

ARCHITECTURAL GUIDELINES FOR SHADOWBROOK AT TOWN CENTER

I. Introduction

A. Guideline Objectives

These Architectural Guidelines shall guide the Architectural Review Committee's approval or denial of plans. Further, they are intended to provide property owners within the Shadowbrook at Town Center with guidance in designing and planning residential improvements compatible and in harmony with neighborhood design characteristics for the mutual benefit of all residents of the development. It is not the intent of the Architectural Guidelines to promote rigid homogeneity in architectural character, nor to stifle the development of a broad range of interesting, creative and innovative designs, provided they promote and result in desirable and compatible neighborhood environments, and do not detract from the value or enjoyment of neighboring properties.

Essentially, all changes, permanent or temporary, to the exterior appearance of a home or town home are subject to review and approval by the Architectural Review Committee (ARC). Any unauthorized changes begun by the home owner or a representative of the home owner will be subject for denial and a fine will be levied against the home owner. The review process is not limited to major additions or alterations. It also includes items such as changes in color and materials. Approval is also required when an existing item is to be removed. There are a number of exceptions to this otherwise inclusive review requirement.

The Architectural Review Committee has the authority to approve or deny plans submitted to it. The Committee shall consider all such plans and specifications in light of Article IV of these Architectural Guidelines, but may, in addition, consider additional circumstances and facts, as it deems appropriate in arriving at its final decision to approve or disapprove.

B. Relationship of Covenants, Conditions and Restrictions to Legal Documents

These Architectural Guidelines are a supplement to the Covenants, Conditions and Restrictions (the "Covenants") for Shadowbrook at Town Center, recorded in Gwinnett County, Georgia public Records, July 13, 2004, Book 39063 Page 0263, Superior Court Gwinnett County, Georgia. The design criteria are intended to complement the Covenants, Conditions, and Restrictions and should a conflict arise between the two, the Covenants, Conditions, and Restrictions shall prevail.

II. Architectural Review Committee (ARC)

A. Mission and Function

The covenants and restrictions for Shadowbrook at Town Center provide for the creation of the Architectural Review Committee (the "ARC"). It is the mission of the ARC to see that the standards as set forth by the Developers are met or exceeded in all

respects in regard to the Architectural Guidelines and the Covenants to assure an attractive, compatible and aesthetically pleasing community.

B. Membership of the ARC

The ARC is to be comprised of three to five members appointed by the Board of Directors. An elected member shall chair the committee. The members that have been appointed by the Board of Directors will decide amongst themselves as to who is to chair the committee.

C. Responsibility of the ARC

The ARC shall have the following responsibilities:

1. Review and evaluate each set of plans and specifications submitted by an owner for adherence to the Architectural Guidelines.
2. Final approval or denial of all plans submitted for review, including but not limited to exterior painting, yard modification, exterior lighting, signs, mailboxes
3. Interpret the Architectural Guidelines when at the request of an Owner.

D. Enforcement Powers

The ARC has the power to request the Board of Directors to fine and or direct that the nonconforming structure be brought into compliance at the Owner's expense should any structure or improvement be deemed in violation to these Architectural Guidelines and Covenants.

E. Limitation of Liability

Design and submission approval do not constitute a representation of warranty as to the quality, fitness, or suitability of the design or materials specified in the plans. In addition, decisions by the ARC do not assure approval by any governmental agencies or compliance with governing codes or regulations. Owners are responsible for obtaining or ensuring that they or their agent obtains all information necessary for code compliance before commencement of construction. Furthermore, the ARC encourages a consultation meeting between Designer, Architect, Owner, and Builder and the governing municipality departments before undertaking preliminary design or construction, so that everyone involved has access to the latest version of applicable ordinances and codes. Each entity involved should understand its role and in the design/construction process, the rules and regulations that affect the process and the relationship of their position with the project at hand. It is not the role or responsibility of the ARC to educate, monitor or ensure compliance with local codes or regulations. Neither the Homeowners Association, the ARC, nor any of the members shall be held liable for any injury, damages, or loss arising out of the manner of quality of approved plans for construction on or modifications to any home site.

III. The Design Review Process

- A. Review Process Timeline When a complete package, is handed over to the ARC, the review process begins. The ARC shall have a time period not to exceed thirty (30) days from the documented date of submittal, to make a decision as to whether the project is approved, approved with stipulations, or disapproved and to deliver this decision back to the Owner. In the event the ARC fails to advise the applicant by written notice within the thirty (30) day period, the applicant may give the ARC written notice of such

failure to respond. If the ARC has not responded within 10 days after receipt of such notice, approval shall be deemed granted. (Per Article IV, Paragraph 4.3(b) of the Declaration of Covenants.)

If approval is not granted the first time, then the process will start over again. Altered package will be re-submitted to the ARC, dated with the new date, and re-reviewed within the time period not to exceed thirty (30) days from the new date. Every effort will be made by the ARC to review plans and specifications as quickly as possible, but the ARC cannot be held liable for delays or penalties incurred by the Owner or his agents due to the review process timeline.

B. Ground for Approval/Rejection of Submittals

All documents submitted for review will be considered for approval by the ARC. The decision that the ARC makes regarding approval or disapproval shall be based upon the materials conformity to the Architectural Guidelines and Covenants. It is important to note that these opinions regarding compliance are subject and are subject to vary as committee members are replaced over time. Also it is important to note that the final decisions of the ARC may be based on purely aesthetic considerations. The ARC has the right to make the decision for approval or disapproval based on aesthetics to assure an attractive, compatible, and pleasing community.

C. Application

An application, provided by the ARC, is to be completed and submitted as part of the submittal package. The application can be obtained from a member of the ARC, the Board of Directors or its agents or can be downloaded from the Shadowbrook at Town Center website. The application will provide the ARC with the necessary contact information for the Owner, as well as the basic scope of work to be performed including any demolition, renovation, and/or new construction. The application will also include information, as required by the ARC, about the builder and his qualifications for building in Shadowbrook at Town Center subdivision. Two copies of the application, signed by the Owner making the submittal, and dated, will be included in the submittal package.

IV. Approval, Approval with Stipulations, or Denial

After all material has been submitted to the ARC for review, within thirty (30) days, the ARC will make a judgment as to whether the plans, specifications, and other submittal material complies with the Covenants, Conditions and Restrictions of Shadowbrook at Town Center and the Architectural Guidelines as provided at the time of submission. The Owner is responsible for the submittal and will be notified as to whether the plans are:

A. Approval as Submitted

Plans, specifications, and other submittal material have been reviewed, deemed adequate, and approved as submitted to the ARC. All necessary requirements as stated in the Architectural Guidelines and the Covenants, Conditions and Restrictions of Shadowbrook at Town Center have been met, the Owner will receive written notification of the approval and, as far as the ARC is concerned, work can begin. Note that the applicant still has the responsibility to obtain ALL necessary permits and approvals for any project from local authorities and departments regarding the project,

if applicable. The ARC and the local governing bodies concerned have separate and independent processes and approval from one does not grant approval from the others.

B. Approval with Stipulations

Plans, specifications, and other submittal material have been reviewed but found not to be in compliance with the Covenants, Conditions, and Restrictions of Shadowbrook at Town Center or the Architectural Guidelines, or both. Submittal material will be returned as stipulated to the Owner, along with recommendations from the ARC as to how compliance can be met. At this time the Owner has the choice to:

1. Accept and adopt the stipulations laced on the submittal by the ARC. If the Owner does agree to the stipulations, then the stipulations become part of the submittal material and the submittal becomes compliant and is approved. The Owner will be notified in writing of the approval and, as far as the ARC is concerned, work can begin. Note conditions for permitting, etc. as listed above in prior section.
2. Not accept the stipulations placed on the submittal by the ARC that would bring submittal into compliance as noted. At this point, the Owner can make changes to the design and/or materials to be used, and submit the modified plans, specifications, and other submittal material to the ARC for review. The ARC will proceed with the review process and determine if the new submittal is in compliance with the Covenants, Conditions, and Restrictions of Shadowbrook at Town Center and the Architectural Guidelines as presented. A decision will be made by the ARC concerning Approval, Approval with Stipulations, or Denial.
3. Withdraw from the review process. Any material, including plans and specifications submitted, will be retained by the ARC for its records.

C. Denied As Submitted

Plans and specifications as submitted are deemed not to be in compliance with the Covenants, Conditions, and Restrictions for Shadowbrook at Town Center, the Architectural Guidelines, or just not to be appropriate for Shadowbrook at Town Center subdivision and denied approval from the ARC. Qualification for the decision by the ARC will be presented in writing to the Owner making the submittal, and suggestions will be provided to the Owner concerning the proposed design. The ARC will advise the Owner on possibilities of means to bring the submittal into compliance, but the responsibility for the design belongs to the Owner. No work may begin without written approval from the ARC.

D. Any member of the ARC or any of its designees has the right, upon reasonable notice, to use a signed Property Modification Form as permission to enter subject property for the purposes of inspecting an installation to ascertain compliance of the approved modification. Such person(s) shall not be considered trespassers by reason of such entry. (See Article XIV, Section 14.7 of the Declaration of Covenants.)

E. Within 30 days of completion of an approved project, the applicant must notify the ARC or its designee of the project's completion. If the project is deemed in non-compliance, the applicant may be required to take action to remedy the non-

compliance, either by modification or removal. Such modification or removal must occur within 15 days of notification of non-compliance.

V. General Design Requirements

V.1 Awnings

In general, exterior awnings will be prohibited unless demonstrated to be clearly compatible with the architectural design and qualities of the home, or screened from the view of adjoining neighbors due to the proposed location of installation. All awnings must be submitted to the ARC for approval or denial. If approved, awnings must meet the following criteria:

1. They should be of plain design without decorative features, such as fringes, etc.
2. Solid colors, which are compatible with the color scheme of the house, shall be used instead of stripes or patterns.
3. They should be consistent with the visual scale of the house to which attached.
4. They should be retractable so that when not in use, they are rolled up against the house.
5. The electrical connection must be in conduit and painted to match the house color. No exposed wiring permitted.

V.2 Clothes Lines

Clothes lines or similar apparatus for the exterior drying of clothes, rugs, bedding or other household items will not be permitted.

V.3 Decks

The expansion of decks, modification of existing decks, construction of new decks, or changing the exterior appearance in any way, including staining the deck, must be submitted to the ARC for written approval using the Property Modification Form. Maintenance of decks is the responsibility of the homeowner and includes, but is not limited to: repairing, cleaning, sealing, caulking, and staining.

V.4 Dog Houses and Dog Runs

Dog houses and dog runs are prohibited.

V.5 Exterior Air Conditioners or Humidifiers

Individual air conditioning units or humidifiers extending from windows are prohibited.

V.6 Exterior Decorative Objects

Approval will be required for all exterior decorative objects, whether natural or man-made, which are not part of the original construction design, either as a standard or optional feature. Examples include bird houses, bird baths, weathervanes, sculptures, fountains, free standing poles of all types, mail boxes, house identification numbers, and items attached to approved structures. These will be evaluated in terms of their general appropriateness, size, location, compatibility with architectural and environmental design qualities and visual impact on the neighborhood and surrounding areas.

V.7 Exterior Lighting

Lighting which is part of the original structure may not be altered or removed without prior approval of the Architectural Review Committee (ARC). Proposed lighting shall not be approved if it will otherwise result in adverse visual impact to any other property, due to factors including but not limited to location, color, or wattage.

V.8 Exterior Colors

Exterior colors are limited to the original paint colors of the home and cannot be changed. A Property Modification Form must be submitted to obtain all proper exterior paint colors before repainting the exterior of a home.

V.9 Fences

Fences are prohibited.

V.10 Flags

1. The American Flag may be erected and flown on the front of homes. If you are flying an American Flag remember these signs of respect for the symbol of our country:
 - a. The American Flag should Always fly above all other Flags
 - b. It should not be flown in the Rain
 - c. It should be kept in good condition, not dirty, tattered and torn
 - d. It should not touch the ground.
2. College Spirit Flags may be hung and flown on the front of homes on that team's game day. College flags should be taken down within 24 hours following a game.
3. Religious Flags may be flown, but should be removed following the Religious Holiday if that is what the Flag was erected for.
4. Small Garden Flags (12-18") are generally allowed as long as they are in good repair. The HOA board does have at its sole discretion the right to deem any flag offensive and have that flag removed. Please be considerate of others.

V.11 Holiday Decorations

1. Holiday Decorations are generally allowed and encouraged, but should be removed within 14 days after the holiday.

V.12 Mailboxes and Newspaper Tubes & Newspaper

1. The addition of tubes or other containers for delivery of newspapers is prohibited.
2. Mailboxes may be replaced only with units that are the same style and size of those originally installed by the builder, and may not be altered by applying non-standard letters (such as names) or numbers, may not be painted, finished covered in any color or pattern other than that of original installation.
3. No vegetation may be planted on the mailbox which may grow and inhibit the delivery of the U.S. mail.

V.13 Real Estate Signs, Security Signs, & Religious Symbols

1. Signs "For Sale" maybe placed on the property of the Owner selling his residence. Signs need to be on a regular metal stand and placed as close to the house as possible. Example: In the flower bed. Size of sign (not including stand) must not exceed 24" x 36". No For Sale sign may be erected that requires a hole to be dug for placement of the sign. An information box may be placed next to the real estate sign. For Lease signs must follow the real estate sign guidelines. No handmade sign will be permitted.
2. Religious and holiday signs & symbols may be displayed in door or windows of their units, however, the Association may regulate the time, place, manner and extent of such displays for the purpose of minimizing disturbance to other Owners and occupants.
3. Security signs may be erected and placed in the flower bed of the home close to the entrance of the home.

V.14 Windows & Doors

1. Storm Doors are permitted with ARC approval providing that they match the conformity of existing front door. Storm doors must have clear glass and be white framed. Hardware on the storm door must match existing hardware on front door in regards to color of hardware. If storm door has a screen, it must be kept in good condition and dented or torn screens must be replaced immediately. Storm doors that have glass must be kept clean and free of cracks, holes or missing glass.
2. Screen Doors are permitted with ARC approval providing they match the conformity of the existing front door. Screen doors must be white framed. Hardware on the Screen Door must match exiting hardware on front door.
3. Window Coverings must be white or beige in color on windows. Meaning the backside of the window covering must be white or beige. No sheets, towels, blankets or garbage bags may be used as window coverings even if they are white or beige in color. Window coverings include blinds and/or plantation shutters.
4. Window screens are permitted with ARC approval. Screens must conform to the size of the window and be of the same color of the existing window trim. The window screens must be of a quality equivalent to Anderson Screens.

V.15 Landscape

1. Planting beds must be maintained in a manner consistent with the community standard, including but not limited to the following:
 - a. Pine straw is provided by HOA. Any bed coverings other than pine straw is prohibited (i.e. pine bark, wood chips, rocks, gravel, and crushed lime stone).
 - b. Replacement and or additional planting of trees and shrubbery require ARC approval.
 - c. Seasonal flowers are permitted and can be planted without prior ARC approval. However, seasonal flowers must be removed at the end of each flowering season.
 - d. The following landscape items are not permitted:
 - i. Desert plants (cacti, yucca, etc.)
 - ii. Invasive ground cover that spreads below ground
 - iii. Artificial plants
 - iv. Bamboo, sugarcane, canebrake, etc.
 - v. Ivy, climbing vines must be in an enclosed container
 - e. Borders and edgings (brick, plastic, metal, rocks, etc.) are prohibited in flower beds and around trees.

V.16 Basketball Goals

1. Basketball backboards shall not be mounted directly onto the exterior of any home.
2. Portable goals shall be permitted, however, the following restrictions apply:
 - a. Goals must be located a minimum of 25 feet from the roadway or alley way and must not be placed in any area that will block sidewalks or impede traffic flow and safety.
 - b. Use of the goals is restricted to the hours of 9 a.m. through 9 p.m. daily.
 - c. Goals must be kept in good condition and repair.
 - d. Goals not in use must be stored in a closed garage or in a location not visible from neighboring properties or streets.