

**ENCLAVE FAIR LAKES
HOMEOWNERS ASSOCIATION
DESIGN GUIDELINES**



I. POLICY RESOLUTUION NO. 1 – RULES AND REGULATIONS/DESIGN GUIDELINES/COVENANTS COMMITTEE

WHEREAS, Article 8, of the Declaration authorizes the Board of Directors to adopt Rules and Regulations restricting and regulating the use and enjoyment of the Property; and

WHEREAS, Article 9, of the Declaration requires and authorizes the Board of Directors to create a Covenants Committee (hereinafter “CC”); and

WHEREAS, Article 9 of the Declaration charges the CC with the duty to regulate the external design, signage, appearance, use and upkeep of the property and to propose Design Guidelines.

NOW THEREFORE, BE IT KNOWN THAT the following is hereby adopted, without meeting, by all the Members of the Board of Directors:

1. The Covenants Committee is established, whose initial members shall be those currently on the Board of Directors.
2. The Board of Directors has adopted the Rules and Regulations, which shall also includethe Design Guidelines, as set forth hereinafter.

Enclave Fair Lakes Homeowners Association

By: _____ Date: _____
President

By: _____ Date: _____
Vice-President

By: _____ Date: _____
Secretary/Treasurer

II. OBJECTIVES AND GENERAL INFORMATION

A. OBJECTIVES OF THE ENCLAVE AT FAIR LAKES RULES AND REGULATIONS AND DESIGN GUIDELINES

This document's overall objective is to serve as a guide to aid members of the CC, staff, and residents in maintaining and enhancing the design environment in The Enclave at Fair Lakes. The guidelines address improvements for which homeowners most commonly submit applications to the CC. **The guidelines are not intended to be all-inclusive or exclusive, but rather serve as a guide to what modifications may be constructed and approved. No set of guidelines can cover every situation. The CC will review all applications and make decisions based on sound judgment, common sense and impact on the community as a whole. Exceptions to the published guidelines will be limited and made on a case-by-case basis. An exception to one property does not automatically extend to any other property.**

The specific objectives of this booklet are:

1. To increase resident's awareness and understanding of the Association Documents.
2. To describe the CC and procedures involved with the architectural standards established by the Association Documents.
3. To illustrate design principles that will aid residents in developing exterior improvements that are in harmony with the immediate neighborhood and the community as a whole.
4. To assist residents in preparing an acceptable application to the CC.
5. To relate exterior improvements to the plans for The Enclave at Fair Lakes development.
6. To provide uniform guidelines to be used by the CC in reviewing applications in light of the goals set forth in the Association Documents for the Enclave Fair Lakes Homeowners Association, and actions of the Board of Directors.

B. ASSOCIATION DOCUMENTS

The basic authority for maintaining the quality of design in The Enclave at Fair Lakes development is founded in the Declaration, Bylaws and Articles of Incorporation (collective referred to as the "Association Documents"), which each homeowner received at or prior to settlement. The intent of Association Documents is to assure residents that the standards of design quality will be maintained. This, in turn, protects property values and enhances the communities overall environment. Every Enclave at Fair Lakes property owner should receive a copy of the Association Documents in accordance with the Virginia Property Owners' Association Act Chapter 26, Section 55-508 et seq.

These Documents are binding on all owners whether or not they have been read. They should be periodically reviewed and fully understood. The Association Documents established the Enclave Fair Lakes Homeowners Association, and the CC.

C. ROLE OF THE ENCLAVE FAIR LAKES HOMEOWNERS ASSOCIATION AND COVENANTS COMMITTEE

The role of the Enclave Fair Lakes Homeowners Association, of which every owner is a member, is not only to own and maintain open space, but also to conserve and enhance the resources of the total Community.

The Association accomplishes these functions in a variety of ways one of which is by ensuring through the CC the retention of harmonious, though diverse, design qualities of the Community. Surveys of planned communities show that providing this insurance is reflected in the preservation and enhancement of real estate values and is of prime importance to residents.

The CC performs its task of insuring aesthetic quality of the homes and their environments by establishing and monitoring the architectural review process.

The CC ensures that proposed exterior alterations comply with the objectives set forth in the Association Documents. This involves systematical review of all applications for exterior alterations submitted by residents.

From time to time, the Board of Directors may amend these Design Guidelines in their discretion.

D. WHAT CHANGES MUST HAVE CC APPROVAL?

Article 9, Section 9.3 (a) of the Declaration explicitly states, in part, that all exterior alterations require the approval of the CC:

"No Person shall make any addition, alternation, improvement or change of grade in or to any Lot (other than for ordinary and routine repairs and maintenance and not including areas within a building visible from the exterior only because of the transparency of glass doors, walls or windows), without the prior written approval of the Covenants Committee. No Person shall paint, affix a sign not specifically permitted by the Rules and Regulations to or alter the exterior of any improvement, including the doors and windows, without the prior written approval of the Covenants Committee."

This paragraph explicitly states that any change permanent or temporary to the exterior appearance of one's property must be approved by the CC. Temporary is defined as changes that are reversible/removable without damage to the underlying structure, and not remaining in place for more than two (2) months. Further, once a plan is approved it must be followed or a modification must be approved in accordance with Article 9, Section 9.3 (a) of the Declaration.

Holiday decorations are not considered a modification to the property; however, they may be displayed thirty (30) days prior to the holiday and must be removed at least thirty (30) days following the holiday. Permanent installation of holiday decorations is not allowed.

It is important to understand that CC approval is not limited to major alterations such as adding a room or deck to a house, but includes such items as changes in color and materials, etc. Approval is also required when an existing item is to be removed.

Each application is reviewed on an individual basis. There are no "automatic" approvals, unless provided for specifically in these Guidelines. A homeowner who wishes to construct a deck identical to one already approved by the CC is still required to submit an application.

E. CC REVIEW CRITERIA

The CC evaluates all submissions on the individual merits of the application. In addition to evaluation of the particular design proposal this includes consideration of the characteristics of the housing type and the individual site, since what may be an acceptable design of an exterior in one instance may not be for another. Design decisions made by the CC in reviewing applications are

not based on any individual's personal opinion or taste. Judgments of acceptable design are based on the following criteria, which represent in more specific terms the general standards of the Association Documents.

1. Relation to The Enclave at Fair Lakes Open Space

Fencing, in particular, can have damaging effects on open space. Other factors such as removal of trees, disruption of the natural topography and changes in rate or direction of storm water run-off can also adversely affect the open space in The Enclave at Fair Lakes.

2. Validity of Concept

The basic idea must be sound and appropriate to its soundings.

3. Design Compatibility

The proposed improvement must be compatible with the architectural characteristics of the applicant's house, adjoining houses, and the neighborhood setting. Compatibility is defined as similarity in architectural style, quality of workmanship, similar use of materials, color, and construction details.

4. Location and Impact of Neighbors

The proposed alteration should relate favorably to the landscape, the existing structure, and the neighborhood. The primary concerns are access, view, sunlight, ventilation, and drainage. For example, fences may obstruct views, breezes or access to neighboring property; decks or larger additions may cause unwanted shadows on an adjacent patio property or infringe on a neighbor's privacy.

5. Scale

The size (in three (3) dimensions) of the proposed alteration should relate well to adjacent structures and its surroundings.

6. Color

Color may be used to soften or intensify visual impact. The color must match on all parts of an addition that are similar to the existing house such as roofs and trim.

7. Materials

Continuity is established by use of the same or compatible materials as were used in the original house. The options may be limited somewhat by the design and materials of the original house. For instance, vertical wood siding on the original house should be reflected in an addition. On the other hand, an addition with wood siding may be compatible with a brick house.

8. Workmanship

Workmanship is another standard, which is applied to all exterior alterations. The quality of work should be equal to or better than that of the surrounding area. Enclave Fair Lakes Homeowners Association assumes no responsibility for the safety of new construction by virtue of design or workmanship.

9. Timing

The alteration authority granted by the application will be revoked automatically if the alteration requested has not been completed within six (6) months, or some other time frame specified by the CC in the approval letter, from the date of approval by the CC.

F. AMENDMENTS TO THE DESIGN GUIDELINES

The Guidelines may be amended to provide clarification, reflect changed conditions, or technology. Owners should submit to the Enclave Fair Lakes Homeowners Association requests for additions or changes to the Guidelines. The CC will review the Guidelines on an as needed basis to determine if amendments are required. Amendments proposed by the CC must be reviewed and approved by the Board of Directors.

G. APPLICATIONS

Application content requirements are spelled out under each of the following sections in this booklet. The application forms call for information helpful to the CC including any additional information, which may be useful in determining the scope and detail of the proposal. The signatures indicating awareness of two (2) neighbors must be supplied and the form signed. The two (2) signatures shall include those who are most affected because they are adjacent and/or have a view of the change. The CC may wave this provision, in whole or in part, if those lots affected are unoccupied. All information requested on the application must be completed or the application will be considered incomplete and returned. A house location survey (home plat) showing the proposed modification must accompany all applications for exterior modifications. Unless specifically stated, an application is required for any exterior modification.

H. SITE PLAN

A site plan is required as part of most applications. A site plan is a scaled drawing of your lot (site) which shows exact dimensions of the property, adjacent properties if applicable and all improvements including those covered by the application. Contour lines are required where drainage is a consideration. In most cases, the site plan for single applications should be developed from the house location survey provided to you when you purchased your home. More complex applications may require larger scale blowups of the plat plan or county approved development or site plans.

I. REVIEW PROCEDURE

All applications shall be mailed to the Association's Management Firm. The Management Firm will apply a date stamp of receipt and then check each application for complete information. If the application package is complete, the review process begins. If information that is pertinent to the review of the application is missing, the staff will return the application as incomplete. Once all information is provided and the application is complete, a date stamp is again applied indicating the start of the review process.

The CC must act upon all applicants within sixty (60) calendar days after the Management Firm has accepted the application as complete. If the CC fails to act on a complete application, the application is automatically referred to the Board of Directors. The Board of Directors must act on any referred application within fifteen (15) days of the first Board meeting held following referral of the application.

Applicants with special cases that require an interpretation of the application will be notified and asked to be present for the meeting concerning their case.

The decisions of the CC will be sent by letter to the address on the application. The CC decision is binding after ten (10) working days to allow time for the appeal process.

An appeals procedure exists for those affected by a CC decision: The first appeal should be made to the CC, a second appeal can be made to the Board of Directors.

Appeals will be heard if the applicant or those affected feel that any of the following criteria were not met by the CC when reviewing the application:

1. Proper procedures were followed during the administration and review process.
2. The applicant and any other affected residents attending the meeting were given a fair hearing.
3. The CC decision was not arbitrary, but had a rational basis. To initiate the appeals procedure the applicants, or other affected residents must submit a verbal request for an appeal within forty-eight (48) hours of the applicant receiving the CC decision, followed up with a written request within five working days. The CC has five (5) working days to review the appeal. Therefore, final CC approval requires an additional ten days to become official after being tentatively approved.

J. MAJOR EXTERIOR CHANGES

Major alterations are generally considered to be those that substantially alter the existing, structure either by subtraction and/or addition.

Major building alterations include, but are not limited to, rooms, screened porches, garages, pools, driveways, decks, sheds, patios, walkways, retaining walls and fences. Several types of changes may be combined on one application.

The design of major alterations should be compatible in scale, materials, and color with the applicant's house and adjacent houses. The location of major alterations should not impair the views, or amount of sunlight and natural ventilation on adjacent properties.

New windows and doors should match the type used in the applicant's house and should be located in a manner which will relate well to the location or exterior openings in the existing house.

If changes in grade or other conditions which will affect drainage are anticipated, they must be indicated. To the extent such changes require Fairfax County review and approval, copies of approval documentation must be included with the application. Approval will be denied if adjoining properties are adversely affected by changes in drainage. If an impact occurs after the alteration is made the CC reserves the right to require the homeowner to correct the problem.

Construction materials must be stored so that impairment of views from neighboring properties is minimized. No construction materials will be stored on the street unless the owner has a Fairfax County permit that complies with county and/or VDOT regulations. Excess material should be immediately removed after completion of construction. No debris may be allowed to accumulate during construction.

Unless specifically stated, an application is required for an exterior change to property or houses. In most cases, only a single application is required. For extensive changes a preliminary application for conceptual approval needs to be submitted. Applications should generally include:

1. Site plan showing location of proposed structure, and relationship to property lines and adjacent houses.
2. Detailed drawings and plans including exterior elevations and dimensions. If required by the CC, a full set of architectural drawings must be included.
3. Description of materials including items such as type of siding on dwelling and proposed structure, colors, exterior lighting arrangements where applicable, etc.

4. Landscaping plans should include size and type of plants and how many will be planted.
5. It is required that formal applications include a duplicate of those documents which were submitted to Fairfax County for a building permit.
6. Estimated start and completion date.

K. CONSTRUCTION TIMELINE AND CONFIRMATION OF COMPLIANCE

Construction of Major Exterior Changes must be completed within six (6) months from the date of approval by the CC. If construction is not completed within six (6) months, or some other time frame specified by the CC in the approval letter, the approval lapses. Upon completion of any construction or alteration in accordance with plans and specifications approved by the CC, the Committee, at the request of the Owner thereof, shall issue a letter to such Owner confirming that the construction or alteration referenced in such letter has been approved by the Committee.

L. MAINTENANCE REQUIREMENTS

Property ownership includes the responsibility for maintenance of all structures and grounds, which are a part of the property. This includes, but is not limited to, items such as lawn care, removal of trash and structural Maintenance. In some cases, the Association may choose to perform certain some maintenance activities. Maintenance affects the visual character and economic values of the property and neighborhood, and in some cases, safety. A violation of maintenance standards is a violation of the Association Documents.

1. Dwellings and Structures

Residents are responsible for maintaining the exterior of their dwellings and any other structures on their lots, such as decks, fences, sheds, and play equipment.

While it is difficult to provide precise criteria for what the Association deems as unacceptable conditions, the following cases represent some of the conditions, which would be, considered a violation of the Association Documents:

- a. Peeling paint on exterior trim.
- b. Dented mailboxes or mailboxes and/or stands in need of repainting.
- c. Playground equipment which is broken or in need of repair.
- d. Fences with either broken or missing parts.
- e. Decks with missing or broken railings or parts, or parts in need of staining or painting.
- f. Cracked concrete or masonry block foundations.

Most residents undoubtedly would not allow any of the above conditions to exist, as they seek to preserve and protect their investment in their homes and to limit their personal liability by keeping all improvements on their lots in good condition. The Enclave Fair Lakes Homeowners Association expects that all residents will do this necessary maintenance to prevent any of the cited conditions from occurring in The Enclave at Fair Lakes.

2. L a w n and Plant Care

Until further notice to contrary, the Association will perform all turf grass mowing duties for on-lot and common areas. To the extent not performed by the Association, each resident must maintain their turf grass to ensure a live and healthy lawn to the maximum

extent possible. Turf areas need to be mowed, trimmed and edged at regular intervals. Dumping of debris and lawn clippings on common areas/open space is prohibited. Planted beds must be kept in a neat and orderly manner. Dead or dying plants should be removed and/or replaced as appropriate.

3. Lawn and Garden Fertilization

Special care should be taken not to over fertilize or to fertilize lawns and gardens when there is the chance of run-off. In areas adjacent to ponds and waterways, residents should fertilize in a manner to avoid runoff.

4. Trash Removal

Residents are responsible for picking up litter on their property and/or debris on the common areas which originated from their property.

Removal of trash and debris from all Association areas accumulating from resident usage will be completed as necessary. Remember that the removal of trash costs the Association money, and voluntary neighborhood cleanup, in addition to controlling litter at the source saves everyone money.

5. Erosion Control & Drainage Management

Residents are responsible for seeing that the lot area is protected from erosion and that storm drain structures are not blocked so as to cause additional erosion problems which silt up ponds and stream valleys. Residents are responsible for maintaining proper drainage through their property that does not block or hinder natural drainage from adjoining properties.

6. Pesticides and Herbicides

Pesticides and herbicides must be applied according to label instructions for the specified problem. Care in application is extremely important along ponds and waterways near neighborhood play areas and near adjacent residences. Avoid the use of pesticides and herbicides if at all possible, but when necessary, use with caution and follow instructions.

M. VIRGINIA PROPERTY OWNERS ASSOCIATION ACT VA POAA

The Virginia Property Owners' Association Act requires the Association to issue an association disclosure packet within fourteen (14) days after receipt of a written request. The written request shall specify to whom the association disclosure packet is to be delivered. Payment for issuance of the association disclosure packet will be collected at settlement. The VA POAA requires the association disclosure packet to include a statement as to whether any notice has been given to the seller that any improvement or alteration made to the lot, or uses made of the lot or common area assigned thereto, are in violation of any of the Association governing instruments. It is important that Owners are in complete compliance with CC guidelines in order to avoid potential problems during the resale of your home.

III. STANDARDS AND GUIDELINES

A. FENCES

Fencing must enclose the entire backyard along the property line. Larger or smaller enclosures are not permitted. Gates and fences must be alternating board on board style, six feet in height, or as originally installed by the builder.

Fence extensions for end units must enclose the backyard at the property line. Fencing along the side may extend as far as the property line and as far forward as the distance from the rear plane of the home forward. Fencing may enclose side bay windows only if the window is in the rear half of the home.

Wood fences shall be constructed of good quality, treated or exterior grade lumber. Fences may be treated with a clear sealant or left to weather naturally. No colored or tinted sealants, paints or stains may be used.

Removal or modification of fencing installed by the builder can only be done with approval of the CC.

B. PATIOS AND DECKS

Patios and decks shall be located in rear yards only. Patios and decks (including stairs, benches, planters, etc.) may not extend past the side plane of the home. Side plane of the home is defined as the side of the main structure and does not include chimneys or bump outs. Decks must be at least two (2) inches from the fire wall/party wall of adjoining units. Landscaping may be required to soften the visual effect of a patio or deck.

When patio or deck schemes include other exterior changes such as fencing, lights, planting, sheds, etc., other appropriate sections of these Standards and Guidelines should be considered during the completion of the application.

1. **Ground Level Decks and Patios**

A ground level deck that is less than twelve (12) inches in elevation does not require handrails.

Application

An application is required for all patios and ground level decks and must include the following:

- a. Site plan showing the size of the patio and location as it relates to the applicant's house, adjacent houses, and property lines.
- b. Description of type of materials, color, grading, and drainage changes.
- c. Detail plan of landscaping if included.
- d. Estimated start and completion date.

2. **Elevated Decks**

Elevated decks will require handrails. Only vertical pickets, without ornamentation, will be approved for handrails. No deck (including stairs, benches, planters, etc.) may extend past the side plane of the home.

Decks should be of quality grade wood, vinyl, or Trex or other similar synthetic material. Deck railings and pickets may be constructed of wood, vinyl, synthetic material or metal (black). Metal railings and pickets will be constructed with material that will not corrode and that does not require painting. Synthetic hand railings may be constructed of the same color as the deck material. Color approval for railings and pickets is required prior to construction. Deck railings

and pickets may be stained/painted in colors that must be compatible with the existing trim of the house. A redwood colored stain/sealant shall not be approved. Deck flooring should be a different color from the railings/pickets. A sample of color MUST be included with the application. Any alteration of the color of deck, railings and pickets MUST be submitted and approved by the CC.

Application

An application is required for all elevated decks and must include the following:

- a. Site plan showing the relationship, including dimension, of the deck to the house, lot and adjacent properties.
- b. A description of materials to be used.
- c. Dimensions of railings, stairs, steps, benches, and other details as required to clearly describe the proposed deck/patio. Include height of deck above the ground.
- d. A detailed landscape plan if landscaping is included.
- e. Indicate whether or not under the deck will be used for storage. If so, the area under the deck must be hidden from view.
- f. Estimated start and completion date.

3. Rooftop Decks Installed by the Builder

Rooftop decks should not be used for general storage and should only be furnished with customary patio furniture and landscaping. Residents are responsible for securing items on rooftop decks to prevent such items from being blown off during weather events.

4. Construction Timeline

Construction of Patios/Decks (ground level or elevated) must be completed within six (6) months from the date of approval by the CC. If construction is not completed within six (6) months, or some other time frame specified by the CC in the approval letter, the approval lapses.

C. SOLAR COLLECTORS

Solar Collectors will not be allowed.

D. STORAGE SHEDS

Sheds shall be located in rear yards only and must be screened from view. Sheds should match the existing color scheme of the home. Consideration must be given to Lot size, shed size, and the impact on views from neighboring properties. Sheds may be placed under decks if screened from view with lattice or sufficient landscaping. Sheds made of wood, simulated wood or plastic may only be approved for placement under a deck.

1. Application

An application is required for all storage sheds and must include the following:

- a. Signatures of all property owners affected by the proposed shed.
- b. A site plan showing location and dimensions of the shed in relation to the applicant's house, property lines, and adjacent dwellings.
- c. A description of materials to be used.
- d. A detailed landscape plan.
- e. Detailed drawings and plans of the shed include colors.

- f. Estimated start and completion date.

2. Construction Timeline

Construction of Storage Sheds must be completed within six months from the date of approval by the CC. If construction is not completed within six (6) months, or some other time frame specified by the CC in the approval letter, the approval lapses.

E. GREENHOUSES AND SCREENED PORCHES

Attached greenhouses and screened porches will be reviewed as room additions. Architectural drawings are required. See Section II (D-K) for application requirements.

Screened porches will be reviewed as room additions. Architectural drawings are required. See Section II (D-K) for application requirements.

F. PLAY EQUIPMENT

Play Equipment must be placed in rear yards. Exceptions due to lot shapes, size, and/or grade will be considered by the CC on a case-by-case basis. Consideration will also be given to equipment size and design, amount of visual screening, etc. **Play equipment must be constructed of natural wood.** No metal play equipment will be allowed.

1. Application

Applications must include at a minimum:

- a. Signatures of at least two (2) adjacent (i.e. side or rear) property owners affected by the proposed play equipment.
- b. A site plan showing location and dimensions of the play equipment, in relation to the applicant's house, property lines, and adjacent dwellings.
- c. Detailed drawings and plans of the play equipment include dimensions and measurements.
- d. Estimated start and completion date.

G. BASKETBALL GOALS

Permanent basketball goals shall not be permitted.

An application is not required for the use of a portable basketball goal if the following guidelines are adhered to.

Portable, temporary goals may be placed in the driveway and must be removed when not in use for extended periods of time. Portable goals must be properly secured and may not be placed on sidewalks or streets or on any common areas. Use of cinder blocks, rocks, bricks and other types of weighting material are not allowed. All goals must maintain a net in good condition and free of rips and tears and attached to all loops.

During an extended period of time when portable basketball goals are not being used they should be removed from the driveway and stored in the garage or the rear of the property. Basketball goals may not be stored for the winter by laying them down in the yard or driveway.

H. DRIVEWAYS

Modifications to the builder installed driveway, whether in size or dimensions, must be approved by the CC. Driveways must be asphalt with concrete aprons.

An application is required for any modification to the builder-installed driveway.

I. HOT TUBS/SPAS

An outside hot tub or spa requires an application that shall include the following information:

1. A site plan showing the location of the hot tub or spa and its relationship to existing structures, drainage, and property lines. Adequate drainage must be carefully evaluated for site selection approval.
2. Dimensions, type and color of proposed materials.
3. Proposed screening and landscaping plan.
4. Hot tubs and spas shall be located only in the rear yard behind the house and within twenty (20) feet of the dwelling.
5. Hot tubs and spas shall be of a material that will blend with surrounding structures.
6. A childproof cover is required.
7. Fencing as required by Fairfax County Code and of an approved style.

J. AIR CONDITIONERS--EXTERIOR UNIT

Air conditioning units extending from windows and window mounted fans are prohibited.

Other exterior units may be added or relocated only when they do not interfere visually with neighbors. Exterior units shall be oriented so as not to discharge hot air onto neighbor's property. An application is required.

K. ANTENNAS AND SATELLITE DISHES

No exterior antenna, satellite dish or similar exterior improvement shall be maintained upon the Property unless the prior written approval of the Covenants Committee is obtained; provided, however, that the Association shall not prevent access to telecommunication services in violation of applicable law. Exterior antennas, satellite dishes greater than one meter (39 inches) in diameter, or amateur radio equipment generally will not be allowed upon the Property; provided, however, that: (i) an Owner may install an antenna permitted by the Association's antenna rules upon prior written notice to the Covenants Committee; (ii) the Covenants Committee may approve other antennas in the appropriate circumstances; and (iii) the Covenants Committee may establish additional guidelines for antennas as the law and technology change. Notwithstanding the foregoing, the Board of Directors may install and maintain antennas, satellite dishes or similar equipment on the Common Area to serve the community.

An application is not required for satellite dishes smaller than thirty-nine (39) inches in diameter used to receive satellite television/internet service. Satellite dishes should be placed on the side or rear of the home unless service reception is not possible in these locations. Location should be as unobtrusive as possible. No satellite dishes will be allowed in the front yard of any home.

An application is required for any other satellite dish or antenna.

An application must include the intended location of the dish on a site plan, and appropriate screening, if necessary.

L. ATTIC VENTILATORS AND METAL FLUES

Attic ventilators and turbines must match the siding or trim color on the house if mounted on a gable end or be painted to match the roof if placed on a roof. Roof location shall be on the least visible side of the roof peak.

Large metal flues and any vent through the roof other than those installed by the original builder must be painted to match roof color.

An application is required for new attic ventilators, turbines and metal flues/vents.

M. CHIMNEYS

Chimney caps must be painted and any vent through the roof must be painted to match roof color.

1. Application

An application for a chimney must include the following:

- a. Site plan showing the relation of chimney to the house, property line and adjacent neighbors.
- b. Picture and/or detailed drawing of chimney to include dimensions.
- c. Color and style of house.
- d. Description of materials being used to construct chimney. If brick is being used and there is brick already on the house, then the brick colors must match.
- e. Estimated start and completion date.

2. Construction Timeline

Construction of a Chimney must be completed within six (6) months from the date of approval by the CC. If construction is not completed within six (6) months, or some other time frame specified by the CC in the approval letter, the approval lapses.

N. CLOTHESLINES

Clotheslines will not be allowed. Clotheslines include clothes racks and any other device used to air dry clothes outside of the home.

O. COMPOST PILES

Open compost piles will not be allowed.

P. DOGHOUSES

Dog houses must be compatible with the applicant's house in color and material or match a natural wood fence and must be located where they will be visually unobtrusive. Maximum size allowed is five (5) feet by four (4) feet with a height of five (5) feet. Dog runs are prohibited.

A completed application requires the following information:

1. Site plan showing the relation of the doghouse to the house, property line and adjacent neighbors.
2. Picture and/or detailed drawings of the dog house to include dimensions.
3. Description of materials used. Materials and color must match the house.
4. Architectural style of owner's house.

5. Landscape plans to compliment and/or screen the doghouse.

Q. EXTERIOR DECORATIVE OBJECTS

Natural and manmade exterior decorative objects will generally not be approved for display in the front and/or side of the home. Exterior decorative objects include, but are not limited to, such representative items as bird baths, wagon wheels, sculptures, fountains, pools, ponds, stumps, driftwood piles, free standing poles of all types, glass mirror globes and items attached to approved structures. Use of unobtrusive landscaping figurines is permitted in the front and side yards as long as they do not present a cluttered appearance.

Planters may be placed on the front porch/landing. Size of planter must be proportionate with the porch/landing. An application for planters is not required if the above conditions are met.

Applications are required for all permanently installed water features (i.e. fountains, pools, ponds, waterfalls etc.)

R. EXTERIOR LIGHTING AND ELECTRONIC INSECT TRAPS

Exterior lighting, in addition to that initially provided on the house, may be desired to enhance a deck or patio or to improve visibility on a driveway. Lights added to the front of a home must match or complement existing lighting and be unobtrusive in nature with a black or dark green finish. Lighting in the front or rear yard must be placed so that light does not shine outside the property in a manner, which could disturb neighbors. In particular, care must be taken in arranging the angle of a spotlight.

Electronic insect traps will be regulated based on the same criteria as for exterior lighting. In addition, no device shall be installed or maintained in such a way as to cause discomfort from noise to adjacent owners and may only be operated during those times when the immediate area protected by the trap is operated by the owner or his/her guests.

A completed application requires the following information:

1. Site plan showing the relation of the insect trap or lighting to house, property line, and adjacent neighbors.
2. Picture and/or detailed drawing of the insect trap and lighting to include all dimensions and height of fixture above ground.
3. State wattage of bulb to be used.
4. start and completion date.

S. EXTERIOR PAINTING

Color changes apply not only to the house siding, but also to the doors, shutters, trim, roofing, and other appurtenant structures. Change of exterior color for single family homes should relate to the colors of the houses in the immediate area. Repainting or staining a specific object to match its original color need not be submitted.

A completed application requires the following information:

1. List of all exterior colors on the house and appurtenant structures.
2. A color sample of the new color to be used.
3. Estimated start and completion date.

T. FIREWOOD

Firewood shall be kept neatly stacked and located to the rear of the residence, within owner's property line.

Location should be in such a manner as to minimize visual impact. In certain cases, screening may be required.

If the above guidelines are followed, an application is not required.

U. FLAGPOLES

Permanent, freestanding flagpoles will not be allowed.

Temporary flagpole staffs, which do not exceed six (6) feet in length and are attached at an incline to the front wall or pillar of the house, need not have an application.

V. GARAGE DOORS

Garage doors will match the trim color of the home and should be closed at all times unless in use (meaning a car is coming in/out or the owners are outside using their garage/lawn.). Replacement doors will be similar in style to the builder-installed garage door. Wood garage doors are not permitted.

W. GUTTERS AND DOWNSPOUTS

Gutters and downspouts must match the color of the siding on the house and design and must not adversely affect drainage on adjacent properties. Gutter screens/caps must match the color of the roof shingle or gutter material. Downspout extensions should be dark green, brown or black and properly fit the discharge end of the downspout. Splash-blocks should be used to distribute discharged water from downspouts and prevent yard erosion. No application is required.

X. HOME BUSINESS

No home shall be used for any business, commercial, manufacturing, mercantile, storage, sales or other similar purposes; provided, however, that an owner may maintain an office or home business in the dwelling if:

1. Such office or home business is operated by a member of the Owner's household residing on the lot.
2. There are no displays or signs indicating that the Lot is being used other than as a residence.
3. Such office or business does not generate significant traffic or parking usage by clients, customers or other persons related to the business.
4. No equipment or other items related to the business are stored, parked or otherwise kept on such Owner's lot or on any common areas.
5. The activity is consistent with the residential nature of the neighborhood and complies with Fairfax County ordinances.

Y. LANDSCAPING

An application is required for hedges more than two (2) feet in height or eight (8) feet in length, or other trees or features which in effect become structures, fences or screens and as part of other applications where required.

Applications should include a description of the types and sizes of landscaping to be planted and a site plan showing the relationship of plantings to the house and adjacent dwellings.

An application is not required for planting flowers, bushes or trees that do not create a fence or screen.

Any landscape enclosure or border must be made of natural materials and blend into the design and quality of the home. An application is required for any enclosure or border over six (6) inches high. Include a site plan with the location of enclosure drawn in, and information on landscaping plans and any grading changes.

Z. VEGETABLE GARDENS

Vegetable gardens must be located in rear yards only and not visible from the street. Gardens must be neatly maintained; this includes removal of all unused stakes, trellises, and dead growth.

An application is not required if the above guidelines are followed.

AA. MAILBOXES

No modifications to mailboxes will be allowed. Any repairs or replacement required must match the original builder installed mailbox.

BB. GRILLS & PORTABLE FIRE PITS

All outdoor cooking equipment and portable fire pits must meet Fairfax County code and should be located in the rear yard only at least five (5) feet from any property line. Grills and portable fire pits shall not be stored in driveways or on front porches. Permanent, non-movable fire pits are prohibited unless approved by the CC.

CC. SIGNS

Real Estate signs must meet County regulations with respect to size, content and removal. No more than (2) signs will be permitted for any one lot. Signs may only be placed in the front yard of the property available. Homeowners and their Realtors will ensure signs and posts are maintained in a neat and upright position and ensure that line-of-sight obstructions or hazards are not created for drivers by the placement of the sign in proximity to roads and particularly at street corner intersections. Real Estate signs will be removed in a timely fashion following completion of the real estate transaction. An application is not required. All political signage must be removed following 30 days. All political signage shall be removed 2 weeks following election. No private signage will be permitted in any common area.

DD. RECREATIONAL/COMMERCIAL VEHICLES/TRAILERS

No recreational vehicle/commercial vehicle or trailers may be parked or stored in open view on residential property, public or private streets, or on open space.

The Board of Directors has defined “recreational/commercial vehicles” as:

1. Any boat, personal watercraft, or trailer for such.
2. Any motor home or other self-contained camper.

3. Any camper slip-ons where the camper backs are higher than the roof line of the cab of the truck.
4. Any vehicle that has commercial signs or advertising or commercial equipment visible.
5. Any private or public school or church buses.
6. Any mobile home, trailer or fifth wheel trailer.
7. Any pop-up camper/tent trailer or similar recreation oriented portable or transportable facility or conveyance.
8. Any other vehicle not defined above which could not normally or regularly be used for daily transportation including dune buggies or non-operative automobile collections or other automotive equipment not licensed for use on the highways of Virginia.
9. Any vehicle that is included in the Fairfax County code as being defined as commercial.

EE. STORM DOORS AND WINDOWS

Storm/screen doors on the front of houses must be full view glass without ornamentation such as scrolls, imitation gate hinges, ornamental grillwork or scallops. Doors must be the same color as the entry doors or surrounding trim. Doors with less than full view are not allowed. Three-quarters view clear glass storm/screen doors may be used on the rear of the house if the door is not visible from the street.

Storm and screen window frames should match the trim color of the house, or white is acceptable.

An application for storm doors and windows is not required if the above guidelines are followed.

FF. SUN CONTROL DEVICES

Permanent window or door awnings or other similar attached shading devices are not allowed.

Retractable awnings may be installed over deck and/or patio areas. AN APPLICATION IS REQUIRED.

Sunscreen window film is permitted if transparent and unnoticeable from the exterior of the home from any viewpoint. Window film that presents a mirrored or colored exterior appearance or that produces more reflection than ordinary glass may not be used. Film that bubbles or presents an unsightly appearance must be repaired or removed. Security window film is permitted provided the film meets the same requirements of appearance as sunscreen window film.

GG. TRASH CANS AND RECYCLING BINS

Trash cans and recycling bins must be stored out of sight at all time. Trash cans and recycling bins must be removed from view following emptying and should not be stored in front of the house or remain in public view when not placed out for collection as defined below.

Containers, including yard debris, shall be placed for pickup no earlier than sunset on the night proceeding scheduled collection days. All trash must be placed in containers manufactured for trash storage purposes. Paper products or plastic bags are not suitable for trash storage. Homeowners who place trash, recycling or yard debris outside on non-collection days will receive a letter from the HOA and upon the third letter, a hearing will be held before the CC will be convened, upon proper notice, in order to determine whether a monetary charge may be assessed.

HH. TREE REMOVAL

No live trees with a diameter in excess of four (4) inches, measured twelve (12) inches above ground shall be removed without approval. No live trees generally known as flowering trees or broad leaf evergreens in excess of two (2) inches in diameter, similarly measured, shall be removed without approval. No live vegetation on slopes of greater than twenty percent (20%) gradient or marked "conservation" areas on original site plans or plats may be removed without prior approval of the CC.

NO TREES ARE PERMITTED TO BE REMOVED PRIOR TO BOND RELEASE BY DECLARANT.

An application is required to remove any trees described above. Any violation of this guideline will result in immediate referral to the BOD for resolution.

II. TEMPORARY STORAGE UNITS (PODS)

Temporary Storage Units (PODS) may be used but will only remain in place for fourteen (14) days. Any extended use of a temporary storage unit (POD) must be applied for and the application approved prior to placing the temporary storage unit on the property.

IV. INSTRUCTIONS FOR APPLICATION FOR EXTERIOR MODIFICATION

WHAT TO INCLUDE IN AN APPLICATION FOR EXTERIOR MODIFICATIONS:

House Location Survey

A copy of your house location survey (house plat) *MUST* be included for new construction and additions to a present structure on the lot. Please submit plat for decks, fences, patios, play houses, sheds, landscaping, etc. The location of the proposed structure **MUST BE DRAWN ON THE HOUSE LOCATION SURVEY**. Drawings should be to scale. Plats are not required for paint changes, storm doors/windows, or other such modifications.

Detailed Drawings

A full set of architectural drawings must be included for some changes such as decks, fences, patios, etc. Landscaping plans including size and type of plants as well as number to be planted must be included.

Dimensions

Provide all dimensions, including height, roof slope, etc. on new construction.

Description of Materials

Provide a list of all materials to be used in the proposed construction.

Description of Colors

Applications for colors which are not the original color of house and/or trim **MUST** be accompanied by actual color samples and not photos.

Photographs

Photographs of existing conditions are helpful to the Architectural Committee.

Drainage

Changes in grade or other conditions that will affect drainage **MUST** be indicated. Applications may be disapproved if adjoining properties are adversely affected by drainage changes.

Signatures of Property Owners

Obtain signatures of all property owners who will be most affected by the change. A minimum of **TWO** signatures is required with the application.

ENCLAVE FAIR LAKES HOMEOWNERS ASSOCIATION
APPLICATION FOR EXTERIOR MODIFICATION

APPLICANT'S NAME: _____

ADDRESS OF PROPOSED CHANGE: _____ LOT # _____

HOME PHONE: _____ WORK PHONE: _____

FIRST SUBMITTAL: YES: _____ NO _____ RESUBMITTAL: YES _____ NO: _____

INSTRUCTIONS TO APPLICANT:

1. Consult the Design Guidelines for specific requirements for each proposed change.
2. Submit application form, drawings, and other required documents in duplicate to:

Enclave Fair Lakes Homeowners Association
c/o Gates Hudson Community Management, AAMC®
3020 Hamaker Court, Suite 300
Fairfax, Virginia 22031

Describe proposed changes (attach additional sheets if needed):

Obtain signatures of adjoining property owners who will be most affected by the change: (Minimum of 2)

Name	Address	I acknowledge that I have been advised of this change
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Estimated Start Date: _____ Estimated Completion Date: _____

(After the Management Company has accepted the package allow sixty (60) days for CC approval prior to start date)

1. I agree that compliance with Enclave Fair Lakes Homeowners Association Design Guidelines and approval by the CC does not constitute compliance with county building and zoning codes, and CC approval shall not be construed as a waiver or modification of any code restriction.
2. I agree that no changes will be started until written approval of the CC has been received by me, and that if changes are made, I will be required to return the property to its former condition at my own expense.
3. I agree that members of the CC shall be permitted to enter upon my property if requested for the purpose of inspection of the proposed change, the project in progress, and the completed project.
4. I agree that the authority granted to make the proposed changes will be revoked automatically if the changes requested have not commenced within three (3) months of the approval date and completed within six (6) months thereafter.
5. I agree to contact the Management Company and/or Covenants Committee within fourteen (14) days after my project is complete and request an inspection by the covenants committee.

HOMEOWNER'S SIGNATURE: _____ DATE: _____

V. POLICY RESOLUTION NO. 2 – ENFORCEMENT PROCEDURE

WHEREAS, Article 4, Section 4.1 of the Bylaws states that the business and affairs of the Association shall be managed by the Board of Directors (the "Board");

WHEREAS, Article 4, Sections 4.1.4 and 4.1.6 of the Bylaws empowers the Board to adopt and enforce rules and Rules and Regulations; and

WHEREAS, for the benefit and protection of the Association and of its members (the "Members"), the Board deems it necessary and desirable to establish a procedure to ensure due process in cases involving compliance by a Member or resident of the subdivision with provisions of the Declaration, the Bylaws or the Rules and Regulations of the Board.

NOW, THEREFORE, BE IT RESOLVED THAT the following Enforcement Procedure is hereby adopted by the Board of Directors.

I. PROCEDURE

- A. **Initial Actions to Secure Compliance.** If any Member believes that a violation of the Rules and Regulations exists, such Member shall first informally request that the Member causing or allowing such alleged violation to occur, cease or correct any act or omission which appears to be in violation of the Rules and Regulations. Such informal request shall be made before the formal process is initiated in some cases, but shall not be a condition precedent to the initiation of the formal enforcement procedures set forth below. If the informal request does not result in the correction of the act or omission which appears to be in violation of the Rules and Regulations, a written complaint setting forth in detail the specifics of the alleged violation, including the underlying facts of the alleged violation, the dates of the alleged violation and the specific provisions of the Rules and Regulations that are alleged to have been violated, may be filed with the CC.
- B. **Preliminary Investigation.** Upon receipt of a written complaint alleging a violation of the Rules and Regulations, the CC may request the Managing Agent, if any, or a member of the CC to make a preliminary investigation as to the validity of the complaint and promptly report the findings to the members of the CC. The CC shall receive the report concerning the alleged violation and determine, in the sole and absolute discretion of the CC, the appropriate disposition of the matter.
- C. **Request for Abatement or Corrective Action by the CC.** In the event that the CC determines that there is reason to believe that a violation of the Rules and Regulations has occurred and determines that corrective action is necessary, the CC shall comply with the following procedures:
 - (1) **Written Request.** A written request (the "Notice of Violation") shall be prepared and sent by the CC, or any other designated agent of the Association, to the Member alleged to have caused or allowed the occurrence of the violation of the Rules and Regulations. The Notice of Violation shall set forth (a) the facts of the alleged violation and the specific provision of the Rules and Regulations alleged to have been violated, (b) the action to be ceased or the action required by the CC to be taken to correct the violation; and (c) a time period, not less than fifteen (15) days after the mailing

of the written request during which the violation may be abated without sanctions or a statement that any further violations of the same provision may result in the imposition of sanctions after notice and hearing.

- (2) The Notice of Violation shall be mailed to the Member alleged to have caused or allowed the occurrence of the violation of the Rules and Regulations at the address on file with the CC, and to the resident of the property, if not a Member.
- (3) A copy of the Notice of Violation shall be filed in the Associations records.

D. Failure to Comply with Request. If the Member to whom a Notice of Violation has been sent does not cease and desist from causing or allowing the violation to occur fails to take the actions requested by the CC to cure the alleged violation, then the CC shall, if the CC determines that further action is necessary, comply with the following procedures:

- (1) The CC shall serve a notice ("Notice of Hearing") on the Member (the "Respondent") alleged to have caused or allowed the occurrence of the violation set forth in the Notice of Violation. The Notice of Hearing shall advise the Respondent (a) that the CC believes that the Respondent has caused or allowed a violation of the Rules and Regulations to occur, as set forth in the Notice of Violation, (b) of the nature of the sanctions that may be imposed on the Respondent by the CC as a result of the alleged violation of the Regulation, (c) that the CC will hold a hearing concerning the alleged violation, (d) that the Respondent has the right to be present at such hearing and may be represented by counsel if the Respondent so desires, (e) that the Respondent shall be entitled to deny the allegations set forth in the Notice of Violation and present evidence and witnesses in support there, and (f) of the date, time and place of such hearing.
- (2) The Notice of Hearing shall be served on the Respondent not less than 14 days prior to the date of the hearing. Service of the Notice of Hearing shall be made by hand delivery or by first class United States certified mail, return receipt requested, to the Respondent at the address or addresses to which notices of meeting of the Association are to be delivered, and, in the case of Respondents who are not residents, to the property address as well.
- (3) If the Respondent promptly advises the CC that they cannot, for good cause shown, attend the hearing on the set date and indicates times and dates on which they would be available, the CC shall reset the time and date of hearing and promptly deliver notice of the new hearing date to the Respondent by regular mail.

E. Hearing. The hearing shall be conducted in closed session by the CC and shall afford the Respondent an opportunity to present a defense against the alleged violation of the Rules and Regulations. The following procedure shall apply to the hearing:

- (1) Proof of service of the Notice of Hearing shall be placed in the minutes of the meeting. Such proof shall be deemed adequate if the date and manner of delivery is entered by the party who caused service of such notice to be made on the Respondent. Service of Notice of Hearing shall be deemed by the Respondent if the Respondent appears at the meeting for any purpose other than to contest the

proper service of the Notice of Hearing. The minutes of the meeting shall contain a written statement of the results of the hearing and the sanction, if any, imposed.

- (2) At the commencement of the hearing, the CC shall select a person to serve as the hearing officer and preside over the hearing. Such hearing officer need not be a Member of the CC. At the beginning of the hearing, the hearing officer shall explain the rules and procedures by which the hearing is to be conducted. The CC may determine the manner in which the hearing will be conducted, so long as the rights set forth in this section are protected. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Generally, any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions.
- (3) The Respondent shall have the right to do the following, but may waive any or all of these rights:
 - a. Make an opening statement;
 - b. Introduce evidence, testimony, and witnesses;
 - c. Cross-examine opposing witnesses by directing questions to the hearing officer;
 - d. Rebut evidence and testimony; and
 - e. Make a closing statement.
- (4) After the testimony and evidence has been presented to the CC, the CC shall convene in closed session to consider the matter. Agreement of a majority of those voting shall be required for a decision. The CC will convene in open session to vote upon the matter. The CC shall prepare written findings of fact within seven (7) days after the hearing. A copy of the findings and decision shall be mailed by regular mail to the Respondent. A summary of the decision, excluding names of persons involved and addressing only the issue and the CC decision shall be included in the CC Minutes.

F. **Appeal.** Upon receipt of a written request therefore made within ten days after the date of an action by the CC, the Board may afford any Respondent deemed by the Board to have standing as an aggrieved party the right to appeal to the Board, and the Board may reconsider, review, modify or reverse any action taken by the CC.

G. **Sanctions.** The sanctions which may be imposed by the CC include, but are not limited to, assessment of special charges of \$50.00 per single offense, or \$10.00 per day for a continuing offense. Such special charges, if not promptly paid, shall constitute a lien on the owner's lot and may be subjected to collection as set forth in the Declaration and Bylaws of the Association.

II. INTERPRETATION

This Resolution is intended to serve as a protection to Members to ensure that their rights are protected and to serve as a guideline for the CC as it carries out its duties to enforce the Rules and Regulations. The CC may determine the specific manner in which the provisions of this Resolution are to be implemented, provided that due process is afforded. Any inadvertent omission or failure to conduct

any proceeding in the exact conformity with this Resolution shall not invalidate the results of such proceeding, so long as a prudent and reasonable attempt has been made to ensure due process according to the general steps set forth in this Resolution.

III. LEGAL ACTION

Notwithstanding any provision of this Resolution, the Association may initiate legal action at any time without following the procedures set forth herein if, in the judgment of the CC, the interests of the Association so require.

The foregoing Resolution is hereby adopted, without meeting, by all the Members of the Board of Directors:

Enclave Fair Lakes Homeowners Association

By: _____ Date: _____
President

By: _____ Date: _____
Vice President

By: _____ Date: _____
Secretary/Treasurer

VI. POLICY RESOLUTION NO. 3 - RULES AND REGULATIONS PERTAINING TO COLLECTIONS

(Relating to Collection of Annual Assessments, Special and Additional Assessments and Delinquent Payments)

WHEREAS, Article 6, Section 6.1.2 of the Declaration creates an assessment obligation for Owners.

WHEREAS, Article 6, Section 6.1.2 of the Declaration empowers the Board to make assessments against Lot Owners for the management and upkeep of the property, for services to the Lots and Owners, for the maintenance of adequate reserves, or for meeting other obligations of the Association established pursuant to the Declaration. The Board of Directors shall establish an Annual Assessment rate for each Lot for Common Expenses, in an equal amount against all Lots subject to the Assessment.

WHEREAS, Article 6, Section 6.5 of the Declaration specify the types of remedies the Association may seek when an Owner is in default under the terms of the Declaration and Bylaws; and

WHEREAS, there is a need to establish orderly procedures for the billing and collection of said assessments.

NOW THEREFORE, BE IT RESOLVED THAT the Board duly adopts the following assessment procedures:

I. ROUTINE COLLECTIONS

- A.** All monthly installments of the annual assessments shall be due and payable in advance on the first day of the applicable month; all additional or special assessments shall be due and payable on the first day of the next month which begins more than ten days after delivery or mailing to the Lot Owner of notice of such special assessment or as specified in the note ("Due Date").
- B.** All documents, correspondence, and notices relating to the charges shall be mailed to the address which appears on the books of the Association or to such other address as is designated in writing by an Owner. Notices of special assessment shall be sent by first class mail postage prepaid. Non Resident Owners shall furnish the Board of Directors with an address where mail will be promptly received by the Owner.
- C.** Non-receipt of payment coupons shall in no way relieve the Owner of the obligations to pay the amount due by the Due Date.

II. REMEDIES FOR NON-PAYMENT OF ASSESSMENTS

- A.** Pursuant to Article 6, Section 5 of the Declaration, any assessment, or installment thereof, not paid within ten (10) days after the Due Date shall accrue a late charge of \$25.00. A late fee shall only be imposed once for the same delinquent period.

If a check is returned to an Owner because it has been improperly filled out (including but not limited to missing signature, amounts do not match, post dated) and is not resubmitted to the Association within ten (10) days after the Due Date, the late fee will be added.

- B.** Furthermore, pursuant to Article 12, Section 1(e) of the Declaration, if a Lot Owner

defaults in paying any sum assessed against his/her Lot, which continues for a period in excess of thirty (30) days, the assessment shall bear interest from the due date at a rate not to exceed that interest rate then charged by the IRS on delinquent taxes from the date of delinquency. The Board of Directors may determine to establish different late fees or interest rates subject to the limitations imposed by law. The imposition of interest shall not preclude collection of a late charge. Additionally, the Board shall suspend the voting rights of such owner until the account is paid in full.

- C. A "Late Notice" shall be sent to Owners who have not paid assessment in full within thirty (30) days after the due date, if directed by the Board of Directors.
- D. No additional notice of the imposition of interest, and late fees, need be provided to the Owner other than the Late Notice as set forth in Article 12 of the Declaration. Such interest and late fees shall constitute a lien upon the Lot of the defaulting Owner.
- E. If a check is not honored, and is returned, and an assessment due and owing is not otherwise received in the applicable time period as provided in paragraph II A - B above, the account shall be deemed late and the late fee and interest shall be added. In addition, a \$25.00 return check charge will be added.
- F. If payment in full of any assessment payable in installments including annual assessments, special assessments, late fees, and returned check charges and interest is not received by the Association or its appointed agent by the sixtieth (60th) day after the Due Date, the account will be referred to an attorney for collection and a "Notice of Intent to Accelerate Installments and File Lien" shall be mailed to the Owner at the address listed on the books of the Association, or other address as furnished by the Owner, via Certified Mail, return receipt requested, with all costs added to the delinquent Owner's account.
- G. If payment in full of any assessment payable in installments including annual assessments, special assessment, interest charges, late fees, and returned check charges, is not received by the Association or its duly appointed agent within 10 days after the "Notice of Intent to Accelerate Installments and File Lien" has been issued, then the remaining installments of the annual assessments shall be accelerated and declared due and payable in full. Interest as indicated in Article 12 Section 1(e) hereof shall be added at the time of the acceleration, and a memorandum of lien shall be filed by Counsel with the Fairfax County Circuit Court. The Owner shall be so notified with a copy of the memorandum of lien, and counsel shall also notify the Mortgagee, if known. The cost of filing the memorandum of lien will be added to the account.
- H. Counsel for the Association shall take other appropriate legal action including, but not limited to, filing suit in Fairfax County General District Court. As directed in writing, by the Board, Counsel for the Association may also initiate action to foreclose on the property to enforce the assessment or judgment liens against the property.

If the Association receives from any Owner, in any accounting year, two or more returned checks for payments of assessments, and the Board may require all future payments to be made by certified check or money order for the remainder of the fiscal year. A \$25.00 charge will be made for every returned check. Action may also be taken under Chapter 26, Section 55-516, of the Code of Virginia, at the discretion of the Board.

- I. All Costs incurred by the Association as a result of any violation of the Declaration, Bylaws, or Rules and Regulations of the Association by an Owner, his/her family, employees, agents or licensees, shall be specifically assessed against such Owner. Such costs include, without limitation, legal or administrative expenses (regardless of whether suits or liens are filed) resulting from an Owner's failure to pay assessment when due or from any other default referred to in this paragraph II J.
- J. The Board may grant a waiver of any provision herein upon petition in writing by an Owner

alleging a personal hardship. Such relief granted an Owner shall be appropriately documented in the files with the name of the person or persons representing the Board granting the relief and the conditions of the relief. Waiver shall be made on a case-by-case basis upon review of particular circumstances. Further, waiver on one occasion shall not be deemed or construed as a waiver in any future instance of delinquency.

K. The Board hereby authorizes the Managing agent to waive the imposition of interest and late fees, on payments received by the Managing Agent thirty (30) days after the Due Date only if, in the judgment of the Managing Agent, the delinquent Owner has owned the Lot for less than one (1) month at the time of the delinquency and the Managing Agent determines the delinquency was the result of a misunderstanding of the correct procedures relative to payment of the assessment. Further, such a waiver may be granted only once to any delinquent Owner.

- L. Payments received from an Owner will be credited in the following order of priority:
1. Charges for attorney's fees and costs.
 2. Late Fees.
 3. All interest accrued.
 4. All other charges incurred by the Association as a result of any violation of the Declaration, Bylaws, or Rules and Regulations, by an Owner, his/her family, employees, agents or licensees.
 5. The monthly assessment for each lot, including special assessment due, as applicable.

The foregoing Resolution is hereby adopted, without meeting, by all the Members of the Board of Directors:

Enclave Fair Lakes Homeowners Association:

By: _____ Date: _____

President

By: _____ Date: _____

Vice President

By _____ Date: _____

Secretary/Treasurer

VII. POLICY RESOLUTION NO. 4 - RULES AND RULES AND REGULATIONS PERTAINING TO PETS

WHEREAS, Article 4, Section 4.1 of the Bylaws states that the business and affairs of the Association shall be managed by a Board of Directors;

WHEREAS, Article 4, Section 4.1.4 & 4.1.6 of the Bylaws empowers the Board to adopt and enforce rules and Rules and Regulations; and

WHEREAS, for the benefit and protection of the Association and of the individual owners, the Board deems it necessary and desirable to establish rules and Rules and Regulations regarding pets.

NOW, THEREFORE, BE IT RESOLVED THAT the following Rules and Rules and Regulations are hereby adopted:

- 1) No animals, livestock or poultry of any kind shall be raised, bred or kept on any Lot, except that dogs, cats or other household pets may be kept provided they are not raised, bred or kept for any commercial purposes. No more than three (3) pets which may regularly leave the dwelling shall be permitted on any Lot unless approved by a majority of the Board of Directors. Pet owners will be responsible for cleaning up the waste created by their pets in all areas, private and common, within The Enclave at Fair Lakes Homeowners Association Area. Owners shall be permitted to walk their pets within the Common Area on a leash. Owners shall restrain their pets from entering homeowner yard areas inside the sidewalk boundaries and at no time permit their pets to create waste in private areas other than their own yards.

Pets shall be restrained and controlled as required by ordinance now or hereafter by Fairfax County, Virginia. All pets shall be registered and inoculated as required by law. The appropriate authorities of Fairfax County are hereby granted an easement across the Property to enforce local animal control ordinances.

- 2) Each owner or his/her family member or lessee responsible for a pet being on the property shall promptly remove and dispose of any pet droppings deposited on common areas, or on the property of other homeowners. No owner shall permit pet waste to accumulate on their individual property, or to allow unhealthy, unsightly, or unsafe conditions to persist resulting from the housing of a pet, whether permanently or temporarily.
- 3) Any Owner who keeps or maintains any pet upon any portion of the Property shall be deemed to have indemnified and agreed to hold the Association, each owner and the Declarant free and harmless from any loss, claim or liability of any kind or character whatever arising by reason of keeping or maintaining such pet within the Property.

The foregoing Resolution is hereby adopted, without meeting, by all the Members of the Board of Directors:

Enclave Fair Lakes Homeowners Association:

By: _____ Date: _____

President

By: _____ Date: _____

Vice President

By: _____ Date: _____

Secretary/Treasurer

VIII. POLICY RESOLUTION NO. 5 - RULES AND REGULATIONS REQUIRING USE OF RESIDENTIAL LEASE FORM

WHEREAS, Article 4, Sections 4.1.4 and 4.1.6 of the Bylaws empowers the Board of Directors to adopt and enforce rules and Rules and Regulations governing the use of the community, and

WHEREAS, it would be beneficial to the community as a whole to ensure that the tenants are aware of and abiding by the governing documents:

NOW THEREFORE BE IT RESOLVED that:

All written leases of property within Enclave Fair Lakes Homeowners Association shall contain a provision advising the tenant of his/her obligation to abide by the provisions of the governing documents and rules and Rules and Regulations, provide that failure to comply constitutes a default under the lease, and certifying that the tenant has received a copy of the Association Rules and Rules and Regulations discussed herein.

All homeowners who lease to another a home within the Association must, within five (5) days of execution of the lease, file a copy of the lease with the Board of Directors at the following address:

Enclave Fair Lakes Homeowners Association
c/o Gates Hudson Community Management, AAMC®
3020 Hamaker Court, Suite 300
Fairfax, Virginia 22031

and any homeowner failing to provide a copy of an executed lease within five (5) days of the effective date of this Resolution, or the execution of a new lease, will be in violation of this Resolution.

In the event that property within Enclave Fair Lakes Homeowners Association is leased without use of a written lease, the owner of the property must provide to the Association at least five (5) days prior to the tenant's occupation of the premises, or within five (5) days of the effective date of this Resolution, a written statement signed by the owner and the tenant certifying that the tenant has received a copy of the governing documents and rules and Rules and Regulations and that the tenant understands that he/she must abide by the provisions of such documents.

Any homeowner failing to comply with this Resolution may be subjected to a charge for each day in which the violation persists and any other penalties or remedies as are available to the Association, after notice and hearing.

The owner shall be held responsible for any charges or penalties incurred by or imposed as a result of the action or inaction of his/her tenant and all such charges may become a lien against the property of the owner if unpaid.

The foregoing Resolution is hereby adopted, without meeting, by all the Members of the Board of Directors:

Enclave Fair Lakes Homeowners Association

By: _____ Date: _____

President

By: _____ Date: _____

Vice President

By _____ Date: _____

Secretary/Treasurer

X. POLICY RESOLUTION NO. 6 - PARKING RULES

WHEREAS, Article 4, Section 4.1 of the Bylaws provides that the affairs of the Association shall be managed by a Board of Directors; and

WHEREAS, Article 4, Section 4.1.4 & 4.1.6 of the Bylaws empowers the Board of Directors to adopt and enforce the Rules and Regulations; and

WHEREAS, Article 7, Section 7.7 of the Declaration defines the use of Parking and Private Access, and

WHEREAS, there is a need to establish orderly and judicious Rules and Regulations regarding parking, as well as remedies for violations of such rules; and

NOW THEREFORE BE IT KNOWN THAT the following Parking Rules are adopted by the Board of Directors.

I. PARKING RIGHTS

1. The Enclave Fair Lakes Homeowners Association parking areas are for the exclusive use of Association members, members' guests, and members' lessees.
2. Vehicles should be parked in the driveway or the garage of the home, and shall not be parked on the common roadway (drive lanes). Vehicles shall not be parked in a manner that obstructs any driveway or parking space, or in such a manner that it blocks one or more vehicles, occupies more than one space, is parked in a posted fire lane or is parked in a designated handicapped parking space without authorization. Vehicles parked in a manner that obstruct free ingress and egress of vehicular traffic shall be subject to immediate towing WITHOUT NOTICE.
3. Except in connection with construction activities, no commercial vehicles (vehicles on which commercial lettering or equipment is visible or which are larger than normally used for non-commercial purposes) or trailers, campers, recreational vehicles, boats or other large vehicles, including grounds maintenance equipment, ATV's or dune buggies, may be parked or used on any portion of the Common Area or on any portion of a Lot visible from the Common Area or another Lot or on any public right-of-way within or adjacent to the Property, unless expressly permitted by the Board of Directors and then only in such parking areas or for such time periods (dairy) as may be designated for such purposes by the Board of Directors. Parking of all such vehicles and related equipment, other than on a temporary and non-recurring basis, shall be in garages or in areas designated by the Board of Directors, if any. The Board has no obligation to designate any such area or permit parking of such vehicles.
4. No junk or derelict vehicles or other vehicle on which current registration plates or decals and current county and state inspection permits are not displayed shall be kept upon any portion of the Common Area or another Lot or on any public right-of-way within or adjacent to the Property. Vehicle repairs and storage of vehicles are not permitted, except in accordance with the Rules and Regulations; provided, however, that washing of vehicles on Lots and non-commercial repair of vehicles is permitted and provided in the Rules and Regulations. All motor vehicles shall be driven only upon paved streets and parking lots. No motor vehicles, including without limitation trail bikes, motorcycles, dune buggies or snowmobiles, shall be driven on trails or unpaved portions of Common Areas, except vehicles which are authorized by the Board of Directors as needed to maintain, repair or improve the Common Area or for other specific purposes approved by the

Declarant. This prohibition shall not apply to normal vehicular use of designated streets and lanes constructed on Common Area.

5. All vehicles must be kept in proper operating condition so as to not be a hazard or a nuisance by noise, exhaust, emission, appearance or otherwise.

II. NOTICE

The Board or Managing Agent shall make a reasonable attempt to give notice to the owner of an offending vehicle in a manner generally consistent with the attachment of a Warning Notice. Reasonable notice shall consist of placing notice on the vehicle. If such vehicle is not removed or the violation corrected with seventy-two (72) hours of issuance of the notice, the Board may have the offending vehicle towed at the sole expense and risk of the vehicle owner. Any vehicle previously noticed for a violation of the same regulation shall be subject to towing WITHOUT NOTICE for any second offense of the same regulation.

The Board, the Managing Agent, or designees of the Board shall have authority to tow offending vehicles.

III. PARKING SPACES

No signs, initials, numbers, storage containers or any other additions or alterations to parking spaces may be painted, displayed or erected by any resident.

IV. ASSOCIATION NOT RESPONSIBLE

Nothing in this Resolution shall be construed to hold the Homeowners Association, Board of Directors, or their Agents responsible for damage to vehicles or loss of property from vehicles parked upon the Common Areas or towed there from.

V. ENFORCEMENT OF THE REGULATIONS

In addition to the towing provisions above, violations of the regulations are subject to appropriate action by the Board including, but not limited to, the initiation of legal action by the Board of Directors. Should any legal action be required, all legal fees and costs shall be assessed and attributed to the lot owner responsible for the offense. Lot owners shall be responsible for the offenses of their tenants and their guests.

The foregoing Resolution is hereby adopted, without meeting, by all the Members of the Board of Directors:

Enclave Fair Lakes Homeowners Association

By: _____ Date: _____

President

By: _____ Date: _____

Vice President

By _____ Date: _____

Secretary/Treasurer