

**THE RESERVE OF TURPIN HOMEOWNERS' ASSOCIATION
RESOLUTION ADOPTING RULES & REGULATIONS AND PROCEDURES KNOWN AS
"THE CREST LANDSCAPE POLICY/GUIDELINES"**

WHEREAS, the Reserve of Turpin Homeowners' Association ("Association") acts through its Board of Directors ("Board") to administer the Association, maintain the Common Areas, collect assessments, and enforce the Governing Documents (which consist of the Declaration, the By-Laws and Board-promulgated Rules and Regulations); and

WHEREAS, under the Declaration, Bylaws, and Ohio Revised Code Section 5312.06(D)(5), the Board has the ability to adopt and enforce rules regulating the maintenance, repair, replacement, modification, and appearance of the Common Areas, Limited Common Areas, and, as it relates to The Crest, the visible areas of the Lots.

NOW, THEREFORE, under these authorities, the Board hereby adopts the following Rules and Regulations and Procedures known as The Crest Landscape Policy/Guidelines ("Policy").

THE CREST LANDSCAPE POLICY/GUIDELINES

When is an Improvement Application required?

Herein, "Design Change" shall mean any visual or structural change, addition, or improvement to the exterior of a Lot or the Common Areas.

An Improvement Application is required for any exterior Design Change on a Lot or on the Common Areas, unless the Design Change to a Lot falls into an exception listed in this Policy. All Design Changes to the Common Areas will always requires an Improvement Application. Owners are responsible for knowing the location and dimensions of their Lot (if in doubt please consult a professional land surveyor).

A non-exclusive and non-comprehensive list of examples of when an Improvement Application is needed follows:

- When increasing the size of an existing landscape, flower, or shrubbery bed area;
- When adding a new landscaping, flower, or shrubbery bed area;
- When changing the design of an existing shared landscape, flower, or shrubbery bed area;
- When adding tree(s)/shrubbery to an existing or new landscape bed area, Lot, or Common Area;
- When removing any existing tree(s) or shrubbery on a Lot or the Common Areas; or
- For any exterior Design Change or landscaping to be made by an Owner to the Common Areas.

Below are improvements that have been deemed approved by the Board if the within guidelines are adhered to. If an Owner wishes to make a below listed Design Change on his/her/its Lot, no Improvement Application is needed and approval is granted, if the Owner follows the guidance and parameters listed below:

- 1) One wood birdhouse or one wood birdfeeder (not one of each, but one of either) are allowed to be placed on a Lot. No birdhouse or birdfeeder may be attached to the Living Unit or its siding, shingles, brick, trim, or any other surface of the building that contains the Living Unit. No birdhouse or birdfeeder shall be larger than the following dimensions: two feet in width, two feet in length and two feet in height. No birdhouse or birdfeeder shall be higher than eight feet from the ground.

- 2) Seasonal or holiday decorations on an Owner's Lot only (not on the Common Areas or on another Lot), during the applicable holiday season, or during the month of the holiday, so long as all other provisions of the Governing Documents are adhered to with regard to said decorations.

What is the Improvement Application Process?

- 1) Owners must review the Homeowner Handbook and this Policy before filling out and submitting an Improvement Application.
- 2) The Owner applicant must fully complete and submit the Improvement Application to the Association's Architectural Committee via the Association Manager. The Owner must include any required attachments/drawings in order to fully evaluate the Design Change. If an Improvement Application for any Design Change is not fully completed or is missing any of the required attachments/drawings, the Association will have no duty to respond and, indeed, may not respond because it only has a duty to respond to completed Improvement Applications.
 - **Neighbor(s) Signatures:** If the requested Design Change involves a shared bed (meaning a landscaping/flower/shrubbery bed that is located on more than one Lot) then the Improvement Application must be submitted jointly by the Owners of the Lots on which the shared bed is/will be located and must contain the signature of both Lot Owners.
- 3) Association Manager will present completed Improvement Applications to the Board for review.
- 4) Board will vote to approve or deny requested Design Change.
- 5) Owner applicant will be sent written notification of the approval or denial of the Improvement Application.
- 6) If approved, Owner applicant may initiate the Design Change. All approved projects must comply with any special details or provisions for approval communicated with approval of the Improvement Application. Deviating from the approved plans and specifications is considered a violation and may result in enforcement assessments or legal action.
- 7) Owner must notify the Association Manager upon completion of the Design Change project and, further, must provide the Association Manager with complete and thorough photographs of the completed project.
- 8) Some maintenance of certain landscape beds, including, but not limited to, mulching and winterization of plantings, will be performed by the Association's landscape partner based on their contract with the Association. The Association's landscaper may alter Owner's improvements and the Association will not be liable if this happens.

If it is revealed in the photos, or sometime in the future, that a Design Change project was not completed as approved by the Board, or that the appearance and workmanship are not acceptable to the Board, or that any exterior areas of the building or grounds are disturbed or damaged have not been restored, the Board retains the authority, in its sole discretion, to determine whether the completed project constitutes a deviation from the approved Design Change or other violation and, if it determines that a deviation occurred or violation exists, to require the Owner to make the modifications necessary to comply with the approved Design Change or proceed with any other enforcement options that the Board, in its sole and complete discretion, determines is appropriate.

Are there any improvements that will not be allowed by the Board?

Some, but not all, of the following items or improvements are restricted by the Governing Documents. Regardless, none of the following items or improvements will be approved or permitted to be installed on a Lot or in the Common Areas after the date this Policy is adopted by the Board:

- Hammocks;
- Freestanding bells;
- Fountains;
- Koi ponds;
- Any other water feature;
- Birdbaths;
- Window bars (also known as “burglar bars”);
- Fencing;
- Clotheslines;
- Doghouse;
- Barns or Sheds;
- Walls, screens, or any other method of shielding;
- Gazebos; or
- No landscaping rocks, stones, or other material that will replace, or be used on top of, mulch.

The following Landscape Guidelines shall apply when reviewing Improvement Applications:

- Flowers, shrubbery, and other plantings may not exceed four (4) feet in height, either at planting or when fully mature;
- Flowers, shrubbery, plantings, and all landscaping and Design Changes must be maintained appropriately and follow prevailing standards in the community, as determined by the Board;
- If an Owner installs mulch in the landscaping beds on their Lot, the mulch must be the same color and type as the mulch installed by the Association and it shall be incumbent upon the Owner to communicate with the Association’s Managing Agent to obtain the type and color used by the Association;
- Firewood must be kept within the private patio area and shall not be stacked against the siding or side of any Living Unit;
- Owners who hire landscapers to perform work on their Lot must direct the landscapers to not perform work on, or make any Design Changes to, the Common Areas or another Owner’s Lot;
- All Design Changes must maintain the aesthetic character and prevailing standard of the community, as determined by the Board; and
- All Owners are responsible for maintaining their Lots to the prevailing standard of maintenance of the community, as determined by the Board.

What if the Association has a problem with my Design Change?

The Owner applicant is responsible for installing the Design Change exactly as approved. In the event the Association later finds out the Design Change was not installed as approved, the Owner will be responsible for restoring the area of the Design Change back to its original condition, or for making all changes necessary so that the installation matches the approved Design Change. Further, even if a Design Change is installed as approved, if the Owner or occupant’s use of the Design Change, or the Design Change itself (for example through lack of maintenance) becomes a nuisance, as determined by the Board, the Owner shall be responsible for removing the same.

Who is responsible for the Design Change after it is installed?

- 1) Owner applicants are responsible for all maintenance, repairs, and replacements associated with requested and approved Design Changes, unless otherwise stated,
- 2) Owner applicants assume all responsibility for any damages occurring as a result of any approved Design Change. This includes, but is not limited to, damage to any of the building

structures, framing, foundations, siding, trim, roofing, electrical, plumbing, drainage, irrigation, underground or other utility lines, or any other physical building entities normally maintained by the Association, as well as the Common Areas, or any other Owner's property or Lot.

- 3) Any damage mentioned in the preceding paragraph shall be professionally repaired and restored at the Owner's cost to the same appearance and quality prior to the occurrence of said damage.
- 4) Any cost, including, but not limited to, damage or restoration costs, incurred by the Association as a result of an Improvement Application project request or Design Change, is the sole financial obligation of the Owner applicant.

What if I do not comply with this Policy?

Should an Applicant fail to comply with the provisions of this Policy, the Board may take necessary and appropriate action to assure that the interests of the Association and its properties are protected. Failure to comply may include, but is not limited to:

- Failing to obtain approval for a Design Change;
- Initiating work subject to approval prior to notice of approval or after a denial; and
- Failing to complete Design Changes as approved or otherwise deviating from the approved Design Change.

NOW, THEREFORE, be it resolved that at least a majority of the Board has voted in favor of adopting the preceding Resolution, which replaces all prior Rules and procedures for Landscape Design and Review – The Crest.

Adopted this 10th day of June, 2022

By: Margo R. Macon
Printed: Margo R. Macon
Title: President

By: [Signature]
Printed: Tim A. Stillworth
Title: Secretary

By: [Signature]
Printed: Joyce Mantir
Title: Treasurer

By: [Signature]
Printed: Tony Skiba
Title: Board Member

By: [Signature]
Printed: Michael Scicolone
Title: Board Member