

THE VILLAGE AT McCOY JENSEN
HOMEOWNERS' ASSOCIATION
Second Edition
July 15, 1997
COMMUNITY GUIDE
RULES AND REGULATIONS

INTRODUCTION

This second edition of The Community Guide supplants the Guide dated February 18, 1994 and was developed in accordance with Article III, Section 13 of the "Declaration of Covenants, Conditions and Restrictions" and with the Bylaws to bring community rules and regulations up-to-date, particularly with regard to the issues of planting beds within a homeowner's lot and individual rights defined by the Telecommunications Act of 1996.

The Community Guide contains a summary of selected guidelines governing The Village, as determined by the covenants, bylaws, and rulings by the Board of Directors and the Architectural Review Committee (ARC). They apply to all residents and compliance is expected. The guidelines are enforced by a Board of Directors, comprised of five members, duly elected by homeowners of the community. Compliance with any set of guidelines requires that some measure of individuality must be relinquished in order to achieve a common goal. These guidelines have been written with that purpose in mind.

The general appearance of the community's grounds and buildings, is the responsibility of the Architectural Review Committee (ARC). The committee is appointed by the Board of Directors and is empowered to approve or disapprove any exterior modifications to an individual residence, improvements within the common areas and within the Association's Maintenance Areas. In the event a homeowner disagrees with an ARC decision, the homeowner may appeal to the Board of Directors for a hearing. Decisions reached at the Board hearing are final and binding. The property management company also has the responsibility to monitor compliance with the rules and regulations, and with the Governing Documents.

Documents and forms which are of vital concern to the proper functioning of the community include "Request for Change to Premises" which must be completed and submitted to ARC by the homeowner prior to commencing exterior work, and the items discussed in Bulletin No. 18, dated March 14, 1995 which define "Assessments and Collection Procedures", and "Violations to The Governing Documents", hereinafter collectively referred to and attached as Appendix "A". Compliance with these documents are essential to the solvency, well being, and proper maintenance of the community.

The Board of Directors encourages all residents to become involved in community activities. Each homeowner is encouraged to attend Board meetings and when called upon, serve on committees.

Only through active participation can the Homeowners' Association be responsive to individual and common needs. Active participation will ensure that your home remains a sound investment with a secure and stable environment in The Village where life can be enjoyable and pleasant for all. To better understand the sources of the guidelines outlined in this document, the following codes are used where appropriate.

Covenants, Conditions and Restrictions (these are equivalent to law and cannot be changed easily).

Architectural Review Committee (this is a decision made by the committee and can be revised by the committee or Board of Directors. In the event of a conflict between an ARC decision and the Covenants, the Covenants shall control).

Bylaws (these are an amplification of the Covenants and cannot be changed easily).

Rule (these are decisions made by the Board of Directors and can be changed by a majority vote of the Board).

City of Lakewood Municipal Code and Ordinances.

I. ANIMALS

1. Owners may keep a maximum of three (3) household pets, as defined by the City of Lakewood ordinances.
2. Animals shall be on a leash anytime they are outside. (C)
3. No pet shall be outside the unit or privacy fence area without the owner being present. (C)
4. Animals shall not be left unattended outside the living unit when tethered. (R)
5. If the back yard is used for a dog run, the owner shall provide a fence to screen the area from view of neighboring units. (C)
6. It is the owner's responsibility to prevent excessive barking. It is a nuisance to other homeowners and a violation of city ordinances. (C) (L)
7. Animal excrement shall be cleaned up by the owner immediately so as to avoid any odor and/or nuisance to other residents. (C)

II. EXTERIOR

No changes to the exterior of the home may be made without the approval of the ARC. (C) Only those items described in Items 1 and 2 below have been previously approved by the Board as a standard. All other items shall require ARC approval.

1. Security doors have been approved for all exterior entrances. They must be the same color as the house or be white, any other color must be approved by the ARC. Examples of approved doors are the security door at 2679 S. Johnson Circle and the door at the rear of 2645 S. Johnson Circle. (ARC) (R)
2. Window well covers have been approved. These must be either white, black, bronze, galvanized, or match the color of the house. Plastic window well covers are also acceptable. (ARC) (R)
3. Security bars on rear windows require approval of the ARC before they are purchased and installed. (ARC)
4. Sunshades and awnings on back porches are acceptable but require approval of the ARC before they are purchased and installed. (ARC)
5. Patios and decks may be used for storage of patio and deck furniture. Any other storage on patio, deck and rock areas needs approval. (ARC)
6. Decorative ornaments around homes require ARC approval. (ARC)
7. Wall mounted display of U.S. flag (max. 3' x 5') on appropriate national holidays is approved, but the size and location of a permanently installed flagpole needs to be approved by the ARC. (ARC)
8. Year-end Holiday lights and decorations are approved. These shall be removed by January 15th. (ARC)
9. Hose reels and caddies shall not be attached to fronts or sides of houses. Hoses themselves may be wound neatly and left on the ground in the landscape rock area. (ARC)
10. All electric, cable T.V., radio, telephone installations and attendant connections are to be placed underground, except as exempted by Item 13 below. (C) (R)
11. Evaporative "swamp" coolers are not permitted. Only ground-mounted air conditioning condensing units, similar to those currently in place are authorized. New A/C units shall

require approval by the ARC. (ARC)

12. On February 8, 1996, President Clinton signed The Telecommunications Act of 1996 into law. Section 207 of that Act in essence overrides previous governmental and non-governmental restrictions on certain direct broadcast satellite (DBS), television broadcast, and other types of antennas. The Act now permits an individual homeowner to install a satellite dish antenna up to 1 meter (3' – 3 3/8") in diameter and a roof-mounted vertical mast antenna up to 12 feet in height.
13. Prior to taking any action regarding the purchase and installation of an antenna, the homeowner shall read and comply with the following documents:
 - A. "Rules for Installation of Antennas". Hereinafter attached as Appendix "A".
 - B. "Notice of Intent to Install Antenna". Hereinafter attached as Appendix "C" (Note: A copy of this form may be used to facilitate the notification process).

Item 13A defines in detail the types of permissible antennas, the obligations of the homeowner, and the requirements for antenna installation. Item 13B is an application/notification form that must be submitted by the homeowner to the ARC for approval prior to contracting for antenna installation. (ARC/R)

The use of the largest permissible antenna, or mast, is discouraged by the Board of Directors since the high winds prevalent in our area make such installations a risk to property and individuals unless extraordinary measures are taken to secure the antennas in place. The use of 18-inch disk antennas that are minimally obtrusive have been installed successfully in high wind environments and should be the installation of choice in The Village.

III. FENCING

1. All patio fencing shall be within the legally described property lines. Acceptable fencing shall be 5 feet in height, natural or stained solid cedar, vertical boards and requires approval of the ARC prior to purchase and installation. An example of approved fencing is located in the rear yard at 2684 Johnson Circle. (ARC)
2. When a homeowner applies to and receives approval from the ARC for installation of a privacy fence within the lot lines at the rear of the home, the homeowner becomes responsible for the care, maintenance and/or replacement of the fence and of the entire area enclosed by the fence. Modification of the landscaping and sprinkler system to accommodate the fence in the Association Maintenance Areas shall be entirely at the applicant's expense. When a homeowner applies to and receives approval from the ARC to remove an existing fence, the modifications to reinstate the lawn area, sprinkler system and

rock areas to meet the Association's specifications shall be entirely at the homeowner's expense.

3. Preservatives or stains with a natural or stained cedar color are authorized for fences. Homeowners shall be responsible for the maintenance and good appearance of their fences. (ARC)
4. Homeowners having patio fencing are permitted to modify the area within the fence perimeter without approval from ARC, provided such modifications are below the top of the fence, are not visible from outside the fence, and comply with applicable city ordinances and building codes. (ARC) (R) (L)
5. "Invisible" buried electrical fencing is not permitted. (ARC)

IV. GARAGE DOORS

1. There are no restrictions on keeping garage doors closed, however, owners need to be aware that doors left open for extended periods of time increase the chances of theft, break-ins and/or invasion by small unwanted critters, e.g. rodents, prairie dogs, raccoons, squirrels, birds, wasps etc.

V. LANDSCAPING

1. Any changes to the existing landscaping and/or exterior of a Living Unit, requires ARC approval. (C)
2. The Association owns and maintains all common areas in The Village and all of the landscaping within the Association Maintenance Areas located on privately owned lots. (See article IV, Section 6 of the "Declaration of Covenants, Conditions, and Restrictions of The Village at McCoy-Jensen", hereinafter referred to "IV6CCR" and attached hereto as Appendix "D" and Article I, Section of the Declaration attached hereto as Appendix "E"). When a homeowner applies to and receives approval from the ARC to modify and/or add any new plantings, such as trees, shrubs and/or other plant materials in these areas, exclusive of planting beds and flower beds discussed in Items 3 and 4 below, such plantings and installation are provided at the applicant's expense and become the property of the Association which will then maintain, remove or replace these plantings at the Association's own discretion and expense.
3. Upon compliance with IV6CCR and upon application to and approval by the ARC, a homeowner may install planting beds in existing lawn areas within the confines of that

homeowner's legally described property lines. Such landscaping work shall not be started until: (1) a drawing showing the complete design of each planting area, including the types and heights of plantings, the ground cover, and the edging materials to be used, has been approved by the ARC, and (2) all drawings and any required documentation are submitted to and recorded by Jefferson County and a copy of the recorded document(s) are submitted to the ARC. All costs for the preparation and recordation of the documents shall be borne by the applicant.

The cost of installation and/or removal and the associated alterations to the lawn, sprinkling system and/or rock bed shall be entirely at the homeowner's expense.

Where such a planting bed is approved by the ARC, the homeowner shall be solely responsible and bear the cost for the maintenance of the bed, including all irrigation of plantings, removal of weeds and debris, the trimming of plantings to approved heights and the trimming required to maintain the horizontal extent of the plantings within the bed area so as not to interfere with the care of Association Maintenance Areas by others.

The use of hand sprinkling or a drip sprinkling system attached to the homeowner's domestic water system is recommended. Regardless of the method of irrigation, the homeowner shall be solely liable for the water supplied and for any water damage to his/her home and/or the homes of others, whether from surface flooding or underground percolation or seepage of irrigation water.

If any planting bed is not maintained in an attractive manner or if plantings are permitted to grow beyond approved heights of (approx. 3') or beyond the limits of the bed, the Association retains the right to remove all materials and restore the area to its original condition, all at the expense of the homeowner.

4. During the growing season, flowers in flower pots may be placed in stone areas in front, along the living room side and back of houses, on patio slabs and/or decks, front entry walks and porches. Pots must be designed for flower use. Remove flower pots at the end of the growing season. (R)
5. Hanging baskets of floral arrangements may be installed by any homeowner in the front and back of their house. Remove hanging baskets at the end of the growing season. (R)

VI LIGHTING

1. Walk lights and lamp posts are acceptable with ARC approval. (R)

2. Lighting should not be annoying to others. (C)
3. Homeowners are encouraged to turn on porch lights and garage lights after dark as a security measure.

VII NOISE

1. Sound(s) coming from any lot or residence should not be excessively loud or annoying to others. (C) (L)

VIII PARKING

1. No house trailer, camping trailer, boat trailer, hauling trailer, boat or accessories thereto, motor-driven cycle, truck, self-contained motorized vehicle, or any kind of van except as a temporary expedience for loading, delivery, or emergency are to be parked in driveways, parking areas, or on any lot within The Village. This restriction, however, shall not prevent the temporary parking of trucks or other commercial vehicles engaged in the repair or maintenance of residences, lots, or common areas. (C)
2. No inoperable or derelict vehicle may be parked in driveways or on any lot within the Village. (R)

IX PROHIBITED ACTIVITIES

1. No activity shall be performed within The Village that might be unsafe or hazardous to any person or property. (C) (L)
2. No activity shall be performed which would imperil or increase insurance premiums. (C)
3. No activity shall be performed which is in violation of any federal, state, or local law. (C) (L)
4. An individual homeowner shall not be permitted to conduct a Garage Sale. However, one community wide Garage Sale may be conducted in any given calendar year if 6 (six) or more homeowners wish to jointly participate in said Garage Sale and then only after receiving prior written approval from the Homeowner Association Board of Directors. Signs announcing the Garage Sale may be placed on Village property not more than 24 hours in advance of said sale and must be removed immediately upon conclusion of the two-day garage sale. Cost of printing and distributing any promotional flyers shall be borne by the homeowners involved with said community wide Garage Sale.

5. Public display and sale by an individual homeowner of any type of motorized vehicle, any type of trailer, furniture, tools, bicycle, toys, etc., are strictly prohibited within the confines of The Village. The confines of The Village are hereby defined as the homeowner's front yard, driveway and anywhere on Johnson Circle including the street and entrance drive. Nothing in this paragraph is intended to regulate Estate Sales, if such event is held strictly within the homeowner's dwelling.

X. TRASH

1. All areas of The Village shall be kept in a clean, safe, and attractive condition. No trash, refuse, or garbage shall be allowed to accumulate in such a manner as to permit the spread of fire, be an attraction to wildlife or vermin or to create objectionable odors. (C)
2. Trash is scheduled to be collected once each week as agreed upon with the trash removal company and published by The Village's property management company. (R)
3. All domestic trash and debris of any kind shall be kept within the unit, garage or the privacy fence in the rear of the unit until placed at curbside in the morning of the day specified by the trash removal contractor for pick-up. If a holiday occurs before the scheduled day of trash pick-up, normal trash pick-up will be delayed by a day. (R)
4. Trash containers placed at curbside shall be of the barrel type with lids, plastic bags of sufficient strength or cardboard containers, all of which shall be completely and securely closed in such a manner as to prevent rubbish escaping from the containers during periods of high wind. The use of paper sacks or other flimsy containers is not permitted. Packing containers or similar materials shall be secured or weighted down to resist movement by high winds. Retrieval of rubbish escaping from containers due to the action of wildlife or high winds is the responsibility of the homeowner. (R)
5. Homeowners wishing to dispose of items, other than normal trash, such as furniture and appliances, shall make arrangements with an entity specializing in this work, and the cost of removal is the responsibility of the homeowner. The items to be disposed of are to remain within the unit, garage or privacy fence out of sight of others until picked up. (R)

XI SIGNS

1. No signs are permitted on the property without written approval of the ARC. (C)
2. Small, home security company signs are permissible as a security measure in front and at the rear of a residence. (ARC)
3. Only one "For Sale" sign for an individual residence is permitted in the lawn area directly in front of the residence. Such signage shall conform to the City of Lakewood Sign Ordinance. (ARC) (L).
4. A small "For Sale" sign is permissible at the front end of the island separating the community entry street off of Yale. Care must be taken that the sign post does not penetrate buried electrical or irrigation conduits during installation. (ARC)
5. Costs to repair damage to buried utility lines caused by the installation of a sign post on either the homeowner's property and/or the entrance island shall be borne by the homeowner. (R)

XII VISITORS AND TENANTS

1. It is the homeowner's responsibility that all visitors and/or tenants follow the rules and regulations of The Village. (C)
2. The homeowner sponsoring any visitors and/or tenants shall be held responsible for any damage or problems caused by them. (C)

XIII ADDITIONAL INFORMATION

1. The Board of Directors is elected by the homeowners at an annual meeting in May. At that meeting two, and no more than three, are replaced as stipulated in the Bylaws. (B)
2. The Architectural Review Committee (ARC) is appointed by the Board of Directors,. The committee is comprised of not less than three, but not more than five members with the members serving staggered three year terms. (B)
3. Other standing association committees include: (a) social, (b) share/care/welcoming, (c) budget/finance, (d) nominating, and € ad hoc committees (formed as needed for special projects).

4. All homeowners are encouraged to attend the Board meetings.
5. In the event of a conflict between provisions in the Community Guide and the Governing Documents of The Village At McCoy-Jensen, the Governing Documents shall apply.

Article IV, Section 5, page 8 of the Covenants, Conditions, and Restrictions states that the Association is responsible for the removal of snow "as reasonably necessary" from sidewalks, driveways, and the walkway from the front door of the living unit to the driveway. "As reasonably necessary" is hereby defined as a snow depth greater than 3 inches. Removal of snow less than and up to 3 inches is the obligation of the homeowner. (R)

THIS SECOND EDITION OF "THE COMMUNITY GUIDE" FOR THE VILLAGE AT McCOY-JENSEN WAS ADOPTED BY THE HOA BOARD OF DIRECTORS AT A REGULARLY SCHEDULED BOARD MEETING HELD ON JULY 15, 1997.

Milan Srnka, President

Phillip Vigil, Vice President

Joyce Smith, Secretary

Donald R. Post, Treasurer

Barbara Hendricks, Member