owned Property and any other property damaged by Covered Antenna installation, maintenance, or use;

b. Pay medical expenses incurred by persons injured by Covered Antenna installation, maintenance, or use; and

c. Reimburse Residents or the Association for damages caused by Covered Antenna installation, maintenance, or use.

d. Any Resident installing a Covered Antenna shall indemnify the Association against injury or loss caused by the Covered Antenna.

D. Maintenance

1. Residents shall not permit their Covered Antennas to fall into disrepair or to become a safety hazard. Residents shall be responsible for Covered Antenna maintenance, repair, and replacement and the correction of any safety hazard within thirty days after notification of the need for repair.

2. If Covered Antennas detach, Residents shall remove the Antennas or repair such detachment within seventy-two hours of the detachment. If the detachment threatens safety, the Association may remove Covered Antennas at the expense of the Resident.

3. Residents shall be responsible for Covered Antenna maintenance if the exterior surfaces of the Covered Antennas deteriorate.

4. If a Covered Antenna is not properly maintained, the Resident shall be responsible for any personal injury or property damage to Common Property or another Resident's Individually Owned Property and shall indemnify the Association for any personal injury or property damage.

E. Covered Antenna Camouflaging

1. Covered Antennas shall be neutral in color or painted to match the color of the structure (wall, railing) on which they are installed.

2. Covered Antennas must be camouflaged. A covered antenna preferably should be camouflaged by existing landscaping or screening. If existing landscaping will not adequately camouflage the Covered Antenna, then the Association may require additional camouflage. If the camouflaging will cause an unreasonable cost increase, then the Association has the option to pay for additional camouflaging.

3. Exterior Covered Antenna wiring shall be installed so as to be minimally visible and blend into the material to which it is attached.

IV. Safety

Because the Association has a legitimate safety interest in preventing personal injury or property damage occurring due to improper or unsafe Covered Antenna installation, Residents must follow the listed safety guidelines:

A. Covered Antennas shall be installed and secured in a manner that complies with all applicable codes, safety ordinances, city and state laws and regulations, and manufacturer's instructions. If a Resident must obtain a permit in compliance with a valid safety law or ordinance, then the Resident shall provide a copy of that permit to the Association before installation. The purpose of this rule is to ensure that Covered Antennas are installed safely and securely, and to minimize the possibility of detachment and resulting personal injury or property damage.

B. Unless the above-cited codes, safety ordinances, laws, and regulations require a greater separation, Covered Antennas shall not be placed within ten feet of electrical power lines (above-ground or buried) and in no event shall Covered Antennas be placed where they may come into contact with electrical power lines. The purpose of this requirement is to prevent injury or damage resulting from Covered Antenna contact with power lines.

C. Covered Antennas shall not obstruct access to or exit from any doorway or window of a unit, walkway, ingress or egress, electrical service equipment, water shut-off valves, or any other areas necessary for the safe operation of the Community. The purpose of this requirement is to ensure the safe ingress or egress of association residents and personnel, and to ensure safe and easy access to the association's physical plant.

D. To prevent electrical and fire damage, Covered Antennas shall be permanently and effectively grounded.

E. To prevent detachment during a storm, Covered Antennas shall be installed to withstand wind speeds of 70 mph.

F. To prevent roof damage and possible resultant personal injury, Covered Antennas shall be attached to withstand the pressure of snow and ice.

V. Number of Covered Antennas

No more than one Covered Antenna providing the same service from the same provider may be installed on any Individually Owned Property.

VI. Mast Installation

A. Mast height may be no higher than absolutely necessary to receive acceptable-quality signals.

B. Masts extending 12 feet or less beyond the roofline may be installed on Individually Owned Property, subject to the regular notification process (see below). Masts that extend more than 12 feet above the roofline or are installed nearer to the lot line than the total height of the Mast and Covered Antenna above the roof must be pre-approved due to safety concerns posed by wind loads and the risk of falling Covered Antennas and Masts. Any application for a Mast higher than 12 feet must include a description of the Covered Antenna and the Mast, the location of Mast and Covered Antenna installation, a description of the means and method of installation, including any manufacturer specifications, and an explanation of the necessity for a Mast higher than 12 feet. If this installation will pose a safety hazard to association residents and personnel, then the Association may prohibit such installation. The notice of rejection shall specify these safety risks.

C. Since Masts extending more than 12 feet above the roofline pose risks of personal injury and damage to Common and other Residents' Individually Owned Property, these Masts shall be installed by an insured Covered Antenna installer to ensure proper and secure installation.

D. Masts must be painted the appropriate color to match their surroundings.

E. Masts shall not be installed nearer to electric power lines than a distance equal to the total height of the Mast and Covered Antenna above the roof. The purpose of this regulation is to avoid damage to electric power lines if the mast should fall in a storm.

F. Masts shall not encroach upon Common Property or another Resident's Individually Owned Property.

G. To prevent personal injury and property damage, Masts must be installed to safely withstand environmental conditions natural to Association's location.

VII. Covered Antenna Removal

Covered Antenna removal requires restoration of the installation location and any other affected locations, if any, to their original condition. Residents shall be responsible for all costs relating to restoration of these areas.

VIII. Notification Process

A. Any Resident desiring to install a Covered Antenna must complete a notification form and submit it to the Design Review Committee of the Association, care of the Association

office. The installation may then begin immediately. The purpose of the notification process is to allow the Association to provide Covered Antenna installation rules and other information to Residents, to know if a person other than the Resident will be entering the community for Covered Antenna installation, and to determine whether the installation could pose a safety hazard.

B. The Association may hire an independent contractor to determine whether an installation in a nonconforming location is necessary. If the independent contractor finds that installation in a conforming location is possible, then the Resident will be required to relocate the Covered Antenna.

X. Installation by Tenants

These rules shall apply in all respects to all Residents, whether owners or tenants.

XI. Enforcement

A. If these rules are violated, the Association, after providing the Resident with notice and opportunity to be heard, may bring action for declaratory relief with the FCC or any court of competent jurisdiction. If the court or FCC determines that the Association rules are enforceable, a fine of \$50 shall be imposed by the Association for each violation twenty-one days after the Association rules have been validated, unless the rules had previously been validated and the Resident does not contest the rules' application to his or her particular situation. In this situation, the Association will fine the Resident immediately upon revalidation of the rules. If the violation is not corrected within a reasonable length of time, additional fines of \$10 per day will be imposed for each day that the violation continues.

B. Attorneys' fees for any work done after the Association rules have been validated by the FCC or a local court will be assessed and the Resident and owner will be liable for payment. Any such attorneys' fees shall be collectible as Assessments.

C. If Covered Antenna installation poses a serious, immediate safety hazard, the Association may seek injunctive relief to prohibit the installation or seek removal of the installation.

XII. Severability

If any of these provisions is ruled to be invalid, the remainder of these rules shall remain in full force and effect.