

CREEKSHIRE HOMEOWNERS ASSOCIATION

ABRIDGED COVENANTS, CONDITIONS AND RESTRICTIONS

Because the Covenants, Conditions and Restrictions (the CC&Rs) are so lengthy and difficult to read, the Board has created the following abridged version. Hopefully this will make it easier to determine what CC&Rs apply to everyday life in Creekshire. This abridgement in no way is intended to change the actual CC&Rs as recorded with Cobb County or to be a legal document. The formal CC&Rs as recorded should have been provided to each family at the closing of your home. If you have a question about the full wording of any section, please refer to the formal CC&Rs.

- 2.02 Common Property has been designated for the use of all Creekshire residents and their guests. Everyone is expected to help maintain the Common Property in good condition. Everyone has equal access to the use of the Common Property, unless the Board of Directors has suspended the homeowner's rights for just cause.

- 3.01 A non-profit Homeowners' Association shall be formed.
- 3.02 All homeowners shall be members in the Association.
- 3.03 Each Lot shall be allotted one vote to be cast in any election of officers or other matters relating to the Association.
- 3.04 The members shall elect a Board of Directors.
- 3.05 The Board may suspend the voting rights of any member who:
 - a. Is in violation of any covenant contained in the CC&Rs and who, after written notice, has not made an attempt to remedy the violation.
 - b. Is late in the payment of any assessment or fine.
 - c. Is in violation of the rules regarding use of the Common Area.This suspension shall last until the member has remedied the violation.
- 3.08 The Board of Directors shall make and enforce reasonable rules according to the CC&Rs.
- 3.09 The Board of Directors shall impose sanctions for any violation of the CC&Rs, including monetary fines, suspension of voting privileges, denial of use of the Common Area and up to foreclosing on a Property.
- 4.01
 - a. All homeowners agree to pay the annual assessment in a timely manner.
 - b. All homeowners agree to pay any special assessments that have been approved by a majority of the homeowners.
 - c. Foreclosure by a bank or mortgage company does not waive the right of the Association to collect fees due.
- 4.02 Assessments shall be used for the purpose of maintaining the Common Property.
- 4.04
 - a. All homeowners are subject to the annual assessment.
 - b. The annual assessment may only increase by 10% per year, unless a larger increase is approved by a majority of the homeowners.
- 4.05 Special assessments may be approved for capital improvements by a majority vote.
- 4.06 A majority is 60% of all eligible voters. If a majority is not in attendance for a first vote, the required majority will drop to 30% for any subsequent vote.
- 4.07 Nonpayment of assessments will result in late fees, fines and possibly foreclosure.
- 5.01 There shall be an Architectural Control Committee (ACC) appointed by the Board.
- 5.02 The ACC shall review and approve any and all proposed changes in any Lot.
- 5.04 The ACC may adopt standards for the Community to assist in determining if proposed changes fit in with the overall harmony of the Community. The ACC is responsible for notifying a homeowner within 5 days after a vote on any proposed changes. The homeowner then has 10 days to appeal, if desired. The ACC then has 30 days to reconsider.

- 5.06 All proposed changes to any Lot must be submitted in writing to the ACC for approval. Plans should include drawings, site plans, building materials, paint colors, plans for landscaping and any other pertinent information.
- 5.08.1 The ACC must notify the homeowner of its decision in writing. If plans are disapproved, a reason must be given and any conditions under which approval might be granted must be stated.
- 5.09 The ACC must act on any proposal within 30 days.
- 5.10 The ACC has the right to inspect any Lot for compliance with its rulings.
- 5.11 If a homeowner makes a change in any Lot without prior approval from the ACC, the Board will notify the homeowner in writing of the violation and state what steps must be taken to correct the violation. The Board may fine the homeowner, require removal of the structure in violation, or have the structure removed by an independent contractor at the homeowners expense. Failure on the part of the homeowner to respond to the violation shall give the Board the right to proceed in a legal fashion to cure the violation.
- 6.01 The CC&Rs apply to all Lots and all Structures in the development.
- 6.02 Each owner must maintain his Lot and Structure in good repair. This includes repainting as necessary, cutting and watering grass, and trimming shrubs and trees.
- 6.03 Lots are for single-family residential use. No businesses shall operate out of homes nor shall basement apartments be rented out.
- 6.05 No changes may be made in any Lot that will cause erosion problems.
- 6.06 Landscaping shall not be constructed or altered without ACC approval.
- 6.07 No tree over six inches in diameter may be removed without ACC approval.
- 6.08 No temporary buildings may be erected.
- [pg 33] 6.09 No signs may be put on any Lot with the exception of a "FOR SALE" sign.
- 6.11 No fence or wall shall be erected without ACC approval.
- 6.12 No road or driveway shall be constructed without ACC approval.
- 6.13 No exterior television or radio antennae shall be erected without ACC approval.
- 6.14 No clotheslines are permitted. All equipment, garbage cans, woodpiles, etc., shall be kept in a garage or behind an approved screen so that they are not visible from neighboring yards or the street.
- 6.15 No permanent parking on the street. No commercial vehicle over one ton allowed. No RVs, trailers, boats, etc., may be kept except in a garage.
- 6.16 Recreational and playground equipment must be placed in the backyard, except for a basketball goal, which may be placed adjacent to the driveway.
- 6.19 All animals must be strictly housepets. All animals shall be controlled and will not be allowed to become a nuisance. The Cobb County leash law will be enforced. No animal houses may be built without ACC approval.
- 6.20 No dumping on any Lot or Common Area.
No burning of any solid waste.
No construction materials may be kept on any Lot.
Garbage cans may only be put out after 6:30 p.m. on the day before collection and must be put back in before midnight of the collection day. Any other solid waste must also follow this procedure (including yard trash).
- 7.04 All Cobb County zoning restrictions shall be followed.

These are the basic CC&Rs that deal with life in Creekshire. It is suggested that every homeowner read the CC&Rs in their entirety and be familiar with them. In particular, read Article VIII, pg. 41, for the rights of the Association to cure any and all violations. The CC&Rs are for the protection of the rights and property values of all homeowners and it is the responsibility of the Association, through the Board of Directors, to enforce them.