

RULES AND REGULATIONS

The Forks at Barclay (FOBA) Homeowners ' Association, Inc.

as of

October 8, 2024

NOTE: Property Owners are responsible to provide a copy of these rules to all tenants, residents and guests and ensure they abide by them. Fine schedules do not reset due to a change of tenants, they only reset with a change of ownership. However, fine schedules will reset once a given owner is violation free for a period of 12 consecutive months.

These Rules and Regulations do not contain all restrictions that apply at The Forks at Barclay (FOBA). See your Declaration of Covenants, Conditions and Restrictions rules and any other adopted policies or design guidelines for further information. **State and Federal laws supersede all governing document mentioned above.**

Violations are written for the violation of a specific rule, not a specific item or event. All violations not observed by CEPCO or the Board of Directors must be reported by a unit owner (not tenants), in written form in order for CEPCO to send a violation to the offending unit owner.

In addition, all Owners, Residents, Tenants and Guests are required to abide by any and all local, state and federal laws that apply to The Forks at Barclay (FOBA) community although **the Association shall have no obligation to take enforcement action in the event of a violation of such laws.**

1. Trash containers, mechanical equipment, service utilities, propane/fuel tanks, HVAC units, whole house generators, woodpiles, and any other similar items and objectionable site elements must be enclosed within a wall or plant screen of a type and size approved by the Board, or the Architectural Review Committee (ARC), so as to preclude the same from causing an unsightly view from any highway, street, or way within the FOBA, or from any other residence with the FOBA. PRIOR WRITTEN approval for such screening must be obtained before installation begins.
2. Trash containers may only be near the street (or visible outside of a screened area) the evening before and the day of service, and must be returned to a location out of view or within an approved screen by the end of the day of service.
3. Offensive or noxious activity is prohibited in any unit or on the Common Area, nor shall any thing be done thereon which may be or may become an annoyance or nuisance to the neighborhood. There shall not be maintained any plants or animals, nor device or thing of any sort whose normal activities or existence are in any way noxious, dangerous, unsightly, unpleasant or other nature as may diminish or destroy the enjoyment of other Lots by the Owners thereof. It shall be the responsibility of each Owner to prevent the development of any unclean, unsightly, or unkept condition of buildings or grounds on the Owner's lot which would tend to decrease the beauty of the neighborhood as a whole or the specific area.
4. No Lot shall be used for any purpose except for residential purposes. Properties may be used for residential one-year long-term rental purposes. Owner must have written leases for a minimum of one year period. A copy of the lease, tenant contact information, and property management company (if applicable) to be provided to the HOA management company. Owners are required to provide a copy of the Declarants and Covenants and Rules and Regulations to their Tenants. Owners are responsible for addressing any complaints or violations by their tenants and responsible for any fines levied by the HOA as a result of violations of covenants, restrictions and rules and regulations by their tenants.
5. No repairs to any vehicles may be made on streets or in driveways but only in garages.

RULES AND REGULATIONS
The Forks at Barclay (FOBA) Homeowners ' Association, Inc.
as of
October 8, 2024

6. All streets are public streets with the exception of the stub at Museum Drive and the Alley to the rear of Peace Lane which are an HOA responsibility. All streets are governed by City of Wilmington ordinances; no parking within 20 feet of any intersection. Neither the Forks HOA Board of Directors nor the HOA management company has jurisdiction over city streets.
7. No boat, motor boat, personal water craft, camper, trailer, motor or mobile homes, tractor/trailer, construction equipment or similar type vehicle/equipment, un-registered or inoperable vehicle shall be permitted to remain visible on any Lot or common area at any time. No dirt motored bikes, ATVs or other unregistered or off-road vehicles may be driven or parked on any Lot or Common Area. The Association shall have the right to have all such vehicles, boats, or equipment parked, used or stored in violation of this rule towed away or removed at the Owner's expense.
8. The exterior storage or placement of personal items not normally expected to be kept out of doors is prohibited. Toys, strollers, bicycles, lawn maintenance equipment, yard implements and other similar items may not be stored on front porches, driveways or in front or side yards.
9. No animals, livestock, or poultry of any kind shall be kept or maintained on any Lot or in any dwelling except that domesticated dogs, domesticated cats or other household pets may be kept or maintained provided that they are not kept or maintained for commercial purposes and provided further that they are not allowed to run free, are at all times kept properly leashed or under the control of their owner and do not become a nuisance to the neighborhood. Pets may not be staked out or kept in Common Areas. Pets must always be leashed and personally escorted anytime they are off of the Owner's property. There is a City ordinance requiring cleaning up and disposal of pet waste. The Forks @ Barclay HOA is not responsible for any turf damage caused by pets in any single family patio home or any townhome.
10. No "For Sale", "For Rent", "Yard Sale", Rummage Sale, Estate Sale, Tag Sale, political signs or signs of any nature will be allowed on any Lot or common area at any time. For resale homes, a small in-ground info box may be displayed. No outdoor sales of any kind are permitted.
11. No modifications/alterations or additions to the Lots visible from the outside to either the single family homes or townhomes are permitted without prior approval of the HOA Board/Architectural Control Committee, submitted in writing to the HOA management company on a formal ARC request. Items to include STORM DOORS OR DISAPPEARING SCREENS, fencing, porch railings, addition and removal of trees, landscaping (excluding annual and small perennial plantings), pergolas, patios, and hard structure screening
 - (a) Storm doors or disappearing screens installed without an ARC prior to January 1, 2022 are exempted from the ARC requirement.
 - (b) Installation of permanent "roll-down" hurricane shutters are not allowed on any lot. Removable panels with slide in tracks are not allowed.
 - (c) Installation of canopies (canvas or other materials) are not allowed on any Lot.

RULES AND REGULATIONS
The Forks at Barclay (FOBA) Homeowners ' Association, Inc.
as of
October 8, 2024

- (d) Installation of Retractable Awnings require an ARC, completed Retractable Awning Checklist, Agreement Form and supporting documents. All costs of applying for Retractable Awning installations must be borne by the applicant. Townhome Residents are also required to submit a "Memorandum of Agreement", obtained through the HOA's attorney which must be signed by the applicant, the HOA President and Secretary with signatures notarized. The cost for the document which includes verifying legal names as indicated on the deed, filing the agreement with the New Hanover County Register of Deeds, and answering any questions may vary but is expected to be less than \$300 and includes the filing cost.
 - (e) No modifications of exterior shutter, door, trim and roof color allowed without prior approval of the HOA Board. Replacement of townhome Carriage exterior light fixtures must be HOA approved.
 - (f) Solar panel ARC requests will be approved based on current State and Federal Laws. ARC approval may be granted only after the following additional documentation has been provided: A manufacturers brochure with specifications, mounting instructions and wind rating; a scaled drawing of covered roof surfaces and pictures of similar installations within the Wilmington area. No paneled surfaces may be mounted on the front of the homes. In addition, townhomes will also require: The Agreement of Indemnification, obtained through Marshall, Williams, Gorham (Attorney Ellen Wortman) which must be signed by the applicant, the HOA President and Secretary with signatures notarized. All costs of applying for solar panel installations must be borne by the applicant. Proof of the required documentation must be provided to the management company of the HOA. The cost for the document which includes verifying legal names as indicated on the deed, recording the agreement, and answering any questions may vary but is expected to be less than \$300 and includes the filing cost.
 - (g) Whole house generators are allowed only with ARC approval to ensure proper screening and adequate impervious surface is available for the lot. Damages to permanent generators are not covered by townhome Master Insurance policy..
 - (h) Hot tubs, spas, and the like, require HOA approval and can **only** be located within the roof line of the patio home or townhome (i.e., screened porch or sunroom.) they are not allowed on patios, decks or in yards.
 - (i) All landscape mulch in the front yards must be pine straw. Owners at their expenses can add natural wood bark to rear beds with HOA approval through an ARC request. On-going maintenance of bark is at the Owner's responsibility. ARC approval is needed for any additional trees at both Patio Homes and Townhomes.
- 12.** All light bulbs or other lights installed in any fixture located on the exterior of any building or any Lot for the purpose of illumination shall be clear, white or non-frosted lights or bulbs. "Warm light" bulbs must be used which are defined as 2700-3000K (kelvins); equal to or less than 60 W (watts) and Lumens should be equal to or less than 800. Home owners exterior lighting shall shine only on the ground, and not shine in such a way as to become "light pollution" going into adjacent homes line of vision.

RULES AND REGULATIONS
The Forks at Barclay (FOBA) Homeowners ' Association, Inc.
as of
October 8, 2024

13. No improvements or alterations to the Common Areas may be made nor may any personal items, trash or debris be placed on the Common Areas without prior Board of Directors approval.
- (a) Damages to the common area by any owner, tenant, resident or guest (or pets) may result in violations and/or fines being assessed against the HOA account of the Owner involved or whose Tenants, Residents, or Guests are involved. The owner's account may be assessed the cost of restoring damaged common area to its original condition.
 - (b) Any use of the Common Area deemed to be improper by the Board of Directors, in its sole discretion, will result in violations or fines assessed against the account of the owner of the unit involved (or whose tenants, residents, or guests were involved).
 - (c) Residents are asked to respect the ecology of the 17th Street ponds and are not allowed to walk on the sloping banks of the ponds which includes no fishing. Residents may be held responsible for repairing any damage to the plants and soils around the ponds. Disturbing the banks of the ponds may result in fines.
 - (d) For the sake of clarity, the ornamental grasses or shrubbery mulched with pinestraw around electrical transformers, drain pipe between Foundry and Drawing, cable junction boxes and other utility boxes are considered part of the common area and will be pruned and mulched according to the landscaping contract for common areas. Although these areas are within or adjacent to residents' yards, they will NOT be included within "No Prune" areas.
14. No oversized flags, outdoor statuary or other decorative objects may be placed on any Lot unless and until permission for the same has been granted by the Architectural Review Committee.
15. Either the American Flag or the North Carolina Flag having the maximum dimensions of four feet by six feet (4'x6') may be flown on a pole no longer than five feet six inches (5'6") from a pole holder attached to the home in an approved location which can be reached by hand from the ground below so as to be easily installed and removed. No flagpoles shall be installed in any other locations on any Lot. Flags will be displayed in accordance with traditional rules and patriotic customs set forth in 4 USC 5-10, as amended. Any flag considered by the HOA, in its sole discretion, to be too faded, worn, or tattered to be patriotically displayed will be considered in violation.
16. Grills may be kept on rear porches/patios or rear yards only.
17. All structures and surrounding landscaping shall be kept neat, clean and in good condition and repair with no refuse piles, unsightly growth or objects. All single family homeowners shall irrigate their lawns as recommended by the landscaping management firm. Failure to irrigate properly, service or maintain the irrigation system annually may cause fines.
18. Christmas lighting and decorations may be displayed from Thanksgiving Day through January 15 of the following year only. Easter, Halloween and other holiday decorations may be displayed two weeks prior and one week after the holiday.
19. See Fence regulation policy of the three (3) page Fence Policy for single family and townhome lots that are posted on the CEPCO Forks website.

Dated: 10/8/2024

Betty Bartolotta
Betty Bartolotta/HOA Secretary