

WELLINGTON SINGLE FAMILY NEIGHBORHOOD

ARCHITECTURAL REVIEW GUIDELINES

SECTION 1

PURPOSES AND DEVELOPMENT PHILOSOPHY

The purposes of these Architectural Review Guidelines ("Guidelines") are to protect and enhance the value, desirability and attractiveness of your investment in the real property of The Wellington Single Family Neighborhood. These guidelines are for the use of Lot Owners, architects, contractors and the Architectural Review Board and govern the lots in Wellington as shown in Plat Book 16, at Pages 50 through , inclusive, of the Public Records of Collier County, Florida. They provide the legal basis by which your neighbors and you can maintain the prestigious high quality image of the Single Family Neighborhood ("Neighborhood").

The Master Covenants (recorded in O.R. Book 1331, Pages 831 through 884, inclusive, of the Public Records of Collier County, Florida) and the Neighborhood Covenants (recorded in O.R. Book , Page , of the Public Records of Collier County, Florida), together described collectively herein as "Covenants" are the legal basis for these Guidelines and should be studied before any design work is begun. The Guidelines supplement and further define those Covenants. Should any conflict arise among the Master Covenants, the Neighborhood Covenants and these Guidelines, the order of preference in resolving the conflict shall be: the Master Covenants, the Neighborhood Covenants, these Guidelines.

The Guidelines are promulgated by the Architectural Review Board ("ARB") to assist homeowners and residents of the Neighborhood to understand and become active participants in the process of maintaining the high quality residential environment of the Neighborhood. It is the intent of the ARB to coordinate architectural diversity while providing certain aesthetic standards of design, style, construction and maintenance within the Neighborhood.

To prevent unnecessary nuisances associated with the construction process, it is important that your contractor comply with the construction standards contained in Section 7. Those requirements include:

(1) no construction activity, including site preparation, shall be commenced prior to the approval of all plans and specifications, and

(2) all contractors or Lot Owners must post a deposit to insure certain minimum protections for other residents during the construction process.

The Guidelines should be carefully studied by all Lot Owners prior to design and construction of their homes. Lot Owners are ultimately responsible for complete compliance with the Guidelines.

Architectural review deals with a variety of subjects including building type, style, height, placement, quality of construction, quality of materials, exterior finishes, and landscape design. These Guidelines are issued in a binding legal format in order to protect your investment and provide the high quality environment you chose when you selected your Wellington lot.

Each single family home in the Neighborhood should be of distinctive character. That does not necessarily mean that no duplication of floor plans or exterior appearance will ever be allowed. The ARB will review each and every proposed construction or landscaping design with a view to fulfilling the purposes of these Guidelines as well as the Covenants. If a floor plan or external construction or external treatment of a project is identical to that of another home, it is the ARB's responsibility, subject only to the authority of the Neighborhood Association and the Governing Documents, to determine that the particular design in question is suitable and will harmonize with the existing homes within the Neighborhood.

The Guidelines cover five basic topics:

- a. Homesite: Specific recommendations and requirements for site improvements including landscaping.
- b. Homes: Specific requirements for building materials, building details and colors. Specific considerations which the ARB shall use to determine whether a particular design or style will harmonize with the balance of the community.
- c. Approval Process: The process by which ARB approval may be granted.
- d. Construction: Directions and requirements which your contractor must follow in the process of building your home.
- e. Enforcement and Appeal: The procedures by which the ARB shall enforce the Guidelines and the process by which you may appeal an adverse decision by the ARB.

These guidelines may be updated and amended from time to time in an effort to improve the quality of the architectural review process. However, Owners are cautioned to ascertain and follow the guidelines in effect at the time the application process begins. The latest revisions of the guidelines at the time of the initial application will control throughout an individual Owner's application process except in the following circumstances:

a. If the application is not approved by the ARB, and if an amended application is not filed within 30 days of the notice of disapproval, then the Guidelines as amended at the time of re-application shall apply. If more than one amended application is filed, and each amendment is filed within 30 days of notice of disapproval of the prior application or amendment, then the guidelines in effect at the initiation of the application process shall continue to apply throughout the amendment process.

b. If an application is approved, and construction is not started within 30 days of the date of approval, and if the Guidelines are amended during the 30 day period, and if the ARB gives notice that a change will be required, then a new application must be submitted.

SECTION 2

ARB APPROVAL REQUIRED

NO SITE PREPARATION, BUILDING, STRUCTURE, FENCE, WALL, PLANTER, DECK, PORCH, PATIO, DRIVEWAY, WALKWAY, LANDSCAPING PROJECT OR OTHER LIKE IMPROVEMENT SHALL BE COMMENCED, CONSTRUCTED, ERECTED, OR MAINTAINED UPON ANY LOT WITHOUT THE PRIOR WRITTEN APPROVAL OF THE ARB. NO EXTERIOR ADDITION OR ALTERATION OF ANY OF THE ABOVE IMPROVEMENTS, INCLUDING SIGNIFICANT CHANGES TO THE LANDSCAPING OR PAVED AREAS, SHALL BE COMMENCED OR ERECTED OR MAINTAINED UPON ANY LOT WITHOUT THE PRIOR WRITTEN APPROVAL OF THE ARB. SIMILARLY, NO CHANGE IN THE EXTERIOR COLOR OF ANY STRUCTURE ERECTED OR MAINTAINED UPON ANY LOT SHALL BE MADE WITHOUT THE PRIOR WRITTEN APPROVAL OF THE ARB.

SECTION 3

PRELIMINARY REVIEW

The building of a home in the Neighborhood should be a rewarding experience. Therefore, it is recommended that Lot Owners consult an architect or contractor familiar with these Guidelines.

3.1. Architectural Review Administrator. All Lot Owners should schedule an initial meeting with the Architectural Review Administrator. Questions in reference to these Guidelines should be submitted to the Architectural Review Administrator of the Architectural Review Board, who at this time is:

Robert L. Buck

3.2. Preliminary Application. Prior to the preparation of construction drawings, the ARB recommends that the applicant submit a preliminary application to The Lone Oak Limited at 6304 Trail Blvd. N. Naples, Florida to determine whether a concept is unlikely to be approved after a submittal of more detailed plans. In this manner, conceptual errors may be resolved and the possibility of a lengthy review period avoided. The preliminary application should, as a minimum, be accompanied by two sets of plans and may be drawn in "sketch" form.

"Conceptual Review" results may be related to the Owner by informal notes or a letter and/or comments written on one copy of the sketches submitted. However, conceptual review is intended only as a service to owners and does not preclude the possibility that a generally acceptable concept will be disapproved when more detailed plans are submitted. Approval of a home requires the submittal of all documents hereinafter and more particularly described in these Guidelines.

SECTION 4

APPLICATION PROCESS

ALL PLANS AND SPECIFICATIONS FOR EVERY NEW HOME IN THE WELLINGTON SINGLE FAMILY NEIGHBORHOOD MUST BE APPROVED BY THE ARB BEFORE CONSTRUCTION CAN BEGIN. To assist in this process, application forms shall be included with these Guidelines.

4.1. Application Form, Plans Required. In addition to the "PLAN REVIEW FORM", three (3) complete sets of plans and specifications as described below shall accompany the application. If approved, two (2) sets of plans and specifications will be signed "Approved" and returned to the applicant. These two sets with the "Approved" stamp shall be submitted to the County Code Enforcement Office for your building permit application. One set of plans with both the ARB approval and the County Code Enforcement approval shall be present on the construction site at all times. Each sheet of drawings and the first page of other documents shall include the lot number, street name, applicant's name, architect or designer, and the date of

drawings. Documents submitted must include the following:

4.1.1. Survey: A sealed copy of a registered land surveyor's survey of the lot giving lot number, owner's name, lot dimensions, and any easements of record.

4.1.2. Site Plan:

- (a) An indication of the location of existing trees, including an indication of those which are proposed to be removed.
- (b) Setbacks from property lines.
- (c) Site development, including walks, drives, patios, decks, fences, etc., service area, pool, etc.

4.1.3. Landscape Plan:

(a) Superimposed over another copy of the site plan, indicating the locations, bounds, numbers and species of all plants, trees, shrubs and ground cover. The landscape plan shall show existing and proposed plants.

(b) A complete plant list must accompany the landscape plan describing types and quantities of plants using both the common and botanical names.

4.1.4. Floor Plan:

- (a) Showing all floor elevations.
- (b) Showing all dimensions.
- (c) Showing door and window symbols and schedules.
- (d) Showing all attached decks, porches and other appurtenances.
- (e) Showing required visual screening of service area.
- (f) Showing square footage totals and breakdown.

4.1.5. Foundation Plan:

- (a) Showing garage finished floor elevation, relative to curb elevation.
- (b) Showing living area floor elevations.
- (c) Showing all dimensions.

4.1.6. Elevations:

- (a) Showing all exterior views of the house.
- (b) Noting all exterior materials.

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4.1.7. Wall Sections:

4.1.8. Electrical Plan:

4.2. Submission of Building Materials and Colors. The following descriptions will accompany the plans before application will be reviewed:

4.2.1. The name, grade and full description of any proposed wall finish.

4.2.2. The name, grade and full description of roofing material.

4.2.3. A color board with samples of each exterior color.

4.2.4. Any other exterior materials of significance to the design.

Upon request of the ARB Administrator or Board, the material and color selections shall be submitted on the actual material to which it is to be applied.

4.3. Fee. An administrative review fee, currently \$25.00, will be charged with each application for the approval of a home. An additional fee of -0- may be charged for each application for approval of any other matter, final approval inspection, or any violation citation within the discretion of the ARB, as set out in the Neighborhood Covenants. Lot Owners should include all development details on their initial application to minimize their review time.

4.4. Identification. All plans and materials submitted to the ARB shall be marked to show the designer, the date prepared, the Lot number, the Lot Owner and such other information as reasonably necessary to identify materials by reference.

4.5. ARB Meetings. The ARB will generally meet two times each month. An application may be returned by the Administrator without action by the ARB if the application is incomplete. Applicants do not attend meetings unless requested by the ARB.

4.6. ARB Response. Within 21 days of the date of receipt of the required Plan Review and the plans and specifications as further described in these guidelines, the ARB will respond to the Owner. The ARB may offer specific suggestions for further study which may resolve any design problems found by the ARB. The ARB can,

however, reject an application based on the professional judgment of its members for the following reasons among others:

4.6.1. Insufficient information to adequately evaluate the design or design intent.

4.6.2. Poor quality of design, construction or materials.

4.6.3. Incompatible design elements.

4.6.4. Inappropriate design concept or design treatment.

4.6.5. A design, style, or proposed construction which the ARB determines to be adverse to the character and quality or the value, desirability or attractiveness of any real property in the community of the Neighborhood.

4.7. Matters Other than Home Construction. The ARB is required by the Neighborhood Covenants to approve or disapprove all exterior additions, alterations and significant landscaping changes prior to their commencement. When the required approval is sought, the Lot Owner shall submit a letter to the Architectural Review Administrator describing the proposed improvement. The Administrator shall, within fifteen days of receipt of the letter, respond with a list of the required materials or documents which shall be required to constitute an application for approval. The approval process shall then follow the procedure as for homes.

SECTION 5

SITE IMPROVEMENT STANDARDS

5.1. Site Utilities. All Lot Owners must connect to potable water, sewer, and electrical utilities offered at the lot line. Telephone and electrical connections must also be by underground feeder.

5.2. Set-Back Requirements.

5.2.1. No structure shall be erected or constructed within the following building setback lines (as measured to the nearest point of a structure which shall be defined as the roof overhang):

(a) Front Single Family Lot Lines:

All structures: 30 Feet

(b) Side Single Family Lot Lines:

All structures:

One Story - 7 1/2 Feet

Two Story - 10 Feet

Driveways - _____ Feet

(c) Rear Single Family Lot Lines:

All structures: Twenty-five (25) feet except Swimming Pools, Patios and Decks, without screen enclosures may be constructed to a setback of not less than 15 feet from the rear lot line.

5.2.2. If two single family lots are acquired and used as a single building site under a single Lot Owner, the side Lot lines shall refer only to the lines bordering on the neighboring Lot Owner's property.

5.3. Drainage. All drainage and grading must be properly designed and indicated on the Site Plan submitted for review. Lots shall be filled and graded so that front yard portion of water runoff flows to road. Side and rear yards must be filled and graded in a manner which promotes good drainage.

5.4. Landscape Plan and Design. Landscaping is a very important element of your home and should be carefully designed to reinforce and extend its "liveability".

5.4.1. Landscape plans must show existing trees and shrubs, proposed planting areas, sodded areas and all shrub and tree locations. Landscape plans must also show locations of structures, driveways, walkways and any other landscape features as hereinafter defined.

5.4.2. St. Augustine species of grass are required as a lawn. Gravel or rock or other material may not be substituted as a ground cover or a lawn.

5.4.3. Shrub masses can be used to funnel winds, buffer intruding noises and views and to screen private areas. Shrub plantings should be massed in groupings of three or more plants.

5.4.4. Final plans must include a plant list that includes both the common and botanical names, plant sizes and spacings. A partial list of approved plants is contained in Appendix A.

5.4.5. After installation, all landscaping must be maintained in accordance with the landscaping requirements.

(a) "Maintained" for purposes of these Guidelines, means timely and proper cultivation of plant life as well as timely repair, cleaning, painting, replenishment, etc., of non-living landscape materials.

(b) "Proper cultivation" includes, but is not limited to, timely mowing, edging, trimming, watering, fertilizing, and pest control. It shall also include the timely removal of fallen leaves, branches, etc., and the maintenance of plants in good and living condition.

5.4.6. Landscaping includes all adornment and improvement of the land as well as the proper cultivation of plant life. For purposes of this paragraph, landscaping includes, but is not limited to, the use of the following:

(a) Grass, plants, shrubs, flowers, trees and all other vegetation.

(b) Bricks, concrete and concrete products, cement paving, stone, rock and gravel.

(c) Bark, mulch, peat, stakes, boards, timbers and other wood products.

(d) Metal, plastic and man-made items when used for adornment of the land rather than for adornment of a structure designed to be occupied by humans.

(e) Decks, patios, porches, lanais, etc., to the extent not considered a structure.

(f) Fences, walls, planters, etc., to the extent not considered a structure.

(g) Ponds, streams, waterfalls and other similar uses of water.

5.4.7. All areas not covered by structures shall be landscaped to the pavement edge of any abutting streets and to the water line of any abutting lakes.

5.4.8. All landscaping shall be completed at the time of issuance of a Certificate of Occupancy for the home.

5.5. Irrigation.

5.5.1. All irrigation systems must be of an underground automatic type with pumps and time clocks screened from view.

5.5.2. "Pop-up" spray or knocker heads are encouraged, and where exposed pipe extensions are necessary, they must be painted a dark green or other suitable color. Irrigation heads must be placed to prevent spraying onto paved areas.

5.5.3. Water from lakes shall not be used for irrigation purposes.

5.6. Visual Obstruction.

5.6.1. Wall enclosures may be used to control privacy by eliminating noise and visual intrusions. Fencing should be used to screen or buffer private areas, not to enclose an entire lot or major portion thereof. Fencing materials, shapes and colors should be compatible with the materials of the residence. Fencing materials and location must be approved by the ARB. No fences over 6' tall will be allowed. Location should be noted on the site plan.

5.6.2. Air conditioning units, pool equipment, power meters and garbage containers must not be readily visible from any adjacent lots or the street. A privacy wall or fence must be installed around these facilities. This should be shown on site plan and on floor plan.

5.6.3. No newspaper tubes or driveway reflectors will be allowed.

5.7. Walks. The site plan shall include location and dimension of all walks. Walkway surface materials shall be the same or compatible with the driveway or structure materials.

5.8. Drives. Parking spaces for at least two cars on the drive are required. No pavement shall be closer than 5 feet to the side property line.

5.9. Site Improvement Materials.

5.9.1. All homes shall have a defined driveway constructed of concrete, brick, or other suitable impervious material. Driveway paving materials must be approved by the ARB. Asphalt, gravel or shell driveways are not permitted.

5.9.2. Entry walkway surface materials should be the same, or compatible with, the driveway or structure materials.

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5.9.3. The location and materials of all animal housing will be subject to ARB approval.

5.10. Docks not Permitted. Docks are not permitted to be constructed by any Lot Owner.

5.11. Mailboxes. Mailboxes will be of a standard design as approved by the ARB from time to time.

SECTION 6

ARCHITECTURAL STANDARDS

The exterior of all dwellings should be designed to be compatible with the intents and purposes of these Guidelines. Consideration of the subtropical location is important and roof overhangs will help protect from the sun and rain. Interior/exterior relationships are important and made more enjoyable with decks, patios, and lanais. All design efforts should be preceded by a careful investigation of the Covenants. Where any of these standards conflict with the Covenants, the Covenants will govern.

6.1. Architectural Criteria. The evaluation process involves subjective as well as objective factors. A home which meets all the statistical criteria may be unacceptable if its overall aesthetic impact is unacceptable in the judgment of the ARB.

6.2 Exterior Design. In evaluating the exterior appearance of a home the ARB takes into consideration all the elements of the design which contribute to a successful design solution, including, but not limited to:

6.2.1. Site Utilization: Relationship of proposed construction to existing natural and man-made features; views from the home and adjacent structures; common open space, neighbors, height, width and overall visual impact.

6.2.2. Scale: Relationship of proposed structure to surrounding structures and site size in terms of lot coverage, height, width and overall visual impact.

6.2.3. Massing: Relationship of the elements of the structure to one another.

6.2.4. Openings: Relationship of exterior openings to the solid portions of the design and to one another, compatibility with the design of the home, materials used, and the manner in which the opening is detailed.

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6.2.5. Roof Shape: Relationship of roof shapes and treatment to the overall design concept of the home to insure that the design will represent a comprehensive design solution.

6.2.6. Aesthetics: Overall design quality based on the professional judgment of the ARB.

6.3. Living Area.

6.3.1. No single Family Dwelling Unit shall contain less than fifteen hundred (1,500) square feet of living area. Garages, porches, patios, terraces and other similar structures shall not be taken into account in calculating the square feet of living area.

6.3.2. The ARB shall have authority to resolve conflicts over living area calculations.

6.4. Maximum Height.

6.4.1. No structure shall be erected or constructed over a height of thirty (30) feet above the crown of the road. Structures shall not exceed two (2) stories even if within the above height limitation.

6.4.2. No pools raised above existing grade will be allowed.

6.5. Service Area. The planning of the home should include areas to accommodate air conditioning compressors, pool equipment, garbage cans, the electrical service entrance and other items that by their nature present an unsightly appearance. Both the floor plan and the site plan must show service area and proper visual screen of it.

6.6. Fences and Screens. Fences are not permitted to enclose or define property lines of individual homesites. Fences, walls or screens may be used, however, upon approval of the ARB, to enclose service areas, patios, swimming pools or other areas requiring privacy. Fencing shall be located on the site plan.

6.7. Television Antennas. Exterior antennae or satellite dishes of any type are prohibited.

6.8. Exterior Materials, Colors and Textures. Exterior materials and colors are expected to harmonize with the neighborhood. Building materials used should be fundamental and appropriate to the house design. Appropriate colors are subdued and earth tones. Exterior finished materials are expected to be of the highest quality. Specifications of all exterior materials, colors and textures are required at the time of the application.

6.9. Elevations and Roofing.

6.9.1. Equal attention to detail and Architectural definition must be given to all sides of the home. Natural materials and light, warm earth tones are encouraged.

6.9.2. Roof pitches and overhangs may vary as necessitated by Architectural design. However, no flat roofs are allowed as a major structural element. A minimum of 4/12 to 7/12 slope is set as a standard. Roofs should have a minimum overhang of 2 feet on the eave and 2 feet on gable ends.

6.9.3 Suggested roof materials and colors are:

Built-up asphalt shingles

6.9.4 Inappropriate use of materials and colors will not be allowed. Samples of proposed colors may be required to be painted on a panel for field review if the color has not been previously approved, or if they appear to be out of character with the surrounding homes.

6.10. Openings and Trim.

6.10.1 Windows should be clear glass or a tinted glass of bronze, grey or smoke colors. No reflective glass of reflective tinting which gives a mirror-like finish may be used for doors or windows.

6.10.2 Window framing is encouraged, but not required, to be of wood. Exterior shutters, when used, should be operable or appear as such. Storm shutters or windows may be installed over openings only when a storm is imminent. All storm shutters must be attractive, appropriate, and concealed when in their opened position.

6.10.3 All pool enclosures and window and porch screening must tie in or match the building structure, roof line and slope. Pool enclosures must be shown on all plans, including roof plans, floor plans and elevations.

6.11. Garages. Each home shall have an attached garage with a minimum of 400 square feet of area which shall accomodate not less than two nor more than three automobiles. All doors, both residential and garage, should be compatible with the exterior design. All garage doors must have an automatic opener installed and should be kept closed when not in use. No carports or other open garages are permitted.

6.12. Roof Accessories. Plumbing stacks and roof vents must match roofing colors and be placed as inconspicuously as possible.

6.13. Exterior Lighting.

6.13.1 Light sources should be concealed, where possible, with all light in shades of white. No colored lights will be allowed. Spillover of light onto neighboring property should be minimized and lighting must be shielded to prevent glare. Tree uplights should be concealed underground or in shrub masses.

6.13.2 Electrical plans must show the location of all exterior lighting, the required lamp post, and provide for an automatic garage door opener.

SECTION 7

CONSTRUCTION STANDARDS

7.1. Preconstruction. When the Owner has received ARB plan approval, and only after such approval, the following requirements must be satisfied before any lot clearing, site preparation, material deliveries or construction may commence.

7.1.1. Signs. General contractor and architect signs must be approved by the ARB. These signs must be in place before any clearing, site preparation, material deliveries or construction commences. At no time shall a sign or permit be nailed to any tree. No subcontractors of any type will be permitted to have a sign on the construction site.

7.1.2. Deposit. The ARB shall require a \$1,000.00 deposit from the Owner or contractor which shall act as a contractor's bond in the event that the contractor's construction activity causes any damage, unreasonable inconvenience, or other injury to any property within the Wellington neighborhood. Lot Owners shall further indemnify the Declarant for any damages to streets, curbs, utilities, common areas or adjoining lots occurring during the process of site clearing, construction or landscaping. It is not the intention that the deposit serve as liquidated damages, but only to provide a source of cash funds immediately available for correction of deviations from these guidelines or to repair damages. The owner or contractor may have liability in excess of \$500,000.00 in certain circumstances.

7.1.3. Permit. Approval by the ARB does not preclude the necessity for obtaining building permits from the Bounty Building Department and other appropriate agencies.

7.1.4. Utilities. An application should be made to the appropriate power, water and sewer utility companies. The location of water, sewer connections, and all underground utility connections should be obtained from these companies.

7.2. During Construction:

7.2.1. Inspection. The ARB or its designated representative may periodically inspect the houses under construction to assure compliance with the approved plans and specifications. If deemed appropriate, the ARB may report its findings to the County Building Inspector.

7.2.2. Toilet. Each construction site is required to have a job toilet for the use of workers. It must be placed on the site, at least twenty feet from the road right of way in an inconspicuous location with the door facing away from the road.

7.2.3. Burning. Fires are not permitted on residential construction sites under any circumstances.

7.2.4. Trash Disposal.

(a) Care should be taken when loading trucks and hauling trash to prevent spillage while in transit. Lot Owners and contractors shall be held responsible for trash and debris resulting from their construction process.

(b) A commercial dumpster or a suitable trash trailer with a minimum four cubic yard capacity is required on the construction site. It must be placed at least twenty feet from the road right of way, and the area surrounding it must be kept in a clean and neat manner. The dumpster must be emptied on a regular basis, and in no event shall the dumpster be permitted to be overloaded.

(c) At the end of each work day, materials must be stored neatly and all trash placed in the dumpster. No trash is to be strewn about the site or piled openly. Contractor and Lot Owner are responsible for any trash or debris which accumulates on the site or which is distributed onto neighboring properties in any manner.

7.2.5. Protection of Neighbor's Rights.

(a) All construction materials must be kept within the property lines, maintaining a neat road right of way. The use of adjoining properties for access or storage of materials without the written permission of the adjacent Lot Owner is prohibited. Storage structures may not be used as living quarters. Large construction trailers will not be allowed on residential job sites. No vehicles shall be parked on streets.

7.2.6. Damage. Any damage to property in the Wellington neighborhood will be charged to the general contractor. Damage includes, but is not limited to, injury to property resulting from mechanical equipment, vehicles, petroleum products and personnel (whether wilful, negligent, or accidental). Damage caused by sub-contractors will be charged to the general contractor.

7.2.7. Working Hours. Working hours will be from 8:00 am to 5:00 pm Monday through Friday and 9:00 am through Noon on Saturday. No work will be performed on Sunday.

7.3. Final Inspection by the ARB.

7.3.1. Inspection and final approval by the ARB is required. Prior to the final inspection and consideration for final approval by the ARB, the residence must be completed, the landscaping must be installed, and all improvements must conform to the previously approved plans. All construction debris must be removed from the site and the surrounding area. The construction site sign and the temporary power pole must be removed.

7.3.2. After the above has been accomplished, the contractor or the Lot Owner should notify the ARB Administrator that the site is ready for final inspection. Any unauthorized changes to the previously approved plans must be corrected before a final inspection approval will be issued and the contractor's deposit returned.

SECTION 8

ENFORCEMENT AND APPEAL PROCEDURES

8.1. The ARB shall not take any action adverse to an Owner or the occupant for violation of these Guidelines unless and until the provisions of this Section are followed.

8.2. Notwithstanding Paragraph 8.1 above, the ARB may require immediate abatement of any violation of the rules, requirements or procedures of any of the governing documents, if the Board determines, in its sole discretion, that such immediate action is necessary to properly protect the interests of the Master Association, the Neighborhood Association or the other Lot Owners. Possible actions by

the Board include, but are not limited to, resorting to legal process involving injunctive remedies in the courts of this state. When the Board deems it necessary to require such immediate remedy, the notice and hearing provisions below shall obtain only after abatement of the violation.

8.3. Demand. Written demand to cease and desist from an alleged violation shall be served upon the alleged violator specifying (a) the violation, (b) the action required to abate the violation, (c) the proposed sanction, (d) if the violation is a continuing one, the time period during which the violation must be abated to avoid additional sanctions, (e) notification of the right to a hearing pursuant to Paragraphs 8.4 and 8.5 below.

8.4. Notice of Hearing. If the violator makes written request to the Association within seven (7) days of the demand, the Association shall provide written notice to the violator of a hearing to be held by the ARB or by any other committee to which the Association has delegated authority for such purposes (any agency of the Association acting in this capacity is referred to in this part as the "hearing committee"). The notice shall contain:

8.4.1. A restatement of the violation and of any related violations.

8.4.2. The time and place of the hearing, which time shall not be less than seven (7) days from the date of the notice.

8.4.3. An invitation to attend the hearing and produce any statement, evidence or witness on his or her behalf.

8.4.4. A restatement of the sanctions previously imposed and of any additional sanctions contemplated by the Master Association.

8.5. Hearing.

8.5.1. The hearing shall be held in executive session pursuant to the notice. Official minutes of the hearing shall be kept and proof of demand and notice of hearing including invitation to be heard shall be placed in the minutes of the meeting. Such proof shall be deemed adequate if a copy of the demand and notice together with a statement of the date and manner of delivery is entered into the minutes by the officer or director who delivered such notice. The notice requirement shall be deemed satisfied if a violator appears at a meeting. The minutes of the meeting shall contain a written statement of the results of the hearing and the final sanction imposed, if any.

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8.5.2. The hearing shall afford the violator a reasonable opportunity to be heard. The violator may produce any statement, evidence or witnesses reasonably necessary to a fair evaluation of his defense. A decision of the ARB as the legally-accredited enforcement authority pursuant to the Covenants shall be entitled to a presumption in favor of its decision. To overcome such presumption, the violator must show by a preponderance of the evidence that there was no violation or that the violation should be waived under the particular circumstances.

8.6. Appeal.

8.6.1. If the results of the hearing remain adverse to the violator, the violator is entitled to one appeal to the Neighborhood Association's Board of Directors. To obtain such appeal, a violator must make written application to the Neighborhood Association within seven (7) days of the decision by the hearing committee, and requesting an appearance at the next regularly-scheduled Neighborhood Association Board meeting.

8.6.2. At this meeting, the violator may present any statement in his or her behalf which can be made in a reasonable period of time. The introduction of additional evidence or witnesses at such time shall be at the sole discretion of the Board of Directors. The Board may also hear statements, evidence or witnesses from the hearing committee including the minutes of the hearing. The decision of the hearing committee is entitled to a presumption of validity. In all such proceedings, the violator has the burden of proof to show by a preponderance of evidence that the decision by the hearing committee was unreasonable.

8.6.3. A decision by the Association Board of Directors at this time is final, and no further appeals shall be available.

8.6.4. If a decision of the Association Board remains adverse to the violator, the violator must take steps to abate the violation within ten (10) days of the Association's decision. Failure to do so may result in the imposition of additional sanctions or legal action.

8.6.5. Any fines imposed or assessments required to abate damages to the common interests caused by a violator's failure to comply with these Guidelines shall become a continuing lien upon such Lot Owner's property.

Recorded and Verified
in Official Records of
COLLIER COUNTY, FLORIDA
JAMES C. GILES, CLERK