

ARCHITECTURAL CONTROL COMMITTEE

RULES AND REGULATIONS

Pursuant to authority granted to it in Section 5.4 of the Condominium Declaration, the Board of Directors of the Midland Park Condominium Association hereby creates a permanent standing committee to be known as the Architectural Control Committee, which shall be constituted from members of the Association appointed for an annual term by the Board of Directors. Said committee shall consist of not less than three (3) nor more than five (5) members.

1. The powers and duties of the Architectural Control Committee shall be to review requests made by owners for licenses to utilize portions of the common elements of the project as hereinafter provided, and to then make written recommendations to the Board of Directors for final approval of and granting of said licenses as hereinafter provided.

2. The Association may designate to the Architectural Control Committee through the Board of Directors specified uses and/or changes which may, upon the terms and conditions hereinafter contained, be proper uses of and/or changes to the common elements by individual owners which, during the existence of such uses and/or changes, have the effect of excluding all other owners therefrom for the benefit of an owner. Such specific areas of activity or uses shall be designated in writing by minutes of a duly constituted and valid meeting of the Association held in accordance with the By-Laws thereof. Upon any such designation(s) being made, the respective owners may solicit approvals from the Architectural Control Committee to permit such individual activities, and such activities shall be predicated upon submissions being made pursuant to rules, regulations, plans and specifications as required by the Architectural Control Committee and approved by the Board of Directors in their sole discretion. The authority of the Board of Directors shall be the

right to approve solicitations as made in accordance with the criteria established by it as recommended by the Architectural Control Committee, but shall be limited in such approvals to the granting of revocable licenses therefor, which shall not be deemed to create any permanent right in the owners holding the same. Any such license granted by the Board of Directors upon recommendation of the Architectural Control Committee shall be limited to a period of time to be specified by the Board of Directors thereon, and shall be deemed to automatically expire upon the transfer of the condominium unit within the subdivision to which it is appurtenant, unless the transfer thereof to the subsequent grantee of the condominium unit shall be approved in writing by the Board of Directors. Such license shall, in the owner in whose name the same stands, if permitted by the Board of Directors, be renewable based upon satisfactory compliance with the rules and regulations of the Architectural Control Committee, as established by it and approved by the Board of Directors, and any conditions placed upon said license by the Board of Directors at the time the same was granted or subsequently imposed by it because of conditions which, within its discretion, it shall deem to have changed. In the establishment and implementation of rules and regulations, the Architectural Control Committee and the Board of Directors shall consider the impact and harmony of the areas of activity which they are authorized to consider, with the quality of the subdivision, and shall incorporate the requirements contained in paragraphs 3.1 through 3.4 inclusive hereof in such rules and regulations.

### 3. Architectural Control.

#### 3.1 No Change in Property Without Approval.

No change in property shall be made or permitted, with respect to any real property then part of the project, except by the Board of Directors, without the prior written approval of the Board of Directors and without compliance with the provisions of these Rules and Regulations of the Architectural Control Committee for the Midland Park Subdivision.

"Change in Property" shall mean: (a) the construction, expansion or exterior modification of any condominium unit or building, structure or other improvements, including utility facilities and/or improvement made to the common elements to the exclusion of some of the owners; (b) the destruction by voluntary action or the abandonment of any building, structure or other improvements; (c) the excavation, filling or similar disturbance of the surface of land including without limitation change of grade, stream bed, ground level or drainage pattern; (d) the clearing, marring, defacing or damaging of trees, shrubs, or other growing things; (e) the landscaping or planting of trees, shrubs, lawns or plants; (f) the creation of decks or patios for the benefit of less than all the condominium units; or (f) any change or alteration, including without limitation, any change of color, texture or exterior appearance from any previously approved change in property.

3.2 Certain Special Objectives. The Board of Directors shall have complete discretion to approve or disapprove any change in property. In exercising such discretion, the Board of Directors shall keep the following objectives in mind, among others: To carry out the general purposes expressed in this Declaration; to prevent violation of any specific provision of this Declaration; to prevent any change which would be unsafe or hazardous to any person or property; to minimize marked or unnecessary transition between improved and unimproved areas and any sharp definition of boundaries of property ownership; to assure that any change will be of good and attractive design and in harmony with the natural setting of the area and will serve to preserve and enhance existing features of natural beauty; to assure that materials and workmanship for all improvements are of high quality comparable to other improvements in the area; to assure that any property

will require as little maintenance as possible so as to assure a better appearing area under all conditions; and to assure that the substantive rights of the owners in the enjoyment of the common elements are not diminished.

3.3 Conditions Precedent to Approval. Prior to expenditures of any substantial time or funds in the planning of any proposed change in property, the owner of the condominium unit shall advise the Architectural Control Committee in writing of the general nature of the proposed change; shall, if requested by the Architectural Control Committee, meet with a person or persons designated by the Architectural Control Committee to discuss the proposed change; shall read or become familiar with any guides or guidelines which may have been prepared or formulated by the Architectural Control Committee; and shall, if requested by the Architectural Control Committee, furnish the Architectural Control Committee with preliminary plans and specifications for comment and review. After the nature and scope of a proposed change in property is determined and prior to the commencement of work to accomplish such change, the Architectural Control Committee shall furnish to the Board of Directors a written recommendation regarding said proposed change in property, with a complete and full description of the proposed change, a plot plan covering the particular parcel of property to be affected showing all boundaries, existing and proposed improvements, existing and proposed drainage patterns (if appropriate), and existing and proposed substantial trees or shrubs (if appropriate). There shall also be furnished to the Board of Directors by any Owner of property any and all further information with respect to the property or the proposed change in property which the Board of Directors may reasonably require to permit it to make an informed decision on whether or not to grant approval of the change. If the drainage pattern of any property within the subdivision will be affected by any

change, the Board of Directors may require submission of a report on the effect by a qualified engineer or geologist. With respect to all buildings and other structures, all exterior materials and colors must be approved by the Architectural Control Committee prior to submission to the Board of Directors for its approval. No proposed change in property shall be deemed to have been approved unless approval is in writing provided that approval shall be deemed given if the Board of Directors fails to approve or disapprove a proposed change or to make additional requirements or request additional information within forty-five (45) days after a full and complete description of the proposed change has been furnished in writing, together with a written and specific request for approval.

3.4 Prosecution of Work After Approval. After approval of any proposed change in property, the proposed change shall be accomplished as promptly and diligently as possible and in complete conformity with the description of the proposed change and with any plans and specifications therefor given to the Architectural Control Committee and Board of Directors. Failure to accomplish the change within one (1) year after the date of approval or to complete the proposed change strictly in accordance with the description thereof and plans and specifications therefor shall operate automatically to revoke the approval of the proposed change and, upon demand by the Board of Directors, the property shall be restored as nearly as possible to its state existing prior to any work in connection with the proposed change. The Board of Directors and its duly appointed agents may enter upon any property any any reasonable time or times to inspect the progress or status of any change in property being made or which may have been made. The Board of Directors shall have the right and authority to record a notice to show that any particular change in property has not

been approved or that any approval given has been automatically revoked, and enforce its demands for reinstatement by any lawful means available by law.

4. The authority granted to the Association in Sections 7.10 and 7.13 of the Condominium Declaration for Midland Park Subdivision is hereby delegated to the Board of Directors.

APPROVED AND ADOPTED this 31<sup>st</sup> day of June, 1979.

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*M. David Schubert*  
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