



# **Property Owners Association Compliance Guideline**

**June 2023**

## Philosophy and Background

We live in a great neighborhood; let's continue to make it better.....together.

This guideline is intended to bring together information from all the different reference documents that contain compliance requirements for the Mid South Club. The first four chapters will share the different compliance items from the charter and ARB guidelines. Chapters 5-6 will discuss the compliance inspection process and enforcement. Chapter 7 has reference information and includes the tools typically used by the compliance committee to manage the inspection program as well as all the reference information from the charter and ARB guideline. All the reference information can be found on the Mid South Club website in the Resource section. If you want to read the entire charter and the ARB Guidelines, that's where you'll find them.

The Compliance Committee will use this guide for training team members on the items to be inspected, while using the section on metrics to be consistent. We want owners and committee members to understand the requirements and the processes used to ensure compliance throughout the neighborhood.

Our community is beautiful due to the hard work and superb on-going care provided by owners throughout the neighborhood. Let's all work to keep it that way.

The original declaration of covenants for Pinehurst National East (the original name of our community) written in 1992 was replaced in 2002 by our Community Charter for the Mid South Club. The Charter is organized into several sections that are referenced throughout. For instance, the **Governing Documents** include the first 4 chapters. The next section in the Charter, starting with Chapter 5, is the **Community Standards** which goes through Chapter 8. The next several sections of the Charter include the Association Operations, Relationships, Community Development, and Procedures & Limitations.

The amended and restated in 2002 By-Laws are included in Exhibit D attached to the charter. These Exhibits amend the original declaration and modify, clarify, or add items. Exhibit C contains the **Design Guidelines** and Exhibit D contains the new **By-Laws**. Information from each of these Exhibits are included in this document.

Later, the Architectural Review Board Guidelines were revised in 2014 and they clarify details concerning the construction of new homes throughout the neighborhood. The ARB guidelines also apply to alterations requested by owners of existing homes. Chapter 7 includes compliance information on several items and is included here as well for reference.

We realize items may be referenced in several sections through the charter, the exhibits, and the ARB guidelines. The exhibits and ARB guidelines provide further information and clarification to the charter references. As an example, pools and hot tubs are mentioned

several times, and it may seem confusing whether hot tubs are allowed, or not, and the rules governing their installation. The ARB guidelines provide specific guidance on the elevation of a hot tub and how it needs to be screened.

Please use this guide for your reference, and do not feel it is meant to be punitive. Remember, the charter and by-laws are legal documents and use quite a bit of legal jargon that seems harsh. We've copied them here so you can easily refer to them and see what we need to research in order to build a consistent compliance program.

We recognize that you want to maintain your property while supporting the aesthetics of the neighborhood, and we thank you.

Feel free to contact the Property Owners Association Board of Directors if you have any questions.

**Mid South Club POA Board of Directors**

# Property Owners Association Compliance Guideline

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## 1.0 INTRODUCTION

### 1.1 Purpose

One of the benefits of owning property in a planned community is the commitment among neighbors to maintain their property in a neat, attractive, and well landscaped condition to enhance the overall beauty and aesthetic appeal of the community. This document will serve to clarify the compliance program for the Mid South Community. It will summarize the different compliance directives established in the community charter and provide the structure for the compliance program.

### 1.2 Authority

The authority of this program and the Compliance Committee is set forth in the *Mid South Club Declaration of Covenants and Restrictions* (herein called the Community Charter).

### 1.3 Members of Compliance Committee

The Compliance Committee shall consist of at least three (3), and no more than seven (7), volunteer members. Typically, there will be a chairperson, along with several folks for inspections and follow-up. Here are some of the typical tasks performed by the committee and the Property Manager:

- The Team Chair will prepare an agenda, conduct meetings, and prepare minutes.
- The Chair will prepare citations with lot #, owner name, street address, violation, along with noting repeated violations. Citations will be sent to the Property Manager for completion. The Property Manager will note repeated violations for the list submitted.
- The inspectors will utilize the inspection sheet, which refers to the covenant's specific language. Each property in the zones being inspected will be viewed for violations which will be documented.
- A report will be prepared from the inspection and sent to the Team Chair.
- The Property Manager will send the information to a Six-Week Follow-Up person after issuing citations.
- After the follow-up is performed the inspector will prepare report and send to Compliance Team and Property Manager.

### 1.4 Majority Vote

Each member of the committee shall have an equal vote on issues brought forward during inspections.

## 1.5 Meetings

The committee shall meet as necessary to plan and conduct neighborhood compliance inspections.

## 2.0 COMPLIANCE FOR DAILY LIFE ITEMS

### 2.1 MAILBOXES, GARAGE DOORS, PARKING, STORAGE, ETC.

Here is the list of items requiring compliance from the Design Guidelines:

- Garage doors closed except for temporary periods.
- Storage of goods on a unit cannot be visible from outside.
- Outside clothes lines are not allowed.
- Obnoxious odors, offensive activities, excessive noise, or other conditions which disturb peace are not allowed.
- Signs that do not comply with the guidelines are not allowed.
- Holiday decorations are temporary displays; not for year-round.
- Antennas and satellite dishes need approval and to be screened.
- Trash containers need to be screened if stored outside; put away after pickup.
- Rubbish, trash, and garbage are not allowed to accumulate on a unit.
- Recreational equipment needs to be screened or put away after use.
- Unsightly / unkempt conditions need to be avoided. The outside of a unit needs to be kept neat and tidy. Woodpiles and other material need to be properly screened.
- Parking is not allowed on the street until cars are in the garage and fully fill the driveway. Don't block sidewalks, driveways, or mailboxes.

## 3.0 COMPLIANCE METRICS FOR MAINTENANCE OF UNIT AND LANDSCAPING

### 3.1 HOUSE EXTERIORS

3.1.1 **ROOFS** – Need to be kept clean and free of debris. If the roof has streaks from mold and mildew that cover greater than 50% of the surface area of the roof, it needs to be cleaned. Products are available from Lowes that work well and can be sprayed onto the roof. Contractors can also provide cleaning services.

3.1.2 **DRIVEWAYS AND WALKWAYS** – There are several driveway types throughout the community. Debris, such as leaves, pine straw, pinecones, and limbs need to be kept cleaned up from the driveways. In addition to the debris, here are some additional metrics for compliance:

3.1.2.1 Asphalt drives need to be top dressed every few years to repair the surface and eliminate the fading that occurs over time. If the driveway is significantly faded, or has upheavals and cracks, it needs to be repaired.

3.1.2.2 Concrete driveways will typically experience cracking and staining. Upheavals that are greater than 2 inches, cracks that are greater than an inch wide, need to be repaired. Significant staining needs to be cleaned.

3.1.3 **SIDING** – Siding on Mid South Club homes includes brick and cement board siding. This will also include the trim around the house and windows. Brick can become stained with mold and mildew and will need to be cleaned. Siding and trim can also become stained and will need to be cleaned. Painted surfaces that fade, peel, or crack need to be repaired and repainted.

## 3.2 **LANDSCAPING**

3.2.1 **GRASS** – Grass needs to be healthy without visible dead areas, kept weed-free and mowed. If the turf area has visible dead areas, they need to be repaired. If the turf area contains greater than 15% weeds, it needs to be serviced. If grass is over 6" tall, it needs to be mowed.

3.2.2 **BUSHES** – Bushes need to be kept trimmed in a neat and orderly fashion. Since there are such a variety of landscape bushes used throughout the community, it will be impossible to determine a trimming metric for each type of bush. Foundation bushes need to be kept below the level of windows and porch railings. Landscape bushes in yards need to be kept neatly trimmed. Monument type bushes at corners of houses need to be kept trimmed below the roof line, and away from the house.

3.2.3 **TREES** – Trees that have become diseased or dead need to be removed from the yard.

3.2.4 **YARD WASTE** – Yard debris from trees and bushes is not allowed to accumulate. Debris shall be placed in yard debris containers for pick-up bi-weekly. Debris that will over fill the container is allowed to be placed curbside for pick-up, on your property. Yard debris for pick-up at curb side should not be placed along the curb until near the pick-up date.

## 4.0 COMPLIANCE FOR IMPROVEMENTS – ARB

### 4.1 GENERAL INFORMATION ABOUT REFERRING TO ARB FOR CHANGES

Owners that are interested in making changes to their existing unit need to follow the process as described in the ARB Guidelines. Here are the highlights:

#### **Additions/Remodeling/Improvements**

“The construction or removal of any exterior Improvements, including landscaping, requires ARB approval. Applicants shall consult the ARB to determine the design documents required for approval. In general, the process parallels the process for building home and necessary documents include a completed Application for Approval of Improvements (Exhibit A), site specific plans, and color material samples labeled with manufacturer’s name, model, and any other identifying information. No work shall commence without the written approval of the ARB.”

“Applications for approval of alterations are to include a proposed schedule for completion to be specifically considered and approved by the Board. Approval of an alteration project will include approval of a specific time frame for completion.”

“An architectural review fee may be charged for any alterations, such as additions, remodeling, or additional landscaping, which require the submittal of plans. Please refer to the current ARB fee schedule.”

Here is the current ARB fee schedule:

Fees are payable to the Mid South Club Property Owner’s Association and are subject to change. Owners/builders are required to pay the current fees:

**APPLICATION REVIEW FEE:** \$1,000.00 (payable upon submission of plans for a new home)

**LANDSCAPING ALTERATIONS REVIEW:** \$50.00

**ARCHITECTURAL ALTERATIONS REVIEW:** \$200.00  
(addition/remodeling/swimming pools)

**Owner Compliance Deposit:** \$3,500.00

**Builder Compliance Deposit:** \$1,500.00

**Addition Requiring a Building Permit:** a compliance deposit, 20% of the additions cost, not to exceed \$3,000.00.

Homeowners considering changes, modifications and improvements to **existing** homes or landscaping should consult with the ARB to determine the design documents required. No work shall commence without the approval of the ARB. This includes, but is not limited to, repainting (house, doors, windows, shutters, and trim) and using color(s) not originally approved. Landscaping changes must be submitted for approval.

## **5.0 INSPECTION PROCESS**

The Compliance Committee has the responsibility to conduct the periodic inspections throughout the community. Here are their highlights for the process:

- 5.1 Conduct quarterly drive-by inspections of all MSC homes and unimproved properties from established roadways and make note of any violations of the Community Charter.
- 5.2 Conduct 3 drive-by inspections throughout the year of the MSC homes that back up to the golf course from the adjacent fairways and make note of any violations of the Community Charter.
- 5.3 Capture all violations with appropriate detail (including pictures if necessary) and provide a formal report to the MSC Property Manager following each inspection.
- 5.4 The MSC Property Manager will determine an appropriate length of time to address the deficiency and send the violation notice to the owner.
- 5.5 Owners will have an appropriate amount of time to address any violation. After making the correction to the deficiency, owners will notify the MSC Property Manager of the correction.
- 5.6 The corrective action will be communicated to the Compliance Committee for follow-up re-inspection.
- 5.7 The results from the follow-up inspection will be sent to the MSC Property Manager.

## **6.0 ENFORCEMENT PROCESS**

Once the Compliance Committee has conducted their inspections, the report that is sent to the Property Manager is reviewed for completeness and repeat deficiencies. The Property Manager prepares a Violation Notice for transmittal to the property owner. The notice will include information such as the date of the inspection along with the noted violations. A repeat violation, meaning it has occurred in two or more consecutive inspections, will be identified as well. A projected date for correcting the violation will be included in the notice. Some items will naturally take longer to correct

than others, and that will be considered when determining the date for correction.

If deficiencies become repeats, then enforcement actions will be considered. The actions to be considered include items such as fines, loss of privileges in the community, and sanctions. Enforcement actions will follow the schedule as outlined in the By-Laws considering the different dates, Board hearings, fine levies, liens, and ultimately foreclosure.

## **7.0 REFERENCE INFORMATION**

### **7.1 INSPECTION LIST FOR COMPLIANCE ITEMS**

- **Mailboxes** – look for cleaning and faded paint. 3” brass number(s) should be affixed to the flag side of the mailbox (no decals). Mailbox and post significantly discolored and worn (over 50% of either post or mailbox).
- **Roof** – look for stains (streaks on 50% of roof facing street or golf course). Check for debris on the roof, or if visible, in gutters.
- **Siding** – look for stains, mold, moss, discoloration on brick and siding, and faded paint on siding. Consider the shutters, where installed as well (if visibly faded or discolored paint, cracked, flaking or bubbling paint on siding and trim).
- **Driveways** – look for stains, cracks, spalling, faded asphalt. (greater than 50% is stained, cracks greater than an inch, visible spalling).
- **Trash / Yard Debris Cans** – ensure stored completely out of sight except when placed at the curb to be emptied (the appropriate hours to place containers at the curb are no earlier than 6pm on the day before pickup through evening on day of pickup).
- **Lawn Maintenance** – look for excessive weeds in turf (greater than 60% of area), if mowing is needed (height is more than 6 inches), if mulch is thin in areas, if mulch has excessive weeds, bushes that need pruning (should look neat, trimmed to an appropriate height for foundation coverage), dead or diseased trees, fallen trees or limbs (yard debris should be placed in yard debris trash cans before being placed at curb for pick-up).
- **Fences** – look for stains, mold, broken components. For invisible pet fences, training flags should be removed after 30 days.
- **Parking** – cars are to be parked in the garage. Once the garage is full, and driveway is full, then it’s permissible to park on street. No parking in natural areas. Note whether boats, RV’s, or other vehicles allowed for only temporary parking are present.
- **Garage Doors** – garage doors are to remain closed, unless actively accessing the home or working in the yard.
- **Sports Flags** – are permissible to be displayed for three consecutive days – the day before, the day of, and the day after a sporting event.

- **Nations Flags** – are permissible to be displayed permanently affixed to the house using a flagpole bracket, or via an ARB approved flagpole. The displaying of Nation flags from your property in a manner of your choosing is permissible for appropriate holiday recognition, and the time frame for this display should not exceed one week.
- **Holiday Decorations** – typical neighborhood style holiday decorations are permitted. No excessive light or noise.
- **Outdoor Play Structures** – should not be kept in the yard when not in use (outdoor tree hanging slack-line play sets should not be displayed permanently unless approved by the ARB).
- **Unsightly conditions** – look for miscellaneous items (wheel barrels, ladders, etc.), that are stored on the exterior of units.
- **Vacant Lots** – are to be kept neat and free of excessive growth, dead, fallen, or diseased trees.

## 7.2 WEB SITE INFORMATION

This is additional information on the MSC Web site for general information.

**Domestic Pets:** In accordance with the town of Southern Pines ordinances, dogs, cats, and other domestic pets are to be kept on the owner's property, or on a leash controlled by the owner, or an assigned person when off the owner's property. Pet owners are responsible to walk their pets along the common areas of the Mid South Club property only, and to pick up pet waste. **Please do not use the golf course for walking of pets, especially during the hours golfers are present.** Do not leave barking dogs outdoors for any period of time. Stray dogs and cats are to be reported to the Gatehouse, and/or Moore County Animal Control, for pick up.

**General Traffic Rules:** Operators of motorized vehicles, whether two-wheeled or multi-wheeled, within the premises of Mid South Club are to abide by the road signs and posted 25 MPH speed limit. Parking is prohibited off of driveways, i.e. road shoulders, streets, or any natural area. Boats and R.V.'s are allowed to park in driveways for 24 hours only. While property owners may exit the back gate area, only residents may enter the back gate with an AWID Tag gate opener. All other vehicles must use the Palmer Drive entrance to Mid South Club and be registered.

**7.3 TYPICAL VIOLATION NOTICE**

This is the violation notice that will be sent to the owner after an inspection if discrepancies are noted.

**Violation Notice**

**Owner Information**

Lot Number: \_\_\_\_\_ Date: \_\_\_\_\_

Owner's Name: \_\_\_\_\_

Property Address: \_\_\_\_\_

**Violation**

Date of Inspection: \_\_\_\_\_

Initial Notification

Follow-up Notification # \_\_\_\_\_

Violation #1: \_\_\_\_\_

Violation #2: \_\_\_\_\_

Violation #3: \_\_\_\_\_

Violation #4: \_\_\_\_\_

Violation #5: \_\_\_\_\_

**Enforcement Actions**

Days to Resolve a Violation: \_\_\_\_\_

Loss of Privileges

Fine Levied

Sanctions

Condition #1: \_\_\_\_\_

Condition #2: \_\_\_\_\_

Condition #3: \_\_\_\_\_

Condition #4: \_\_\_\_\_

Condition #5: \_\_\_\_\_



## 7.6 COMMUNITY CHARTER REFERENCES

### CHAPTER 5 - ARCHITECTURE LANDSCAPING AND AESTHETIC STANDARDS

Chapter 5 of the Mid South Club Community Charter contains the information that establishes the requirements for the initial building on lots and some information on the process for making improvements. It establishes the Architectural Review Board (ARB) and some of the necessary steps for approvals. More information is contained in our Architectural Review Board Guidelines.

Here is a summary of the highlights of Chapter 5:

- 5.1 is the **General section** that gives guidance for site work, landscaping, irrigation, structures, improvements, and other items placed on a unit. No approval is necessary to repaint the exterior of a structure using the most recently approved color scheme, or to rebuild or restore damaged structures. In general, no approval is needed for interior work in a structure, however, modifications made to porches, patios, or other portions of a structure that are visible outside of the structure may need approval.
- 5.2 is the **Design Review Authority section**, and it creates the Architectural Review Board and allows the board to charge fees for its reviews.
- 5.3 is the **Guidelines and Procedures section** that outlines the design guidelines as well as the procedures for the ARB.
- 5.4 is the section that gives an allowance to make disapprovals in the future for an item that has been approved in the past but is not acceptable.
- 5.5 is the **Variance section** that allows the ARB to grant variances from compliance with the Design Guidelines.
- 5.6 is the section to establish **Limitation of Liability**. The ARB is not responsible for the soundness of approved construction or the structural integrity of structures, or the compliance to codes, or to ensuring structures are aesthetically pleasing to other owners.
- 5.7 is the section that allows the ARB to issue a **Certificate of Compliance** certifying that there are no known violations of Chapter 5.
- 5.8 is the section that provides for **Approved Builder Status** before building in the neighborhood.
- 5.9 is the section that provides guidance for enforcement for actions taken in violation of Chapter 5.

## CHAPTER 6 - MAINTENANCE REPAIR AND REPLACEMENT

Chapter 6 of the Mid South Club Community Charter contains the information that establishes the owners' responsibilities for maintenance and repair of their units and to insure their unit against property damage.

Here is a summary of the highlights of Chapter 6:

- 6.1 is the section covering **Maintenance of Units**. Each owner will maintain their unit including landscaping, all structures, and other improvements comprising the unit to be consistent with the governing documents and community wide standard. This includes items such as:
  - 10-ft buffer strip fronting a street will be maintained, grassed, and mowed.
  - Vacant lots will be kept neat and free of excessive growth.
  - Automatic irrigation is required for landscaped areas.
  - Swale areas shall be grassed and mowed.
- 6.2 is the section covering **Repair and Replacement**. Each owner will carry insurance for full replacement of any insurable improvements on their unit, less a reasonable deduction. This section requires:
  - Within 3 months of damage to or destruction of a structure, the owner shall promptly repair or reconstruct it as original.
  - The owner shall remove debris and maintain the unit neat and attractive.
- 6.3 covers the **maintenance and repair of party walls and similar structures**. The repair and maintenance of party walls or structures is equally shared between the two units that are joined by the party structures.
- 6.4 is the section that covers **remedies for the failure to maintain units** in accordance with the Community wide standard. Here are some highlights:
  - If units are not maintained, the Association may record a notice of violation and/or enter the property and perform maintenance as necessary to bring the unit into compliance.
  - Costs will be assessed to the unit owner.
  - The obligation for maintenance of units to comply with the community wide standard applies to all property within Mid South.

## CHAPTER 8 - COMPLIANCE AND ENFORCEMENT

Chapter 8 of the Mid South Club Community Charter contains the information that establishes the owners' responsibilities for compliance. The covenants, standards, and rules set forth in the Governing Documents are for the benefit of all Owners and occupants of the Community. However, if they are to have any real meaning, there must be a commitment by the Owners in the Community to comply with them, and there must be a mechanism in place to enforce that compliance in the event that someone fails or refuses to do so. This chapter sets forth the obligation to comply, and the remedies available to the Association for noncompliance.

Here is a summary of the highlights of Chapter 8:

- 8.1 is the section introducing **Compliance**. Each owner will have to comply with the Governing Documents and will be subject to sanctions for violations. Owners are responsible for visitors and guests.
- 8.2 is the section covering **Remedies for Non-Compliance**. Each owner, the Founder, and the Association, have the right to ensure compliance via suits at law or in equity. This section describes:
  - After written notice and opportunity for a hearing, the Board can:
    - Levy fines.
    - Suspend an owner's right to vote.
    - Suspend right to common areas.
    - Suspend services provided by the Association.
    - Exercise self-help to abate violations in a non-emergency situation (e.g. removing property that violates Governing Directives).
    - Preclude invitees of owners, such as builders, contractors, subcontractors, agent, employee, or guests who fail to comply with Chapter 5 and Design Guidelines from continuing or performing additional activities in Mid South.
    - Levy specific assessments to cover costs to bring items into compliance.
    - Record notice of violation against a unit out of compliance.
    - Notify the Golf Club of actions they need to take.
  - The Board can also act, without the need for written violations or a hearing, to obtain compliance as follows:
    - Exercise self-help to abate a violation on a Unit in any situation which requires prompt action to avoid potential injury or damage or involves unreasonable inconvenience to other persons or their property (specifically including, but not limited to, the towing of vehicles that are in violation of parking rules and regulations).

- Exercise self-help, or act, to abate a violation on the Common Area under any circumstances.
- Require an Owner to perform maintenance, or to remove any structure or improvement at the unit that is in violation of the Community-Wide Standard, or the Governing Documents and to restore the property to its previous condition.
- Enter a property and exercise self-help to remove or cure a violating condition if an Owner fails to act as required, and the entry shall not be considered trespass.
- Bring suit for monetary damages or in equity to stop or prevent any violation, or both.
- 8.3 is the section that covers the **Board actions to pursue enforcement action**. The decision to pursue enforcement action in any case shall be left to the Board's discretion, except that the Board shall not act in an arbitrary or capricious manner. It gives the Board the ability to decide which actions to pursue. The Board may determine:
  - The Association's position is not strong enough to justify taking any further action.
  - The covenant, restriction, or rule being enforced is, or is likely to be construed as, inconsistent with applicable law.
  - Although a technical violation may exist or may have occurred, it is not of such a material nature as to be objectionable to a reasonable person or to justify expending the Association's re- sources.
  - That it is not in the Association's best interests, based upon hardship, expense, or other reasonable criteria, to pursue enforcement action.
- 8.4 is the section that covers **Attorney Fees**. In any action to enforce the Governing Documents, if the Association prevails, it shall be entitled to recover all costs, including, without limitation, attorney's fees, and court costs, reasonably incurred in such action. Costs will be assessed to the unit owner.
- 8.5 is the section that covers **Enforcement of Ordinances**. The Association, by contract or other agreement, may enforce applicable city and county ordinances. In addition, Moore County or the Town of Southern Pines may enforce ordinances within the Mid South Club.

## DESIGN GUIDELINES (EXHIBIT "C") INITIAL RULES

This section of the Mid South Club Community Charter is an update that was made as amendments in 2002 to the original declaration from 1992.

The purpose of the Design Guidelines and Rules is not to anticipate all acceptable or unacceptable behavior in advance and eliminate all improvements or activities which fall outside of "the norm. " In fact, it is expressly intended that the ARB under Chapter 5, and the Board, as appropriate, have discretion to approve or disapprove items, or to enforce or not enforce technical violations of the Governing Documents, based upon aesthetic or other considerations consistent with the established guidelines. The exercise of discretion in approving, or enforcement, shall not be construed as a waiver of approval or enforcement rights, nor shall it stop the Board from taking enforcement action in any appropriate circumstances. The ARB may adopt more extensive and/or more restrictive provisions than those provided below.

Subject to the above, the following restrictions shall apply to all of Mid South Club until such time as they are amended, modified, repealed, or limited pursuant to the Charter:

- **Animal and Pets:** No animals of any kind, including livestock and poultry, shall be raised, bred, or kept on any portion of the Community, except that a reasonable number of usual and common house hold pets, as determined in the Board's discretion, may be kept on a Unit. Upon the Board's request, an Owner, at his or her expense, shall remove any pet which is permitted to roam free, or, in the Board's discretion, endangers health, makes objectionable noise, or constitutes a nuisance or inconvenience to other Owners or residents of any portion of the Community. If the Owner fails to honor such request, the Board may cause the pet to be removed at the Owner's expense. No animals shall be kept, bred, or maintained for any commercial purpose. Pets shall be kept on a leash, or otherwise controlled in a manner acceptable to the Board whenever outside a structure.
- **Wildlife:** Capturing, killing, or trapping wildlife is prohibited within the Community, except in circumstances exposing an imminent threat to the safety of Persons or pets.
- **Firearms & Fireworks:** The use and discharge of firearms, within the Community is prohibited. The term "firearms" includes "B-B" guns, pellet guns, and other firearms of all types, regardless of size. The use and discharge of fireworks is prohibited except by license granted by the Association.

- **Nuisances:** No Owner shall engage in any activity which constitutes a nuisance (meaning offensive or detrimental activity, as determined by the Board), or which materially disturbs or destroys the vegetation, wildlife, or air quality within the Community, or which results in unreasonable levels of sound or light pollution.
  
- **Garages:** Each Unit containing a single-family residence (except for those Units containing cottages, which do not have garages) shall have sufficient enclosed garage space for a minimum of two vehicles. Carports are prohibited on any Unit. Garage doors shall remain closed except for temporary periods reasonably related to the active use of the garage, as determined in the Board's discretion. A garage may not be converted to finished space for use as an apartment, an integral part of the Unit's living area, or for purposes other than parking vehicles and ancillary storage, without prior approval pursuant to Chapter 5.
  
- **Exterior Lighting:** Excessive exterior lighting on any Unit is prohibited. The Board, in its discretion, shall determine whether any exterior lighting is excessive, including the amount of lighting and the times when lighting is turned on. Exterior lighting may not be controlled by light sensitive switches.
  
- **Storage of Goods:** Storage (except in approved structures or containers) of furniture, fixtures, appliances, machinery, equipment, or other goods and chattels on any portion of a Unit, which is visible from outside the Unit, is prohibited.
  
- **Prohibited Improvements:** The following structures, improvements, or things are prohibited on any Unit:
  - Dogs runs and animal pens of any kind, unless properly screened and approved in accordance with Chapter 5.
  
  - Shacks, or other structures of a temporary nature, on any Unit except as may be authorized by the Founder during the initial construction of improvements within the Community. Temporary structures used during the construction, or repair of a dwelling or other improvements, shall be removed immediately after the completion of construction or repair. Storage sheds may be permitted subject to prior approval in accordance with Chapter 5 and in compliance with applicable Design Guidelines.
  
  - Accessory buildings, except that cabanas may be permitted in accordance with Chapter 5 within the setbacks required for the Unit.

- Outdoor athletic and recreational facilities such as playscapes, swing sets, and sport courts (including basketball hoops), unless approved in advance in accordance with Chapter 5 (proper screening may be required for any such facilities).
- Outside clotheslines, or other outside facilities, for drying or airing clothes.
- Above-ground swimming pools and hot tubs.
- In any event, and notwithstanding the above list, any structure, improvement, or thing proposed for construction, erection, installation, or placement on a Unit requires prior ARB approval in accordance with Chapter 5, unless specifically made exempt under the Design Guidelines.
- Any structure, improvement, or thing permitted to be placed, constructed, erected, or installed on a Unit, including those described above, shall be always maintained in good condition in compliance with the Community-Wide Standard.
- **Quiet Enjoyment:** Nothing shall be done, or maintained on any part of a Unit, which emits foul or obnoxious odors outside the Unit, or creates noise or other conditions which tend to disturb the peace, quiet, safety, comfort, or serenity of the occupants and invitees of other Units.
- No noxious or offensive activity shall be carried out upon any portion of the Community which, in the Board's reasonable determination, tends to cause embarrassment, discomfort, annoyance, or nuisance to others.
- **Signs:** Except as provided in this paragraph, and except for signs required by law, no sign, including posters, circulars, and billboards, shall be erected within the Community. The following types of signs may be erected on a Unit with the Board's written consent (i) Residential identification signs for identification of the occupant and its address, in a size and style designated by the Design Guidelines or approved by the ARB, and (ii) Political signs of a size and for a duration as the Board shall fix from time to time. The Association, with the Board's approval, shall have the right to erect signs on the Common Area Signs. These may not be nailed or otherwise attached to any tree. These sign restrictions shall not apply to entry, directional, and marketing signs installed by, or with the consent of, the Founder.

- **Holiday Decorations:** Owners may display holiday decorations on their Units if the decorations are of the kinds normally displayed in single family residential neighborhoods, are of reasonable size and scope, and do not disturb other Owners and residents by excessive light or sound emission, or by causing an unreasonable amount of spectator traffic. Permitted decorations may be displayed for such periods as are normal and customary for comparable residential communities, as the Board determines. Holiday Decoration Display Protocol – all holidays will have a 5 day window on each side for displaying and taking decorations down, EXCEPT for Halloween (October 1<sup>st</sup> – November 5<sup>th</sup>), Thanksgiving (November 1<sup>st</sup> – 5 days past Thanksgiving), and Christmas (November 1<sup>st</sup> – January 5<sup>th</sup>).
  
- **Antennas and Satellite Dishes:** No antenna, satellite dish, or other device for the transmission or reception of television or radio (including amateur or ham radios) signals is permitted outside the dwelling on a Unit, except those devices whose installation and use is protected under federal law or regulations (generally, certain antennae under one meter in diameter) Notwithstanding such protection, an application for such an antenna or other device must be submitted to the ARB for approval and approval will be granted only if:
  - First, the antenna or other device is designed for minimal visual intrusion (i.e., is located in a manner that minimizes visibility from the street or an adjacent Unit and is consistent with the Community-Wide Standard).
  - Second, the antenna or other device complies to the maximum extent feasible with the Design Guidelines within the confines of applicable federal regulations (i.e., without precluding reception of a quality signal or unreasonably increasing the cost of the antenna or device).
  
- The ARB shall consider any such application on an expedited basis.
  
- Notwithstanding the above, the Founder and/or the Association may erect an antenna, satellite dish, or other apparatus for a master antenna, cable, or other communication system for the benefit of all, or a portion of Mid South Club, should any master system, or systems, be used by the Association and require such exterior apparatus.
  
- **Trash Containers and Collection:** No garbage or trash shall be placed or kept on any Unit, except in covered, sanitary containers of a type, size and style which are pre-approved by the ARB or specifically permitted under the Design Guidelines, or as required by the applicable governing jurisdiction. Such containers shall be screened from view outside of the

Unit except when they are being made available for collection, and then only for the shortest time reasonably necessary to affect such collection. Rubbish, trash, and garbage must be removed from the Units and may not accumulate on any Unit. Outdoor incinerators may not be kept or maintained on any Unit.

- **Recreational Equipment:** All recreational equipment, including pool equipment, shall be adequately screened by landscaping, walls, and/ or fencing as required by the ARB. Pool heating methods are subject to ARB approval.
- **Unsightly or Unkempt Conditions:** All portions of a Unit outside enclosed structures shall be kept in a clean and tidy condition at all times. No rubbish or debris of any kind shall be placed or permitted to accumulate upon or adjacent to any Unit in a manner which is unsanitary, unsightly, offensive, or detrimental to any other portion of the Community, as the Board may determine.
- Woodpiles, or other material, shall be properly screened and stored in such a manner so as not to attract rodents, snakes, and other animals and or create a fire hazard, as the Board determines. No activities shall be conducted upon or adjacent to any Unit or within any structure on a Unit which are or might be unsafe or hazardous to any Person or property. Open fires are prohibited within the Community, except in a contained outdoor fireplace or barbecue unit while attended and in use for cooking purposes.
- **Parking:** Parking commercial vehicles, or equipment, mobile homes, recreational vehicles, golf carts, boats, and other watercraft, trailers, stored vehicles, or inoperable vehicles in places other than enclosed garages is prohibited, provided that construction, service, and delivery vehicles shall be exempt from this provision during daylight hours for any period of time reasonably necessary to provide service, or to make a delivery to a Unit or the Common Area. The use of garages for parking such vehicles, or for other such storage, shall not justify parking vehicles on the streets. The Founder and authorized Builders may park and use construction vehicles, trailers, and other equipment on a Unit or Common Area for purposes relating to the construction, development, marketing, and sale of property without complying with this subsection. No vehicle shall be parked in such a manner as to block or obstruct a sidewalk, driveway, or mailbox at any time.
- The Board may promulgate and enforce additional rules and regulations governing parking on private streets within Mid South Club. For example,

and without limiting the Board's authority in this regard, the Board may prohibit parking on any private street, restrict parking to only one side of a street, and/or restrict parking to only specified locations on a street. In any event, however, no Owner, resident, or guest of a Unit may park a vehicle on any street within Mid South Club unless authorized motor vehicles are parked in all available spaces in both the garage and driveway serving the Unit.

- **Wetlands and Other Water Bodies:** Wetlands or any other body of water within the Community, are part of the Community's stormwater management system, and no active use of wetlands, or bodies of water within the Community, is permitted. The Association shall not be responsible for any loss, damage, or injury to any person or property arising out of the authorized or unauthorized use of lakes, ponds, streams, or other bodies of water within or adjacent to the Community.
  
- **Solar Equipment:** No solar heating equipment, or device, is permitted outside the dwelling or other structures on the Unit except for pool heaters and such devices whose installation and use is protected by federal or North Carolina law. Notwithstanding such protection, an application for any such equipment or device must be submitted for approval under Chapter 5, prior to installation, and approval will be granted only if:
  - Such equipment, or device, is designed for minimal visual intrusion when installed (i.e., is located in a manner which minimizes visibility from the street, or an adjacent Unit, and is consistent with the Community-Wide Standard).
  
  - The equipment or device complies, to the maximum extent feasible, with the Design Guidelines within the confines of the applicable governmental regulations.
  
- **Driveways:** The design of driveways and the materials used for construction of driveways are subject to approval in accordance with Chapter 5. All driveways and parking areas shall have hard, impervious, dustless surfaces, such as asphalt, concrete, brick, or stone pavers, unless the ARB, upon a showing of good cause, approves a different material. No Unit shall have more than two points at which the driveway connects to a street, and such connections shall provide continuity of any drainage swale or curb and shall blend into the street pavement.
  
- **Water and Sewer Systems:** Each Unit shall be connected to the central water and sewer systems serving the Community. Unit Owners shall be

responsible for maintaining the water and sewer lines extending from the Unit to the main distribution and collection lines. Individual sewer systems are prohibited on any Unit. Individual water supply systems are prohibited on the Units, except that the ARB may permit individual wells for irrigation purposes. No Unit Owner shall draw water from any lake, stream, or water body within the Mid South Club.

- **Endangered Species- The Red Cockaded Woodpecker:** No activity, or improvement, shall be permitted on any Unit which disturb or endangers the red cockaded woodpecker, as determined by applicable Federal or State law, or by the Board, in its reasonable discretion. The Board may enact rules and regulations designed to further the protection of the red cockaded woodpecker in the Community.
- **Driving on Private Streets:** The Board may enact and enforce speed limits, and other regulations, governing driving on private streets within the Community. Driving any vehicle at excessive speeds, or in a reckless or careless manner, as determined at the Board's discretion, is prohibited within the Community.
- **Design and Construction Requirements:** Without regard to compliance with any specific design and construction requirements set forth below, or elsewhere in the Governing Documents, the construction of all dwellings and other improvements within the Mid South Club shall require prior ARB approval in accordance with Chapter 5 of the Charter.
- **Units Bordering on Wetlands:** Any Unit that borders a wetlands area, as shown on the Master Plan, shall be required to have undisturbed area extending a minimum of 10 feet upland along the entire length of the wetlands area. Such undisturbed area may contain only natural vegetation.
- **Units Bordering on Lakes:** Any Unit that borders on a lake shall have shoreline gradings, using swale and earthen berm design, sufficient to detain a minimum of one inch of surface water run-off from all proposed paved surfaces. Proposed shoreline gradings, and any proposed dock or other shoreline structure, is subject to ARB approval in accordance with Chapter 5.

## **BY-LAWS (EXHIBIT "D")**

### **CHAPTER 5 COVENANTS COMMITTEE**

This section of the Mid South Club Community Charter is another update that was adopted in 2002 to the original declaration from 1992. Chapter 5 in Exhibit "D" concerns a couple of Special Committees. The Covenants Committee is formed and operates according to this chapter. If there are violations by an owner, this is the committee that will be used to conduct hearings as necessary. Here is the information:

"In addition to any other committees that the Board may establish pursuant to Section 5. 1, the Board may appoint a Covenants Committee (we have appointed a committee) consisting of at least three, and no more than five Owners, who shall not be officers, directors, or employees of the Association, or the spouse, parent, sibling, or child of any officer, director, or employee. Acting in accordance with the provisions of the Charter, these By-Laws, and resolutions the Board may adopt, the Covenants Committee, if established, shall be the hearing tribunal of the Association, and shall conduct all hearings held pursuant to Chapter 8 of these By- Laws. The Covenants Committee shall have no responsibility for seeking out violations of the Governing Documents."

### **CHAPTER 8 - ENFORCEMENT PROCEDURES**

Chapter 8 in Exhibit "D" is concerned with the procedure for imposing sanctions for violations of the Governing Documents. There are some specific steps to follow along with some specific timelines when dealing with the imposed sanctions to owners due to violations. Here is the information:

#### **8.1. Notice and Response**

The Board, or its delegate, shall serve the alleged violator with written notice describing: (a) the nature of the alleged violation, (b) the proposed sanction to be imposed, (c) the alleged violator shall have ten days to present a written request for a hearing to the Board or the Covenants Committee (if one has been appointed pursuant to Chapter 5), and (d) a statement that the proposed sanction may be imposed as contained in the notice unless a hearing is requested within 10 days of the notice.

The alleged violator shall respond to the notice of the alleged violation in writing within such 10-day period, regardless of whether the alleged violator is challenging the imposition of the proposed sanction. If the alleged violator cures the alleged violation and notifies the Board in writing within such 10-day period the Board may, but shall not, be obligated to waive the sanction.

Prior to the effectiveness of sanctions imposed pursuant to this Chapter, proof of proper notice shall be placed in the minutes of the Board, or Covenants Committee, as applicable. Such proof shall be deemed adequate if a copy of the notice, together with a statement of the date and manner of delivery, is entered by the officer, director, or agent who delivered such notice. The notice requirement shall be deemed satisfied if the alleged violator or its representative

requests and appears at the hearing.

## **8.2. Hearing**

If a hearing is requested within the allotted 10-day period, the hearing shall be held before the Covenants Committee, or if one has not been appointed, then before the Board in executive session. The alleged violator shall be afforded a reasonable opportunity to be heard. The minutes of the meetings of the Board or Covenants Committee, as applicable, shall contain a written statement of the results of the hearing (i.e., the Board's or Committee's decision) and the sanction, if any, to be imposed.

If a timely request for a hearing is not made, the sanction stated in the notice shall be imposed, provided the Board or Covenants Committee may, but shall not be obligated to, suspend any proposed sanction if the violation is cured within the 10-day period. Such suspension shall not constitute a waiver of the right to sanction future violations of the same, or other provisions and rules by any Person.

## **8.3. Appeal**

Following a hearing before the Covenants Committee, the violator shall have the right to appeal the decision to the Board. To exercise this right, the violator must deliver a written notice of appeal to the Association's manager, President, or Secretary within 10 days after the hearing date.

# **Mid South ARB DESIGN GUIDELINES AND PROCEDURES**

## **CHAPTER 7 - SITE REQUIREMENTS MISCELLANEOUS**

This section of the Mid South Club ARB Guide gives information on site requirements. Here is the information:

### **OUTDOOR LIVING AREAS, SWIMMING POOLS, SCREEN ENCLOSURES**

- Generously proportioned porches and terraces will encourage frequent use. Outdoor living is comfortable throughout most of the year. To roof an outdoor area extends the time it can be fully utilized. The shade and shadows created by porches and roof overhangs soften the rigid lines of a structure. Concrete patios do not work well on sloping land. Wood decks provide a more desirable outdoor area and will weather more subtly than concrete. The use of stone or brick terraces is also recommended.
- The elevation of the top of any swimming pool, or hot tub construction, on any lot should not be over two (2) feet above the natural grade unless integrated into terraced construction and receive ARB approval. No above-ground pools are permitted.
- Swimming pools and hot tubs shall not be permitted on the street side of the residence unless properly concealed.
- Swimming pools will be surrounded by a fence acceptable to the ARB. Hot

tubs should be screened, or walled, from adjoining properties. Appropriate evergreen shrubbery is required; if trellis fencing is used, additional plant material will be required.

- Swimming pools, pool decks, screen enclosures, or patio/decks shall be located within the building envelope.
- Screen enclosure materials and colors must be submitted and approved by the ARB.
- Screen enclosures must not be visible from the street in front of the residence unless approved by the ARB.

## **MAILBOXES**

All mailboxes and address designations shall be of the standard design, materials and locations approved by the ARB. It is the builder's responsibility to order, purchase and install the mailboxes. The mailboxes can be ordered through Mel Northey Co., telephone 1-800-828-0302, Model #5519A.

## **FENCES**

Fences shall not be allowed in the rear of golf course or lakefront lots, provided however, that village home lots and common cottages shall have such fences. Side and rear fences are permitted within the building envelope on interior lots with prior approval of materials, height, and construction appearance by the ARB. Invisible dog fences are permitted. The associated flags should be removed within thirty (30) days.

## **ACCESSORY STRUCTURES & UTILITIES**

- Accessory structures, such as playhouses, tool sheds, doghouses or dog-runs, shall not be permitted unless specific written approval of the ARB is obtained.
- Playground equipment such as a swing set or climbing apparatus shall be of high quality materials in the least obtrusive colors available. The location, materials and colors of any proposed outdoor play equipment are subject to ARB approval.
- All basketball goals must meet the approved basketball goal standards (see Exhibit F). Soccer goals and the proposed location must be specified on the site and landscaping plans and are subject to approval. Here's the basketball goal criteria:
  - ▶ Must be embedded in concrete and removable when the home transfers.
  - ▶ A minimum 4" base or larger is required and painted dark green or black.
  - ▶ Glass backboards with a minimum 54" are standard and larger are acceptable.
  - ▶ Must be kept in good repair and condition and no additional apparatus can accompany it.
  - ▶ Painting or decals to a driveway are not permissible.
  - ▶ Must be removed when the house transfers unless being sold with the house.
- Portable equipment and temporary exercise apparatus shall be stored out

- of sight except when in use.
- Decorative yard objects, if displayed, shall be in keeping with the character of the neighborhood and adjacent homes.
- ARB approval of any dish is required prior to installation. Satellite dishes, not to exceed 36" inches in diameter, are permitted. Under no circumstances may trees be removed for the purpose of improving the effectiveness of satellite dish reception. Other outdoor antennas are not permitted.
- A flagpole for display of the American flag shall be permitted, subject to ARB approval of the size, placement, color, finish and design. No flagpole shall be used as an antenna.
- No clothes lines shall be allowed.
- All garbage containers, AC compressors, water softeners, pool pump equipment, etc. shall be out of site if located in rear yards, or side yards, and they shall be screened or walled from front streets golf courses and adjoining properties as required by the ARB.
- Tennis courts are not permitted on any lot.
- All utilities shall be underground.
- It is required that Well Pressure Tanks be in the crawl space, or garage, on golf course view lots. On non-golf course view lots, the pressure tank must be recessed/sunken, and shown on all landscape plans and must follow Southern Pines Town code. The ARB will determine, and define, an "approved" well cover.
- Posts to mark lot corners for golf front lots (optional) are to conform to size and height and paint color.

## **BANNERS, SIGNS, LETTERS**

All banners, signs and letters of any kind and nature shall be approved by the ARB before installation. Builder's signs must conform to the guidelines established by the ARB. All banners and flags, not to exceed 15 square feet in size, representing a school, or athletic team shall be permitted with ARB approval for display for one day before the event, and be removed one day after. Decorative banners may be displayed with prior ARB approval.

## **VEHICLE PARKING**

Applicants will not be permitted to park any commercial vehicle, boat, truck, van, trailer, camper, mobile home, tractor, bus, farm equipment, recreational vehicle, off-road vehicles, trailer, coach or similar vehicle for a period over twenty-four (24) hours on any building site or common area unless such vehicle is parked inside a totally enclosed structure. Street parking of all of the above is prohibited. Automobiles are to be parked on paved surfaces of driveways. Parking off the paved surfaces or on streets is prohibited.

