

WELLINGTON OWNERS ASSOCIATION

ARCHITECTURAL CONTROL POLICIES AND PROCEDURES RIGHT OF ENTRY INSTRUCTIONS

PURSUANT TO DAVIS-STERLING COMMON INTEREST DEVELOPMENT ACT
SECTION 1378(c)

I. ARCHITECTURAL CONTROL

A. Background Information

Exterior changes and improvements to your home and certain improvements to your lot require approval by the Wellington Architectural Control Committee, pursuant to Sections 3.19, 3.20 and 3.21 of the Covenants, Conditions and Restrictions. **PLEASE READ THESE SECTIONS.**

B. Improvement/Project Requiring Approval Before Commencement:

1. Painting of the house regardless of whether the colors remain the same or are changed. We have an approved color palette. Please note:
 - a. trim & gutters must match;
 - b. garage door must match the color of the body of the house;
 - c. flat or low sheen paint only; **NO SEMI GLOSS PAINT ALLOWED**
2. Roof replacement (old roofing materials must be removed prior to the placement of new materials on the roof) or reconstruction;
3. Tree removal;
4. Front yard landscaping projects;
5. Backyard projects including pools, overhangs, projects affecting drainage, projects requiring removal or disturbance of front yard landscaping or removal of front yard fencing;
6. Any project requiring the operation or transportation of heavy equipment over any portion of the common areas, streets, or any other area maintained by the Association; and
7. Any other project requiring approval of the Architectural Control Committee including, but not limited to, any changes to the house that can be seen from the common areas.

C. How to Apply For Committee Action

1. Submit one (1) copy of the completed Architectural Control Approval Request form (attached) together with your deposit of \$1,000.00.
2. Submit two (2) sets of plans. Plans may be hand drawn to scale except for pool, remodeling additions or other structural improvements requiring the services of an architect or engineer, which must be in the form of blueprints.
3. All submitted plans must show dimensions of proposed improvements, materials and dimensions in relation to your home and adjacent lot lines.
4. For screen doors and other similar improvements, submit two (2) copies of a brochure or other available material.

5. Structural Improvement (e.g. patio trellis) – Plans must indicate the type of material to be used. If using wood, will it be natural wood, clear stained wood, or if painted, what color. If you are painting the structure, it is suggested you select the same color as your home siding or trim. If the structure is viewable from the common area, the color must be specified in the application and is subject to approval.
 6. Indicate on the Approval Request form if the front yard landscaping and/or fencing will be disturbed.
- D. Committee Action
1. If approved, you will receive an Approval Request form signed by committee members and one (1) set of plans within 30 days from submission of the request. If the project requested is approved, work must be completed within 180 days or approval is automatically revoked.

II. RIGHT OF ENTRY AND DEPOSIT

If your requested improvements will involve the removal or disturbance of the front yard landscaping or removal of your front fencing, you must comply with the following procedure **BEFORE** work commences:

- A. Complete and sign the Limited Right of Entry and Permission to Cross Landscape Easement Area (attached) form and include it with your submittal package to the Architectural Control Committee.
- B. Submit the required deposit of \$1,000.00, check payable to “Wellington Owners Association”.
- C. When the deposit is received, the Limited Right of entry form will be signed and a copy returned.
- D. Deposit
 1. Required to ensure proper replacement, restoration and cleanup of fencing, landscaping, irrigation and drainage systems which have been disturbed, removed or damaged during work.
 2. The deposit will be deposited into the Association bank account pending completion of restoration work by you or your contractor, and acceptance by the Association.
 3. Restoration consists of bringing all involved areas back to their original condition with original plant materials, irrigation and drainage equipment.
- E. Deposit Refund Procedure
 1. When all restoration work is complete, contact an Association board member to initiate an Association inspection.
 2. An inspection will then be made by (1) an authorized representative of the Association, and (2) the Association’s landscaping maintenance contractor. If the inspections indicate that additional work needs to be completed, you will be notified.
 3. If work is not completed in a reasonable period of time, after notice is given to you, the Association will have the work completed and deduct the cost of that

- work from your deposit. If the cost exceeds the amount of your deposit, you will be responsible for any additional costs the Association incurs.
4. When completed, upon inspection and approval by both the Association and its contractor, the deposit or unused portion thereof, if any, will be refunded to you.
 5. Reference to the Association's "contractor" includes but is not limited to an engineer/consultant with expertise in an area where damage is suspected to have occurred, i.e. if street damage is suspected, inspection may be done by an engineer/consultant specializing in street maintenance/repair. If damage is found, the cost of the inspection, if any, will be the responsibility of the homeowner.
 6. The Association will not hold deposits longer than six (6) weeks after the owner has notified the Association that the project has been completed, unless the Association notified the owner in writing within that six week period that its inspection has revealed corrective/reconstructive work yet to be completed.
 7. The provisions of this section will apply whether or not a deposit was required or paid prior to the commencement of the work. Further, the owner will be responsible for any additional costs the Association incurs after the deposit has been returned if damage subsequently becomes apparent within six months of the owner notifying the Association that the project has been completed.
 8. Final resolution of any of any dispute between the owner and the Association regarding costs incurred by the Association to remedy damage done will be determined at a duly noticed hearing.

III. COMMENCEMENT OF WORK

- A. Work may commence after (1) you have tendered your cash deposit to a member of the Board of Directors of the Wellington Owners Association, (2) received written approval by the Architectural Control Committee, and (3) if required, received a signed Limited Right of Entry form from the Wellington Owners Association.
- B. No sign or advertisement may be displayed on your property during the course of work or thereafter by your contractor and/or any subcontractors.
- C. Roof replacement or reconstruction and tree removal projects as well as any project requiring the operation or transportation of heavy equipment over any portion of a common area maintained by the Association, including but not limited to streets and front yard landscape areas, require compliance with Right of Entry and Deposit procedures enumerated in the Wellington Owners Association Architectural Control Policies and Procedures.
- D. Heavy equipment includes, but is not limited to, any equipment with hydraulic operations.
- E. The area is to be left in a neat and orderly manner by 6:00 p.m. each work day. Make certain that your court street is kept clean of debris. All work is to be done during work week business hours so as to minimize noise and disturbance to your neighbors.

ARCHITECTURAL CONTROL APPROVAL REQUEST

Applicant/Owner _____

Property Address _____ Lot # _____

Mailing address, if different from property address: _____

City: _____ Zip: _____ Telephone: () _____

TYPE OF APPLICATION: Check all that apply

Fence/wall _____ Shed _____ Roof _____
Patio Cover _____ Landscaping _____ Trellis/Gazebo _____
Exterior Paint: Exterior Color/Brand _____
Trim Color/Brand _____
Flat _____ Low Sheen _____ **NO SEMI GLOSS PAINT ALLOWED**
Pool/Spa _____
Screens _____ Storm/Screen Door _____
Other _____

PROCEDURE: Applicant needs to submit the following:

- A. Architectural Control Approval Request form; \$1,000.00 deposit.
- B. Limited Right of Entry and Permission to Cross Landscape Easement Area form (if applicable)
- C. Site plan including: Improvements location, dimension setbacks, site drainage plan (if the existing plan will be changed).
- D. Please indicate: Setbacks: Front _____ ft.; Left Side _____ ft.;
Rear _____ ft.; Right Side _____ ft.

GENERAL CONDITIONS OF APPROVAL:

- 1. Comply with Covenants, Conditions and Restrictions, final Subdivision Map, and Wellington Owners Association policies and procedures approved by the Board of Directors.
- 2. Obtain all necessary governmental approvals/permits. Construction shall comply with applicable laws, ordinances, codes and regulations.
- 3. Construction debris and/or excavation materials must be disposed of properly and upon the completion of work daily. Adjoining properties and streets are not to be disturbed.
- 4. No construction materials or debris of any type shall be stored or dumped on any street within the development.
- 5. Location of solar units and pool equipment are to be approved prior to installation.

The undersigned applicant(s) requests approval of the improvements described above based upon he plans included with this application, and understands and agrees to comply with the general conditions stated above.

Applicant Signature _____ Date: _____

Applicant Signature _____ Date: _____

LIMITED RIGHT OF ENTRY AND PERMISSION TO CROSS LANDSCAPE EASTMENT AREA

Wellington Owners Association (WOA) has an easement for landscape maintenance over the front yard area of lot _____ of Wellington Owners Association, owned by _____, Owner.

Owner desires to cross the landscaped front yard area for the purpose of constructing rear yard landscaping, swimming pool and/or other improvements thereon. Said work requires the disturbance or removal of front yard landscaping, irrigation system, drainage system and/or front wing fencing and gates.

In consideration of the deposit of the sum of \$1,000.00 by Owner to WOA, receipt of which is hereby acknowledged, WOA grants to Owner, and to his designated agents and subcontractors, a revocable license to enter upon, remove and replace front yard improvements for the exclusive purpose of _____ on said lot, subject to the following terms and conditions:

1. Owner's use of the front yard landscaped area is limited to ingress and egress only, and is further limited to areas for such purpose.
2. Owner shall replace or cause to be replaced all front yard landscaping, irrigation and drainage systems and any fencing removed, in the same condition as said improvements existed prior to start of work.
3. Owner agrees to abide by all applicable Architectural Control Policies and Procedures Right of Entry Instructions.
4. This license becomes effective on the date of execution by WOA, and terminates on _____.
5. Owner _____ and Owner's Contractor _____

_____ agree to indemnify the Wellington Owners Association and Johnson Ranch Community Owners Association, to defend with counsel of the WOA and/or Johnson Ranch Community Owners Association's choice, and to indemnify and hold both associations harmless from all expense, loss, damage and claims, including attorney's fees, if necessary, arising out of the acts or omissions of said owner, contractor, their subcontractors, agents, employees, and assigns, whether willful or negligent, occurring during construction of or related in any way to the work of improvement as described above. This indemnification shall include, without limitation, the following:

- (a) All foreseeable and unforeseeable consequential damages, directly or indirectly arising out of disturbance of or damage to underground cables whether telephone, cable, satellite, television or electrical, landscaping, irrigation system, fencing, drainage systems, curbs and streets.
- (b) The cost of any required or necessary repair, clean-up, removal or restoration of any of the above.

DATE: _____ OWNER: _____

DATE: _____ CONTRACTOR: _____

DATE: _____ WELLINGTON OWNERS ASSOCIATION: _____