

FAIR OAKS MANOR HOMEOWNERS ASSOCIATION

ARCHITECTURAL REVIEW 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 Fair Oaks Manor Architectural Control Committee or Board of Directors, pursuant to Sections 4.09, 4.10 and 4.11 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. Please note:
  - a. Trim and gutters must match
  - b. Brick is NOT to be painted over; must remain the original color
  - c. Garage door must match the color of the body of the house
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 Approval:

1. Submit one (1) copy of the completed Architectural Control Approval Request form (attached).
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 or another owner’s lot, 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. Action

1. If approved, you will receive an Approval Request form signed by the committee members (or the Board of Directors) 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

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.
- B. A Limited Right of entry form must be signed and a copy returned.
- C. Restoration
  1. Applicant is 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. Restoration consists of bringing all involved areas back to their original condition with original plant materials, irrigation and drainage equipment.
- E. Finished Restoration
  1. When all restoration work is complete, contact Management or an Association board member to initiate an Association inspection. 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. The Association will notify the owner in writing within a six week period that its inspection has revealed corrective/reconstructive work yet to be completed.
  2. 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 charge the homeowners account for the cost of that work.
  3. 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.

4. The homeowner will be responsible for any additional costs the Association incurs if damage subsequently becomes apparent within six months of the owner notifying the Association that the project has been completed.
5. 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) received written approval by the Architectural Control Committee or the Board of Directors, and (2) if required, received a signed Limited Right of Entry form from the Fair Oaks Manor Homeowners 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 procedures enumerated in the Fair Oaks Manor Homeowners 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 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.

LIMITED RIGHT OF ENTRY AND PERMISSION TO CROSS LANDSCAPE EASTMENT AREA

Fair Oaks Manor Homeowners Association (FOMHOA) has an easement for landscape maintenance over the front yard area of lot \_\_\_\_\_ of Fair Oaks Manor, 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.

FOMHOA 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 FOMHOA, and terminates on \_\_\_\_\_.

5. Owner \_\_\_\_\_ and Owner's Contractor \_\_\_\_\_ agree to indemnify the Fair Oaks Manor Homeowners Association, to defend with counsel of the FOMHOA's choice, and to indemnify and hold the association 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: \_\_\_\_\_ FAIR OAKS MANOR: \_\_\_\_\_

## 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.
- B. Limited Right of Entry and Permission to Cross Landscape Easement Area form (if applicable)
- C. Plans, 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.
- E. Paint Samples, material brochures, etc.

**GENERAL CONDITIONS OF APPROVAL:**

- 1. Comply with Covenants, Conditions and Restrictions, final Subdivision Map, and Fair Oaks Manor Homeowners 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.
- 6.

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: \_\_\_\_\_