



River's Bend

Golf Club Community

HOA Handbook

Managing Agent
Towne Properties
11340 Montgomery Road, Suite 202
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River's Bend Golf Community HOA

The primary responsibility of the Board of Directors of River's Bend Golf Community Homeowners Association is to maintain the Common Elements of the River's Bend Community and enforce the covenants in the Governing Documents. The Association will attempt to maintain and assure the highest property values possible for the Owners at River's Bend.

All references to an article/section are either to the By-Laws or the Declaration and will be marked accordingly.

Any Owner(s), occupant(s), or guest(s) who fail to comply with all of the Rules and Regulations set forth herein are subject to appropriate enforcement. This may include the levying of an enforcement assessment, the placement of a lien on the Lot, or court interventions such as foreclosure, injunctive relief, or breach of covenant claims.

1. INTRODUCTION

THE RIVER'S BEND CONCEPT

River's Bend is a meticulously master planned community of single-family residences located on approximately 476 acres in Hamilton Township. The natural beauty, wooded settings, picturesque water feature, and vistas provide a rare opportunity to enjoy an unsurpassed living experience. In the midst of this magnificent master plan, the Palmer Course Design Company and the PGA have created a world class Tournament Players Club. Offering more than golf, River's Bend has recognized the importance of offering outstanding recreational and social amenities and in offering the same, has created a community of the highest quality.

River's Bend is dedicated to preserving the natural beauty of the land through good design practices, good management and controlled growth. This will ensure the long-term protection of each homeowner's investment, as well as maintaining the quality of the environment throughout the development.

2. GENERAL INFORMATION

Management Company:

Towne Properties

11340 Montgomery Road, Suite 202

Cincinnati, Ohio 45249

CharlieRapier@TowneProperties.com

Phone: 513-489-4059 Fax: 513-489-3941

IMPORTANT NUMBERS	
Emergency	911
Non-Emergency Fire	513.925.2525
Non-Emergency Police	513.683.8520
Clubhouse	513.494.2111
Warren County Administration Building	513.695.1290
Warren County Water	513.925.1377
Duke Energy	
Report a gas problem	800.634.4300
Billing	800.544.6900
Repairs	800.543.5599
Underground Line Locator Service	800-362-2764
Cincinnati Bell	513.565.5474
Post Office	513.683.8016
Police Administration	513.683.0538
Ohio Department of Natural Resources	513.934.0751
Animal Control Officer	513.695.1176
Hamilton Township Administration Building	513.683.8520
Hamilton Township Recycling	513.946.7766
Rumpke Trash Removal	513.742.2900

3. GENERAL HOMEOWNER ASSOCIATION INFORMATION

The River’s Bend Golf Community Homeowners Association, Inc. is a non-profit corporation and all property owners within the River’s Bend HOA are members of the corporation. The Association has been in existence since 2001 (built), for the purpose of enhancing and protecting the value, desirability, and attractiveness of the properties. Homeowners enjoy the heavily wooded home sites, bike paths, lake and river views, and of course Ohio’s only PGA Tour Facility.

Policies and procedures of the Association are set forth in the Declaration’s Protective Covenants, Articles of Incorporation, and Bylaws. The Board of Directors, relying upon these documents, makes rules and regulations and provides for the operation of the Association. Committees of homeowners and residents are appointed by the Board of Directors to work in specific areas of concern. The management company is retained to provide the day to day administrative duties for the Association. The management company reports directly to the Board of Directors.

3.1. Legal Documents: Several legal documents provide for the existence of the River’s Bend Homeowners Association. In addition, the following documents provide the legal standing of the Association to enforce the rules and regulations of the community. Amendments to these documents are voted on by the Membership.

3.1.1. Declaration of Covenants, Conditions, and Restrictions: This document and its amendments are on file with your property management company.

3.1.2. Articles of Incorporation: This document creates the legal entity known as the River's Bend Homeowners Association, Inc. It is on file with the management company.

3.1.3. Bylaws: This document provides for the operation of the Homeowners Association.

3.1.4. Copies of Documents: In addition to other sources, copies of these documents may be obtained from the Management Company, possibly at a nominal fee.

3.2. Membership: Any person who is an Owner of a Lot subject to an assessment by the Association is a member of the Association.

3.2.1. Meetings of Members: The membership of the Association meets one time a year. Each Member receives advance notification of this meeting and is encouraged to attend.

3.3. Board of Directors: The Association is governed by a Board of Directors. The Board Members are volunteers. They contribute their personal talents and expertise and illustrate commitment to a quality standard of living in our community. Please contact the Management Agent to express interest in becoming a Board Member.

3.3.1. Election: New Directors are elected by the Association Membership at the Annual Meeting of Members. Directors serve two-year terms.

3.3.2. Meetings of Directors: Meetings of the Directors are held on a regular basis and are open to the Membership unless an executive session is being held. Members are welcome to attend. Please contact the Management Company for a schedule of meetings. Members wishing to address the Board of Directors may do so at the beginning of each meeting. Advanced notification is required to address the Board of Directors.

4. ASSESSMENTS

4.1. As provided by the Declaration, assessments for each lot are collected in the following manner:

4.1.1. Due Date:

Assessments can be paid once or twice per year. If you choose to pay once per year, the Annual assessment payment is due on February 1 of each calendar year. If you choose to make two installments, then half of the Annual assessment is due on February 1 and the other half is due on July 1 of that same calendar year. Any Owner who chooses to pay his/her Annual assessment in two installments must pay a \$20.00 convenience fee due February 1 of the calendar year.

4.1.2. Billing: Homeowners are individually billed for these payments.

4.1.3. Form of Payment: Personal checks are accepted at the discretion of the management company. Checks should be made payable directly to the River's Bend Homeowners Association. Please contact your managing agent for Direct Debit options.

4.1.4. Delinquency: Assessment payments are delinquent if not received by the due date. To encourage payment, the following delinquency policy has been implemented.

A. Homeowners thirty (30) days delinquent in their assessments shall be assessed a \$10 late fee late fee the first month and \$20 per month for every month thereafter.

B. All accounts that exceed sixty (60) days delinquent are subject to the filing of a lien and litigation. A judgment may be sought against the owner, including applicable legal fees.

4.1.5 Assessment Rate: The amount of the Annual Assessment is fixed by the Board of Directors and is a uniform charge for each lot.

5. MAINTENANCE BY THE ASSOCIATION

5.1. Common Element (A.K.A. Common Areas): Property owned by the Association is called the Common Element and is maintained by the Association. This includes and is not limited to the entrance signs, open space, ponds, and walking trails. Homeowners should not provide maintenance or make improvements to these areas or any common element without prior approval of the Board of Directors.

5.2. Procedure: In the event of any necessary repair or maintenance concern with regard to the common element, please notify the management company during normal business hours. If you need emergency assistance, a 24-hour answering service is provided.

6. MAINTENANCE OF HOMES AND LOTS

Maintenance of the homes and Lots in the community are the responsibility of the title owner. In order to keep the standards high, the Declaration provides at Article XIII, Section 1, that except for lots designated as Common Areas, the property shall be used only for residential and common recreational purposes. Garages are to be used only for the parking of vehicles and shall not be converted into a living area.

6.1. For the protection of all homeowners and to maintain property values, all homes must be maintained in a manner that is similar to other homes in the Community. The Association regularly inspects the Community for violations. In the event of a violation or a need for maintenance at a Lot, the Association will notify the homeowner in writing and asked to comply with the Association's request within 7 days. In the event a homeowner does not comply with the Association's request, the Association will take action against the homeowner as provided in the Declaration of Covenants.

1. The Association and/or managing agent shall have the right to enter upon the Lot of any owner and to perform the maintenance needed to bring the Lot into compliance.
2. If the Association must perform maintenance on a Lot due to the Owner's failure to do the same, the Owner of the Lot in question shall be charged for the costs associated with bringing the Lot into compliance with the governing documents. The cost shall be due within ten (10) business days after the Owner's receipt of the written demand by the Association for payment.

6.1.1 "Similar to other homes in the Community" as used in this document shall be interpreted in the discretion of the Board of Directors. Examples of items which may constitute a violation shall include, but not be limited to:

1. Storage of tires, bricks, lumber, bags, or other items in view on the property.
2. No recreational vehicle, mobile home, boat, travel trailer or commercial vehicle shall be parked or stored on any Lot, for more than 48 hours during any calendar month, unless in the garage out of view. Trucks exceeding a three-quarter (3/4) ton rating are prohibited, unless in the garage out of view. No vehicle in inoperable condition shall be stored on a Lot for more than five (5) days, unless in the garage out of view. (Article XIII, Section 5, of the Declaration)
3. Parking of cars on the lawn.
4. Failure to paint, clean gutters, mow grass, maintain natural areas, remove fallen trees, or maintain other items requiring regular maintenance.

7. RESTRICTED USES:

Water Bodies (Lakes, Ponds and Streams): (Article XIII, Section 8, of the Declaration)

Swimming, boating, playing, fishing, skating, sledding or use of personal flotation devices is prohibited with in the Property and on the Club Property.

Irrigation: (Article XIII, Section 7, of the Declaration)

No sprinkler systems of any type that draw upon water from creeks, streams, rivers, lakes, ponds, wetlands, canals or other ground or surface waters within the Property or within the Club Property shall be installed without permission from the Association and the Club Owner.

Maintenance of Conservation Easement Area

No disturbance will be allowed in the Conservation Easement Area. The site, vegetation, wildlife, etc. are to be left to undergo natural processes of decline and growth. Any maintenance is subject to the regulations and approval of the Registered Landscape Architect and The Ohio Department of Natural Resources.

The following shall be prohibited on the open spaces, trails & ponds

7.1. Vehicles, motorcycles, go carts, or other non-human powered devices.

7.1.1. Hunting or possession of firearms, traps, bows, or other similar devices.

7.1.2. Fires, except in grills.

7.1.3. No boats are allowed on the ponds.

7.1.4. No swimming is permitted in the ponds.

7.1.5. Noise: Noise from the open areas must be limited so as not to be heard over ambient noise within the adjoining homes.

8. PETS

Animals & Pets: (Article XIII, Section 3, of the Declaration)

No animals, livestock or poultry of any kind shall be raised, bred or kept on any Lot, except dogs, cats or other household pets (excluding pot belly pigs) may be kept, provided that this does not exceed three (3) in number and they are not kept, bred or maintained for any commercial use.

The ownership of all pets shall be in compliance with all local laws and regulations.

8.1. Leashes: Each owner agrees that all dogs or other pets shall be kept on a leash whenever such pets are not on the Owner's property, and all pets shall be kept off of the Golf Course Property at all times.

8.1.1. Defecation:

Do not let your pet defecate on the lawn areas of others or in grassy common areas.

Sufficient natural areas are provided to allow pets to relieve themselves without causing a nuisance. Also, do not allow your pets to defecate along the trail, grassy areas, and in other open spaces. If they do, you must remove the feces.

(See Rules and Regulations)

8.1.2. Nuisance: No obnoxious or offensive activity of any kind shall be engaged in on any Lot nor shall any Owner or occupant engage in activity that interferes with the quiet enjoyment, comfort and health of the neighboring Lots. As we all know, pets can be considered a nuisance when any act or acts of the animal or its owner annoys or disturbs rights and privileges common to the Association or the enjoyment of private property. If your pet is not properly controlled, the Board of Directors may deem your pet a nuisance and necessary enforcement steps may be made. As such, you must maintain your pet within the guidelines of the governing documents. (Article XIII, Section 2, of the Declaration).

9. GARBAGE / TRASH COLLECTION AND RECYCLING

Trash: (Article XIII, Section 4, of the Declaration)

No burning of any trash and no accumulation or storage of litter, new or used building materials or trash of any kind shall be permitted on any Lot. Trash and garbage shall be placed in sanitary containers and shall not be permitted to remain in the public view except on days of trash collection. The following Rules and Regulations were adopted by the Board of Directors:

9.1. Garbage: Garbage (food containers and other household items) is collected weekly.

9.1.1. Containers: Garbage containers must be specifically designed for the storage of garbage and must be kept in good repair.

9.1.2. Lids: In addition to being properly maintained, all garbage containers must be tightly closed.

9.1.3. Location: Garbage cans must be kept so that they are not visible from the street.

9.1.4. Collection: Trash and recyclable items (paper, boxes, etc.) are collected from the curb during regular garbage pickup on Fridays.

9.1.5. Location: Garbage and Recyclables must be placed at the curb in front of the house for pickup on Fridays.

9.1.6. Extra Large Items: Extra-large items such as furniture are collected by special arrangement only. Please call Hamilton Township for more information.

9.1.7. Yard Waste: Yard waste, such as lawn clippings, branches, and other similar items is collected from the curb weekly.

9.1.8. Recycling: Residents are encouraged to recycle. The Hamilton Township provides curbside pickup of glass, plastic, aluminum, newspaper, etc. Recycle pickups are weekly. Please contact the Rumpke for a list of recyclable items.

9.1.9. Storage: Recycle bins are to be stored so that they are not visible from the street. Items should be clean before placing in recycling bins to reduce the potential for attraction of bugs, rodents, etc.

9.1.10 Garbage containers, trash boxes, recycling bins, and large items for pickup may not be placed at curbside prior to the evening before pickup, and must be removed the evening following Friday pick-up.

9.1.11 Homeowners are responsible for any garbage spread by animals, weather, tenants, or guests of tenants. Failure to clean-up all debris in a timely manner can result in the homeowner being billed for the pickup of items.

10. OBJECTIONABLE ACTIVITY

Nuisance: (Article XIII, Section 2, of the Declaration)

No obnoxious or offensive activity of any kind shall be engaged in on any Lot nor shall any Owner or occupant thereof engage in any activities that interfere with the quiet enjoyment, comfort and health of the occupants of adjacent neighboring lots. The following Rules and Regulations have been adopted by the Board of Directors:

10.1. Noise: A local noise ordinance exists, and any resident disturbed by excessive or persistent noise at any time should report violations immediately to the police. Disturbances include, but are not limited to, loud music, voices, cars, animals, etc., that may interrupt sleep or in any way disturb the wellbeing of community residents. Homeowners are held legally responsible for any disturbances created by themselves, their guests, tenants, or guests of tenants. Offenders are subject to fines, arrest, and criminal charges brought by the Association, neighbors, or the police. All residents have the right to a quiet neighborhood. Swift and firm action against offenders is the only means to preserve such rights. It is strongly recommended that you request the police come to your home before they visit the noise problem. In the event you are required to contact the police about a noise problem, please notify the management agent. The Association will keep a record of noise complaints and will take action against an owner if noise is a repeated problem.

11. SIGNS

The following Rules and Regulations were adopted by the Board of Directors regarding signs:

11.1. For Sale or Rent Signs: must meet specifications. Please contact your managing agent to obtain the same.

11.2 Garage and Yard Sales: (Article XIII, Section 6, of the Declaration)

There shall be no more than two (2) garage or yard sales held by an owner or occupant in one calendar year. One sign for each allowed sale may be placed upon the Lot. Further, unless approved by the Declarant, there shall be no garage and/or yard sales during any PGA TOUR Event or during a Homearama Show.

12. SOLICITING

The following Rule and Regulation was adopted by the Board of Directors regarding soliciting:

12.1. Soliciting is not allowed. Please advise solicitors that the homeowners in River's Bend Golf Community have requested that they not solicit in the Community and that a Warren County Business License is required.

13. COMMITTEES

13.1. The Board of Directors may create, from time to time, such committees, standing or special, and give them such powers and authority as they shall deem appropriate. Each committee shall serve at the direction of the Directors, and shall act only in the intervals between meetings of the Directors, and shall be subject to the control and direction of the Directors

13.2 Committees are established by the Board of Directors to manage ongoing procedures and address specific issues, as needed and depending upon the availability of volunteers. The current standing committee of the Association is the Landscape Committee. The following landscape rules shall apply to all Lots:

- 1.** All easements and right-of-ways shall be landscaped in conformance with easement limitations and must be included in your landscape design.
- 2.** Irrigation from wells shall not be permitted.
- 3.** All homes must be fully landscaped and maintained – front, sides and rear.
- 4.** Existing tree line and proposed tree preservation areas with a diameter of 8 inches or more (measured 3 feet above grade outside the building pad) must be noted on the site plan and landscape plan. Specimens scheduled for removal must be included on plans and tagged with the final stakeout. In no case shall trees with a diameter of 8 inches or more (measured 3 feet above grade outside the building pad) be removed without approval
- 5.** All Applicants and Participating Builders shall make a diligent effort to protect all remaining trees during construction, to provide staked-off areas to protect root systems from heavy vehicles and equipment, to install tree wells, and to take other precautions in cases where fill is required around trees.
- 6.** The following represents a guideline for landscaping and irrigation requirements: As provided for in the Lot Purchase Agreement, trees to be planted between the curb and sidewalk may be required per the street tree planting plan. The number of trees and species per lineal footage of street frontage are noted on the landscape plan for each home section.

14. ARCHITECTURAL REVIEW BOARD (ARB)

14.1. Purpose: The primary intent of the committee is to insure River's Bend is maintained as a premier community of single family homes; to allow an unsurpassed living experience, and that any changes or additions to existing homes comply with the intent of maintaining the quality of the River's Bend Community. The ARB (appointed by the Board of Directors) will maintain a formal review / approval process whereby requests for new homes, additions to existing homes, landscape changes, and outdoor cosmetic changes are submitted to the ARB, with resulting written approval or disapproval granted by the ARB within 30 days of submittal. The ARB may seek outside professional support (who may be compensated from ARB fees) for consulting on design principles vs. ARB standards.

14.1.1. Mandatory Approval Required: Mandatory review and written approval is required before any changes can be made to any home or lot. “No improvements, alterations, repairs, change of paint colors, plantings, excavations, changes in grade or other work which in any way alters the exterior of any Lot or the improvements located thereon from its natural or improved state existing on the date such Lot was first conveyed in fee to an Owner shall be made or done without the prior written approval of the Board of Directors.”

14.1.2. Architectural Review Board: The Board of Directors of the Association has appointed an Architectural Review Board which shall consist of three to five representatives of the Association to review proposed architectural changes. General guidelines for proposed changes and the application procedure are described in the following sections.

14.1.3. Application Process: Homeowners desiring to make changes to the exterior of their home or lot are required to adhere to the following procedure.

1. Improvement Application: First, an Owner must complete an Improvement Application (Attached as Exhibit “A”) for the review from the ARB and submit the request, along with the following information, to the Association by delivering the application to the Management Office.

- Foundation survey or similar site plan of existing improvements and property lines.
- Foundation survey or similar site plan showing proposed improvements, including dimension.
- Profile view, pictures, or other similar information to indicate the final appearance of the improvement.
- Description of color (include color samples), construction material, or other relevant information.
- Notification of surrounding owners. In some cases, improvement projects greatly affect the surrounding neighbors. Although final approval rests with the ARB, the Board reserves the right to notify your immediate neighbors of your proposed plans.

14.2. Review of Proposed Changes: The Architectural Review Board will meet to review the request. After review, the Architectural Review Board then makes a decision regarding approval of the proposed architectural change. The Board and/or managing agent will respond within 15 days indicating that the request is either approved, approved with modifications, additional information is required, or denied.

14.3. Appeals: In the event a homeowner is not satisfied with the original decision reached by the Architectural Review Board, the homeowner may appeal the decision in writing to the Board of Directors by directing the appeal to the Management Company.

14.4. Construction Period: Construction must begin within ninety (90) days of the approval of the project and be completed within ninety (90) days after the start of the project.

14.5. Guidelines and General Considerations: The following guidelines and general considerations cover many of the common types of improvements made by homeowners. They are general guidelines and should not be considered preapproval of the application. Also, exceptions to the guidelines are allowed when extenuating circumstances exist.

14.5.1. Major Additions: Major additions include improvements such as rooms, garages, greenhouses, screened porches, sunrooms, storage buildings, swimming pools, deck extensions, patios, etc. that are permanent installations to the property.

14.5.2. The design of major additions must be similar in style to the existing and surrounding structures. These include, but are not limited to, color, siding, roof pitch, etc.

14.5.3. The location of the addition must not unnecessarily restrict the view or enclose the property of adjoining owners.

14.5.4. In addition to proposed changes, the Association may require additional work such as the addition of shrubbery, trees, and other landscape changes to maintain the natural harmony of the subject property with the adjoining properties.

14.5.5. Storage Buildings: Storage buildings are major additions and will be reviewed as such. Due to the complexity and cost of detailed plans, preliminary approval of proposed major additions can be obtained. If preliminary approval is granted, submittal of complete plans and final review and approval is still required.

- Prefabricated metal storage buildings are not permitted.
- Carports are not permitted
- Accessory structures, tool sheds, doghouses, or dog runs, shall not be permitted

14.5.6. Removal of Existing Structures: The removal of any building, addition, fence, retaining wall, etc. must be reviewed as to the impact the removal will have on the properties. A detail of the restoration of the area disturbed will be required.

15. FLAGPOLES

15.1. The American Flag or other banners shall be permitted providing they are attached to a building, subject to approval of the size, placement, color, finish, and design.

16. FENCING:

The following Design Guidelines and Township Specifications shall apply to fencing at the community:

16.1. The maximum height for fences is six feet above the natural grade and must follow the natural grade of the property.

16.1.1. All township and provider regulations regarding access to meters (gas, electric, etc.) must be followed.

16.1.2. Wrought iron type fence is mandatory for golf course homes and is recommended for all other homes. Appropriate non-rusting hardware is required. Chain link fencing is not allowed.

16.1.3. If a single side of a fence is to be finished, the finished side must be exposed to the adjoining property.

16.1.4. Fencing may only exist in the rear of the home.

16.1.5. Fencing along walking trail: Fencing in backyards along the walking trail is strongly discouraged. Plantings will be required along the outside of the fence as it faces the walking trail to break-up the fence line.

16.1.6. Attempts to establish property lines through individual fencing are not acceptable. Every effort must be made to retain the feeling of open spaces.

16.1.7. No wall, fence, coping or boundary planting may be constructed or maintained in such a manner as to interfere with the vision of drivers at any intersection of streets or roads. Placement and design should not block neighboring views.

16.1.8. A survey and staking is required before performing work near property lines.

16.1. 9.. All fences, including location and materials, must be approved by the Declarant and the ARB.

*Please refer to Covenants & Restrictions for any additional requirements

17. LANDSCAPING AND PLANTING:

The following Design Guidelines shall apply to Landscaping and Planting:

Trees are to be planted between the curb and sidewalk may be required per the street tree planting plan. The number of trees and species per lineal footage of street frontage are noted on the landscape plan for each home section. All homes must be fully landscaped and maintained-front, sides and rear.

Coordinate with Your Neighbor

Create privacy for you and your neighbor by carefully locating and coordinating the private spaces of your home. When possible, use common screen walls or fences to help each other create privacy.

17.1. Trees, hedges, and shrubs that restrict sight lines for vehicular traffic will not be allowed. In the event that existing vegetation obstructs sight lines, cutting or removal will be required. The utility strip, or area of land between sidewalk and street, must remain grassy with the exception of minimal plantings around the mailbox.

17.1.1. Trees, hedges, and shrubs that unduly restrict the view of the ponds or other amenities from other properties will not be allowed. In the event existing vegetation obstructs the view from adjoining properties, cutting or removal may be required.

17.1.2. Lines of shrubbery along property boundaries will be considered fences and will be reviewed as such. Outdoor spaces, when designed to provide privacy, can be enclosed with planting fences, walls, or gently mounded earth.

17.1.3. All landscaping elements must not be intrusive and must be appropriate to their surroundings. Size, scale, color, and materials are important criteria for acceptability. Whenever possible, the use of natural materials is preferred and encouraged. Visible plastic or wire border “fencing” is specifically not allowed.

17.1.4. All landscaping must be maintained on a regular basis consistent with the overall River’s Bend landscape. Approval is not required to trim existing shrubbery or to remove and/or to replace damaged landscape elements.

17.1.5. Tree Removal: Trees may not be removed unless there is the presence of disease or damage, or potential for harm to structures or other plantings. All other tree removals require prior approval. “Topping” of mature trees (removing the upper-most portion of the tree’s crown) is not permitted.

17.1.6. Removal of large areas of damaged trees may require the replanting of similar trees to retain the natural landscape.

18. PAINTING / STAINING, EXTERIOR COLOR:

18.1.1. All exterior painting and/or staining must be approved, even if the color does not change. Colors must be harmonious with the colors of other homes in the general vicinity of the property to be painted. Two sets of color samples must be included with the application.

19. RECREATIONAL EQUIPMENT:

The following Covenants and Rules and Regulations apply with regard to Outdoor Recreational Equipment:

19.1. Outdoor recreational equipment is considered a structure or improvement to the property and as such, prior approval required.

19.1.1. Maximum height shall not exceed ten (10) feet above ground level. This includes safety netting and safety netting supports for trampolines.

19.1.2. May not be visible to the street the home is facing.

19.1.3. Equipment shall be located no closer than ten (10) feet from any neighboring lot line.

19.1.4. Play equipment must be placed in the rear yard in such a way that is not visually obtrusive to adjoining property. Equipment constructed from natural materials is preferred and encouraged.

19.1.5. Basketball Backboards and Goals: Basketball backboards and goals must be approved. Substantial advertising on the backboards shall not be permitted.

19.1.6. Playhouses are considered major additions and will be reviewed as such.

19.1.7. Tennis courts and other sports courts and related equipment are not permitted except as otherwise approved in writing by Declarant.

20. SWIMMING POOLS/ SCREEN ENCLOSURES

20.1. Spas / Hot Tubs / Pools are considered major additions and will be reviewed as such.

20.1.1. Swimming pools shall not be permitted on the street side of any residence.

20.1.2. No above ground pools are permitted.

20.1.3. Screen enclosure materials and colors must be approved. Pool enclosures must be neutral in color. Materials and color must be submitted for approval. Wrought iron type fence is mandatory for golf course homes and is recommended for all other homes. Placement and design should not block neighboring views of the golf course.

21. MAILBOXES

21.1. Mailbox must meet specifications.

21.1.1. The homeowner is responsible for maintaining the mail box and post.

21.1.2. Mailboxes or other similar receptacle design and specifications must be incorporated into final home plans and will be uniform as designated by developer.

22. LOT

Shall mean and refer to any plot of land, with delineated boundary lines, shown upon any recorded subdivision plat of properties, with the exception of any common area, common open space, streets, walkways or easements shown on any recorded plat, and with the exception of any portion of the Club Property. (Article I, Section 19, of the Declaration).

A. Maintaining Empty Lots: Obligations of the Owner

Each owner shall, at all times, maintain, repair and otherwise be responsible for his Lot and all structures, parking areas and other improvements thereon. All maintenance required by Owners shall be performed in a manner consistent with the Declaration, By Laws, Architectural Design Guidelines and all other applicable rules and regulations.

B. Developing on the lot –

Please see the River's Bend Golf Community Purchaser's Responsibilities

Until such time as Purchaser has completed construction of the house on the Lot being purchased by Purchaser, Purchaser shall be responsible, at Purchaser's expense, to do the following:

- (a) Maintain a neat and orderly construction site.
- (b) Prevent the vegetation of weeds on the Lot(s) that it has purchased and restore disturbed areas as soon as possible after construction to minimize erosion.
- (c) Replace or rebuild to existing conditions the improvements disturbed or damaged through construction including, without limitation, streets, curbs and sidewalks.
- (d) Keep all of the streets of the Subdivision free and clear of mud and debris resulting from the construction activities on the Lot(s). If Purchaser fails to clean the streets associated with Purchaser's construction activities as directed by Seller or applicable governmental authorities, Seller shall have the right to complete such work and Purchaser agrees to reimburse Seller for the costs incurred in completing such work.
- (e) Not dump or permit the dumping of trees, fill, or construction materials on any Lot in the Subdivision.
- (f) Comply with all applicable laws, ordinances, rules and regulations of all

- governmental authorities exercising jurisdiction over the Property.
- (g) To use and connect into utility services provided by Seller or the applicable utility company at the street.
 - (h) At Purchaser's expense, to install silt fencing along the golf course, storm water detention areas, streets, and other areas as directed by the Seller in order to prevent erosion and storm water runoff from the Lot(s) owned by Purchaser. If Purchaser does not install silt fencing within 48 hours of receiving notice from Seller, Seller may arrange for the silt fence installation and Purchaser agrees to reimburse Seller for the costs incurred for completing such work.
 - (i) Purchaser will be responsible for basing in the driveway for the house to be constructed on a Lot within fifteen (15) days after installation of the foundation for the house, and Purchaser will thereafter only permit parking of construction and other vehicles on the based-in driveway. The purpose of this requirement is to minimize carrying mud and other construction debris onto streets in the Subdivision.
 - (j) Purchaser is responsible for making sure that excess concrete hauled to the Lot by Purchaser's subcontractor or supplier, but not used in construction of the house (including the clean out of concrete truck shoots), is only disposed by such subcontractor or supplier on the Lot or at a location within the Subdivision approved by Seller. In the event Seller is required to clean up or remove concrete from any streets, vacant lots, undeveloped property, or other open spaces within the Subdivision where Purchaser's subcontractor or supplier has disposed of excess concrete, Purchaser will be responsible for reimbursing seller for any and all costs associated with such clean up.

The following process is a summary and does not include all details mandatory for developing a new home on any lot within the River's Bend Community:

- 1.** Approved Builder – Shall mean and refer to one or more persons or companies, in the business of building and selling homes to individuals and selected by Declarant to buy Lots and/or construct homes for sale in the Properties, so long as any such Approved Builder is in good standing with the Declarant. (Article I, Section 1)
- 2.** New Development Application – The Design Review Application shall be submitted for both the Preliminary Design Review and for Final Design Review. Must receive approval before ANY construction may begin. (Exhibit "B")
- 3.** Provide the ARB with the required basic data needed for properly understanding this application as it is reviewed in conjunction with the River's Bend Design Guidelines.
- 4.** The ARB may seek outside professional support (who may be compensated from ARB fees) for consulting on design principles vs. ARB standards.
- 5.** The ARB reviews all materials and reserves the right to request additional development information.

C. Improvements on a Lot

ARB Role Clarification, Design Guidelines and Improvement Application Process

An approved Improvement Application (IA) is required for any modification or addition to the exterior of any home or lot in River's Bend. These changes include but are not limited to, recreational equipment, landscaping, paint color changes, decks, porches, fences, swimming pools, etc.

When a homeowner wants to make an exterior home improvement, he/she must:

- A. Submit Improvement Application (See Exhibit "A")
- B. Submit a drawing or sketch to the ARB for approval detailing the proposed improvement.
- C. These plans/sketches will then be reviewed for approval by the ARB for compliance to existing covenants and guidelines.
- D. The HOA Administrator will then issue a formal approval letter to the homeowner and the HOA board.
- E. Target timing is 30 days from application to formal approval letter.
- F. No improvement may start until approval in writing is received.

This Improvement Application process will be documented in a log maintained by the HOA Administrator.

DESIGN RECOMMENDATIONS

HOMESITE

Site Qualities

Identify the natural qualities of the site and decide what they are and how they should be used. Attempt to preserve the trees, rock outcroppings, and scenic areas; use the views, recognize the slopes and drainage patterns. Position your house on the site to minimize the change in existing grades and contours. During construction, protect trees or natural areas with the use of snow and silt fences. Leave ravine areas natural and undisturbed; never fill with dirt or debris. Do not remove trees or natural features before final approval of plans and specifications.

Topography

The land at River's Bend varies in elevation from level to sloping. Therefore, such design elements as mounding, retaining walls and the stepping of slopes should be considered in properly developing your site. These elements should naturally blend with your site and enhance the existing features of the land.

Grading

When trees or other such elements are to be preserved, they will determine the level of grading in their immediate vicinity. Retaining walls, terraced banks, and planted slopes should be considered as part of a grading plan.

Graded portions of lots outside the buildable area shall be kept near existing grade.

Drainage

Drainage is often a major problem for the new homeowner, often forgotten and seldom completely solved before the first big rain or spring thaw forces action. On sloping land, each neighbor receives water from those above him and deposits water on those below. Therefore a pattern of compulsory mutual responsibility is established.

The acts of excavating or filling, or destroying the natural vegetative cover, or of building impervious roofs, or paved surfaces, increase the amount of surface run-off and change its direction and concentration.

Storm water from buildings and pavements on each site shall be directed by pipe or swale to the street, the nearest storm sewer, or natural waterway. Sump pump may not be permitted to connect into down spout lines. Storm water originating from the natural watersheds of adjacent property shall be accommodated and transmitted through your site to an existing outlet.

It is required at River's Bend to control storm water and sedimentation both during and after construction.

Setbacks and Side Yards

Building setbacks are flexible at River's Bend within the minimum requirements set by zoning. It is the intention that homes have varied setbacks, not "lined up" as in a subdivision, and be carefully sited in more random order where trees and topography indicate. Side yard setbacks will vary according to lot size and are indicated on the River's Bend Master Plan. Other non-buildable areas are set aside in areas of steep slope and woods and are also indicated on the River's Bend Master Plan.

Driveway

The ideal driveway links strongly with the front entrance, making it easy for a person to use the front door before reaching the rear. This concept makes the driveway part of the entry garden, partially enclosing it with shrubs or a wall creating a real "auto entrance". Special driveway paving is encouraged (brick, combination brick, textured concrete, etc.). On sloping lots, "sunken" or cut-in driveways should be considered. On flat sites, mounding may be considered to help driveways blend with their sites.

Access from the street should be as easy and direct as possible, but often the straight-line drive makes the garage overly important. Ideally, garage doors are screened with planting. Curved driveways and driveways to detached garages at the rear of homes are possible.

Garage

Place your garage so that the door does not dominate your house. Set it back from the main face of the house, curve the driveway, and enter from the side or rear. Side entry garage shall be required unless otherwise approved.

Detached Garages/Pool Houses

These structures shall be considered as part of the house. Materials and design shall be of like style as the house. Additionally, these structures must follow setback requirements and not obstruct view as previously outlined