

MOSBY MOUNTAIN COMMUNITY ASSOCIATION, INC.

Rules and Regulations and Architectural Guidelines

Adopted June 17, 2014

**Mosby Mountain Community Association, Inc.
P.O. Box 6397
Charlottesville, Va. 22906
www.MosbyMountain.org**

Dear Mosby Mountain Homeowners:

Mosby Mountain is a very attractive and desirable neighborhood in which to live. The goal of all of our governing documents is to insure this status is maintained for years to come.

Each of us, by agreeing to live here, has accepted the responsibility to keep our properties in an accepted state of repair and to maintain the harmony of the environment created by the design and layout of the original community.

We, as your board of directors, use the Rules and Regulations and Architectural Guidelines as a framework to manage the community and to address disputes that may arise.

Thank you for taking the time to read this document. Please contact any of the Board members with questions or concerns.

Thank You
Mosby Mountain Board of Directors

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Email Communication

The use by property owners associations of email for official notices and other communications is now allowed by Virginia code. Email enables more timely communications and also represents a significant cost savings as compared to mail sent through the U.S. Postal Service.

All Mosby Mountain Homeowners are required to have on-file with the Association a valid email address for themselves and their tenants, and assume full responsibility for receiving properly sent emails from the board. If a homeowner does not have a valid email address, they must notify the board in writing of such.

1. INTRODUCTION

Mosby Mountain Community Association, Inc. (hereafter referred to as “MMCA”) adopted The Covenants and Restrictions (herein referred to as “Covenants”) and the Rules and Regulations (hereafter referred to as “Rules”) and Architectural Guidelines (hereafter referred to as the “Guidelines”) for the stated purpose of enhancing property values, amenities and opportunities that contribute to the welfare and safety of residents. All residents of this community will benefit from this planning and design which has been an important part of the development of MMCA. The purpose of the Rules and Guidelines is to assure residents that the standards of design quality will be maintained. This, in turn, protects the property values and enhances the overall environment of the community.

The Guidelines address exterior standards required of homeowners to maintain their property, exterior modifications, and/or additions made by homeowners to their dwelling and/or property. The Guidelines are in addition to The Covenants. Interior alterations are outside the scope of the Guidelines, except when such interior alterations affect the exterior appearance of a property (for example, window grids/muntins).

2. PURPOSE AND OBJECTIVES

The purpose of the Guidelines is to serve as a guide to aid Owners/Residents and members of the Architectural Review Board (herein referred to as “ARB”) in maintaining and enhancing the MMCA community and environment. The Guidelines described in this publication address modifications Owners/Residents are most likely to make to their property and are not intended to be inclusive. Any modifications, additions, or removals that affect the exterior appearance of properties within MMCA are governed by the principles addressed herein, and the ARB shall make its determination based upon the principles described in these standards.

The objectives of this publication are:

1. To describe the aesthetic standards within the community that balances the Owners’ and community’s concept of “good taste,” quality and well-maintained premises.
2. To elaborate upon and refine the architectural standards and guidelines established in the Covenants.
3. To provide uniform criteria for ARB review and approval of applications for property modifications.
4. To provide uniform criteria for ARB review of exterior property maintenance.
5. To describe the organizations and procedures involved in the process of application, review, approval, and appeal of applications for property alterations.
6. To reduce as much as possible the potential conflict between homeowners and the ARB regarding homeowner requests by clearly stating what changes are to be allowed and what maintenance is expected.
7. To maintain consistency over the years as members of the ARB change.
8. To explain the enforcement process for violations of the Guidelines.

It is the responsibility of the homeowner to ensure that any and all modifications are in compliance with all local, state and federal statutes, codes, and regulations. This document is not intended to amend or replace Albemarle County ordinances, or the laws and regulations of the Commonwealth of Virginia or the federal government with respect to building, zoning, occupancy, housing or other areas within governmental jurisdiction.

NOTE THAT FAILURE OF THE ARB TO ENFORCE PROVISIONS, COVENANTS, RESTRICTIONS, RULES OR REGULATIONS SHALL IN NO EVENT BE DEEMED A WAIVER OF THE RIGHT TO DO SO THEREAFTER.

THERE IS NO STATUTE OF LIMITATIONS REGARDING ANY RULES FOUND IN THESE DOCUMENTS.

ALL VIOLATIONS REGARDLESS OF HOW LONG THEY HAVE EXISTED SHALL BE ENFORCED.

3. MMCA ARB REVIEW CRITERIA

The MMCA ARB evaluates all submissions on the individual merits of the application. The following criteria represent the general standards that will be used in reviewing and evaluating applications.

1. **Community Impact:** The ARB shall consider proposed property modifications in relation to the MMCA common area. Fencing and walls, in particular, can have damaging effects on open space. Other factors such as removal of trees, disruption of the natural topography, and changes in the rate or direction of storm water run-off can also adversely affect MMCA environment and preserved natural wooded areas in the community.
2. **Validity of Concept:** The basic modification concept shall be sound and appropriate to its surroundings.
3. **Design Compatibility:** The modification shall 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 on Neighbors:** The modification shall relate favorably to the landscape, the existing structure, and the neighborhood. The primary concerns to the ARB are aesthetic view, sunlight, ventilation, and drainage.
5. **Scale:** The size (in three dimensions) of the proposed alteration shall relate well to adjacent structures and surroundings. For example, a large addition to a house may be out-of-scale and inappropriate.
6. **Color:** Color may be used to soften or intensify visual impact. Parts of the modification that is similar to the existing house, such as roofs, windows, gutters, trim, etc., shall be matching in color and style.
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.
8. **Workmanship Quality:** ARB approval of applications is based on the understanding that the quality of workmanship in the proposed modification will be at least equal to the quality of workmanship in the house and other original structures on the property.

4. REQUEST FOR MODIFICATION/ADDITION/CHANGE FORM

All requests for architectural changes must be submitted in writing to the MMCA ARB on its approved application form. The MMCA ARB application form is available through the MMCA website. Homeowners can submit applications in person or by email to the ARB chair.

MMCA assumes no responsibility for the quality or safety of construction by virtue of approval under these Guidelines, nor does such approval relieve the owner/resident of the responsibility of obtaining Albemarle County approval and/or permits for a modification to the property. County and Association approvals are entirely separate, distinct and unrelated.

At a minimum, all applications shall contain a completed application form which describes the nature of the change as well as its shape, height, materials, colors and location. In addition to a complete written description, sketches, drawings, photographs or illustrations of the type required for Albemarle County building permit approval should be included.

Applications for alterations shall include the following, as applicable:

1. **Site Plan:** A site plan is a drawing of the lot that reflects the dimensions of the property and that depicts the proposed modifications and their relationship to the house, other existing structures on the property, and property boundaries. Contour lines are required where drainage is a consideration. In most cases, the site plan can be developed from the plat plan provided to you when you purchased your home. For complex applications, the ARB may require larger scale blowups of the plat plan, including depictions of adjacent lots and structures. A site plan is usually not required for color change or minor modifications.
2. **Architectural Plans:** The application shall include detailed drawings and plans, including exterior elevations and dimensions. The ARB may require detailed architectural drawings for some changes. The application shall also include a description of materials to be used, including such items as type of deck or fencing material, compatibility of colors between existing and new structures, compatibility of brick, siding, or roofing materials, the location of exterior lighting, etc.
3. **Start and Completion Dates:** The application shall provide an estimate of the start and completion dates of the proposed modifications. Actual work on the project shall not commence until written ARB approval is received. The alteration authority granted by approval of the application will be revoked automatically if the alteration requested has not commenced within six months of the approval date of the application or other date as specified by the ARB.
4. **Signature of neighbors:** The applicant will provide copies of the complete application to all neighbors adjacent to and behind the property, and the property across the street and its two adjacent properties. The applicant will secure signatures from all of these property owners acknowledging their receipt of the application.
5. **Signatures of Owners:** The ARB application shall contain the signature of all owners of the property on record.

The applicant may submit with the application any additional materials, such as exhibits, petitions, photographs, experts' statements and the like that the applicant deems appropriate. The applicant may request an opportunity to appear before the ARB, along with any witnesses the applicant desires to speak on his/her behalf. ARB approval of architectural changes does not relieve the homeowner of responsibility for complying with Virginia State and/or Albemarle County codes as well as zoning restrictions. It is the responsibility of the individual homeowner to obtain all necessary building permits, variances, exceptions or other governmental approvals prior to submitting a Request for Modification form and the start of any construction work.

5. MMCA ARB COMMITTEE REVIEW PROCEDURES

1. Application Submission: Upon receipt of an application by the ARB, the ARB Chairperson will provide acknowledgement to the homeowner via email to confirm receipt of the application. This receipt will begin the review period.
2. Review Period: The 30-day period refers to the time within which the ARB must review the application once accepted, and provide a response to the homeowner. Failure of the ARB to act upon any acknowledged and accepted request within thirty (30) days after submission shall be deemed to have been approved as submitted. In the event that the ARB has questions about the application which must be answered in order to provide a response to the homeowner, the 30-day response time period shall be extended by the time of the delay due to the question/inquiry. This 30-day provision does not apply to requests determined by the ARB to be incomplete or insufficiently prepared to render a decision. In such cases, the application will be disapproved and returned to the applicant. Upon receipt of a resubmitted application that is complete and sufficiently prepared, a new 30 day review period will begin. NOTE: If homeowner timeframe to start project is less than 30 days, the ARB Committee will do its best to work with the homeowner's request for an expedited approval process.
3. Approval: A majority of ARB members must approve a request for it to be officially approved. Approved applications will be signed by the ARB Chair and notifications sent to the homeowner via e-mail, mail, or hand delivery. The HOA will retain a copy in the HOA property files. Homeowners are responsible for keeping approved ARB forms.
4. Approval Subject to Conditions/Modifications: A majority of the ARB approves the application with noted conditions that the homeowner must complete and in some cases provide additional information to the ARB. It is the responsibility of the homeowner to follow through and provide the information requested by the ARB within 30 days of the request.
5. Returned for Additional Information: If the ARB does not have enough information to make a decision on the submitted application, the application is returned to the homeowner with note(s) from the ARB on information needed to consider the application.
6. Disapproved with Cause/Reason: If a majority of the ARB members disapprove of the request, the form is returned to the homeowner with written explanation and comments by the ARB with specific reason(s) the application does not meet Guidelines.
7. Rejected Appeal to the Board of Directors (herein referred to as the "BOD"): If the applicant's request is rejected by the ARB, the applicant may appeal the decision to the BOD pursuant to the section governing appeals, or may first request reconsideration by the ARB.
8. Request for Reconsideration: Prior to an appeal of the ARB's decision to the BOD, the applicant may request reconsideration by the ARB if owner has new or additional information that might clarify the request or demonstrate its validity to meet the Guidelines. A request for reconsideration must be submitted in writing within 60 days following receipt of a decision by the ARB. The ARB shall respond to a request for reconsideration of a decision within a new 30-day time period from the date of receipt.
9. Appeal after Request for Reconsideration: If the applicant is denied again upon reconsideration by the ARB, applicant may appeal the decision to the BOD (see Section 6) governing appeals.
10. Special Exceptions: Neither the ARB nor the BOD is authorized to grant exceptions to the Covenants and Restrictions.
11. Decisions are based on the merit of each request and decisions or exceptions shall not serve as precedence.

12. Regular Report: The ARB Chairperson or a designated member of the ARB committee shall submit or present report/summary of actions to the BOD at the next BOD meeting.

6. HOMEOWNER APPEAL PROCESS - REQUESTS FOR MODIFICATION

Every homeowner is responsible for abiding by the Guidelines and the BOD's final decision regarding an ARB application. If a homeowner disagrees with the ARB's decision, the homeowner may request reconsideration by the ARB, or may appeal one time to the BOD. The Board's decision shall be final within the context of the Association.

1. Rights of Owners: A final ARB decision pertaining to an application may be appealed to the BOD one time if such action is taken within 60 days following receipt of the final decision of the ARB Committee.
2. Petition Format: All appeal petitions must be in writing and received by the BOD a minimum of one week prior to the next scheduled meeting of the BOD and shall be in substantially the following form:

(We) hereby petition the Board of Directors to hear an appeal of the decision of the ARCHITECTURAL REVIEW BOARD regarding the application by (name) (address) (phone#) (email) along with a copy of the request for modification/change that was rejected by the ARB and any other materials.

3. Background Materials: The homeowner shall bring to the meeting, at which his or her appeal will be heard, copies of their rejected application(s) and any supplementary materials for the BOD to consider.
4. Hearing: Appeals will be heard at the BOD meeting. The homeowner shall contact any BOD member to confirm the date and time of the meeting. The grounds for appeal are whether the proper procedures were followed during the administration and review process, and whether the decision was arbitrary and had no rational basis.
5. Board Decision: The BOD will promptly consider an appeal following receipt of a complete and properly submitted appeal petition and notify the appellant and MMCA ARB chairperson of the Board's decision. The BOD will render its decision to the homeowner within 30 days following the meeting.

7. ANIMALS/PETS

Pet owners shall be responsible for immediately collecting and removing solid pet waste (feces) deposited on any streets, curbs, corners, private properties, public trails, or common areas. Pet wastes should be properly disposed of in owner's own trash. Cat litter or wood chip bedding must be disposed of in tightly sealed leak-proof bags or containers and placed outside for normal trash collection (See Trash Removal). Cat litter, wood chip bedding, and other pet waste may not be discarded or disposed of on common grounds. Pet owners shall be responsible for any and all costs incurred in the repair of damages to the common areas caused by their pet(s). Pets may not be chained or leashed to or in any common area. Pets owned by guests, visitors, or tenants of MMCA shall comply with the same standards listed above.

Common household pets such as dogs and cats are permitted within the community. All pets must be on a leash when not on the homeowner's property. Livestock and poultry are not permitted on Mosby Mountain properties in accordance with the Covenants and applicable Albemarle County ordinances. Pets may not be bred, housed, or maintained for commercial purposes. Pets that create a continual

nuisance for surrounding properties or the neighborhood at large through excessive barking, howling, or are otherwise overly aggressive should be referred to Albemarle County Animal Control.

8. BUSINESSES

Any business as allowed for in the C&R Article IX Section 3 shall not have any sign or any other indicator visible. Undue customer or client traffic into Mosby Mountain shall not be permitted from clients, customers, employees or associates due to the business. No outbuilding shall be used to store items related to a business. No sign, advertisement or any other external indication of a business being operated at a residence is allowed.

9. MAINTENANCE AND ARCHITECTURAL STANDARDS

A major objective of homeowners is to preserve the quality of the neighborhood and protect the investment that has been made in their home. These standards are considered elements of "Good Property Maintenance" and are common sense practices. Properties not meeting maintenance and/or architectural standards may be cited for violations (for additional information see Section 9).

9.1 Additions (Screened Porches, Sunrooms, etc.)

Screened porches shall be kept in good repair. Screens shall not be torn, rusted or unsecured.

All additions to a home, such as sunroom, screened porches, additional enclosed room(s), extension or addition of garage, etc., shall require ARB approval in addition to all county permits and approvals.

Additions must maintain the same quality, workmanship, look, and feel as the primary home. All exterior materials such as brick, windows, siding, roofing, and landscaping should be compatible with existing materials and should provide a continuous, uniform appearance.

9.2 Air Conditioners - Exterior Units

Air conditioning Unit(s) should be free of rust or chipping paint and shall be maintained to operate quietly.

Window mounted Air conditioning units are not permitted.

9.3 Antennas – See Communication Devices

9.4 Arches – See Outdoor Structures

9.5 Awnings

Awnings must be maintained in good condition free of tatters, tears, mildew, stains, fading, etc.

Awnings are only permitted on the rear elevation of a home. The awning should be retractable and in a solid color - earth tones, dark green, or match the color of the siding.

9.6 Grills – See Outdoor Furniture (portable grills), Outdoor Structures (built-in grills)

9.7 Basement Egress

Where basement egress must be added in conjunction with an interior renovation through the addition of an exterior door or accessible window, ARB approval shall be required for the exterior components. ARB approval shall be required for re-grading, retaining walls, wall cladding,

handrails, window wells, door type, and the change to existing landscaping. ARB review will also include the proposed location of such egress and its impact on the adjacent properties.

9.8 Basketball Systems – See Sports Equipment

9.9 Boats – See Vehicles

9.10 Brick

Brick cladding, columns, and or piers shall be maintained in good condition free of excessive dirt or mildew growth. Grout shall be maintained in sound condition. Missing or cracked grout shall be repaired or replaced. Foundation walls shall not show signs of chipping and peeling paint.

9.11 Bulk Materials/Supplies

Bulk landscaping and construction supplies may not be stored on a homeowner's property long term.

Bulk deliveries of mulch, topsoil, rock, lumber, brick or potted / containerized plants should be utilized, spread, incorporated into construction or discarded within thirty (30) days of delivery.

9.12 Campers – See Vehicles

9.13 Cars – See Vehicles

9.14 Clotheslines

Clotheslines are not permitted.

No clothing, laundry, linens, blankets etc. shall be aired or dried on the exterior portion of any property or in any common area.

9.15 Commercial Vehicles – See Vehicles

9.16 7.18 Communication Equipment

Antenna/satellite dish devices must be maintained in good condition free of rust staining, and general deterioration. Cables and wiring from the home to such devices may only be located on the back or sides of a home and must be neatly bundled and run or laid in a neat, organized manner. Unsightly looped, draped, or loose cables are not permitted. When a telecommunication, television, or other telecom service is discontinued or obsolete, homeowners must remove and discard old receiving devices.

Receiving devices for telecommunications, television, or short band (ham) radio services, such as antennas and satellite dishes, are permitted with the following restrictions.

1. Receiving devices must be mounted as inconspicuously and unobtrusively as possible on the rear or side elevations or in the backyard of a home if a signal is functional.
2. Pole-mounted devices are permitted provided the pole and device are not higher than the home's roof.
3. Minimal pruning of trees, shrubs or vegetation on a homeowner's own property to install equipment or improve reception or line-of-sight transmission is permitted.

Receiving devices that require installation on the front elevation of a home, or front or side yards for proper functioning must obtain ARB approval. Major removal or cutting of trees, shrubs, vegetation or clearing on a homeowner's own property for this purpose shall require ARB approval and, in some cases, Albemarle County approval. Homeowners may not, in any case, cut, prune, trim, or clear trees, shrubs or vegetation from HOA common property, county property, or any adjacent neighbor's property to install equipment or improve reception or line-of-sight transmission for such receiving devices.

Roof-mounted devices such as UHF/VHF or digital antennas are not permitted.

9.17 Decks

Deck, porch, stair surfaces and railings shall be kept in good repair. Decks shall be maintained free of rotting, sagging, warped, detached, missing boards, free of mildew and algae. Paint shall not be chipped or peeling, and if metal, shall not show signs of rust.

All new additions or extensions to decks shall require ARB approval. Decks may be constructed of wood, composite wood products, or synthetic wood products. Handrails may be constructed of the same materials, or prefabricated handrail systems, including metal or clad wood railings. Deck materials may be stained or sealed natural wood colors or neutral tones (such as brown, tan, gray, white, or redwood).

9.18 Decorative Objects

Small nonpermanent landscaping objects such as planters, pots, and landscape boulders are permitted in front yards. Holiday statues, figures, lights, and decorations may be used in front/side yards, doors, roofs, windows, etc. (See Holiday Decorations).

Decorative objects not identified above are not permitted in the front or side yard.

9.19 Dog Houses and Runs

Dog houses are permitted only in backyards of homes and should not be visible from the street. Dog houses may be only of a size to accommodate up to two dogs and may be custom built, or pre-fabricated structures including wood, plastic, or fiberglass in a natural color or colors to complement the home's exterior. Cable dog runs are permitted in back yards only.

Fenced dog runs or small fenced pet enclosures are not permitted.

9.20 Door (Front)

Doors shall be operational, in good repair and paint shall not show signs of fading, chipping and/or peeling.

Replacing Doors with a similar style does not require ARB approval.

Alternate style and/or material such as wood stain, with windows or other architectural styles require ARB Approval.

9.21 Dormers

All wood trim, windows, window grids, roofing, siding, and flashing at roof dormers should be kept in good condition free of rotten wood, mildew, chipped, or peeling paint, damage to windows, etc. Dormers that are inaccessible to habitable interior space must have black-out material to screen the view of the attic framing. Black-out material may be black building paper or fabric, painted

plywood, or black paint on panes of glass. Window treatments, such as blinds or curtains, can be used on dormers that are accessible; however, window treatments should not be installed in the inaccessible roof dormers.

9.22 Driveways

All driveways must be maintained in good condition, free of excessive cracking, weed growth, settling, crumbling, and general deterioration. Driveways should be seal-coated, re-surfaced, patched or have cracks filled and caulked on a regular basis to maintain appearance and integrity. Asphalt patching materials must match the existing driveway in terms of color, texture, and thickness.

Resurfacing: Driveways that are to be re-surfaced with the same materials and in the same style and color as the original driveway are approved.

All driveway extensions or additions must obtain ARB approval. Such extensions or additions include turn-around areas, widening, re-alignment, or additional parking aprons. All such driveway extensions or additions shall not adversely affect the drainage on neighboring properties. Any driveway extension or addition that detracts from the aesthetics of the front yard of a home, is unsightly, or causes a substantial loss of lawn or landscaping will not be approved. All additions or extensions to a driveway must be installed in materials matching the existing driveway in terms of color, texture, and thickness.

9.23 Drainage Ditches

Homeowners are responsible for maintaining drainage ditches in front of their homes and for drainage pipes under driveways. Drainage ditches and pipes must be maintained to allow for proper drainage and to prevent standing water. Maintenance of these areas shall include mowing, weeding, mucking, and removal of sediment. Homeowners shall be responsible for coordinating with county and VDOT officials for maintenance and remedial work on storm drain structures, such as grates and inlets that do not drain properly.

9.24 Electric Pet Containment Fences

In-ground electric pet containment fences are permitted provided they do not have any negative impact on adjacent properties. Training flags shall be removed after the training period not to exceed four (4) months.

9.25 Fences

a. Construction

The addition or extension of any fence requires ARB approval. Fences shall be 4' to 6' in height. After the installer-designated curing period (which must be noted in the approval request), all wood fences must be protected using a stain/sealer/paint of an approved color. Fences are permitted in the back yard. No part of a fence should be forward of the rear foundation wall. It shall be a homeowner's sole responsibility to confirm the location of property boundaries and corners with proposed fence installations. Furthermore, it shall be a homeowner's responsibility to coordinate and obtain permission from the owner of an adjacent property in which there will be shared fencing sections or tie-in. Wire, wood lattice, chicken wire, and chain link fencing is not permitted. Double or parallel fencing is not permitted along common property lines.

b. Maintenance

All fences must be maintained in good condition, free of missing boards, broken, sagging, or damaged sections, rot or mildew. All fences must be painted or stained and paint shall not show signs of chipping, fading or peeling. Boards shall not be warped, detached, missing, broken, etc. Fence slats and post shall be stable and in an upright position. Gates must be securely attached to the fence, and must be able to be closed/latched and opened.

c. Repairs

Repairs shall be made using identical materials. Repairs shall take no longer than two weeks to complete and upon completion the entire fence shall be uniform in appearance.

9.26 Firewood

Firewood piles shall be neatly stacked and shall not exceed two cords in size. Firewood must be stored in the back/rear area of the house and not visible from the road.

9.27 Flags/ Flagpoles

Flag Pole brackets and poles must be maintained in good condition, free of rust, peeling, chipping or other deterioration. Flags must be maintained in good condition, free of excessive fading, fraying, tears etc.

No more than two flags may be displayed at the front of the house, regardless if they are mounted to the front of the house, or are garden flags. National, state, sports, seasonal, holiday, special occasion, and other flags are permitted. Homeowners are encouraged to follow proper etiquette and procedures when displaying the United States flag in regard to presentation, illumination, inclement weather, etc.

Permanently mounted flagpole brackets are permitted when attached to the front of a house near the front door, garage door, porch, or front column. These brackets shall accommodate removable flags and flagpoles. Removable flagpoles may not exceed 6 feet (6'-0") in length.

Permanently mounted, in-ground flagpoles, free-standing flagpoles, and permanently mounted wall-hung flagpoles are not permitted.

9.28 Fountains – See Water Structures

9.29 Garage Doors

Garage door must be maintained in good condition, free of warping, sagging, rotting, cracked panels or cracked windows, and must be kept fully operable. The painted finish on garage doors should be maintained free of chipping, flaking, or fading.

Replacing garage doors with a new style requires ARB approval.

9.30 Gardens

Vegetable gardens are subject to the maintenance guidelines for weeding, edging, mulching, etc. Garden equipment, hoses, and related items should be properly stowed to minimize visual impact when not in use.

Fruit and vegetable gardens are permitted in backyards only. Any fencing placed around gardens shall be subject to the same guidelines as property fences (see Fences). Temporary barriers, such as chicken wire, hardware cloth, or netting are permitted around gardens as long as they are not visible from the street.

9.31 Gazebos – See Outdoor Structures

9.32 Grids – See Windows

9.33 Gutters and Downspouts

Gutters and downspouts shall be kept in good repair. Paint on gutters and downspouts shall not show signs of rust, chipping or peeling. Gutters and downspouts must be free of loose sections, damaged, dented, rusted, or missing sections. Gutters must be cleaned to provide for the proper flow of rainwater and to prevent build-up of debris and growth of mold, mildew, seedlings, etc. Downspouts and downspout extensions should not be placed in a way that causes discharge or erosion on any neighboring property.

Replacement of gutters and downspouts does not require ARB approval if being replaced with the same color as previously installed.

Any color change to gutters or downspouts shall require ARB approval.

9.34 Holiday Decorations

December Holiday decorations including lights, statues, figures, wreaths, floral, candles, and other displays are allowed from Thanksgiving day and must be removed from the exterior of the house including doors, windows, roof, lawn, and mailbox by January 15 of the next calendar year. Excess: Excessive decorations as determined solely by the ARB that attract traffic into the neighborhood are not allowed. Music that can be heard from any adjacent property is not allowed. Decorations shall not be above the lowest roof line on the house.

Decorations for other holidays shall be allowed two weeks prior to the holiday and shall be removed by the weekend following the holiday.

9.35 Hot Tubs – See Swimming Pools/Tubs

9.36 Irrigation Systems

In-ground irrigation systems are permitted without ARB approval provided they do not have any negative impact on adjacent properties and meet government requirements.

9.37 Landscape Borders Landscaping borders or edging consisting of natural and neutral colored rock, stone, brick, wood, landscape timbers, or other natural appearing materials are permitted. All landscaping borders over 18" high shall be considered retaining walls and shall require ARB approval (see Retaining Walls).

Wire, and metal landscape borders are not permitted.

9.38 Landscaping changes -- landscaping modifications that involve replacing like-for-like (for example, replanting a tree where a tree was cut down) shall not require ARB approval. Removal of all trees, alive, dead, diseased, or damaged, shall require ARB approval. Where trees are removed from front or side yards, stumps must also be removed to below ground level.

Landscape Plans must be submitted if the total landscaping will cover more than 25% of the yard that is visible from any other property or street, or if there will be any plant, shrub, tree or other planting that will grow to a height of more than three feet from the ground that is visible from any other property or the street. All landscape improvements must take into consideration the various

setbacks and easements applicable to each lot, with particular attention paid to plantings near the road that infringe upon the utility easement and/or obstruct the view of drivers.

9.39 Lawn and Landscape – Maintenance

Mowing – Grass areas shall be routinely mowed throughout the growing season and shall not exceed seven inches (7”) in height. Clippings shall be removed from the road, sidewalks, and driveways.

Edging – Sidewalks, driveways, foundation walls, retaining walls, borders, fencing, and other permanently installed fixtures shall be routinely edged to remove weeds and grasses from growing up around these areas.

Weeding / Mulching – Weeds and debris should be removed from planted beds on a regular basis. It is recommended that planted beds shall be mulched periodically to deter the growth of weeds, retain water, and to provide a neat, manicured appearance..Mulch shall be free of weeds and replaced as bare spots become visible.

Pruning – Bushes and shrubs shall be pruned annually for a neat appearance and shall not grow to cover windows.

Woods / Natural Areas – Natural and wooded areas should be kept free of dead or diseased trees which could cause damage to neighboring properties. These areas should be kept free of conditions which harbor rodents or swarming nuisance pests.

Line of Sight– All trees, shrubs, and landscaping near the street edge, street intersections, pipe stems, and common driveways shall be trimmed and maintained to keep open sight lines for vehicles.

9.40 Lighting

All exterior lighting shall be maintained in good condition free of broken components, cracked glass, chipped, peeling, tarnished or rusted housing, and shall be properly lamped at all times.

Replacement of exterior lighting with like fixtures, (i.e., low voltage sidewalk lights replaced by new low voltage lights) similar in style, number, placement, and brightness shall not require ARB approval.

The addition of new exterior lighting, particularly up-lights and spotlights shall require ARB approval. Exterior lighting shall not be installed to shine on, reflect, or adversely illuminate any neighboring property. Border lighting around walkways/steps/ground level decks, etc. shall not exceed 18” in height.

9.41 Mailbox Maintenance and Replacement

An approved USPS mailbox shall be black in color with a red service flag. The mailbox will be approximately 23.5 inches long X 11 inches wide X 15 inches high with a rounded top. If mailboxes are dented, out of alignment or otherwise damaged so as to not function properly or look unsightly they are to be replaced. For replacement, the Stanley Gibraltar galvanized steel black Extra Large Capacity aka Jumbo box (UPC 0 46462 10021 6) is fully compliant. If boxes are scratched or the paint is peeling they may be sanded and prepped and painted gloss black.

Mailboxes should be attached firmly to the post at all times. The mounting post should be prepped and repainted if the surface is peeling, scratched or extremely faded. All mounting posts

should be painted Forest Green. Sherwin Williams provides compliant forest green paint identified as “Mosby Mtn Mailbox Posts Green” and can be obtained at any Sherwin Williams store if they scan the UPC as shown on the specification slip:

SHERWIN-WILLIAMS 3376 05/23/19
 434-973-3905 Order# 0167527

EXTERIOR ARCHITECTURAL
 SUPER PAINT LATEX
 SATIN COROB MODULA HF

MOSBY MTN MAILBOX POSTS GREEN
 CUSTOM MANUAL MATCH

CCE#COLORANT	OZ	32	64	128
B1-Black	2	30	-	1
G2-New Green	4	63	1	1
Y3-Deep Gold	-	10	1	-
L1-Blue	-	12	-	-
W1-White	-	32	-	-

ONE GALLON ULTRADEEP
 R89T00154 640392379

Posts with mailboxes shall be placed at the curb at the end of the driveway in the same location.

Mailbox posts shall be of wood material, extend vertically from the ground, have a vertical mailbox mount that includes a square compartment for non official USPS mail with a diagonal support post connecting the post and the mount. Renovated and replacement posts should be fitted with a 5 1/2" x 5 1/2" copper cap available from Deck Depot (<https://deckdepot.com/>): “Post Point Cap 6" x 6" (5 1/2") – Copper.”

Non Returnable Tinted Color
 CAUTION: To assure consistent color, always order enough paint to complete the job and intermix all containers of the same color before application. Mixed colors may vary slightly from color strip or color chip.



Brass house numbers approximately 4 1/4 inches high X 2 inches wide shall be affixed horizontally directly below the mailbox on both sides of the mailbox mount.

Repairs, maintenance or replacement should take place within 30 days of such findings, weather permitting. Any deviations from these guidelines shall require requests be submitted in writing to the ARB for consideration of extenuating circumstances.

9.42 Mullions/Muntins – See Windows

9.43 Outdoor Furniture

Outdoor furnishings, such as casual lawn or beach chairs, plastic furnishings of any kind, tables, benches, grills and umbrellas are permitted in back yards, rear patios, rear porches, and back decks only. Small decorative chairs, benches, or porch swings in wood, iron, stone, concrete, or aluminum are permitted on a home’s front porch, portico, landing, walkway, or stoop.

Homeowners who wish to place decorative chairs, benches, or settees in a front yard or side yard as part of a landscaped setting, must obtain ARB approval.

Outdoor furnishings should not be routinely or permanently placed in a home’s front yard, side yard, or driveway.

Appliances or indoor furniture are not allowed on any porch, lawn or driveway or anywhere visible from the street or other property.

9.44 Outdoor Structures

All outdoor structures such as pergolas, arches, gazebos, built-in chimneys, and built-in grills require ARB approval. Only back yard and side yard locations for outdoor structures will be considered.

9.45 Painting (Exterior)

Exterior painted surfaces, including wood trim, windows, doors, garage doors, shutters, foundation walls, etc. should be maintained in good condition free of dirt, mildew, chipping peeling and fading.

Re-painting any area of the exterior in the same color shall not require ARB approval except that repainting of mailboxes must comply with mailbox standards outlined in section 7.53 above.

Re-painting any area of the exterior in an alternate color shall require ARB approval. Any homeowner who is unsure of the original color due to fading or dirt accumulation should apply for ARB approval.

9.46 Patios

Patios must be maintained in good condition free of excessive cracking, weed growth, settling, debris, and deterioration. Patios shall be defined as on-grade paving or hardscape.

Replacing an existing patio using similar materials and of similar dimensions to the original is permitted.

All replacements with major changes, additions, or extensions to patios shall require ARB approval. Acceptable materials for patios include cast-in-place concrete, exposed aggregate concrete, stamped or pigmented concrete, brick, brick pavers, precast pavers, flagstone, granite, or slate. Asphalt, loose stone or gravel or any wood products are not permitted for the construction of patios.

9.47 Pergolas – See Outdoor Structure

9.48 Play Equipment

Playground equipment shall be kept in good repair. Boards on wooden equipment shall not be warped, detached, missing, etc. Paint on all equipment shall not show signs of chipping and peeling.

Moveable, non-fixed play equipment such as swing sets, slides, climbers, playhouses, trampolines, sand boxes, wading pools, etc., are only permitted in the backyard of a home without ARB review.

Any fixed, permanently installed, play set or play equipment (permanently installed shall be defined as having buried posts, footings, foundations, or attached to the house) must obtain ARB approval. Permanent basketball goals are prohibited.

Play equipment should not be stored or abandoned on common grounds or public streets. This includes such items as: bicycles, tricycles, big-wheels, skateboards, scooters, other riding toys, balls. Play sets, toys, bicycles, etc. must be removed each evening to an area not visible from any other property or street. See Sports Equipment section below.

9.49 Porches – See Additions (for Sunrooms/Screen Porches) or Sidewalk/Stoops

9.50 PODs and similar Storage devices

PODs are allowed with ARB approval for a period of no more than 10 days and shall be placed in the driveway at the point furthest from the road.

9.51 Ramps

Ramps to a home's entrance are permitted only for handicap or elderly accessibility needs. All ramps shall require ARB approval. Construction of ramps shall conform to the materials permitted for sidewalks (see Sidewalks/Stoops) or decking materials (see Decks). Ramps shall

be constructed to be as unobtrusive as possible and shall be concealed with landscaping wherever possible.

9.52 Retaining Walls

Retaining walls shall be installed and maintained in good condition with appropriate drainage, tiebacks, and all wall units maintained stacked and plumb.

Walls less than 18" used in landscaping are pre-approved. Walls should be natural and neutral colored rock, stone, brick, modular block, wood, landscape timbers, or other natural-appearing materials.

Installation of all retaining walls over 18 inches requires ARB approval.

9.53 Roofing

All roofing should be maintained in good condition with no missing or damaged shingles or build up of mildew. All flashing and sheet metal roofing must be maintained in a condition free of rust, scratches, and dents. Chimneys caps, metal flues and attic vents shall be kept in good repair and not show signs of rust, chipping or peeling.

Homes may be re-roofed without ARB approval if the new roofing is to be the same color and material as the existing roof. Standing seam steel, aluminum, or copper metal roofing may be used only on the stepped-out bay window design of some homes. Metal roofing colors consistent with natural or weathered copper or paint colors matching the home's trim do not need ARB approval.

Homeowners wanting a new roof color must submit the color change for ARB approval. Colors of the home's brick, siding, shutters, and trim should be considered when selecting a roof shingle color.

Alternative roofing materials such as real or simulated slate, tile, or wood shakes are not allowed.

Any other accent colors on metal roofing must be submitted for ARB approval. Colors of the home's brick, siding, shutters, and trim should be considered when selecting a metal roof color.

The color of flashing and sheet metal should only be galvanized, mil finish aluminum, or a powder coated aluminum in a color to match or complement the roofing material.

Bright metal finishes are not permitted for flashing and sheet metal.

9.54 Satellite Dishes – See Communication Devices

9.55 Screened Porches – See Additions

9.56 Shutters

Shutters must be maintained in good condition, broken or missing shutters should be replaced, loose shutters or shutters having missing fasteners should be repaired. Painted finish on shutters should be maintained free of chipping, flaking, or fading.

Shutters shall be required on all windows where they were located in the homes' original design. Shutters in wood, vinyl, or composite materials are permitted.

Replacement shutters having a different style, profile, or dimension than original shutters shall require ARB approval. Any change in the color of the shutters shall require ARB approval. Colors of the home's brick, siding, trim, and front door, as well as surrounding neighbors' shutter colors, should be considered when selecting a new shutter color. (Also see Exterior Painting section).

9.57 Sidewalks/ Stoops

Sidewalks, stoops, stairs or landings must be free of weed growth, settling, debris, and deterioration. Sidewalks, stairs, and landings used specifically for ingress and egress from the properties shall be level and free of major cracking and crumbling. They must also be maintained in good condition, providing a safe, clear path to a home's entrance.

All changes to the construction or layout of sidewalks and stoops shall require ARB approval. Acceptable materials for sidewalks and stoops include cast in place concrete, exposed aggregate concrete, stamped or pigmented concrete, brick, brick pavers, precast pavers, flagstone, granite, or slate.

Asphalt or any wood products are not permitted for the construction of sidewalks and stoops.

9.58 Siding

All siding must be maintained in good condition, free of dirt, mildew, mold, missing or loose sections.

Vinyl, painted wood, aluminum, or composite siding is permitted. Replacement of siding in a color that matches the previously installed siding shall not require ARB approval.

Installation of siding in a different color than previously installed shall require ARB approval.

Steel and cedar siding are not permitted.

9.59 Skylights

ARB requests for skylights visible from the street or adjacent properties will not be accepted. Skylights were not included in the original clean roof design and look of the neighborhood.

9.60 Signs

No signs shall be displayed on the property except as follows:

One Real Estate sign, no larger than 6 square feet, may be placed only in the yard near the road in the front of the house of properties that are for sale or rent. "Open House" signs and directional arrows may be placed near the community entrance only on the day of the open house and must be removed by the same evening. Real estate signs must be removed 72 hours after contact acceptance. ARB approval is not required.

Home security signs are allowed without ARB approval that do not to exceed 1' x 1' with a limit of one sign per side of house that has an entrance. The sign may not be permanently mounted to the house or other structure.

Up to two political election signs that do not exceed 6 square feet and do not include hand written text may be placed near the road in the front of the house up to 6 days prior to the election date and shall be removed by midnight the day after elections.

Event signs: One day event signs such as “yard sale” signs or “birthday party” signs etc. may be placed in the yard near the road in the front of the house on the day of the event. ARB approval is not required.

Notwithstanding the above, the Board may in its sole discretion demand any sign be removed from any property or deny permission for any sign to be erected.

Whenever there shall have been placed or constructed on any property within Mosby Mountain any sign which is in violation of the Governing Documents, the Association and its agents shall have the right, upon no less than five (5) days' prior written notice, to enter upon such property where such violation exists and summarily remove the same at the expense of the property's Owner and shall not be responsible for damage to the sign nor shall be obligated to return it to the owner.

9.61 Solar Energy Installations

Installation of roof-mounted photovoltaic solar systems (to produce electricity) and thermal solar systems (for water heating) is permitted with approval of the Architectural Review Board, subject to the reasonable restrictions in this section. Ground mounted systems are not permitted.

Panels must be installed parallel to the roof line. Panel frames must be complementary to or blend with the color of the roof. Panels may not be front-facing (facing the road in front of the house), except as provided below. All wiring and components must be appropriately concealed. The system must comply with Albemarle County ordinances and the Code of Virginia; the size of the system must be compliant with current net metering code. System equipment must be maintained in good working order; obsolete or non-functioning systems must be removed.

The Architectural Review Board may approve reasonable deviations from the restrictions above. A restriction shall be deemed not to be reasonable if application of the restriction to a particular proposal (i) increases the cost of installation of the solar energy collection device by five percent over the projected cost of the initially proposed installation or (ii) reduces the energy production by the solar energy collection device by 10 percent below the projected energy production of the initially proposed installation. The owner shall provide documentation prepared by an independent solar panel design specialist, who is certified by the North American Board of Certified Energy Practitioners and is licensed in Virginia, that is satisfactory to the community association to show that the restriction is not reasonable according to the criteria established in this subsection.

9.62 Sports Equipment

Sports and play equipment (such as bicycles, skateboards, scooters, balls, bats, clubs, nets, etc.) may be used on Mosby Mountain common grounds but must be removed the same day. Equipment shall not be stored or abandoned in these areas for safety reasons. Furthermore, such equipment shall not be permanently or continuously placed on public streets, including the street's edge, right-of-way or in cul-de-sacs in accordance with VDOT regulations.

A Portable basketball systems (backboard, rim, net, pole, and base unit) that is name brand, commercially sold and has a clear backboards is permitted in the driveway of a home without ARB approval. Basketball systems must be maintained in good condition at all times being free of: missing, displaced or broken pieces, chipped or cracked paint, torn, ripped, missing netting.

Portable skateboard ramps are permitted in the driveway of a home without ARB review. All other portable, non-permanent sports equipment, such as badminton nets, volleyball nets, croquet sets, soccer goals, lacrosse goals, baseball bases, trampolines, basketball nets, etc., are

permitted in the backyard of a home without any ARB review. These types of portable sports equipment shall not be permanently placed in the front or side yard of any home and must be kept in good condition free of missing, displaced or broken pieces, chipped or cracked paint, torn, ripped, missing netting.

Permanently installed basketball systems are not permitted.

Permanently installed, fixed sports equipment is strictly prohibited in the front or side yards of a home and ARB requests will not be accepted. Basketball backboards mounted to the house or garages are not permitted.

9.63 Storage Sheds

Sheds shall be maintained in good repair. Boards on wooden sheds shall not be warped, rotting, detached, missing, etc. Paint shall not show signs of chipping or peeling. Doors on sheds must be securely attached to the shed jamb, and must be able to be closed, latched, and opened with ease. Roofs shall not be damaged or missing shingles.

All exterior storage sheds shall require ARB approval. Storage sheds may only be located in back yards. Proposed locations of storage sheds should be as concealed and unobtrusive as possible and have no negative impact on adjacent properties. The design and construction of storage sheds shall complement the primary home's exterior siding and trim colors. Sheds may be up to 10 feet x 14 feet (140 SF). Storage sheds shall be placed on either solid masonry or cast-in-place concrete slabs or footings. Abandoned or damaged storage sheds no longer in use should be removed from a homeowner's property.

9.64 Storm and Screen Doors/Windows

Clear glass storm windows, storm doors and screen doors do not require ARB approval. Storm doors and screen doors must be full view, clear glass with only a perimeter stile/rail frame. The door's stiles and rails (framing) may be aluminum, steel, wood, vinyl clad or composite material in which the finish color matches or matches the home's trim or door color.

Grates, grills, etched designs, or stained glass requires ARB approval.

Plastic coverings of doors or windows are not permitted in any case.

9.65 Swimming Pools/ Tubs

All swimming pools, spas, whirlpool tubs, hot tubs, and saunas shall require ARB approval. Swimming pools must have a minimum 5'-0" high privacy fence (see Fences) and screening landscaping. Spas, whirlpool tubs, hot tubs, and saunas must have hard, full coverage, locking covers. All pools, hot tubs, etc. must meet all Albemarle County requirements and permits.

9.66 Tents

Event tents are allowed without ARB approval in the back yard or in the side yard with ARB approval for a period not to exceed 48 hours.

9.67 Trash Removal

Trash and recycle containers shall not be visible from the road except from 7:00 pm the evening before trash collection until 7:00 pm on the evening of trash collection.

Homeowners who will be out of town or unable to collect their cans and bins should coordinate with a neighbor to do so.

Litter and trash, including newspapers, shall not be allowed to accumulate on the exterior of any property. Homeowners shall be responsible for collecting litter and trash on a regular basis that is blown on to or accumulated on their properties, including lawn areas, landscaped beds, against fences and structures, around mailboxes, drainage ditches, and gravel road edges.

Trash cans or bags (to include yard debris) must be properly secured. Trash cans or bags (to include yard debris) and recycle bins shall be stored out of site and public view.

Homeowners shall be solely responsible for scheduling and paying for, if necessary, the haul-off of large items such as furniture, appliances, or construction debris that are not collected as part of the weekly trash removal service. These items may not be placed at the curb sooner than the evening before scheduled pickup.

Homeowners whose construction, demolition, or remodeling project requires placement of a dumpster on the property or in front of a home must obtain ARB approval for placement of the dumpster and its duration which shall not exceed 30 days.

Trash and organic debris such as leaves, grass clippings and branches may not be dumped in common areas.

9.68 Trellises

Trellises that are broken, falling, or are no longer used for growing plants should be removed.

Trellises require ARB approval. Trellises must be solid, sturdy construction and may be constructed of treated wood, wrought iron, or other metals. Trellises must be a natural or neutral color.

Light weight, trellises of bamboo, plastic or other "flimsy" material are not permitted.

9.69 Vehicles

Permitted vehicles will conform to the following guidelines:

Repairs and maintenance of vehicles (not including washing) may be performed only in an owner's garage.

No commercial vehicle of any kind or off road vehicle shall be kept or regularly parked in driveways. Vehicles used for commercial pursuits shall be defined as any vehicle bearing a company name, logo, or sign, or any non-passenger vehicle such as a panel truck, bus, commercial van, shuttle, limousine, taxi, tow truck etc. Such commercially used vehicles may be parked only in garages.

Trailers, campers, recreational vehicles, boats, motorcycles, personal watercraft, inoperable vehicles and motorized play vehicles are permitted to be parked or stored in garages only.

Vehicles may not be parked or stored on lawns or any common area at any time.

9.70 Water Structures

All permanent, built-in water structures such as fish ponds, gazing ponds, waterfalls, or plumbed fountains require ARB approval. Only back yard locations for such water features will be considered.

Temporary moveable water structures, such as small fountains or bird baths, are subject to the rules pertaining to decorative objects.

9.71 Windows

Window panes and window screens shall be kept in good repair with no broken or taped glass or screens. Windows must be maintained in good condition at all times. The painted finish on window trim and frames must be maintained in good condition free of chipping, flaking, and peeling. Muntins (Grids) must be maintained in good repair and either are in every window or out of every window on any given side of the home* (see note below). Muntins (grids) must be intact and not exhibit any broken, missing, damaged, hanging, leaning, or dislocated sections.

Replacement windows are permitted and do not need ARB approval if they match the original windows in the number, dimension, placement of "lites" (small faux panes created by applied mullions or in-window grids) and maintain the same double hung, two-sash look. Any replacement windows deviating from these requirements shall require ARB approval.

10. INSPECTIONS/WALK THROUGH MMCA

These Covenants require that the MMCA BOD ensure that all MMCA properties comply with the Covenants. To help meet this obligation, the MMCA ARB shall survey the community for compliance with the Covenants.

11. LEGAL ACTION BY BOARD OF DIRECTORS AND VIOLATION ASSESSMENTS

If the apparent violation(s) is not resolved after 30 calendar days from the date of the second/final notice and homeowner has not acknowledged second (2nd) letter, the MMCA ARB chairperson will refer the matter to the MMCA BOD. Failure of homeowner to correct violation and lack of response by homeowner to the 2nd/final notice shall be grounds for the BOD to take any and/or all of the following actions: suspension of homeowner's voting rights, foreclosure of liens, monetary sanctions, and/or any legal or equitable relief deemed appropriate by the MMCA BOD.

The MMCA BOD reserves the right to invoke monetary assessments that are in accordance with the Governing Documents (Articles of Incorporation, Covenants and Restrictions, Rules and Regulations, and Bylaws), Virginia State and/or Albemarle County law. The MMCA BOD reserves the right to assess homeowners either \$50 per violation, or for continuous violations \$10.00 per day for each violation that is not corrected, up to 90 days (max. \$900.00 per violation) as stated in the Property Owner's Association Act under the Code of Virginia. Successive proceedings will be administered if allowed by law. The BOD is authorized to take legal action to compel compliance with the MMCA Guidelines, and to seek the recovery of any and all cost associated with the efforts to obtain compliance, including, but not limited to, court costs and attorneys' fees from the homeowner.

12. ENFORCEMENT

Enforcement of these Covenants and Restrictions shall be by any proceeding at law or in equity against any person or persons violating or attempting to violate or circumvent any Covenant or Restriction or Governing Document, either to restrain a violation or to recover damages, may be against the land or to enforce any lien created by these Covenants. Failure by the Association or the Company to enforce any Covenant or Restriction herein contained for any period of time shall in no event be deemed a waiver or estoppels of the right to enforce same thereafter. In addition in the event of a violation or breach of any of

the restrictions contained herein by any Property Owner, tenant of such Owner, or agent of such Owner, the Owners of Properties in Mosby Mountain, or any of them, jointly or severally, shall have the right to proceed at law or in equity to compel a compliance to the terms hereof. In addition to the foregoing, the Company or its agent shall have the right, whenever there shall have been placed or constructed on any Property in Mosby Mountain any building, structure, chemical, substance, object, material, or condition which is in violation of these covenants and restrictions, to enter upon such Property where such violation exists and summarily abate or remove the same at the expense of the Owner, if after thirty (30) days written notice of such violation it shall not have been corrected by the Owner, tenant, or agent of the Owner; provided, however, that whenever stated in these covenants that the Company may serve notice requiring immediate corrective action, and such action is not performed immediately by the Owner, tenant, or agent of the Owner, the Company or its agent shall have the right to enter immediately and summarily abate or remove such violation at the expense of the Owner. Any such entry and abatement or removal shall not be deemed trespass. In addition to the foregoing the Company or its agent shall have the right, whenever permitted by this Declaration, to enter immediately (unless otherwise specifically stated) any Property in Mosby Mountain to implement environmental controls, to take corrective action, or to take any action necessary. The cost of such action, when performed by the Company or its agent shall be paid by the Owner of the Property on which the work is performed. Entrance upon any Property pursuant to the provisions shall not be deemed a trespass. Whenever the Company or its agent is permitted by this Declaration to correct, repair, enhance, improve, clean, preserve, clear out, remove, or take any action on any Property or on the easement areas adjacent thereto, entering the Property and taking such action shall not be deemed a trespass.

13. ARB MEMBERSHIPS

Majority and voting approval or disapproval will be taken by majority vote of the members (except in the case of incomplete applications). Only members of the ARB (including the chairperson) may participate in the review of, and decision on, submitted request for modification applications.

14. CHANGES TO THIS ARCHITECTURAL GUIDELINES AND RULES AND REGULATIONS DOCUMENT

The MMCA Guidelines reflected in this publication may be amended with a vote of all members of the MMBOD. The Rules and Guidelines in this document cannot conflict with the Mosby Mountain Covenants and Restrictions and if found to do so, that rule or part thereof shall be null and void, and should be promptly edited upon discovery by the MMBOD. The ARB will conduct a periodic review of the Guidelines to determine if changes should be referred to the BOD. Homeowners in good standing may submit to the ARB requests for additions, deletions or changes to the Guidelines. The ARB shall refer the requested change to the BOD. Advance notice of all changes to the Guidelines that the BOD proposes to approve will be provided to the community for review and comment, via email thirty days before the BOD votes on adopting amendments. The BOD may hold a public discussion or forum for homeowners to review and comment on the proposed changes to the Guidelines. The MMCA BOD has the sole and final authority to make changes to the Guidelines. Upon adoption by the BOD, notice of changes to the Guidelines will be provided to the homeowners via email and the updated document shall be published promptly on the MMCA website.

15. SETTLEMENT RELEASE DOCUMENT

A release letter is required by the MMCA HOA to be completed and issued to an Owner's settlement attorney prior to closing on the sale of a home. The document(s) provide information on the current status of assessment payments and on the existence of any architectural or Rules and Regulations violations. The release document helps to protect the future buyer against unknown problems with past owners architectural changes or past due assessments. If everything is in order, it also protects the seller from a potential lawsuit involving violations of the Covenants by subsequent owners.

16. EXTERIOR MODIFICATIONS THAT REQUIRE APPROVAL BY THE ARB

Any change, permanent or temporary, to the exterior appearance of properties and structures within MMCA, requires compliance with these Guidelines and the prior written approval of the ARB (unless otherwise specifically stated in these Guidelines).

The requirement for ARB approval is not limited to major alterations, such as adding a room or deck to a house, but also includes such items as changes in color or materials. Review and approval are also required for removing existing items. Each application for ARB approval is reviewed by the Committee on an individual basis. A homeowner who wishes to construct, for example, a deck that is identical to one that already exists in MMCA is still required to seek ARB approval for the construction. An existing modification to a neighboring home that an owner may wish to copy may not have been approved by the ARB, and the Owner would be unintentionally copying an existing violation of the Guidelines. The best rule regarding applications is . . . “When in doubt, apply for ARB approval.” Failure to submit an ARB form when required is in itself a violation of these rules and subject to the enforcement procedures stated in this document.

Mosby Mountain Governing Documents Enforcement Policy

The purpose of this document is to help provide uniform enforcement of all Mosby Mountain regulations and to have such policies available to all its homeowners.

This document shall in no way limit the Mosby Mountain Board of Directors from taking any and all action allowed by the Mosby Mountain Covenants and Restrictions and/or by Virginia State law.

Upon receiving a signed, completed Mosby Mountain Complaint or email from a Mosby Mountain Homeowner or upon discovery by the Mosby Mountain ARB Committee, the ARB shall proceed as follows until the issue is corrected:

- 1) If this complaint is the first occurrence of this violation, a member of the Mosby Mountain Board may as a courtesy, contact the homeowner or send an e-mail to the homeowners' e-mail address on file informing them of the violation and requesting corrective action. If the corrective action is taken within 48 hours or a solution is agreed to by the MM Board, no further action will be taken.
- 2) A Letter of Non-Compliance shall be sent to the homeowners, informing them of the violation and requesting that immediate corrective action be taken. The letter shall describe the violation, describe the required corrective action and inform the homeowners of future actions the Board may pursue if the correction is not made by the date specified.
- 3) A Letter of Assessment shall be sent to the homeowners when assessments begin, alerting them that the violation has not been corrected and they are being assessed as described in the letter. This letter shall inform the homeowners of future actions the Board may pursue if the correction is not made.
- 4) A Letter of Court Action shall be sent to the homeowners alerting them that the violation has not been corrected, they are currently being assessed at the rate indicated in the letter, and now, the MM HOA will pursue Court action seeking court mandated compliance and that all court costs, attorney fees and other fees incurred by the MM HOA in this effort will be paid for by the homeowner as allowed by Virginia law. The homeowners may have voting rights and trash pickup suspended. After 30 days from original notice, the MM Board may hire a contractor to correct the action and charge the homeowner.

Repeat Violations:

If the homeowner is in non-compliance and has previously received a letter of non-compliance for the same violation:

- 1) A Letter of Repeat Non-Compliance shall be sent to the homeowners describing the violation and alerting them they are immediately being assessed as described in the letter. This letter shall inform the homeowner of future actions the Board may pursue if the correction is not made by the date specified in the letter.
- 2) A Letter of Court Action shall be sent to the homeowners alerting them that the violation has not been corrected, they are currently being assessed at the rate indicated in the letter, and now, the MM

HOA will pursue Court action seeking court mandated compliance and that all court costs, attorney fees and other fees incurred by the MM HOA in this effort will be paid for by the homeowner as allowed by Virginia law. The homeowners may have voting rights and trash pickup suspended. After 30 days from original notice, the MM Board may hire a contractor to correct the action and charge the homeowner.

Homeowner's right to appeal:

The Homeowner has 10 days from receipt of original notice of non-compliance to deliver a signed letter of appeal to the MM ARB Chair explaining in detail why there is no violation. The ARB Board will discuss the appeal and notify the homeowner within 7 days of its decision with one of the following responses:

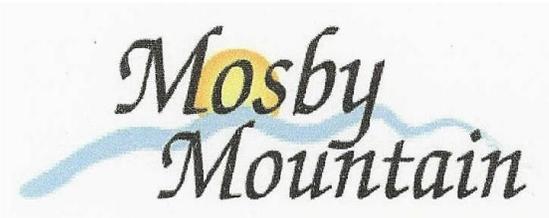
-The violation does indeed exist and must be brought into compliance as stated in the Non-Compliance Letter

-The ARB was incorrect to notify homeowner of the violation, the violation does not exist and no action will be taken.

The Homeowner may later appeal to the MMBOD provided it is received within 7 days from receipt of the ARB decision notice. The MMBOD will return its decision within 7 days from the receipt of the appeal from the homeowner.

ARB should attempt to take photos of the infraction.

All MM Complaint forms and letters of non-compliance shall be kept on file for future reference. Assessments will be added to the homeowner's next HOA invoice.



Date: _____

Resident Name: _____

Address: _____

RE: Mosby Mountain Non-Compliance

The Architectural Review Board (ARB) Committee's goal is to ensure that Mosby Mountain is a neighborhood of well maintained homes. This, in turn, protects property values and enhances our overall community. The ARB provides a service of conducting a periodic walk-thru of the community checking for compliance with the Mosby Mountain Covenants & Restrictions and MM Architectural Guidelines.

A recent Mosby Mountain property review by the Architectural Review Board has determined that your property is out of compliance with the Mosby Mountain Covenants and Restrictions or ARB Guidelines as follows: _____

Corrective Action Required: _____

Please take immediate action to correct this non-compliance and notify the ARB Chair.

Beginning _____201____, [7 days notice for temporary violations 30 days for permanent] if the non-compliance is not completely and properly corrected, the Mosby Mountain Board will assess your property at a rate of:

- \$10 per day
- \$ _____ per infraction (\$50 maximum)

Continued non-compliance can result in the Mosby Mountain Board initiating court action. The homeowner is responsible for all court costs, fees, and MM Board attorney fees allowed by law. The homeowners' voting rights and trash pickup may be suspended.

Appeal: The Homeowner has 10 days from receipt of original non-compliance notice to deliver in writing to the ARB Chairman a signed appeal listing all details and reasons why there is no violation. Appeals will be decided upon at the next ARB Meeting and the homeowner will be notified within 7 days. If the appeal is granted, all assessments will be rescinded.

IMPORTANT NOTE: Future repeat occurrences of this same non-compliance will not be given a grace period for correction and assessments will be charged immediately upon discovery.

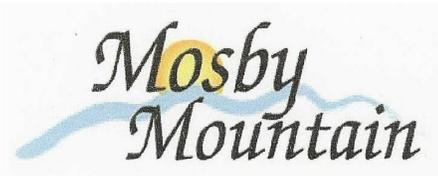
If you have questions or circumstance for this Board to consider, please write or call:

ARB Chairman: _____

Phone: _____

Address: _____

E-mail: _____



Date: _____

Resident Name: _____

Address: _____

RE: Mosby Mountain Notice of Assessment

You have been previously notified that the Architectural Review Board has determined that your property is out of compliance with the Mosby Mountain Covenants and Restrictions or ARB Guidelines as follows:

Corrective Action Required: _____

Please take immediate action to correct this non-compliance and notify the ARB Chair.

Beginning _____201__, your property is being assessed at the rate of:

_____ \$10 per day

_____ \$_____ per infraction (\$50 maximum)

Continued non-compliance may result in the Mosby Mountain Board initiating court action.

The homeowner is responsible for all court costs, fees, and MM Board attorney fees allowed by law.

The homeowners' voting rights and trash pickup may be suspended.

After 30 days from original notice, the MM Board may hire a contractor to correct the action and charge the Homeowner.

Appeal: The Homeowner has 10 days from receipt of original non-compliance notice to deliver in writing to the ARB Chairman a signed appeal listing all details and reasons why there is no violation. Appeals will be decided upon at the next ARB Meeting and the homeowner will be notified within 7 days.

If the appeal is granted, all assessments will be rescinded.

IMPORTANT NOTE: Future repeat occurrences of this same non-compliance will not be given a grace period for correction and assessments will be charged immediately upon discovery.

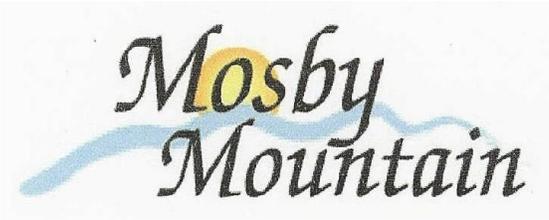
If you have questions or circumstance for this Board to consider, please write or call:

ARB Chairman: _____

Phone: _____

Address: _____

E-mail: _____



Date:

Resident Name

Address

RE: **Mosby Mountain Notice of Court Action**

You have been previously notified that the Architectural Review Board has determined that your property is out of compliance with the Mosby Mountain Covenants and Restrictions or ARB Guidelines as follows:

Corrective Action Required: _____

Please take immediate action to correct this non-compliance and notify the ARB Chair.

You are currently being assessed at a rate of:

____ \$10 per day
____ \$ ____ per infraction (\$50 maximum)

The Mosby Mountain Board will be promptly initiating court action.
The homeowner is responsible for all court costs, fees, and MM Board attorney fees allowed by law.

Effectively immediately, the following are suspended:

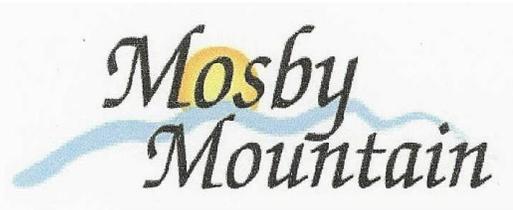
- () Homeowners' voting privileges
- () Trash pickup

After 30 days from original notice, the MM Board may hire a contractor to correct the action and charge the Homeowner.

Appeal: The time frame for any appeals has expired.

If you have questions or circumstance for this Board to consider, please write or call:

ARB Chairman: _____ Phone: _____
Address: _____ E-mail: _____



Date:

Resident Name

Address

RE: **Mosby Mountain Repeat Non-Compliance**

A recent Mosby Mountain property review by the Architectural Review Board has determined that your property is out of compliance with the Mosby Mountain Covenants and Restrictions or ARB Guidelines as follows:

Corrective Action Required: _____

Please take immediate action to correct this non-compliance and notify the ARB Chair.

This is a repeat violation of a Non-Compliance letter you received dated _____ **201**____.
Therefore, no correction time is allotted and assessments begin immediately upon discovery.

The Mosby Mountain Board, beginning on the discovery date of _____ 201____ is assessing your property at a rate of:

____ \$10 per day
____ \$ _____ per infraction (\$50 maximum)

Continued non-compliance may result in the Mosby Mountain Board initiating court action.
The homeowner is responsible for all court costs, fees, and MM Board attorney fees allowed by law.

After 30 days from original notice, the MM Board may hire a contractor to correct the action and charge the Homeowner.

Appeal: The Homeowner has 10 days from receipt of original non-compliance notice to deliver in writing to the ARB Chairman a signed appeal listing all details and reasons why there is no violation. Appeals will be decided upon at the next ARB Meeting and the homeowner will be notified within 7 days.
If the appeal is granted, all assessments will be rescinded.

If you have questions or circumstance for this Board to consider, please write or call:

ARB Chairman: _____ Phone: _____
Address: _____ E-mail: _____