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## ARCHITECTURAL AND LANDSCAPE GUIDELINES

### INTRODUCTION

These Architectural and Landscape Guidelines (the "Guidelines") have been prepared by the Architectural Control Committee (the "ACC") for the residential community known as The Point. The Guidelines are contemplated in and are promulgated pursuant to that certain Declaration of Covenants, Conditions and Restrictions for The Point (the "Declaration"). The Guidelines consist of three components: Architectural and Design Guidelines, Landscape Guidelines and Construction Rules, as set forth below. All defined terms used in the Guidelines, as indicated by the initial capitalization thereof, shall have the same meaning ascribed to such terms in the Declaration, unless otherwise specifically defined herein.

The Guidelines shall be employed in conjunction with the Declaration. If there is an express conflict between the terms of the Declaration and the terms of the Guidelines, the terms of the Declaration shall control and prevail; provided, however, the mere fact that the terms of the Guidelines may be more restrictive than the terms of the Declaration, or vice versa, shall not be construed as an express conflict, and in such case the most restrictive provision shall control and prevail. Of course, in the event governmental or quasi-governmental rules, regulations or requirements that are applicable to The Point are more restrictive or more stringent than the terms of the Declaration and/or the terms of the Guidelines, the applicable governmental or quasi-governmental rules, regulations or requirements shall control and prevail.

### DESIGN PHILOSOPHY

The Guidelines have been developed to implement the design philosophy of The Point, namely, to blend structures, a lake, a golf course, and residents' lifestyles into a harmonious and aesthetically pleasing residential community which places a strong emphasis on the preservation and enhancement of the natural beauty of The Point, and facilitating a community lifestyle. The Guidelines are intended to provide direction to Lot Owners and builders in the planning, design, and construction of residences and related Improvements on Lots. It is not the purpose of the Guidelines to create look-alike residences and other Improvements or to suggest that all residences employ the same colors, styles, and materials. Rather, the primary emphasis of The Point is on quality of design and compatibility among all Improvements, without unduly restricting the ability of Lot Owners to exercise individuality in their choice or design of a residence and related Improvements. The ACC will be open to and encourage creativity, innovative use of materials and design and unique (and appropriate) methods of construction as long as the final result is consistent with the spirit of the Guidelines and the guiding philosophy of The Point. The authority of the ACC

to approve or disapprove plans, specifications and drawings for residences, related improvements and landscape improvements is provided by the Declaration.

The Guidelines have been established to provide Lot Owners and their architects and builders with a set of parameters for the preparation of plans, specifications and drawings for the construction of residences and related Improvements on Lots ("Building Plans and Specifications") and for the installation of landscape improvements on Lots ("Landscape Plans and Specifications"). Each Lot Owner and each Lot Owner's building team should become familiar with the Guidelines and the process set forth herein for the submittal, review and approval of Building Plans and Specifications and Landscape Plans and Specifications (together, "Plans and Specifications"). If building in The Point for the first time, Lot Owners and their builders are encouraged to consult the ACC with questions regarding the application of the Guidelines to the Lot Owners' design concepts prior to the initiation of any design work.

The ACC has been created to explain and assist in the design review process as well as to review, approve, or disapprove Plans and Specifications. It is the ACC's objective to maintain an aesthetically pleasing relationship of building to site and building to building and not to restrict individual creativity or preferences. The ACC will use the Guidelines for the purpose of reviewing each design, but the ACC may consider creative and innovative approaches in order to address special site conditions or circumstances, provided such approaches are permitted under the Declaration and are otherwise consistent with the spirit of the Guidelines. The ACC may retain advisory design professionals to serve as members of the ACC to aid in the review of Plans and Specifications.

### FUTURE AMENDMENTS

The ACC reserves the right to amend any or all provisions of the Guidelines at any time and from time to time, in the sole and absolute discretion of the ACC. Also, the ACC reserves the right to rule on all issues on a case by case basis, taking into account the fact that these guidelines are to be used as benchmarks for policies and procedures, and may be interrupted from time to time by the ACC to reflect certain circumstantial issues.

Prior to commencing the preparation of Building Plans and Specifications and Landscape Plans and Specifications, it shall be the responsibility of each Lot Owner to obtain from the ACC the most current version of the Guidelines (and all amendments thereto). All Building Plans and Specifications and all Landscape Plans and Specifications shall be prepared in compliance with the most current version of the Guidelines (and all amendments thereto) that has been promulgated by the ACC at the time such Building Plans and Specifications and Landscape Plans and Specifications are prepared.

## ARCHITECTURAL AND DESIGN GUIDELINES

### 1. PROCEDURES AND APPROVALS

#### 1.1. Architectural Review Process.

Prior to the commencement of any construction activity of any type (including any grading work) on any Lot, an Application for Approval (using a form to be obtained from the ACC) of such work must be submitted by the Lot Owner or such Owner's designated agent to the ACC. The ACC must receive, review and approve the information and documentation required to be submitted under Section 1.3 herein entitled "Design Review Procedure" prior to the commencement of any such work. Also, all design and construction escrow fees required under these Architectural and Design Guidelines must be paid to the ACC prior to the commencement of any such work.

#### 1.2. Pre-Application Procedure.

As set forth in Section 5.2 herein and subject only to the term thereof, to insure the quality of the The Point community, the ACC requires that each Lot Owner contract with a Featured Builder (as more particularly described herein) to serve as builder and general contractor for the construction of Improvements on such Owner's Lot. Iredell County and its planning department have jurisdiction over the community at The Point. Each Lot Owner or a representative of each Lot Owner should contact representatives of Iredell County and its planning department at the beginning of the planning and design process relative to such Owner's Lot to ensure compliance with the rules, regulations and standards of Iredell County. Compliance with all governmental and quasi-governmental rules, regulations and standards is the obligation of each Lot Owner and the Lot Owner's builder. It should not be assumed, however, that compliance with the rules, regulations and standards of Iredell County and other governmental and quasi-governmental authorities will satisfy all requirements of the ACC, the Declaration or the Guidelines

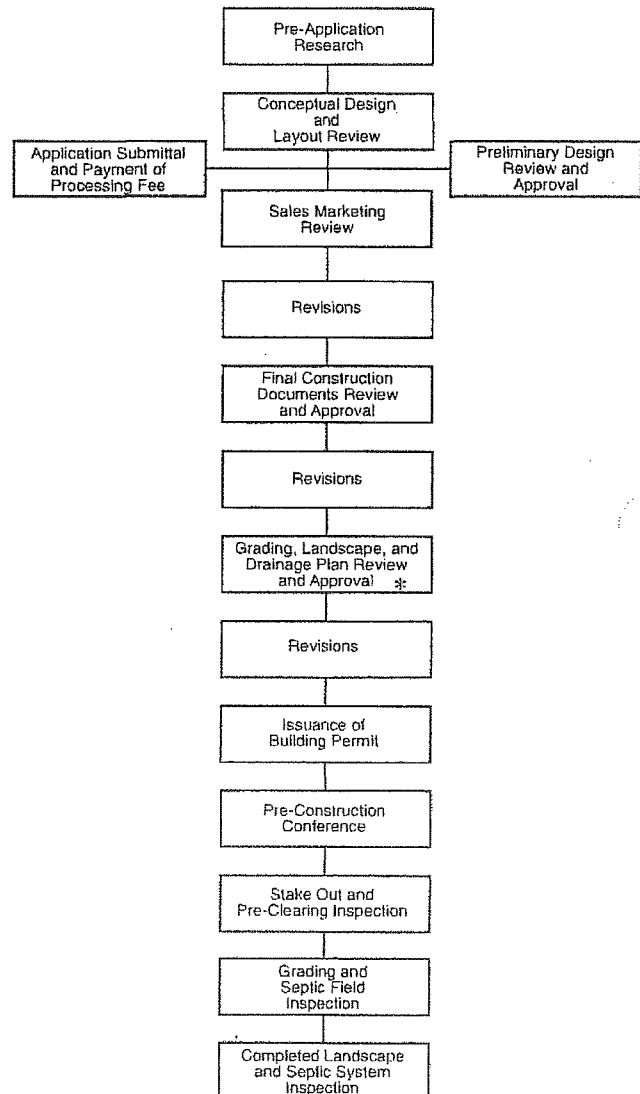
#### 1.3. Design Review Procedure.

The successful completion of the design review procedure under the Architectural and Design Guidelines will be facilitated by reviewing and complying with the requirements outlined in the Architectural and Design Guidelines and by reviewing and following the step-by-step design review format described below. The review format has been structured to achieve a smooth and timely review from preliminary plan submittal to final site inspection and approval.

If a new residence is to be built "on speculation," the builder must submit a set of Building Plans and Specifications for such Improvements to the The Point on Norman, LLC ("The Point, LLC") sales office to receive the benefit of the review and comments of personnel in the The Point,

LLC sales office prior to submitting such Building Plans and Specifications to the ACC for its review. An extra copy of the final Building Plans and Specifications submittal is to be delivered to the sales office for future reference by sales office personnel. The review of the Building Plans and Specifications by personnel in the The Point, LLC sales office helps to ensure the quality and marketability of homes within the The Point community.

The following flow chart represents the necessary procedures in the process of building a residence in The Point:



\*Addressed more particularly in the Landscape Guidelines herein.

The ACC has established a schedule for submittal of Building Plans and Specifications, review of Building Plans and Specifications, and meeting with the Lot Owner or the representative of the Lot Owner to discuss any questions or concerns of the ACC relative to the Building Plans and Specifications. The established schedule permits a timely

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review of submitted Building Plans and Specifications and allows Lot Owners and their representatives to accurately plan their schedules. Building Plans and Specifications must be submitted by the Lot Owner or the Lot Owner's representative to the ACC Coordinator [Phone Number: 660-1185] at the The Point, LLC office by 5:00 p.m. on the day prior to the scheduled ACC review meeting. Each submittal of Building Plans and Specifications must be accompanied by a completed Application for Approval form (available from the ACC), a one-time processing fee (the "Processing Fee") of Five Hundred Fifty Dollars (\$550.00), and three (3) complete sets of the Building Plans and Specifications [four (4) sets if the residence is to be built "on speculation"]. The ACC has a review meeting once a week to review the Building Plans and Specifications that have been submitted since the most recent ACC review meeting. Each Lot Owner that has submitted Building Plans and Specifications for review is encouraged, although not required, to attend the ACC review meeting at which such Lot Owner's Building Plans and Specifications will be reviewed to respond to any questions that the ACC may have relating to such Lot Owner's Building Plans and Specifications. Appointments for ACC review meetings can be made by contacting the ACC Coordinator.

As set forth above, each Lot Owner will be charged a Processing Fee for the review of such Lot Owner's Building Plans and Specifications. The Processing Fee, which is Five Hundred Dollars (\$500.00), shall be paid by check and shall be made payable to the ACC. The ACC shall have the right to increase the amount of the Processing Fee from time to time as stated in the Declaration and these Guidelines. The Processing Fee is intended to partially cover the expense incurred by the ACC in reviewing Building Plans and Specifications, including the cost of compensating any consulting architects, landscape architects, urban designers, inspectors, or attorneys retained by the ACC.

Several additional Architectural Control Committee Review Fees and charges are as follows:

• Third resubmittal of Home, Site and Landscape plan whether preliminary or final	\$250
• Swimming Pool plans	\$25
• Playground Equipment	\$25
• Home Additions	\$175
• Landscape plan resubmittals	\$50
• Exterior color changes	\$25
• Site visits for nonconformity of approved plans	\$200
• Dock, slip, pier, boat lift	\$25
• Fence, retaining and sea walls	\$25

The Application for Approval, the Processing Fee, the Building Plans and Specifications and all other materials necessary for the ACC to review Building Plans and Specifications shall be sent to:

Architectural Control Committee  
The Point on Norman, LLC  
2214 Brawley School Road  
Mooresville, North Carolina 28117

### 1.4. Review of Preliminary Building Plans and Specifications.

The ACC encourages Lot Owners and builders who are building in the The Point community for the first time to participate in the preliminary Building Plans and Specifications review process. Although not required, the preliminary Building Plans and Specifications review process may help avoid unnecessary expense and delay by expediting later phases of the Building Plans and Specifications review process. The ACC will review with the Lot Owner or the Lot Owner's representative such Lot Owner's proposed design approach to confirm general compliance with the Architectural and Design Guidelines and the appropriateness of the design concept. To fully utilize the preliminary Building Plans and Specifications review process, a completed site plan and the architectural drawings for the Improvements (as outlined in the enclosed Application for Preliminary Design Approval form, a copy of which is attached hereto as Schedule A) shall be included as part of the preliminary Building Plans and Specifications submittal. The preliminary Building Plans and Specifications submittal shall also include a completed Application for Approval and the Processing Fee.

The ACC shall review the preliminary Building Plans and Specifications and return them to the Owner marked "Approved" or "Disapproved," as the case may be. As to any preliminary Building Plans and Specifications that are marked "Approved" by the ACC, final Building Plans and Specifications produced thereafter must be in substantial conformity therewith; provided, however, the ACC's approval of preliminary Building Plans and Specifications shall in no way bind or obligate the ACC to approve the subsequent final Building Plans and Specifications.

The ACC may refuse to approve preliminary Building Plans and Specifications or any component(s) thereof, including, without limitation, the location, style, exterior materials, colors or finishes or other specifications of the proposed Improvements for any reason or reasons, including purely aesthetic reasons, in the sole discretion of the ACC.

### 1.5. Review of Final Building Plans and Specifications.

The submittal of final Building Plans and Specifications shall incorporate all of the requirements stated in the Application for Final Design Approval form, a copy of which is attached hereto as Schedule B, and other portions of the Architectural and Design Guidelines as well as comments from previous meetings and design reviews.

Three (3) complete sets of the final Building Plans and Specifications must be submitted to the ACC. Provided, however, four (4) complete sets must be submitted if the Improvements are to be built "on speculation." Also, the Processing Fee (\$500.00) must be submitted as part of the final Building Plans and Specifications submittal if the Processing Fee has not been paid to the ACC previously. In

addition, the following items must be submitted to the ACC as a condition to the final Building Plans and Specifications review process:

- The landscape/construction escrow deposit (the "Landscape/Construction Escrow Deposit"), as set and determined by the ACC as of the date the final Building Plans and Specifications are submitted. The Landscape/Construction Escrow Deposit is currently One Thousand Dollars (\$1,000.00) per Lot. The Landscape/Construction Escrow Deposit shall be paid by check made payable to The Point Owners Association, Inc. (the "Property Owners Association") The Landscape/Construction Escrow Deposit will be held by the Property Owners Association and used for the purposes set forth in the Construction Rules. With respect to builders in The Point, the Landscape/Construction Escrow Deposit will be carried forward from lot to lot as long as the builder remains in the Featured Builder Program at The Point. The maximum Landscape/Construction Escrow Deposit required from any one builder in the The Point will be Five Thousand and No/100 Dollars (\$5,000.00).

- Owner's prorata share of the cost of the Common Driveway, if any, serving such Owner's Lot, which amount is to be set and determined by the ACC as of the date the final Building Plans and Specifications are submitted. This requirement applies only to Lots sharing a Common Driveway in cases where another Lot Owner has assumed responsibility for construction of the Common Driveway. In the event the Lot will share a Common Driveway and no other Lot Owner has assumed responsibility for the construction of the Common Driveway as of such time, the Owner first seeking approval of final Building Plans and Specifications shall include the cost and design of the Common Driveway in such Owner's final Building Plans and Specifications and shall construct the Common Driveway in accordance with the approved final Building Plans and Specifications; and in such case, upon completion of the Common Driveway, the Owner that constructed such Common Driveway shall be entitled to reimbursement from The Point, LLC or its successor or assign as developer of The Point, for the prorata share of the total cost attributable to the other Lots served by the Common Driveway. The Point, LLC shall receive reimbursement for such prorated share from the Owners of the other Lots served by the Common Driveway at the time they acquire title to the applicable Lots. The Common Driveway installation and maintenance costs will be shared equally among the Lots served thereby.

- A true and complete copy of a fully executed contract for construction of the Improvements between the Owner and a Featured Builder. Except as otherwise specifically allowed under Section 5.3 herein, only Featured Builders may construct Improvements on any Lot. Furthermore, in the case of construction of Improvements on a Lot "on speculation" (i.e., where a builder is building such Improvements for sale to a third party) or in the case of

construction of Improvements on a Lot by a builder for such builder's personal occupancy, there shall be no requirement that a true and complete copy of a fully executed contract for construction of the Improvement be submitted.

- Evidence that the Lot Owner (or if the Lot Owner is a Featured Builder with a prospective purchaser, that the Featured Builder's prospective purchaser) has executed at least one of the following The Point, LLC documents:

- 1) Lot Purchase and Sale Agreement;
- 2) Builder Purchase and Sale Agreement (in the case of a sale of a Lot directly to a Featured Builder);
- 3) Home Purchase and Sale Agreement; or
- 4) Request for Waiver of Right of First Refusal.

The required evidence of compliance with this requirement shall be the delivery to the ACC of a counterpart fully executed original of each such The Point, LLC document.

If found not to be in compliance with the Guidelines or if found to be otherwise unacceptable to the ACC, one (1) set of the final Building Plans and Specifications shall be returned to the Lot Owner marked "Resubmit," accompanied by a written statement of items found not to be in compliance with the Guidelines or to be otherwise unacceptable to the ACC. If the first resubmittal of final Building Plans and Specifications occurs more than a year from the original submittal of the final Building Plans and Specifications, such resubmittal shall be accompanied by another Processing Fee (\$500.00); also, each resubmittal of final Building Plans and Specifications in excess of two (2) submittals (including both the original submittal and any resubmittals) shall be accompanied by a supplemental processing fee of \$250.00.

At such time as the final Building Plans and Specifications are approved (or conditionally approved) by the ACC, one (1) complete set of the approved final Building Plans and Specifications shall be retained by the ACC and the other complete set of the approved final Building Plans and Specifications shall be marked "Approved as Submitted" or "Approved as Noted" and returned to the Lot Owner, along with a written statement with design comments. Once the ACC has approved final Building Plans and Specifications for Improvements to be constructed on a particular Lot, the construction of such Improvements must be promptly commenced and diligently pursued to completion; and if such construction is not commenced within one (1) year following the date of approval of the final Building Plans and Specifications by the ACC, the approval of such final Building Plans and Specifications by the ACC shall be deemed rescinded. In the event of any such rescission of the ACC's

approval of final Building Plans and Specifications pursuant to the immediately preceding sentence, construction of Improvements on such Lot may be commenced thereafter only after resubmission of final Building Plans and Specifications to the ACC for approval and approval of such Building Plans and Specifications by the ACC.

Any modification or change to the "Approved" set of final Building Plans and Specifications must be submitted in triplicate to the ACC for its review and approval (using the same procedure as set forth herein relative to the submission and approval of the original final Building Plans and Specifications). The ACC may require the Lot Owner to pay an additional review fee in connection with any submittal of modifications or changes to previously approved final Building Plans and Specifications.

1.5.1 All sold lots shall have the option of a lot sign with a rider displaying family names. The sales department will assist in this matter. Lot signs shall be displayed on unimproved lots no longer than 12 months.

#### 1.6. Lot Staking, Site Inspection and Approval to Commence Work.

Once final Building Plans and Specifications approval has been granted by the ACC, the Lot Owner or the Lot Owner's representative shall stake the Lot for review and approval by the ACC prior to commencing any construction work thereon (including grading work). The Lot Owner or Lot Owner's representative must clearly stake the proposed house septic system drainfield envelope (Both the primary field and the repair area), driveway location, and property lines and, if applicable, pool and tennis court location. Staking shall be with a continuous ribbon or string encircling the area to remain undisturbed, and any additional trees to remain undisturbed located outside the encircled area shall be ribboned individually or in groups. See Figure 1.6.1.

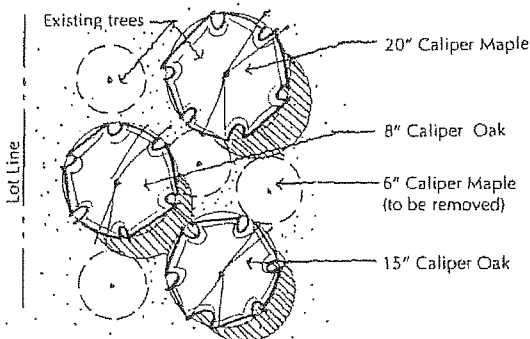


FIG. 1.6.1 EXISTING TREES/TREE SAVE AREA

Figure 1.6.1 - Existing Trees/Tree Save Area

After such staking of the Lot has been completed, the Owner or the Lot Owner's representative shall request the ACC to make a site inspection prior to the

commencement of clearing and construction work on the Lot.

The primary purpose of the site inspection by the ACC is to ensure compliance with the approved Building Plans and Specifications in order to prevent any unnecessary damage to specimen trees and other unique site features. (Please refer to the Landscape Guidelines regarding requirements and restrictions relating to tree and vegetation protection and removal). In addition to the foregoing matters, the site inspection shall include a review of the following matters and issues:

Building setbacks (as per stakes);

Side yards (as per stakes);

Clearing limits;

Placement of excavation materials;

Protection of water meter and common septic easement areas;

Location of septic drain field;

Location of construction entrances;

Location of temporary toilet;

Location of trash containers; and

Erosion control measures (fencing and hay bales as required).

Inspection by the ACC shall be made within two (2) business days of the date the request is received by the ACC. Written authorization by the ACC to proceed with the Lot clearing and construction work will be issued to the Lot Owner or to such Lot Owner's builder by the ACC promptly after the inspection is completed or, if problems are detected during the site inspection, written notification of such problems shall be given to the Lot Owner or such Lot Owner's builder by the ACC promptly after the inspection is completed. No clearing or construction activities may be commenced prior to issuance of the site inspection approval by the ACC. The ACC shall have the right to stop any unauthorized clearing and/or construction activities that are commenced on a Lot in violation of the terms and requirements of this paragraph. The ACC may delegate its site inspection functions under this section to The Point, LLC's development construction manager for The Point.

#### 1.7. Failure of the ACC to Act.

If the ACC fails to approve or disapprove any final Building Plans and Specifications and other submittals which conform (and which relate to Improvements which will conform) with the requirements of the Guidelines and of the Declaration or to reject them as being inadequate or



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unacceptable within thirty (30) business days after receipt thereof, and provided such submittal was a full and complete submittal, in accordance with the Guidelines and the Declaration, of all items that were required to be submitted to the ACC, and provided the ACC shall again fail to approve or disapprove of such final Building Plans and Specifications and other submittals within ten (10) days after additional written request to act on such items is delivered to the ACC following the passage of such first above-described thirty (30) business day period, it shall be conclusively presumed that the ACC has approved such conforming Building Plans and Specifications and other submittals, EXCEPT that the ACC has no right or power, either by action or failure to act, to waive or grant any variances relating to any mandatory requirements specified in the Declaration or any Additional Declaration for the Phase in which the Lot is located, and EXCEPT FURTHER, that the ACC shall not be deemed to have waived any of the requirements set forth in Article VIII, Section 8, Section 9.0 or Section 10 of the Declaration or any corresponding provisions in the Guidelines. If final Building Plans and Specifications or other submittals are not sufficiently complete or are otherwise inadequate, the ACC may reject them as being inadequate or may approve or disapprove part, conditionally or unconditionally, and reject or approve the balance. The ACC is authorized to request the submission of samples of proposed construction materials.

### 1.8. Changes to Approved Plans

All changes, once Final Building Plans and Specifications have been reviewed and approved, must be submitted to the ACC for approval (as outlined in the Minor Change Application attached hereto as schedule E).

### 1.9. Final Inspection and Landscape/Construction Escrow Refund

Once all improvements have been completed, including landscape improvements, a final inspection must be conducted to ensure compliance with the ACC's approval of Final Building Plans and Specifications. A request must be made to the ACC in writing to conduct a final on-site inspection (see attached Schedule D). The Landscape/Construction Escrow Deposit, will be refunded after this inspection has been conducted and the lot is deemed to be "in compliance" with the approved plans and specifications, and provided the escrow deposit has not been utilized during the building process as outlined in Section 5.4

## 2. SITE PLANNING

### 2.1. Site Analysis and Siting Considerations.

The siting of a house is a critical and important design decision. The site plan concept developed for each Lot Owner (as part of the Plans and Specifications for such Owner's Lot) should reflect functional needs but also should

be sensitive to the unique characteristics of the Lot as well as the unique characteristics of the surrounding neighborhood.

Each Featured Builder will be required to submit a final foundation survey prior to the rough framing stage on each homesite under construction.

The ACC shall consider each Lot independently but shall give consideration to the impact of each individual Lot (and the Improvements proposed to be constructed thereon) on adjacent Lots and view corridors. Care must be taken to locate each structure, when and where possible, so as not to infringe upon adjacent Lots and structures constructed or to be constructed thereon, view corridors and natural amenities of the area. Consideration in this regard must be given to the following:

- 1) Topography of the Lot and other Lots in the vicinity.
- 2) Distant and intimate views from the Lot.
- 3) Distant and intimate views of the Lot from other Lots and from the waterfront and the Golf Course.
- 4) Existing vegetation type and quality.
- 5) Existing water and drainage patterns.
- 6) Septic system requirements
- 7) Driveway access.
- 8) Setback from street to align with adjacent Lots.
- 9) Percolation testing

### 2.2. Building Envelopes and Building Setbacks.

The Iredell County Planning Department has established minimum standards for building setbacks for various types of residential structures within Iredell County. The building setbacks required by Iredell County, however, are not to be construed necessarily as setbacks that will be approved by the ACC relative to Lots in The Point, and the ACC reserves the right to impose setback requirements relative to some or all of the Lots that are more stringent than the setback requirements imposed by Iredell County. The ACC has provided setback requirements that, when viewed in total, are designed to ensure that the The Point community will be pleasing in appearance from views not only from the Roadways, but also from the waterfront, the Golf Course, or other "public" facilities such as the City Facilities. In that regard, the ACC has established a specific Building Envelope for each Lot, and the Building Envelope approved by the ACC for each Lot will be available from the ACC on an unrecorded plat. The Building Envelope for each Lot defines the front, side, and rear yard setbacks, which

setbacks are generally more restrictive than the setback requirements imposed by Iredell County. The intent of the ACC in imposing the Building Envelope is to allow for harmonious alignment of the Improvements on Lots to help preserve appropriate views of and from the residences located on the Lots.

Within the Building Envelope, the residence and all other Improvements shall be located and tailored to the specific features of the particular Lot. Provided, however, due to certain governmental requirements and/or site-related conditions, portions of the building envelope on a particular lot may not be available for the location of improvement. All Improvements shall be located so as to minimize disruption or disturbance to the existing natural setting, including mature trees, drainage ways, and views. As part of the review and approval of Plans and Specifications, the ACC may require that the location and orientation of the house and other Improvements within the Building Envelope be modified. No building on any Lot (including any stoops or porches, patios, terraces, etc.) and no swimming pool, tennis court or other recreational Improvement on any Lot shall be erected or permitted to remain outside of the Building Envelope for that particular Lot. Provided, however, and notwithstanding the foregoing to the contrary, (i) docks, piers, and boat slips are exempt from this building envelope restriction provided they are approved by the ACC in accordance with the applicable provisions of the Guidelines, (ii) exterior steps at the front and rear of the structure may project into the setback area established by the Building Envelope up to a distance of five (5) feet, provided no stair used projecting into the setback area may be more than eighteen (18) inches above finished grade and (iii) fireplace chimney structures projecting from the side of a dwelling may encroach eighteen (18) inches into the side yard setback established by the Building Envelope.

As set forth in the Declaration, the ACC shall have the right, in its sole discretion, to make exceptions to any Building Envelope to recognize any special topography, vegetation, Lot shape or dimension, or other site-related condition.

### 2.3. Driveways, Sidewalks, and Utilities.

The ACC has established a recommended driveway location for each Lot, and such recommended driveway location is depicted on the unrecorded plat that shows the Building Envelope for such Lot. The ACC also may establish particular areas of the Lot in which the driveway, sidewalks, and utility lines must be located. The driveway location will vary from Lot to Lot, depending on the Lot size, shape, topography, vegetation, placement of the Building Envelope, sight distances at the entry to the adjacent public Roadway(s) and the location of other houses and access driveways in the vicinity of the Lot. Driveways and sidewalks should be constructed and curved, where practical, to accommodate existing trees to avoid unnecessary cutting of existing trees and to avoid a "straight shot" view to the garage, parking area or front or side doors of the house. (See Figure 2.3.1)

In general, the driveway on a Lot should be separated from driveways on adjacent Lots by a distance equal to at least one-half ( $\frac{1}{2}$ ) of the frontage of the Lot where the driveway is to be located. However, complying with this driveway siting guideline will not be possible in all situations, particularly on cul-de-sac lots, fan lots, flag lots and lots with unusual septic areas, but in no case shall the side boundary of a driveway be located less than two (2) feet from a side boundary line of the Lot. Driveways should be constructed of brick, imprinted concrete or lightly brushed concrete with a smooth trowelled decorative edge, unless another material is approved for a particular Lot by the ACC. On cul-de-sac lots, circular drives with two (2) street entrances will not be permitted. Driveway width should be 12' except at garage backup area.

Exceptions to the designated driveway, sidewalk and utility areas can be made by the ACC in writing. However, the ACC will consider proposed deviations only if their implementation will not result, in the judgment of the ACC, in an adverse impact upon the natural features of the Lot, neighboring Lots, or the The Point community as a whole.

The placement of any permanent coverings, such as, but not limited to, driveways or walkways, is generally prohibited by the ACC where they would cover any septic system components. Plans must be submitted to the ACC for septic system impact consideration if the permanent covering is intended for placement within 5' of any system component.

Absolutely no utility lines are to be installed within the Septic System "Drainfield envelopes" or over tankage areas. All utility contractors shall be made aware of the system component locations and must locate their services outside the perimeter of the system.

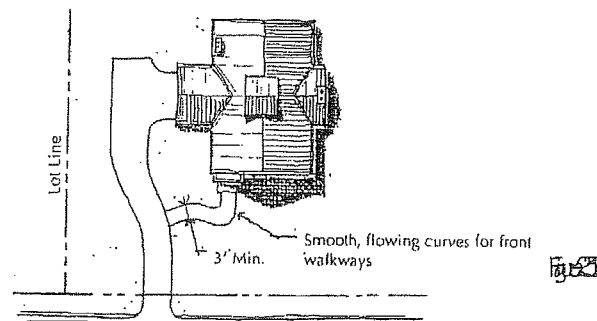


FIG. 2.3.1 FRONT WALKWAY DESIGN

NOT APPROVED

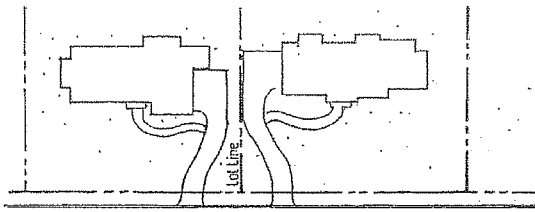


Figure 2.3.2 - \* Not Drawn to Scale

Approved

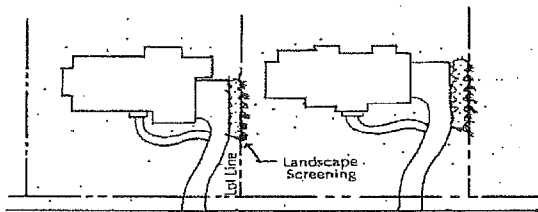


Figure 2.3.3 - \* Not Drawn to Scale

Lots with building pads that measure **80' OR LESS** across the front line will be allowed to project the concrete "turn-around" pad to the side lot line with the following stipulations:

1. Drainage must be contained by the drive on that particular lot. No run-off should be allowed to escape across the common line. Containment may be achieved with an approved wall, curb or swale.
2. Drives that do not meet recommended driveway access location will be excluded from this variance, i.e. drives may not share a common lot line under any circumstances. (See Figure 2.3.2)
3. Cul-de-sac lots' drive variances will be taken on a case-by-case basis.
4. Landscape screening will still be required to help screen garage doors from the street and the adjacent lot. An example of screening can be found in Figure 2.3.3.

#### 2.4. Easements.

Landscape Improvements (as defined in the Landscape Guidelines) and the building of driveways or fencing within utility easements is permissible (unless otherwise prohibited herein or by a recorded easement instrument). Provided, however, if in the future there is a need to disturb or remove such Landscape Improvements, driveways or fencing to access such utilities, such removal and any necessary repair and restoration shall be the responsibility of the Owner of the Lot.

#### 2.5. Grading and Excavating.

The design and development concepts of the The Point community call for the utilization and enhancement of the existing natural environment. The ACC is particularly conscious of site design and its potential and seeks to ensure that each residence accommodates and blends aesthetically with the natural site features and existing terrain of the Lot and the neighboring Lots in the best possible manner. Absolutely no grading whatsoever shall be permitted on a Lot without first obtaining such authorization from the ACC.

Grading and clearing the area for placement of the septic system is very critical to its long-term integrity and performance. No equipment will be allowed on the "Drainfield envelope" areas under wet conditions, which will cause soil compaction. Even in dry conditions, careful limits should be considered when heavy equipment is used in removing debris from the drainfield areas. The natural topography is also essential to the proper performance of the system. Therefore, artificial fill or cuts are prohibited without the approval of the ACC. This applies to all reserved repair areas.

All grading plans submitted to the ACC shall be considered individually for each Lot. Recommendations or requirements of the ACC in that regard will be based on individual Lot location, terrain, soil conditions, vegetation, drainage, proposed cuts and fill, and any other condition. The ACC determines impact upon the site grading for the Lot.

#### 2.6. Drainage and Erosion Control.

Drainage considerations for individual Lots play an important part in the ecological balance of the community. Generally, where feasible, each Lot should be graded such that all water draining from such Lot does not drain onto any adjoining Lots. Water runoff for each individual Lot can possibly be handled by adequately sloping all areas so that runoff can be directed to the natural drainage areas or storm drainage facilities. Water runoff and control are the responsibility of each Lot Owner relative to such Owner's Lot.

Swales for storm-water drainage shall be used when applicable to protect excessive water runoff moving over the septic system drainfield areas. Water runoff will not be allowed to encroach on the "Drainfield envelope" of any individual lot from adjacent lots. If the natural slopes drain the stormwater across multiple lots, swales shall be cut to intercept and redirect the water around the "Drainfield envelopes". In addition, if within an individual lot, water runoff from any area greater than 10% of the total lot size drains onto or over the "Drainfield envelope", a swale will be cut to direct the runoff away from the envelope of the drainfield. Swales shall not be cut within the "Drainfield envelope".

Berms for the purpose of redirecting water runoff, away from the septic system, can be used as long as they do not "hold" the water as a dam resulting in subsurface saturation and possible horizontal flows that could encroach the "Drainfield envelope". This effect could cause future septic system failures from overloading of the drainlines. Berms can be used where complex topography situations occur in order to redirect a section of runoff to avoid the "Drainfield envelope".

The final grade over all septic system components should contain slight mounding or sloping to properly shed rain water. Do not allow ponding to occur as would happen with "flat" topography.

In order to assign the responsibility for drainage features that direct storm water away from lower lying lots, the following will apply: Instances in which Owners have homes under construction at the same time and share common lot lines, with one lot being higher than the other, both Owners shall be equally responsible for a common solution alleviating water runoff onto the lower lot. It shall be their joint responsibility to communicate, agree on a solution and assign financial responsibility. In instances where homes share a common lot line, one being lower than the other, and were not under construction at the same time, solutions for alleviating water runoff of the home shall be the sole responsibility of the Owner of the home built at the later date. A noted exception is the piping of the higher home's downspouts, which is the responsibility of that home owner.

Additionally, downspout drainpipes made of corrugated, bendable black plastic will assist the collection of rainwater from the roof of the dwelling and carry it underground through the pipes to be "daylighted" or emptied at the street. "Daylighted" ends of the pipes must be cut at an angle, flush with the ground level so as to be less visible.

All dwelling downspouts shall be piped underground away from the dwelling and "daylighted" on the downslope side of any septic system component. The piping shall not come within 24" vertically and 10 feet horizontally of any system component during a run. The pipe used cannot be of a perforated type; only solid wall shall be used, such as black corrugated bendable plastic. (See Figure 2.6.1)

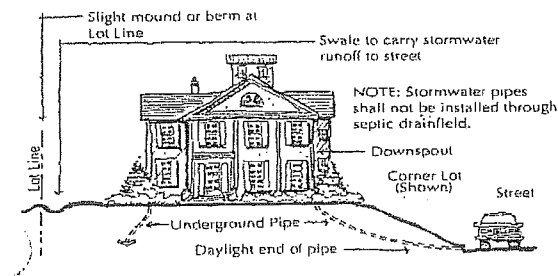


Figure 2.6.1 - Stormwater Drainage

The ACC shall be entitled, at its sole option, to require that the Building Plans and Specifications for any Lot include a drainage plan for such Lot. The ACC may also at its sole option rule on any drainage disputes. (See Schedule I)

Erosion controls shall be in place from time of clearing the lot to insure the protection of the septic system "envelopes". The protection will remain until the time final landscaping is performed. Silt fencing or approved measures will provide protection from possible damage to the soil or system integrity from erosion or construction traffic.

## 2.7. View Corridors.

Each Lot Owner must recognize and understand that views and view corridors to and from such Owner's Lot, the Waterfront, Golf Course, Common Areas and other areas within The Point are in all respects subject to the rights of other Lot Owners, the ACC, The Point, LLC and others under the terms and conditions of the Declaration and these Guidelines to construct buildings and other improvements and install Landscape Improvements (as defined in Section 6.2) that might obstruct or otherwise diminish such views and view corridors.

The location and design of each residence and all other building improvements should be tailored to the specific features of each lot. The term "building improvements" means all improvements other than landscaping and trees; provided, the term "building improvements" shall include hedges and other mass planting. All building improvements should be sited so as to minimize disruption to the existing natural setting, including mature trees, drainage ways and the Primary View. The "Primary View" for each lake and golf course lot differs based on the lot's relationship to the other lots as determined by the committee, but is generally defined as the area facing the lake and golf course and formed by extending opposing lines (1) at a 135° angle from each rear corner of a lot's building envelope through the closest rear corners of neighboring lots' building envelopes, whichever is smaller. For example, in the accompanying Figure 2.7.1, building envelopes are shown with shading; Lines A and B are at 135° angles from the rear corners of the Lot 2 building envelope; and Lines C and D extend from the rear corners of the Lot 2 building envelope, through the closest rear corners of the lots 1 and 3 building envelopes. The smallest area between any opposing lines is the area between opposing Lines A and D. Therefore, the Primary View from Lot 2 is the area between Lines A and D.

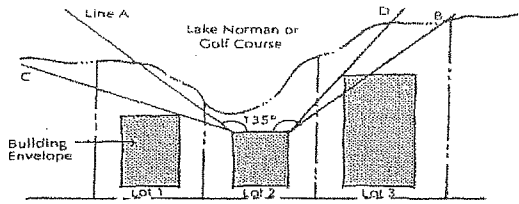


Figure 2.7.1 - Primary View Concept

Notwithstanding the above, Primary Views and other view corridors from a Lot to the lake or golf course, Common Areas, and other areas within The Point are subject to the rights of Lot Owners, The Point on Norman, LLC and others under the terms and conditions of the Declaration and these Guidelines to construct Improvements and install landscape Improvements that might obstruct or diminish such views and view corridors. For example, in Figure 2.7.1, the Committee might approve construction of a swing set for Lot 3 within the Primary View from Lot 2, but disallow the installation of hedges within such Primary View. The Committee will use the Primary View concept as a guide, but not an absolute rule when reviewing proposed building Improvements.

## 2.8 Watershed Buffer Area

A shoreline buffer area, measuring fifty (50) feet upland from the 760' contour occurs on all waterfront lots. No permanent structures, built upon areas, or septic systems shall be permitted within this buffer. No clearing of existing vegetation within the buffer shall be permitted except as follows:

1. Deciduous trees less than 2 1/2" caliper and pine trees less than 4" caliper may be removed.
2. Undergrowth may be removed if it is replaced with mulch or a suitable ground cover
3. Dead or diseased trees or undergrowth of any size may be removed.
4. Selective thinning or limbing up of trees to provide view enhancement is permitted only if a plan is submitted to, and approved, by the ACC.
5. New trees, shrubs and ground cover may be planted in the buffer area to enhance existing vegetation provided there is no disturbance to the root systems of existing trees. Plans delineating the location and type of all additional plant material must be submitted to the ACC and its approval must be obtained prior to planting. (See schedule L)

Only one penetration of the buffer area vegetation, of a maximum width of ten feet, shall be permitted on each lot to gain access to the lakefront. Access paths must be of pervious materials, either wood chips, mulch, or a raised slatted "catwalk" or boardwalk.

## 2.9 Shoreline Management

### 2.9.1 Environmental Areas

Certain areas of shoreline have been designated by Duke Power Company, in its Shoreline Management Plan as "Environmental Areas." These areas contain bottom conditions and submerged or emergent vegetation, which provide desirable fish habitat. No placement of docks or piers or other disturbance of these areas will be permitted nor will removal of submerged vegetation below the 760' contour. Environmental areas are shown on the building envelopes and recorded plats:

### 2.9.2 Other Areas of Productive Habitat

Additional areas along the shoreline called Shallow Water Habitat Areas, have been identified as providing desirable habitat but have not been officially designated as "Environmental Areas." Piers and docks may be permitted on waterfront lots upland of these areas, subject to approval by Duke Power Company, with the following additional restrictions:

- A. No clearing of submerged vegetation between the 755' and 760' contour will be permitted.
- B. Dredging to increase water depth (subject to approval by Duke Power Company as well as other designated agencies) or other bottom disturbance should not occur between the 755' and 760' contours.

### 2.9.3 Shoreline Stabilization

Mechanical stabilization of shoreline areas will be permitted only where erosion is in evidence. Methods of stabilization will be limited to riprap and or planting of "emergent" grasses which will grow in fluctuating water levels.

The use of bulkheading will generally not be permitted except in areas with steep shoreline banks exhibiting significant erosion due to wave action. Approval of bulkheading by the Committee will be on a case-by-case basis. Only wooden bulkheading of an approved type will be permitted.

## 2.10 General.

Subject to approval by Duke Energy Corporation and compliance with the terms of the Declaration, the Owner of each Waterfront Lot within The Point will be permitted to construct one dock (i.e. one pier with a single boatslip), within the pier zone adjacent to said waterfront lot, provided that, in the sole and absolute discretion of the ACC, Duke Energy Corporation and or any applicable governmental authority, the Waterfront Lot is not located in an area where the narrowness or environmental condition of a cove precludes the construction of a dock. The pier zone will be shown on an individual dock location prepared for each Waterfront Lot by the ACC. Before planning a dock location, a Lot Owner should obtain a copy of the applicable map identifying the pier zone from the ACC. No Owner shall have the right to construct more than one dock or

## The Point

boatslip in front of a single Waterfront Lot. The use of mooring posts, boat lifts and other devices which allow additional boats to be moored or otherwise docked or kept or near any dock will not be permitted.

The design, color, location, dimensions and materials of docks, piers, boatslips, mooring posts, seawalls, boathouses and any other structure or improvement constructed adjacent to or appurtenant to a Waterfront Lot or otherwise within the boundary of Lake Norman must be approved in advance in writing by the ACC. It is the Owner's sole responsibility to obtain any permits or approvals required from Duke Energy Corporation.

Generally, any waterfront improvement, which include lifts, should have a low profile and open design to minimize obstruction of neighbors' views. Enclosed or two-story docks and enclosed or two-story boathouses will not be allowed.

Docks, piers, boatslips, and seawalls should be located and constructed so as to minimize grading and clearing of vegetation at or near waterfront areas. The use of rip-rap, bulkheading or other shoreline stabilization methods or materials may not be initiated without approval by Duke Energy Corporation and the ACC. The point of access of a dock, pier or boatslip and any site disturbance or clearing associated with its placement or construction must be submitted to the ACC for approval along with the Final Plans.

Docks, piers, boatslips and seawalls must be constructed of new materials, and must be compatible in style with other Improvements on the Lot, the Lot width on the lake side, the shoreline configuration and vegetation massing.

Piers may extend from the shore for a distance of 80 feet regardless of the water depth and may extend to a maximum length of 120 feet to achieve a water depth of 10 feet, measured at full pond. In no event may a pier extend more than 1/3 of the width of the cove in which it is located. The top decking of all piers must be at least 1 foot above the water level at full pond.

No covered boatslips will be allowed.

### Materials

1) Treated Lumber: Wood decking and handrails to be no less than Grade 1 .40 treated pine. Wooden structural components such as joist and girders shall be of no less than grade 2 .40 treated pine.

2) Steel: Any steel components in a marine environment shall be adequately protected against corrosion and chemical breakdown. Hot-dipped galvanizing is the most common and effective method in freshwater.

3) Aluminum: Construction shall be of adequate strength

as to support implied dead and live loads.

4) Vinyl: Vinyl structural components shall be of adequate strength to support implied dead and live loads.

Joist spacing shall be tight enough as not to allow for decking to sag. Alternative materials are to be approved structurally and aesthetically.

5) Flotation: All flotation material shall be approved by Duke Energy Lake Management. Encapsulated PolyStyrene is the most commonly accepted flotation material.

6) Piles: Wood piles should be of no less than .60 treated pine. Steel piles should be protected against corrosion. Painted with an epoxy or hot-dipped galvanizing are the most common methods.

7) Hardware and Miscellaneous: All nails, bolts, screws, hangers, brackets and miscellaneous hardware items shall be hot-dipped or galvanized.

### Maintenance:

1) Decking and handrail: Annual pressure washing followed by the application of a wood preservative is the most effective procedure in maintaining a wooden deck. Wooden structures need a preservative to lessen splintering and decay due to exposure to sun and moisture. Washing replenishes the overall appearance of the dock as well as allowing the preservative to be applied to a clean surface. Vinyl decking requires less maintenance in that no preservative is needed. Pressure washing, however, will clean and improve the appearance.

2) Boatslips, Docks and Piers: Floating structures are susceptible to high wind and wake. Constant movement causes wear to pile guides and other hinged components. Squeaking or grinding should be investigated to insure structural damage has not occurred. Dockbumpers can tear or pull loose due to normal boatdocking and mooring. Staples, nails, and screws are most commonly used in attaching dockbumpers. Mildew will occur to light colored bumpers. Mildew remover or bleach and a scrub brush will clean it off. All piers and docks will, at some point, require some attention to loose screws and nails. Delayed repair can cause warped or heavy splintering. Mooring cleats will become loose, but can easily be tightened.

Rafts: In lieu of a dock, no more than one raft may be located in Lake Norman adjacent to a Waterfront Lot, and the surface area of any raft shall not exceed 64 square feet.

### Number of Watercraft

Watercraft may not be moored, docked or stored on a Lot, in the water adjacent to a Lot, or adjacent to a dock except in an approved inland storage, as provided below, or as allowed by the ACC in writing.

## The Point

Only 3 watercraft may be kept in the water at a dock - one watercraft in the slip, and one watercraft adjacent to each side of the slip. The watercraft stored adjacent to the dock may be secured to the dock only with devices approved by the ACC. Only one watercraft may be kept on the slip on a regular basis.

Only 2 personal watercraft may be kept on a dock. "Personal watercraft" refers to jet skis, wave runners and similar relatively small watercraft deemed by the ACC to be appropriate for storage on a dock. Any ramp or lift device connected to a dock to hoist personal watercraft, unless approved by the ACC prior to installation, shall not be permitted and shall be subject to removal at the request of the ACC.

**Docks and Seawalls for Waterfront Lots** Across from the Village.

For these specific Lots, only one penetration of the shoreline buffer for one approved dock/pier and walkway will be allowed. The penetration shall be no more than ten (10) feet wide.

No waterfront gazebos, covered boatslips, dock roofs, sheds or similar improvements will be approved for construction on these Lots, or on the piers and docks serving these Lots.

The maximum width for a dock or pier adjacent to these Lots will be twelve (12) feet. The dock or pier cannot be parallel to the shoreline; it must be generally perpendicular to the shoreline, subject to ACC approval.

Property Owners for these Lots should familiarize themselves with the Iredell County Watershed Buffer ordinance which details the limitation on clearing, thinning, and "limbing up" of existing trees, shrubs and ground covers.

For waterfront Lots, shoreline stabilization is restricted to a limited number of uniform, low visual impact improvements. The following improvements will be allowed:

1. Biological Methods of Stabilization - Low (1' - 3' in height) herbaceous plant species that can accept dry conditions and/or shallow water depths. Approved plants for meeting these requirements:

- Spikerush (*Eleocharis Quadrangulata*)
- Arrow Arum (*Peltandra Virginica*)
- Softstem Bulrush (*Scirpus Validus*)
- Lizard Tail (*Saukurus Sagittaria*)

These plants can be placed in combination with netting,

grids or any of a variety of other geo-binders to provide additional stabilization of the shore.

2. Rounded River Rock - This technique provides a rock that will blend into the shoreline color. Its round edges are conducive to plant growth and easy to walk on. Standard grey rip-rap will not be allowed. The River Rock should be placed in two (2) or a maximum of three (3) layers generally more than 14" deep total, but not upland beyond the 760' contour.

3. Wooden Bulkhead - A low profile (not more than three (3) feet in height) wooden bulkhead of an approved uniform design will be allowed. Examples of acceptable bulkhead designs may be obtained from the ACC. Approved "Shallow emergent" and/or "deep emergent" herbaceous species approved by the ACC shall be planted in front of the bulkhead on the water side to screen some of the bulkhead's height. The bulkhead shall not extend above the 760' contour except as allowed by the ACC on "point" Lots which experience greater exposure to weather. All Lots for which bulkheading is proposed will be reviewed on an individual case basis to determine the appropriate maximum height of the bulkhead. In no case shall the bulkhead extend above the 762' contour.

#### 4. Natural Color Rip Rap - Earthtones

Construction of the improvements above must occur when the water levels are low and virtually all construction can be done from the water side. This will minimize the disturbance of shoreline and buffer areas above the 760' contour.

### 3. ARCHITECTURAL DESIGN

#### 3.1. Architectural Style.

The intent of the Architectural and Design Guidelines is to encourage the excellent design of a community of individual residences which, when viewed together, produce an outstanding total community environment. It is not the intent of the Architectural and Design Guidelines to dictate a particular architectural style, but rather to provide Lot Owners and their architects with a set of guidelines that will foster an attractive community.

The residential architecture at The Point should be custom-designed for each Lot to maximize the natural features of the Lot. Traditional architectural styles are preferred as the basis or foundation of the design, and examples of preferred traditional design are Colonial, Georgian, New England, Plantation, Southern, Low Country, and French Country. However, contemporary interpretations of traditional designs are acceptable, provided they adhere to the criteria of the Architectural and Design Guidelines. The designs employed shall be compatible with traditional architectural styling in terms of make, shape, profile, scale, and proportion.



3.2. Quality Design Features.

The homes in The Point should reflect the individuality of their Owners while adhering to the principles of fine architecture. The following considerations are among those to be addressed when developing the architectural design for Improvements to be constructed on a Lot:

- 3.2.1. The residence shall be located on the Lot with minimum disruption to the natural topography, vegetation, and unique site features.
- 3.2.2. There shall be a consistency in the site planning, architecture, and Landscape Improvements.
- 3.2.3. Sensitive interpretation of the architectural style is encouraged within the constraints of budget and site.
- 3.2.4. Specific features of the architectural style shall be well developed and carefully detailed. The features should be researched to ensure a certain degree of historic authenticity.
- 3.2.5. A consistent scale shall be used throughout the design of the residence and other Improvements, with each element designed in proportion to the other design elements.
- 3.2.6. The various building materials shall allow for a pleasing and harmonious exterior appearance for the residence and other Improvements. Building materials shall be used logically.
- 3.2.7. Appropriate colors shall be used, and colors shall be used with restraint.
- 3.2.8. The main dwelling entrance shall be located in a position of prominence that is reflected in the design of the facade. The main entry shall be sheltered on the exterior and shall include attractive front entrance treatment such as French doors with or without sidelites. The main entry shall contain more architectural detail than other openings and entries but all openings and entries shall be consistent in styling.
- 3.2.9. Consistency of detailing on all elevations shall be maintained. Windows and doors shall reflect restraint in the variety of types, styles, and sizes. All openings shall be accented with the use of shutters, flat or arched lintels, projecting sills or relief surrounds.
- 3.2.10. Bay windows shall be carried down to grade or visual support of any cantilevered conditions must be expressed. When bay windows are stacked in a two-story configuration, the blank panel between all facets shall be accented.
- 3.2.11. Masonry or stucco used as a veneer material on the facade of a residence shall continue around the front corners of such residence to a logical point of termination. The use of combinations of exterior materials is not encouraged. Each proposed residence of this type will be carefully reviewed on an individual basis by the ACC.
- 3.2.12. No roof shall extend continuously to cover both single and two-story sections of a residence. The primary objective of this architectural guideline is to avoid the appearance of a single-story facade with a two-story rear elevation.
- 3.2.13. The main roof shall have a minimum slope of eight (8) vertical to twelve (12) horizontal. Shed roof forms are discouraged. Roof shapes and configurations shall be planned to avoid complex, awkward, or odd roof designs.
- 3.2.14. Gutters and downspouts shall be used at all eave lines, unless deemed inappropriate. All exterior downpipes (except copper downpipes) shall blend with the color of the exterior walls of the residence. In cases where a high contrast exists between gutters/fascia and the exterior wall material, downpipes shall be painted to be compatible with the wall color to avoid conspicuous contrast.
- 3.2.15. All roof structures, such as attic vents, plumbing vents, etc., shall be treated or painted to blend with the roof shingles, except that flashing applied to vertical surfaces may be painted to blend with the vertical materials where more appropriate.
- 3.2.16. All exterior utility service connections must be provided in unobtrusive and inconspicuous locations. All electric meters and main fuse boxes must be positioned away from view. This may be accomplished by providing an enclosed recess in the side of the dwelling or through approved Landscape Improvements and/or screening.
- 3.2.17. Exposed electrical equipment, stubouts,



conduit, drain lines, pipes and vents must be painted to match the color of the home. Exterior disconnects for air conditioning equipment, etc. shall be mounted at the lowest point allowed by applicable building codes.

- 3.2.18. Gas meters must be adequately screened with Landscape Improvements to conceal equipment from view.

#### 4. DESIGN CRITERIA

##### 4.1. Dwelling Types.

Each Lot may contain only one detached single-family private dwelling and one private garage for not less than two (2) vehicles and only such other accessory structures as are approved in advance in writing by the ACC. Provided, however, The Point, LLC shall be entitled to use Lots owned by it from time to time for the construction and operation of construction offices and sales/marketing offices (and related uses) for the The Point project.

##### 4.2. Dwelling Size.

The square footage requirements set forth below are for enclosed heated floor area and are exclusive of the areas in heated or unheated basements, vaulted ceiling areas and attics, unheated porches of any type, attached or detached garages, porte-cocheres and unheated storage areas, decks and patios.

Any dwelling erected upon any Lot shall contain not less than the following heated floor areas:

A.

	<u>Minimum Total Heated Area</u>	<u>Minimum Ground Floor Heated Area</u>
1 Story	2,500	2,500
1½ story, split level, tri-level and others	2,500	1,800
2 story, 2½ story	2,700	1,500

Notwithstanding the foregoing requirements, the ACC shall have the right (but not the obligation), because of restrictive topography, lot dimensions or unusual site related conditions or other reasons, to allow variances from such minimum square footage requirements of up to ten percent (10%) of such minimum square footage requirements by granting a specific written variance.

##### 4.3. Maximum Dwelling Height.

No dwelling erected upon a Lot shall contain more than two and one-half (2½) stories above main entry ground level provided, however, the ACC shall have the right (but not the obligation), because of steep topography, unique Lot configuration or similar reasons, to allow dwelling heights greater than two and one-half (2½) stories on rear and side elevations.

##### 4.4. Ceilings.

Interior ceiling heights in dwellings constructed on Lots are recommended to be a minimum of nine (9) feet on the first (i.e., street grade) floor and a minimum of eight (8) feet on all other floors.

##### 4.5. Garages.

Every house shall have an enclosed garage for not less than two (2) vehicles. Garage openings may not face the front elevation street unless approved in advance in writing by the ACC; and such approval will be given by the ACC only where particular hardship would otherwise result because of Lot size, configuration, topography, or other circumstances deemed sufficient by the ACC.

The placement of garages and driveways has a great effect on the overall aesthetics of the street scene and the architectural appeal of each specific residence. A street scene with emphasis on residences instead of garages and driveways is more visually interesting. For that reason, certain garage placements on a Lot are discouraged.

Side entry attached garages on corner Lots are acceptable as long as architectural details are provided to avoid an overwhelmingly blank side facade. Also, landscape screening shall be required to minimize the view of garage doors from the street.

Garage doors are required for all garages, and the garage doors must be paneled and/or detailed to provide appropriate scale. All garage doors must have operating remote control door openers. Single bay garage doors are preferred over double width garage doors. Carports shall not be allowed. All ducts, pipes and wiring in garages shall be concealed from view above the level of the finished ceiling. For side entry garages, adequate screening of the garage opening and the garage doors must be provided (to minimize the view of the garage opening and the garage doors from the street) by the use of either Landscape Improvements, a wall, fencing, or a combination of these elements. The garage turnaround area must provide a minimum twenty-four (24) foot back-up distance, with an additional two (2) foot buffer between the edge of the driveway and the L boundary line [i.e., there must be a total minimum distance of twenty-six (26) feet between the garage opening and the adjacent side Lot boundary line].

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The driveway slope on a Lot shall not exceed a fourteen percent (14%) grade. As set forth above, the driveway shall be located on each Lot within the area designated therefor the ACC on the unrecorded plat that also depicts the Building Envelope for such Lot.

### 4.6. Exterior Materials and Colors.

Exterior materials shall be brick, stucco, stone, cedar shake, or, if approved in advance in writing by the ACC, horizontal siding. If approved by the ACC, the horizontal siding used must be fully back-supported to maintain a straight and even outer surface and must be fully and properly finished. Natural weathering of exterior wood materials is not desired. Imitation stone or brick-like materials are generally discouraged and may be used only upon prior written approval of the ACC. The ACC reserves the right to require builders to produce sample boards of colors if they are not on file with the ACC.

If there is a change of material from front to side, front veneer material must be wrapped to cover 24" of the adjoining side. The practical exception to this would be a cedar shake and lap siding combination. Architectural features such as quoin-corners are encouraged.

### 4.7. Roofs.

Roofs and roof pitches shall be in proportion to the overall size and shape of the house. Except as specifically provided otherwise in writing by the ACC, the minimum roof slope for the main house structure shall be eight (8) vertical to twelve (12) horizontal. Acceptable roofing materials are (i) wood shingles, (ii) wood shakes, (iii) natural or man-made slate, (iv) tile or (v) minimum twenty-five (25) year warranty, variegated (or solid) color, dimensional architectural (sculpted) style, composition (fiberglass) shingles. All specific roof materials to be used must be approved in writing by the ACC as part of the final Building Plans and Specifications prior to commencement of construction.

Roof vents, roof power vents, plumbing vent pipes and skylights will not be permitted on roofs visible from any street, unless approved in advance in writing by the ACC. Roof vents, roof power vents, rain diverters, skylight housings, plumbing vent pipes and non-copper flashing shall be painted to blend with the roof shingles, except that flashing applied to vertical surfaces may be painted to blend with the vertical materials where more appropriate.

Eave lines shall align whenever possible. Eaves and rakes shall be accented by multiple fascia boards, cove and crown moldings or gutters.

### 4.8. Windows and Shutters; Doors.

Windows shall generally be the same type and style all around the house. Thermal pane windows are preferred, and exterior storm windows generally will not be permitted.

Wood windows are preferred; however, vinyl windows will be considered, provided the style and profile are visually similar to wood windows. All windows with the exception of non-conventional sizes (transoms, bathroom windows) shall have mullion grids. Shutters are encouraged, shall fit the proportion and shape of the windows and, if used at all, shall be used for all windows on elevations that are visible from the Roadway(s). Unless specifically waived in writing by the ACC, all windows and doors shall have caps of soldier course brick jack arches, wood caps or other approved decorative treatment, and no running bond brick will be permitted over any door or window of any elevation. No window or door casing or decorative treatment shall abut any frieze board. If decorative molding (e.g., dentil molding) is desired, it shall be run in a consistent manner around the perimeter of the home. Gables may be exempted from this.

### 4.9. Chimneys.

Chimneys shall be full foundation based and constructed of brick, stone, stucco or other material approved in writing in advance by the ACC. Chimneys shall have a design and location, and shall be constructed of a material that is appropriate to the house. Exposed metal flues and wood chases shall not be used. Chimney cap covers are required for prefabricated metal flues. Direct vent fireplaces are discouraged if the location is a side elevation; and direct vent fireplaces shall not be permitted on a front elevation or on any elevation that is visible from the Golf Course or Lake.

### 4.10. Foundations.

Unless specifically waived in writing by the ACC, all foundations must be raised with a minimum two (2) foot high crawl space, and slab-on-grade foundations generally will not be permitted, except for garages, patios and unheated porches.

#### 4.11. Porches and Decks.

Porches and decks shall be designed with substantial, well proportioned railing, flooring and support posts meeting applicable building code requirements. Porches and decks shall blend with the style and material of the house (e.g., stucco deck fascia and piers with stucco house, or brick piers with a brick house). Deck support columns that are 5' or more in height from finished grade must be constructed with the material of the house. Porch and deck support columns constructed of masonry shall be 12" x 12", and porch and deck support columns constructed of wood shall be 6" x 8" (with base and capital detailing). One-story decks shall be appropriately screened with lattice and/or sufficient Landscape Improvements. (See Figure 4.11.1). Under no circumstances may porch and deck support columns be constructed of the 4' x 4' material.

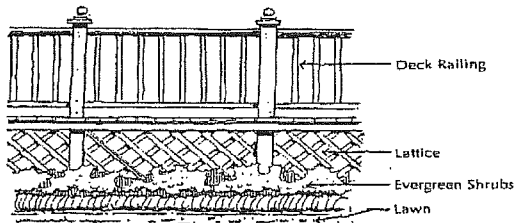


Figure 4.11.1 - Deck Foundation/Perimeter Planting

#### 4.12. HVAC Equipment.

No air conditioning or heating equipment or apparatus shall be installed on the ground in front of, or attached to any front wall of, any residence on a Lot. Additionally, air conditioning and heating equipment and apparatus shall be screened from view from streets, waterfront, and the Golf Course by Landscape Improvements, as more particularly provided in the Landscape Guidelines herein.

#### 4.13. Attachments; Satellite Dishes and Antennae.

No permanent attachment of any kind or character whatsoever (including, but not limited to, television and radio antennae, solar energy-related systems, satellite or microwave dishes or similar improvements) shall be made to the roof or exterior walls of any building on any Lot or otherwise placed or maintained on any Lot, unless such attachments or devices are approved in advance in writing by the ACC. Notwithstanding the above to the contrary, one satellite or microwave dish may be installed within the rear yard of the Building Envelope of any Lot, provided such satellite or microwave dish does not exceed eighteen (18) inches in diameter and is properly screened from view. The

location and screening of the satellite or microwave dish must be approved in writing by the ACC prior to installation.

Satellite dishes and play ground equipment placement shall be reviewed and approved by the ACC if they are to be placed within the "Drainfield envelope" or over any tankage area. Absolutely no concrete footings or anchoring will be allowed within these same areas without the approval of the ACC.

#### 4.14. Mail and Newspaper Boxes; House Numbers.

All mailboxes and newspaper boxes must be of a standard color, size and design as approved by the ACC and shall be installed only in a location approved by the ACC. In that regard, a standard mailbox and plans for a post will be provided to each Lot Owner (at such Lot Owner's expense) by The Point, LLC promptly following such Owner's taking occupancy of the residence on such Owner's Lot. Lot Owners and their selected mailbox installer should refer to the diagram on Schedule E1 attached hereto for installation instructions. In general, either side of the driveway is acceptable for the installation of the mailbox, and the Lot Owner should select the side of the driveway that will be most convenient to provide easy access to the mailbox; however, it is generally most aesthetically desirable to locate the mailbox on the side of the driveway that is closest to a side Lot boundary line. The cost of the mailbox is \$250.00 and is included in the Lot price. House numbers may be displayed on houses and/or mailboxes only as approved by the ACC.

#### 4.15. Pools, Therapy Pools and Spas.

The size, shape and setting of pools (including standard swimming pools, therapy pools and spas) must be carefully designed to be compatible with the surrounding natural and man-made environment. In locating swimming pools, therapy pools and spas, the following shall be considered:

- 4.15.1. Indoor/Outdoor relationship;
- 4.15.2. Setbacks imposed by the applicable Building Envelope;
- 4.15.3. Views both to and from the pool area;
- 4.15.4. Terrain (grading and excavation); and
- 4.15.5. Fencing and privacy screening.

Pools, decks and related equipment will not be allowed outside of the Building Envelope area. Provided, however, pool decks may encroach into the setback area imposed by the Building Envelope on Lots that are not contiguous with the Waterfront or Golf Course if such deck is either at or within two (2) feet of natural grade and no closer than twenty (20) feet to any Lot boundary line. No such encroachment of pool decks into the setback area imposed by the Building

Envelope shall be permitted pursuant to the immediately preceding sentence on Lots that are contiguous with the Waterfront or Golf Course. Decks, pools and spas shall be placed within fifteen (15) feet of any component of the septic system. Pool and pool equipment enclosures must be architecturally consistent and harmonious with the residence and other structures on the Lot in terms of their placement, mass and detail. Pools, decks and related equipment and pool and pool equipment enclosures shall be screened or treated so as to avoid distracting noise and views.

#### 4.16. Exterior Lighting.

Exterior lighting (which must be approved by the ACC as part of the Building Plans and Specifications) must be limited to areas within the Building Envelope (unless otherwise approved in writing by the ACC), must not result in excessive glare and must not interfere with the privacy of nearby dwellings, all as determined by the ACC in its sole discretion.

#### 4.17. Tennis Courts.

Tennis courts will be permitted only when they can be constructed so as not to infringe upon view corridors and can be naturally screened from adjacent Lots. A site plan showing the tennis court location with proposed grading and screening shall be provided for review by the ACC. The minimum setback for a tennis court from any Lot boundary line is twenty-five (25) feet. The design and color of fencing materials for tennis courts must blend naturally into the surrounding area and plant materials must be added to soften the visual impact. Tennis court fencing shall be vinyl coated chain link and shall be black in color. Tennis court wind screens must be kept to moderate heights. Tennis court surface colors shall be restricted to colors such as soft reds and greens and not be highly reflective. Night lighting of tennis courts shall not be permitted.

#### 4.18. Play Equipment.

Unless elements of a planned park or playground, swing sets, trampolines, basketball goals, and similar outdoor play structures and equipment must be located where they will have a minimum impact on adjacent Lots and where they will be screened from general public view. Such play equipment on lots contiguous with the waterfront or Golf Course shall be located in the middle of the Lot unless waived in writing by the ACC, and no play equipment may be located within fifty (50) feet of the Golf Course, nor within fifty (50) feet of the 760 contour on waterfront lots.

All play equipment must have ACC approval before being erected. All play equipment must be of earth tone colors, i.e., dark greens, browns, tans. Bright, eye catching colors will not be permitted. In addition, all play equipment and or swing sets contiguous to the waterfront or golf course must be screened from public view by landscaping approved by the ACC.

Basketball goal backboards must be constructed of clear, see through material. Solid colors will not be allowed. The basketball goal post must be located in the rear 50% of the yard, as measured from the mid-point of the dwelling on the side that the goal is to be constructed. In addition, the goal should not face the street. See Figure 4.18.1 and 4.18.2.

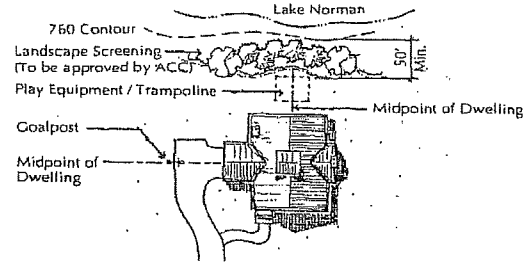


Figure 4.18.1 - Play Equipment Location

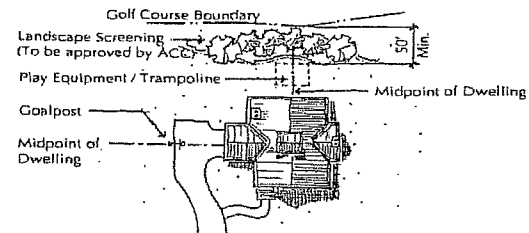


Figure 4.18.2 - Play Equipment Location

Trampolines must be located in the rear 50% of the yard, as measured from the mid-point of the dwelling on the side that the trampoline is to be installed. In addition, the trampoline should not face the street.

#### 4.19. Fences and Walls.

Walls and fences shall be considered an extension of the architecture of the residence and a transition of the architectural mass to the natural forms of the Lot. All wall and fence designs shall be compatible with the total surrounding environment. Special consideration must be given to design, placement, impact and view of the wall or fence from neighboring Lots. Fences and walls shall be considered as design elements to enclose and define courtyards, pools, and other private spaces, provide security and relate building forms to the landscape. Fences and walls must be run or curved where practical between existing trees to avoid unnecessary cutting of existing trees. The location, materials, size and design of all fences and walls must be approved in advance in writing by the ACC prior to installation.

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Privacy fences or walls which inhibit visibility (i.e., whether a solid masonry wall or wood fence) are permitted in certain areas of the The Point community. For all Lots, privacy fences and walls which provide total seclusion generally will be allowed to enclose the unused rear Building Envelope area inside the required setbacks. For Lots that are contiguous to the lake or Golf Course, the unused rear Building Envelope area is the only area which can be enclosed by a privacy fence or wall. For side walls that are not used as retaining walls, there must be a minimum of 2' buffer between wall and lot line for landscape purposes.

Walls and fences shall be constructed of solid masonry or wrought iron with columns, using the same materials as found in the architecture of the residence. Prefab wood, prefab brick, chain link (except for approved tennis court fencing), or welded wire fencing will not be permitted. Wood privacy fences must have masonry columns finished in brick, stucco or stone. Once an approved fence or wall has been erected on a side Lot boundary line which is a common boundary line with another Lot, that approved fence or wall design and material(s) will be the only approved fence or wall design and material(s) that may be erected on that common Lot line. No double fencing will be allowed on side or rear Lot lines.

No fence or wall (including for this purpose densely planted hedges, rows or similar landscape barriers) shall be erected, placed or maintained on any Lot nearer to any Roadway fronting such Lot than the front building corner of the main dwelling constructed on such Lot (unless otherwise approved in advance in writing by the ACC). No fence or wall shall be erected, placed or maintained on a Lot in a location that will substantially obstruct views of any lake or pond within the Common Areas of the The Point community. Enclosure fences or any fence system designed for pet enclosures that are smaller than the total rear yard area shall not be permitted. Fences and walls shall not exceed six (6) feet in height, except fences enclosing approved tennis courts may be up to ten (10) feet in height if located at least twenty-five (25) feet from all Lot boundary lines.

The Architectural Control Committee, in their sole and absolute discretion, may allow the construction and use of fencing along or near the front side and/or rear boundary lines of certain designated Lots within the project-Phase 1 only. These Lots are numbers 1, 53, 57, 58, 59, 60, 61, 62, 126, 127, 128, 129 and 130. All fences and walls shall be maintained in a structurally sound and attractive manner. No fence or wall shall be erected on any Lot until the ACC has given its prior written approval of the color, size, design, materials and location for such fence or wall.

Alterations of lot elevations and grades which create the need for retaining walls shall be the responsibility of the altering party. Specifically, any owner creating an earthen "cliff" over 12 inches in height on common lot lines due to their desired grading practices shall be responsible

for designing and building a retaining wall. However, there may be some instances in which a wall is not warranted, e.g. the adjacent owners may alter their grade to match when they begin construction or; it is agreed upon by the parties involved that a transition slope can be created between the two properties in lieu of a wall, depending on side yard setbacks, driveway locations, and "cliff" height.

It shall be the responsibility of the altering owner (the owner creating the situation due to their grading practices) to identify and contact all parties involved and affected to facilitate negotiations and arrive at an agreed upon solution. This shall include all affected unsold lots belonging to The Point on Norman, LLC, of which a representative will be available for negotiations.

A retaining wall that is attached to the residence on a Lot shall utilize the same materials as the residence wall that it adjoins. Cross-tie timber walls may be used for retaining walls if set apart from the residence.

Fences and walls shall not be located within ten (10) feet of any septic system component.

Fences shall not be located within ten (10) feet of the 760' contour and cannot be light in color.

### 4.20. Outbuildings.

The construction and location of outbuildings (Gazebos, potting shed, storage shed, statues, gates, playhouse, etc.) shall be subject to the review and approval of the ACC. Potting sheds, storage sheds, and playhouses must be attached to the house. Conditions of the site and faithfulness to the architectural themes indicate the logic for an outbuilding related to the house. Their design and location in relationship to the house is essential. Building materials should reflect those of the main house. Wherever possible, buildings should be oriented so that access is indirect and their opening does not face the street.

Plans and architecture of outbuildings shall be submitted to the ACC for review and approval, prior to being shown on landscape plans. Approval of the landscape plans does not constitute approval of any outbuildings.

### 4.21. Remodeling and Additions.

A Lot Owner desiring to remodel existing Improvements and/or to construct additions to existing Improvements is required to follow the Guidelines to the same extent as if such remodeling or addition were new construction. All criteria governing site location, grading and excavating, structures, roofs, landscape, colors and aesthetics will apply to remodeling and additions to the same extent as to new construction. Possible future Improvements or additions that will be of particular concern to the ACC are skylights and solar collectors, recreational features, lighting, antennas and satellite television and new colors. An approval from the

ACC is required for remodeling and additions just as it is for new construction. Placement of an addition shall remain 10 feet outside of any septic system component.

As set forth in the Declaration, the Board (i.e., the board of directors of the Property Owners Association) may hereafter create and establish an Architectural Changes Committee (the "Changes Committee") to review and approve Building Plans and Specifications for all renovations, changes and additions to existing Improvements on Lots. In the event the Board acts to create and establish the Changes Committee, with regard to renovations, changes and additions to existing Improvements on Lots, the Changes Committee shall have all rights and powers that are reserved to the ACC in the Guidelines.

## 5. MISCELLANEOUS MATTERS

### 5.1. Diligent Construction.

All Improvements to be constructed on a Lot must be completed within one (1) year following commencement of construction (i.e., commencement of grading) of the first of such Improvements, unless a longer time is approved in writing by the ACC.

All Waterfront Improvements (including Dock & Pier, and Shoreline Stabilization) shall be completed in a time frame approved by the ACC at final approval of Improvements. If Construction activity ceases for a period of thirty (30) days, area is to be stabilized to the ACC's satisfaction.

### 5.2. Featured Builders.

Except as otherwise specifically allowed under Section 5.3 herein or by the ACC, only builders then in good standing under the The Point Featured Builder Program (collectively, "Featured Builders"; each, a "Featured Builder") may serve as the general contractor/builder for the construction of Improvements on any Lot. Upon request, the ACC will make available to any Lot Owner a list of the then-current Featured Builders. To qualify as a Featured Builder, a builder must satisfy certain criteria and requirements established by the ACC and The Point, LLC. However, the criteria and requirements established by the ACC and The Point, LLC for a builder to qualify as a Featured Builder are solely for the protection and benefit of the ACC and The Point, LLC and are not intended to, and shall not be construed to, benefit any Owner or any other party whatsoever. The ACC and The Point, LLC make no representation, express or implied, to any Owner or any other party whatsoever with regard to the Featured Builders, including, without limitation, the substance, nature and extent (including coverage amounts and deductibles) of insurance policies that may be maintained by the Featured Builders from time to time, the solvency or financial status of the Featured Builders from time to time, the nature and amount of any bonds that may

be maintained by the Featured Builders from time to time, the performance (or the ability to perform) by the Featured Builders of their contractual obligations (including any contractual obligations of any of the Featured Builders in favor of any Owner or any other party whatsoever), the use of any substance or material, including, without limitation, any stucco or synthetic stucco material by the Featured Builders, the compliance by the Featured Builders with building codes and other requirements, rules, laws and ordinances of federal, state and local governmental and quasi-governmental bodies and agencies relating to the construction of homes and other activities engaged in by the Featured Builders from time to time. The compliance by the Featured Builders with any licensing requirements imposed by federal, state and local governmental and quasi-governmental bodies and agencies from time to time, including without limitation, the maintenance of any required builders and or contractor's license. Furthermore, neither the ACC nor The Point, LLC, nor the officers, directors, members, employees, agents or affiliates of either of them, shall have any responsibility whatsoever for any sum that any Owner or any other party may deposit with a Featured Builder, including, without limitation, any earnest money or other deposit that any Owner may deliver to a Featured Builder. The selection of a Featured Builder by an Owner shall be conclusive evidence that such Owner is independently satisfied with regard to any and all concerns such Owner may have about the Featured Builder's work, product, and or qualifications. Owners shall not rely on the advice or representations of the ACC, The Point, LLC or the officers, directors, members, employees, agents or affiliates of either of them in that regard.

### 5.3. Featured Outside Builders.

5.3.1. Notwithstanding any term or provision in the Guidelines to the contrary, a Featured Outside Builder (as defined herein) may serve as the builder/general contractor for the construction of Improvements on a Lot that is owned by such Featured Outside Builder, provided that each of the following requirements is satisfied:

- 1) The Featured Outside Builder will occupy the completed home as the personal residence of such Featured Outside Builder for a period of at least two (2) years from the date a certification of occupancy is issued for the home; and
- 2) The Featured Outside Builder complies in all respects with the terms and provisions of the Guidelines.
- 3) Pay the marketing fee before starting construction.

5.3.2. As used herein, the term "Featured Outside Builder" shall mean a North Carolina unlimited licensed general contractor who submits to the ACC, along with the final Building Plans and Specifications for the

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Improvements proposed to be constructed on the Lot owned by such builder, the following:

- 1) Financial statements, references and credit records for such builder, all in form and content acceptable to the ACC;
- 2) Evidence of examples of homes previously constructed by such builder of quality and aesthetic appearance acceptable to the ACC;
- 3) Evidence of such builder's North Carolina builder's license in a monetary amount that is acceptable to the ACC;
- 4) Evidence of insurance coverage meeting all of the requirements mandated for Featured Builders;
- 5) The Processing Fee and the Landscape/Construction Escrow Deposit consistent with the requirements of the Guidelines;
- 6) A written certification (in favor of the ACC and The Point, LLC) that, except in the case of the death or mental incapacity of the Featured Outside Builder, the Featured Outside Builder shall occupy the home to be constructed in The Point by such Featured Outside Builder as such Featured Outside Builder's personal residence for a period of at least two (2) years from the date a certification of occupancy is issued for the home;
- 7) Evidence that the Featured Outside Builder is regularly engaged as a residential or commercial building contractor as the Builder's primary means of livelihood

5.3.3. In the event an Featured Outside Builder does not occupy the home constructed by such Featured Outside Builder for at least two (2) years and/or sells such home prior to the expiration of the two (2) year period following the date a certification of occupancy is issued for the home, such Featured Outside Builder may not construct another house on any Lot at any time thereafter without the prior written permission of the ACC, which permission the ACC may grant or deny in its sole and arbitrary discretion. Furthermore, the ACC and The Point, LLC shall be entitled to pursue any and all other rights and remedies available at law or in equity as a result of such default (if applicable) by the Featured Outside Builder of its contractual obligation to occupy the home as such Featured Outside Builder's personal residence for a period of at least two (2) years from the date a certification of occupancy is issued for the home.

### 5.4. Purpose and Use of Landscape/Construction Escrow Deposit.

The Landscape/Construction Escrow Deposit that is required to be paid to the ACC by each Lot Owner pursuant

to Section 1.5 herein shall be deposited by the ACC in an escrow account. The Landscape/Construction Escrow Deposit paid by an Owner may thereafter be used by the ACC for any of the following purposes:

5.4.1. To pay for the cost to repair any damage to the Roadways or Common Areas in The Point caused by the Owner or the Owner's builder or subcontractors and not repaired by the responsible Owner or such Owner's builder or subcontractors.

5.4.2. To complete any Landscape Improvements shown on the approved final Landscape Plans and Specifications for such Owner's Lot, if and to the extent such Landscape Improvements have not been completed within three (3) months after completion of the residence on such Lot.

5.4.3. To pay for the cost of completing any Improvements so that they are in accordance with the approved final Building Plans and Specifications, if and to the extent the Owner fails so to complete such Improvements consistent with the terms of the Guidelines and the Declaration.

5.4.4. To pay for the cost of restoring or replacing any trees, other vegetation, grades or other natural features improperly removed, altered or destroyed by the Owner in violation of the Guidelines.

5.4.5. To reimburse The Point, LLC for the Owner's share of street cleaning costs during construction, if the Owner does not pay such amounts to The Point, LLC in a timely manner as specified in the Construction Rules.

5.4.6. To reimburse The Point, LLC for the cost of cleaning up any significant amount of dirt, cement, or debris left by the Owner or by the Owner's builder or subcontractors on any street, if and to the extent such materials and debris is not immediately removed by the Owner or the Owner's builder or subcontractors.

5.4.7. To pay for the cost of enforcing any of the Owner's other obligations under the Guidelines or the Declaration.

5.4.8. To pay any other costs, fines or expenses which, by the express terms of the Guidelines, may be deducted from the Landscape/Construction Escrow Deposit.

Except for the reimbursements described in Section 5.4.6 above and except for the application of the Landscape/Construction Escrow Deposit in accordance with the express terms of other provisions in the Guidelines, the ACC shall give an Owner prior notice that the ACC intends to use such Owner's Landscape/Construction Escrow Deposit for particular purpose. Such Owner thereafter shall have five (5) days from the date of the notice to complete the performance that is required and for which the ACC intended to use such Owner's Landscape/Construction Escrow Deposit or, if the performance cannot be completed during



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that time, to begin the performance and to thereafter diligently pursue such performance to completion. Upon the completion of all Improvements and all Landscape Improvements and the performance of all other obligations of the Owner pursuant to the terms of the Guidelines and Declaration, the ACC shall return to such Owner the unused portion (if any) of such Owner's Landscape/Construction Escrow Deposit.

### 5.5 Septic System Installation and Maintenance

The chosen method of residential waste disposal by The Point, LLC is individual on-site septic systems. Each lot will have its own septic disposal system that has been designed specifically for that site. The types of individual systems and their designated placement within the site have been predetermined by a North Carolina registered soil scientist along with the Iredell County Department of Environmental Health. Each site has a planned initial primary system and a designated area for a repair system of equal size to the initial area.

Some sites will utilize a gravity method of sewage disposal to their drainfield areas, while others may utilize an effluent pump system to "lift" the wastewater to the specific drainfield area for disposal. The Owner of each lot shall be responsible for becoming familiar with their system and its location. The Lot Owner shall always use "best efforts" to protect and extend the life of their system by using good household habits as suggested within the contents of the separate issued document titled "The Point Septic System Information for Builders and HomeOwners."

An installation and maintenance program has been implemented by The Point, LLC to ensure a quality and controlled septic system environment. Tri-County Wastewater Management, Charlotte, NC, is the management company overseeing the septic program for The Point. Additional information concerning any issue of construction affecting the septic system can be received by contacting:

Tri-County Wastewater Management  
8037 Fairview Road  
Suite G  
Charlotte, NC 28227

704.545.1711  
Contact person: Tim Bannister

The builder shall contract with a reputable septic system contractor that is authorized by Iredell County Environmental Health Department to do business in Iredell County. A current "Featured Installer" list is available from Tri-County Wastewater Management of certified installers trained on the rigid specifications required at The Point. Specifications for the installation of septic systems are included under the separate cover "The Point Septic System Installation Specifications" as issued to the builders.

The Point. These specifications exceed the minimum requirements set forth by the state rules and regulations.

Inspections are required periodically by both Iredell County Environmental Health Department and Tri-County Wastewater Management. Details on these inspections can be found in the aforementioned separate cover.

The maintenance on the septic systems at The Point will be performed by Tri-County Wastewater Management under a maintenance plan administered by The Point Owners Association. All homes of The Point shall be required to participate in the septic system maintenance program. Details of the maintenance program can be found under separate cover titled "The Point Septic System Information for Builders and HomeOwners".

Failure to comply with any of the referenced septic system program guidelines or specifications by the builders or their contractors shall result in their being liable for noncompliance and fines that may be imposed by The Point.

### 5.6. Notices.

Each notice, document or submittal (collectively, "notice") required or permitted to be given under the Guidelines must be given in compliance with the requirements of this section.

#### 5.6.1. Each notice shall be in writing.

5.6.2. Any notice to be given to the ACC shall be deemed to have been duly served and to be effective only when a receipt acknowledging such delivery (such as a registered mail, overnight express service or hand delivery receipt) is signed by a member or authorized representative of the ACC. The address of the ACC for delivery of notices hereunder shall be as follows:

The Point on Norman, LLC  
Architectural Control Committee  
2214 Brawley School Road  
Mooresville, North Carolina 28117

A copy of each notice shall be mailed to The Point, LLC (via certified or registered mail, return receipt requested) at the following address:

The Point on Norman, LLC  
2214 Brawley School Road  
Mooresville, North Carolina 28117

5.6.3. Any notice to be given to an Owner shall be deemed to be duly served when picked up by the Owner at the ACC's office or when delivered to the Owner's address by regular U.S. Mail Service (such delivery being presumed to have occurred on the second (2nd) day following the deposit of such notice by the ACC in the U.S. Mail). The address of an Owner shall be as set forth in the Owner's submittal of preliminary Building Plans and Specifications, or, if different, then as set forth in the Owner's submittal of final Building Plans and Specifications.



5.6.4. Either the ACC or an Owner may change its address for notices hereunder by written notice to the other party designating the new address, such written notice of the changed address to be given to the other party in accordance with this Section 5.6.

#### 5.7. Variances for Designated Lots Surrounding Club Village.

In order to accentuate certain architectural styles of the club village and pursuant to the authority granted in Article VIII, Section 7 of the Declaration, the Architectural Control Committee may, from time to time, in its sole discretion, permit the construction and use of Improvements which are at variance with the restrictions, requirements and/or provisions of these Guidelines and/or the Declaration on the following designated Lots: 1, 53, 57-62, 126-129 and 134. Such variances shall be in basic conformity with and shall blend effectively with the general architectural style and design of the club village area. The grant of a variance to the Owner(s) of any of the aforesaid designated Lots shall not constitute a waiver of the Architectural Control Committee's right to strictly enforce the covenants, restrictions, requirements and/or provisions of these Guidelines and/or the Declaration against the Owner(s) of any other Lots in The Point.

### LANDSCAPE GUIDELINES

#### 6. GENERAL LANDSCAPE MATTERS

##### 6.1. Goals and Objectives.

These Landscape Guidelines have been prepared for use by all Lot Owners and their builders, contractors, architects and landscape architects who are involved in making site improvements to Lots in the The Point community. Adherence to the Landscape Guidelines by all such parties will help ensure the continued success of The Point as a premiere residential community of the highest caliber. Extensive time and resources have been, and will continue to be, invested to create a high quality living environment at The Point. The Landscape Guidelines, implemented in concert with the Architectural Design Guidelines and the Construction Rules (which are the other two primary components of the Guidelines), will help assure that the foregoing objectives will be realized. The overall success of the The Point community is dependent, in large part, on the coordination of Landscape Improvements (as defined herein) and architectural improvements. A Glossary of Terms for a number of terms used in the Landscape Guidelines is attached hereto as Schedule F and is incorporated herein by reference and a Reference List that was used in the preparation of the Landscape Guidelines is attached hereto as Schedule G.

The specific objectives of the Landscape Guidelines are to:

6.1.1. Provide all Owners with the minimum standards for the installation of Landscape Improvements and associated site Improvements within Lots at The Point

6.1.2. Establish criteria to ensure visual continuity in the Landscape Improvements at The Point, exemplary of the design excellence for which The Point is known.

6.1.3. Present clear, concise, and enforceable guidelines for the installation and maintenance of Landscape Improvements at The Point.

##### 6.2. "Landscape" and "Landscape Improvements" Defined.

For the purposes of the Guidelines, and to distinguish landscape elements from other site structural elements (which are covered by the separate Architectural and Design Guidelines), "Landscape" shall be deemed to be the combination of existing and introduced plant material and all of the land area within each Lot located outside the boundaries of the building perimeter of the house. As used in the Guidelines, "Landscape Improvements" include, but are not limited to, trees, shrubs, ground covers, annual and perennial flowers, turf grasses, mulches, irrigation and landscape lighting systems, and similar existing and introduced Improvements.

##### 6.3 Septic System Matters

Builders and landscape contractors shall become familiar with the layout and installation of the septic system components and drainfield envelope requirements prior to performing any work in these designated areas. This information can be found under separate covers titled, "The Point Septic System Installation Specifications" and "The Point Septic System Information for Builders and HomeOwners" as issued to the builders by The Point. Additional information can be received by contacting Tri-County Wastewater Management at 704-545-1711.

Failure to comply with these guidelines, by the builders or their contractors, resulting in damage to the septic system or its components shall result in their being liable for bearing responsibility for repair costs and/or fines imposed by The Point, LLC.

### 7. PROCEDURES AND APPROVALS

##### 7.1. Landscape Review Process.

Prior to the commencement of any Landscape activity of any type (excluding any grading or similar site work encompassed by the Building Plans and Specifications) on any Lot, an Application for Landscape Plans and Specifications Approval (the form of which is attached hereto as Schedule C) must be submitted by the Lot Owner or such Owner's designated agent to the ACC. The ACC must receive, review and approve the information and

documentation required to be submitted under the section herein entitled "Final Landscape Plans and Specifications Review Procedure" prior to the commencement of any such landscape work.

#### Design Review Procedure.

The successful completion of the landscape review process under the Landscape Guidelines will be facilitated by reviewing and complying with the requirements outlined in the Landscape Guidelines and by reviewing and following the landscape review procedure described herein.

The Landscape Plans and Specifications Review Application, the Landscape Plans and Specifications and all other materials necessary for the ACC to review the Landscape Plans and Specifications shall be sent to:

Architectural Control Committee  
The Point on Norman, LLC  
2214 Brawley School Road  
Mooresville, North Carolina 28115

#### 7.3. Review of Preliminary Landscape Plans and Specifications.

The ACC encourages Lot Owners and builders who are building in the The Point community to participate in the preliminary Landscape Plans and Specifications review process. Although not required, the preliminary Landscape Plans and Specifications review process may help avoid unnecessary expense and delay by expediting later phases of the Landscape Plans and Specifications review process. Each Lot Owner may, at such Lot Owner's discretion, submit preliminary Landscape Plans and Specifications to the ACC at the time final Building Plans and Specifications for the Lot are submitted to the ACC (as contemplated in the Architectural and Design Guidelines). Four copies of the plan are to be submitted, along with a completed schedule C form.

The ACC shall review the preliminary Landscape Plans and Specifications and return them to the Owner marked "Approved" or "Disapproved," as the case may be. As to any preliminary Landscape Plans and Specifications that are marked "Approved" by the ACC, final Landscape Plans and Specifications produced thereafter must be in substantial conformity therewith; provided, however, the ACC's approval of preliminary Landscape Plans and Specifications shall in no way bind or obligate the ACC to approve the subsequent final Landscape Plans and Specifications.

The ACC may refuse to approve preliminary Landscape Plans and Specifications, or any component(s) thereof, for any reason or reasons, including purely aesthetic reasons, in its sole discretion of the ACC.

#### Final Landscape Plans and Specifications Review Procedure.

The submittal of final Landscape Plans and Specifications must incorporate all of the elements described herein as being required as part of the final Landscape Plans and Specifications submittal. It is critical that final Landscape Plans and Specifications (and the other required documentation, as described above) be submitted to the ACC for review in a timely manner. In that regard, four (4) complete sets of the final Landscape Plans, Specifications and a completed schedule C form for each Lot must be submitted to the ACC with the final building plans and specifications. Lot Owners submitting final Landscape Plans and Specifications after the final building plans and specifications have been submitted will receive a written request for the final Landscape Plans and Specifications from the ACC. Beginning on the thirtieth (30th) day following the date such written request is sent by the ACC to such Lot Owner, funds will be withheld from the Landscape/Construction Escrow Deposit (as defined in the Architectural and Design Guidelines) at the rate of \$50.00 per day; and such funds that are withheld shall be deemed earned by the ACC and shall be non-refundable to the Lot Owner. Such charges will accrue daily until the date that the final Landscape Plans and Specifications submittal (including all elements and documentation required herein) is received by the ACC. Furthermore, if final Landscape Plans and Specifications are not submitted to the ACC by the date the Lot Owner occupies the residence on the Lot, whether or not Landscape Improvements have been installed and whether or not any written notice has been given to the Lot Owner by the ACC as described above, fines shall accrue against such Lot (as a lien), and shall constitute a personal obligation of the applicable Lot Owner, at a rate of \$100.00 per day from the occupancy date until the date on which the final Landscape Plans and Specifications submittal (including all elements and documentation required herein) is received by the ACC. Such fines will be deducted first from the Landscape/Construction Escrow Deposit and, if and when the Landscape/Construction Escrow Deposit is depleted as a result of such daily deductions, such fines will continue to accrue at the daily rate until final Landscape Plans and Specifications are received by the ACC. No exceptions will be made to the circumstances described above which allow the ACC to withhold and retain part or all of the Landscape/Construction Escrow Deposit.

Landscape Plans and Specifications submitted to the ACC will be reviewed by a certified landscape architect who is licensed in the state of North Carolina and who is either a member of the ACC or is hired by the ACC to conduct such review on behalf of the ACC.

If found not to be in compliance with the Landscape Guidelines or if found to be otherwise unacceptable to the ACC, one (1) set of the final Landscape Plans and Specifications shall be returned to the Lot Owner marked "Resubmit," accompanied by a written statement of items found not to be in compliance with the Landscape Guidelines or to be otherwise unacceptable to the ACC. If the final Landscape Plans and Specifications for a Lot are submitted and rejected two (2) or more times, the ACC may require an

## The Point

additional review or processing fee to be deposited by the Lot Owner to cover the additional time and expense incurred by the ACC in reviewing the resubmitted final Landscape Plans and Specifications.

At such time as the final Landscape Plans and Specifications are approved (or conditionally approved) by the ACC, one (1) complete set of the approved final Landscape Plans and Specifications shall be retained by the ACC and the other complete set of the approved final Landscape Plans and Specifications shall be marked "Approved as Submitted" or "Approved as Noted" and returned to the Lot Owner, along with a written statement with any comments of the ACC. Once the ACC has approved final Landscape Plans and Specifications for Landscape Improvements to be installed on a particular Lot, the installation of such Landscape Improvements must be promptly commenced and diligently pursued to completion.

Any modification or change to the "Approved" set of final Landscape Plans and Specifications must be submitted in triplicate to the ACC for its review and approval along with a completed schedule E (using the same procedure as set forth herein relative to the submission and approval of the original final Landscape Plans and Specifications). The ACC may require the Lot Owner to pay an additional review fee in connection with any submittal of modifications or changes to previously approved final Landscape Plans and Specifications.

### 7.5. Required Elements of Final Landscape Plans and Specifications. (See schedule H-1 & H-2 for reference)

All final Landscape Plans and Specifications shall include the following:

7.5.1. A 24" x 36" blueprint or a 30" x 42" blueprint with accurate boundaries of the Lot (i.e., as taken from the most recent boundary survey of the Lot) drawn at a scale of 1" = 10' or larger (e.g., 1/8" = 1').

7.5.2. Accurate adjoining street right-of-way lines, accurate back of curb and face of curb lines, and the appropriate names of adjoining street(s).

7.5.3. Accurate locations and widths of any and all utility easements, each labeled as to the specific type of utility occupying the easement (i.e., septic, water, electric power, etc.). Accurate location of primary and 100% repair septic drainfield envelopes.

7.5.4. Accurate location of the Building Envelope for the Lot.

7.5.5. Accurate North direction shall be shown and labeled.

7.5.6. A title block located in either the lower right-hand corner of the sheet, across the entire bottom edge of

the sheet, or down the entire right-hand edge of the sheet shall contain the following information:

- 1) Lot number and section/village within the The Point community.
- 2) Scale of the drawing.
- 3) Date of the drawing, including any revision dates.
- 4) The name, address and telephone number of the preparer of the Landscape Plans and Specifications.
- 5) Lot Owner's name.

7.5.7. All accurate locations of existing trees over eight (8) inches in diameter as measured twelve (12) inches from ground/grade level. Of these trees, all trees to remain shall be so marked.

7.5.8. "Limits of Clearing and Grading Line" shall be shown exactly as it appears on the grading plan previously submitted by the Lot Owner as part of the approved final Building Plans and Specifications. All "No-Clear Areas" shall be shown and shall conform to the "No-Clear Areas" shown on the unrecorded plot plan received by the Lot Owners.

7.5.9. Precise location of the dwelling, garage and all other structures as depicted on the approved final Building Plans and Specifications for the Lot.

7.5.10. Precise location of all exterior doors and windows on the first floor/ground level of the dwelling.

7.5.11. Precise location of driveways, walkways, decks and steps, screened porches, gazebos, swimming (or other) pools, fountains, spas/hot tubs, fences and gates, garden walls, sculptures, sundials, bird houses, basketball goals, play equipment/swing sets, retaining and freestanding walls, etc.

7.5.12. Location of all proposed new Landscape Improvements, clearly labeled and indicating the species and quantities. Show all lawn areas as "lawn seed" or "lawn sod."

7.5.13. Plant list/planting schedule listing all proposed plant material, quantities, their common name and their botanical/scientific name, their size at the time of planting, and any special or notable distinguishing characteristics. (See the sample final Landscape Plans and Specifications attached hereto as Schedule H-1/ H-2 and the recommended plant list, schedule J.)

7.5.14. Location of gas and electric meters, location of heating, ventilating and air conditioning units and pool equipment/pump or other utility-related equipment and

apparatus. Location of septic tanks, pumps and related equipment.

7.5.15. Label appropriately the number of any Golf Course hole or Club Facilities or grounds that adjoin the Lot and show any adjoining golf cart paths (where applicable).

7.5.16. All plants shown on the final Landscape Plans and Specifications are assumed to be scheduled for installation in the initial planting of the Lot. Any plants to be installed in a later phase (i.e., following the initial planting of the Lot) must be clearly labeled to that effect on the final Landscape Plans and Specifications and in the plant list that constitute a part of the final Landscape Plans and Specifications.

7.5.17. Street trees must be located and the species must be noted as is specified by the Street Tree Planting Plan for each street. (The Street Tree List is attached hereto as Schedule J.)

7.5.18. Street light locations shall be noted on the final Landscape Plans and Specifications (where applicable).

7.5.19. The type(s) of mulch material(s) to be used and their location(s) must be clearly indicated.

#### 7.5.20 Drainage Plan

At a minimum, plans are to include downspout locations, drain pipe locations, and direction of over land water flow.

If any of the foregoing information or detail is not provided in the final Landscape Plans and Specifications, in whole or in part, the final Landscape Plans and Specifications will be rejected until all of the required information and detail is included, regardless of how elaborate and extensive the actual design may be. (see schedule I)

#### Upgrades to Landscaping

All additional landscaping proposed for installation following final approval and/or installation of original landscaping must be reviewed and approved by the ACC prior to installation. Depending on the scope of the work, review fees may be required. All upgrade submittals are to be accompanied by a completed schedule C, marked for 'upgrade review'.

#### 7.6. Failure of the ACC to Act.

If the ACC fails to approve or disapprove any final Landscape Plans and Specifications and other submittals which conform (and which relate to Landscape Improvements which will conform) with the requirements of the Landscape Guidelines and of the Declaration or to reject them as being inadequate or unacceptable within thirty (30) business days after receipt thereof, and provided such

submittal was a full and complete submittal, in accordance with the Landscape Guidelines and the Declaration, of all items that were to have been submitted to the ACC, and provided the ACC shall again fail to approve or disapprove of such final Landscape Plans and Specifications and other submittals within ten (10) days after additional written request to act on such items is delivered to the ACC following the passage of such first above-described thirty (30) business day period, it shall be conclusively presumed that the ACC has approved such conforming Landscape Plans and Specifications and other submittals, EXCEPT that the ACC has no right or power, either by action or failure to act, to waive or grant any variances relating to any mandatory requirements specified in the Declaration or any Additional Declaration for the Phase in which the Lot is located, and EXCEPT FURTHER, that the ACC shall not be deemed to have waived any of the requirements set forth in Article VIII, Section 8, Section 9 or Section 10 of the Declaration or any corresponding provisions in the Guidelines. If final Landscape Plans and Specifications or other submittals are not sufficiently complete or are otherwise inadequate, the ACC may reject them as being inadequate or may approve or disapprove part, conditionally or unconditionally, and reject or approve the balance.

#### 7.7. Lot Owner Responsibility.

Although a landscape contractor, landscape architect, or landscape designer may prepare the final Landscape Plans and Specifications for a particular Lot on behalf of the Lot Owner, it is the ultimate responsibility of the Lot Owner to review the final Landscape Plans and Specifications for completeness (consistent with the Landscape Guidelines); and it also is the ultimate responsibility of the Lot Owner to ensure the timely submission of the Landscape Plans and Specifications and related documentation to the ACC for review as contemplated herein. Additionally, each Lot Owner is responsible for making those individuals acting on behalf of such Lot Owner aware of the requirements contained herein relating to the preparation and submittal of the final Landscape Plans and Specifications.

#### 7.8. Field Verification.

Following the approval of final Landscape Plans and Specifications for a Lot and the subsequent installation of Landscape Improvements in accordance with such approved final Landscape Plans and Specifications, the Lot Owner shall so notify the ACC by submitting a completed schedule M, and the ACC shall inspect the Landscape Improvements installation for compliance with the approved final Landscape Plans and Specifications. Plant locations, plant species and plant sizes shall be consistent with those shown on the approved final Landscape Plans and Specifications. Plant sizes shall conform to the latest edition of the American Standards For Nursery Stock, published by the American Association of Nurserymen, Inc. Upon positive field verification of installation of the Landscape Improvements on the Lot in accordance with the approved final Landscape Plans and Specifications, the Landscape/Construction

Escrow Deposit (or any residual portion thereof not previously retained by the ACC as provided herein) shall be returned to the Lot Owner. If the Landscape Improvements, as installed, do not conform to the approved Landscape Plans and Specifications, at the sole discretion of the ACC and without limiting any other rights or remedies of the ACC or any other party under the Guidelines or under the Declaration, the Landscape/Construction Escrow Deposit may be withheld until the Landscape Improvements installation is brought into conformance with the approved final Landscape Plans and Specifications.

All resubmittals for disapproved installation inspections are to be submitted to the ACC by a completed schedule M.

## 8. PRESERVATION OF EXISTING TREES

The existing trees at The Point are a prized natural amenity which add value to the community in a multitude of ways. The Point, LLC has exercised care to retain as much of the existing vegetation as possible in the design of the land plan for The Point; and it is expected that Lot builders and contractors will continue to preserve and protect this valuable resource during the course of construction.

### 8.1. Owner Responsibilities.

Each Lot Owner shall be responsible for ensuring that such Lot Owner's general contractors and subcontractors adhere to the requirements of the provisions in the Landscape Guidelines pertaining to the protection and preservation of existing trees. The Landscape/Construction Escrow Deposit will be retained by the ACC if, in the sole discretion of the ACC, the provisions in the Landscape Guidelines pertaining to the protection and preservation of existing trees are not followed and result in the destruction of or severe damage to otherwise healthy and desirable existing vegetation.

The ACC may employ the services of a qualified arborist and/or landscape architect to analyze the condition of existing trees and to assist the ACC in monitoring adherence to the provisions in the Landscape Guidelines pertaining to the protection and preservation of existing trees.

### 8.2. Tree Protection and Preservation Procedures.

It is essential that tree trunks, canopies, and root systems all be protected from heavy equipment and other harmful construction practices. Soil located from the "drip-line" of the tree to the trunk of the tree must remain undisturbed to enhance the likelihood that the tree will survive. Studies have shown that damaged root systems, especially damage to the feeder roots at the top ten (10) feet of the soil where a tree "breathes," are the most common cause of the fatal decline of otherwise healthy existing trees. Signs of the resulting stress often are not evident for months or sometimes years after the damage occurs, resulting in additional, often unforeseeable, costs and inconvenience

to the then-current Lot Owner and to the community as a whole.

A qualified arborist or Landscape Architect shall be consulted by each Lot Owner or such Lot Owner's builder for an on-site evaluation of the existing trees prior to, during, and after construction. In addition, the following plan of protective measures must be followed by the Lot Owner and the Lot Owner's builder to ensure the protection of existing trees that are intended to remain on the Lot following the construction of Improvements thereon.

8.2.1. All healthy, individual existing trees over eight (8) inches in caliper, as measured twelve (12) inches from ground level, and all groups of trees comprising a "tree save area" must be identified with blaze-orange flagging tape before any clearing, grading or other construction activity is commenced on the Lot. The tree protection boundary shall be established at the drip-line(s).

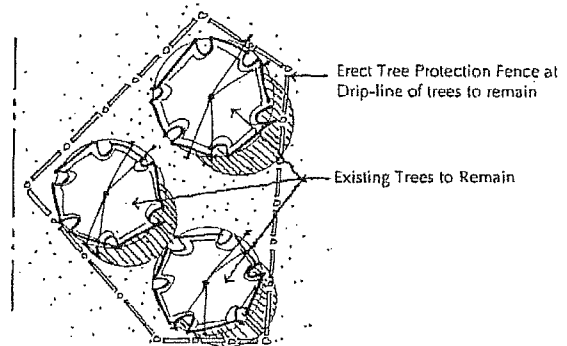


FIG. 8.2.1 TREE PROTECTION BOUNDARY

Figure 8.2.1 - Tree Protection Boundary

8.2.2. Keep trash, construction debris, fires, chemical liquids and stored construction materials out of the drip-line area.

8.2.3. Stored construction materials, stockpiles, equipment or vehicles shall be located no closer than ten (10) feet to the tree drip-line.

8.2.4. Supply supplemental water and/or deep-root fertilization (as recommended by the arborist) before, during and after construction, as appropriate. Severe and prolonged heat, cold and/or drought conditions, coupled with nearby construction activity, often cause an adverse lowering of available groundwater levels requiring protective measures.

8.2.5. When changes in grade are required near existing trees, erect a tree well, retaining wall or walls outside the "drip-line" of the existing trees, to preserve the existing grade around the tree. Supply supplemental water and/or deep-root fertilization, as recommended by the arborist, to ease the stress of possible root loss

due to grading operations and the construction of retaining walls.

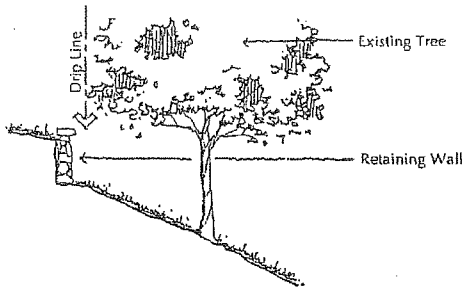


Figure 8.2.5 - Tree Preservation - Retaining Wall

8.2.6. In some instances, the ACC may require additional tree protection measures to ensure the preservation of especially valuable existing trees.

### 8.3. Tree Repair Procedures.

When trees are inadvertently damaged during construction, the Lot Owner shall retain a qualified arborist to make the necessary repairs. The arborist selected by the owner must have a minimum of five (5) years of working experience as an arborist and must be actively involved in the care and maintenance of trees in the southeastern United States.

The following tree repair measures shall be taken by the arborist (as deemed appropriate by him or her) subsequent to his or her thorough inspection of the damaged area and determination as to the severity thereof.

8.3.1. Tree trunks scarred during the construction process shall be treated immediately. The scarred area must be properly cleaned. Any and all torn bark and/or ragged edges shall be cut cleanly away, and the wound shall be shaped into an ellipse where possible.

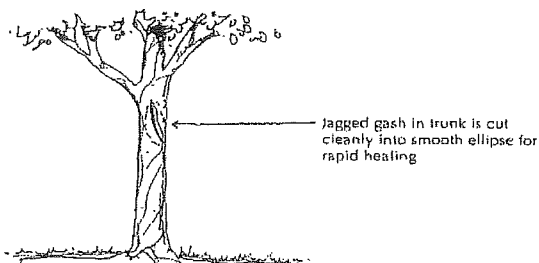


Figure 8.3.1 - Tree Repair - Scarred Trunk

8.3.2. Limbs or branches damaged by construction operations shall be removed. Clean cuts with sharp pruning tools are to be made at the nearest lateral branch or flush with the trunk for major limbs.

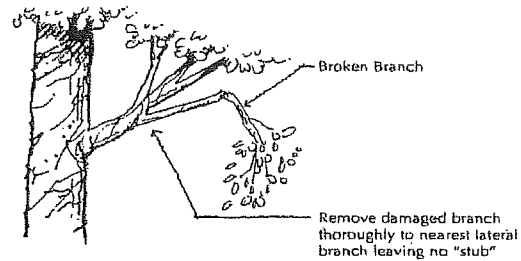


Figure 8.3.2 - Tree Repair - Broken Branch

8.3.3. If, during or after construction, minor root damage is observed, reducing the crown by as much as thirty percent (30%) during the appropriate season of the year may be advisable. Crown reduction by pruning several of the small to medium-sized branches will reduce the demand on the damaged root system, thereby increasing the tree's prospects for survival and eventual full recovery.

### 8.4 Tree Removal in Drainfield Envelopes

The removal of trees should be done selectively within the drainfield "envelopes". Only those with adverse effects should be removed from the areas. The areas should remain in as natural a state as possible.

### 8.5. Tree Valuation Schedule and Reimbursement Obligations Relating to Damaged or Destroyed Trees.

With the care given to protecting and preserving existing trees as outlined above and as set forth in the Lake Buffer Guidelines, there should be little or no damage to trees during the course of construction on any lot. However, accidents and possibly even negligence on the part of contractors and/or subcontractors will likely occur to some limited degree, resulting in the destruction of existing trees intended to remain on the Lot after the completion of construction of the improvements thereon. The Tree Valuation Schedule, set forth in Figure 8.5.1 below, will be used to place an appropriate monetary value on any and all such existing trees severely damaged and/or destroyed within the tree preservation areas. Quantifying the value of existing trees will provide each Lot Owner with a method for calculating the proper amount of reimbursement such Lot Owner must pay to the Association upon written request as a result of the irreparable damage to, or destruction of, existing trees caused by a contractor's

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or subcontractor's construction operations on the Lot. The Association shall use the reimbursement amount to rehabilitate, restore and/or replace, as appropriate, the damaged or destroyed trees to the extent practicable. Any of the reimbursement amount not used for the purpose shall be retained by the Association. For purposes of the Tree Valuation Schedule, the tree's trunk diameter is measured twelve (12) inches above existing grade level. Trunk diameters that fall between two sizes presented in the Tree Valuation Schedule shall be assigned a value calculated proportionally.

A qualified arborist and/or landscape architect, at the Lot Owner's expense, shall evaluate the quality of the damaged or destroyed tree(s), as they would have existed prior to their being damaged or destroyed. The Tree Valuation Schedule (Figure 8.5.1) shall be used to determine the replacement value.

### 8.6. Replacement of Damaged or Destroyed Trees

The Owner's Association, or the ACC as its agent, in its sole discretion, may require the planting of additional trees as a result of a disturbance, damage, or destruction of existing trees on individual lots. In this instance, a replanting plan, a separate document from the Landscape Plan, may be requested by the ACC, detailing the size, type, and location of replacement vegetation. The ACC may have different mitigation requirements than the NCDENR, the authority governing the NC Catawba Buffer Rules, or vice versa. Compliance with either organization shall not constitute compliance with the other.

All vegetation planted for the purposes of replacement must be guaranteed for one year after installation. Any vegetation that is noted as dying, dead, or otherwise in poor health at the end of its first installation year will be required to be replaced. If such trees are replaced, the newly installed trees will also be subject to an additional one year guarantee requirement.

In general, replacement trees must be planted expeditiously once the violation has occurred and the replacement planting plan has been approved. The ACC may grant, during times of extreme weather conditions, that replacement tree planting be postponed until such time as weather conditions are optimum for planting. A formal request, in writing, must be given to the ACC once the replanting has been approved. The ACC will review the request in accordance with Section 9.2 of the Landscape Guidelines. If the ACC grants a postponement, failure to install the buffer mitigation trees by the agreed upon date will result in a minimum fine of the actual installed cost of the buffer mitigation trees previously agreed upon as per approved Buffer Mitigation Plan, assessed against such Lot (as a lien), and shall constitute a personal obligation of the applicable Lot Owner.

For trees to be placed within the Lake Buffer Areas, all trees installed as part of the buffer mitigation plan will be considered "protected" regardless of caliper size.

## 9. MINIMUM PLANTING REQUIREMENTS

Minimum requirements for the initial landscape improvements to be installed on each Lot within the The Point, LLC community have been devised to ensure that the high quality, visually appealing house styles and associated

Tree Valuation Schedule			
Trunk Diameter Inches	(DBH)	Cross Section Square Inches	
		Deciduous TreeValue	Evergreen TreeValue
2		\$102.72	\$89.88
4		\$445.12	\$389.48
6		\$958.72	\$838.88
8		\$1712.00	\$1498.00
10		\$2704.96	\$2366.84
12		\$3869.12	\$3385.48
15		\$6060.48	\$5302.92
20		\$10,751.36	\$9407.44
30		\$24,207.68	\$21,181.72
48		\$61,940.16	\$54,197.64

This schedule is calculated using plant appraisal techniques derived from The Guide for Plant Appraisal, 9<sup>th</sup> Edition, published by *The Council of Tree and Landscape Appraisers* and *The International Society of Arboriculture*, in conjunction with information provided by the Southern Chapter of the International Society of Arboriculture. This schedule may be superseded by the most current, updated, information available from future editions and/or official publications.

**Figure 8.5.1**

## The Point

landscaping portray an aesthetically pleasing streetscape image. Essential to this is a unified and consistent balance between the quality of the architecture and the quality of the landscape improvements. A Recommended Plant List is attached hereto as Schedule J.

Minimum Initial Landscape Improvements planting requirements are established for each of the three Lot size categories planned for The Point. Of course, as provided above, the ACC may, from time to time and at the sole discretion of the ACC, make revisions or amendments to all requirements and provisions in the Guidelines, including, without limitation, these minimum initial Landscape Improvements planting requirements. The Lots at The Point are distinguished by their respective sizes measured in total number of square feet of land area within their boundaries; and, for purposes of this Section 9, the Lots at The Point are divided into three (3) categories: Lots containing fewer than 35,000 square feet of land area, Lots containing between 35,000 square feet of land area and 43,500 square feet of land area (inclusive) and Lots containing more than 43,500 square feet of land area. The minimum initial Landscape Improvements planting requirements for each category of Lots are specified below.

### 9.1. Lots Containing Fewer Than 35,000 Square Feet of Land Area - Minimum Initial Landscape Improvements Planting Requirements.

Minimum Initial Landscape Improvements Planting Requirements (Per Lot) for Lots Containing Fewer Than 35,000 Square Feet of Land Area.

<u>Plant Type</u>	<u>Non-Corner Lot Quantity</u>	<u>Corner Lot Quantity</u>	<u>Size</u>	<u>Remarks</u>
Street Trees	1	2	3-3.5" cal.	B&B
Shade Trees	1	2	2.5-3" cal.	B&B
Accent Trees	2	4	2-2.5" cal.	B&B
Evergreen Trees	3	3	6-7' ht.	B&B
Evergreen Shrubs	28	30	5-7 gallon	Cont.
Small Shrubs	23	25	3 gallon	Cont.
Ground covers	300 SF	350 SF	Flats or 2" Pots	Cont.
Annual Flower Beds	75 SF	75 SF	Flats or 4" Pots	Cont.
Lawn Seed	All disturbed/graded areas other than plant beds or sod.			
Mulch/Pine Straw	All plant beds and natural areas.			

(B&B" means "Bag and Burlap," "cal." means "caliper" and "Cont." means "Container.")

### 9.2. Lots Containing Between 35,000 Square Feet of Land

Area and 43,500 Square Feet of Land Area (Inclusive) - Minimum Initial Landscape Improvements Planting Requirements.

Minimum Initial Landscape Improvements Planting Requirements (Per Lot) for Lots Containing Between 35,000 Square Feet of Land Area and 43,500 Square Feet of Land Area (Inclusive)

<u>Plant Type</u>	<u>Non-Corner Lot Quantity</u>	<u>Corner Lot Quantity</u>	<u>Size</u>	<u>Remarks</u>
Street Trees	1	2	3-3.5" cal.	B&B
Shade Trees	1	2	2.5-3" cal.	B&B
Accent Trees	2	3	2-2.5" cal.	B&B
Evergreen Trees	3	3	7-8' ht.	B&B
Evergreen Shrubs	32	34	5-7 gallon	Cont.
Small Shrubs	26	28	3 gallon	Cont.
Ground covers	300 SF	350 SF	Flats or 2" Pots	Cont.
Annual Flower Beds	75 SF	75 SF	Flats or 4" Pots	Cont.
Lawn Seed	All disturbed/graded areas other than plant beds or sod.			
Mulch/Pine Straw	All plant beds and natural areas.			

### 9.3. Lots Containing 43,500 Square Feet of Land Area - Minimum Initial Landscape Improvements Planting Requirements.

Minimum Initial Landscape Improvements Planting Requirements (Per Lot) for Lots Containing More Than 43,500 Square Feet of Land Area

<u>Plant Type</u>	<u>Non-Corner Lot Quantity</u>	<u>Corner Lot Quantity</u>	<u>Size</u>	<u>Remarks</u>
Street Trees	1	2	3-3.5" cal.	B&B
Shade Trees	2	2	3.5-3" cal.	B&B
Accent Trees	3	3	2-2.5" cal.	B&B
Evergreen Trees	4	4	7-8' ht.	B&B
Evergreen Shrubs	36	38	5-7 gallon	Cont.
Small Shrubs	29	31	3 gallon	Cont.
Ground covers	400 SF	425 SF	Flats or 2" Pots	Cont.
Annual Flower Beds	100 SF	100 SF	Flats or 4" Pots	Cont.
Lawn Seed	All disturbed/graded areas other than plant beds or sod.			
Mulch/Pine Straw	All plant beds and natural areas.			



#### 9.4 Recommended Planting Seasons

Optimum planting times are from March 15 to May 15 and from September 15 to November 1 for most plant materials. Trees may be planted throughout the winter months if the ground is not frozen and as long as the plants receive adequate water.

#### 9.5. Postponement of Planting.

Under circumstances of extreme weather conditions, the ACC may, in its sole discretion, grant a Lot Owner a postponement of the initial Landscape Improvements planting. The request for such a postponement must appear in writing on the final Landscape Plans and Specifications as submitted to the ACC for review. Generally, postponements of the initial Landscape Improvements planting will be considered only for the hotter summer months between July 1 and August 30 and for prolonged periods of below-freezing weather forecasted during the winter months. Such a postponement, when granted by the ACC, in no way releases the Lot Owner from the obligation to install the initial Landscape Improvements pursuant to the approved final Landscape Improvements Plans and Specifications at the earliest time that weather permits and in all events not later than the timetable set forth in the ACC's written postponement.

### 10. REFORESTATION OF LOTS

The existing Landscape at The Point is a combination of mixed hardwood forest, pine forests and open fields. Areas containing open fields will require additional reforestation/tree planting by each Lot Owner. These additional Landscape Improvements must be installed as part of the initial Landscape Improvements planting on the Lot, and these additional Landscape Improvements represent planting required over and above the required minimum Landscape Improvements planting for each lot as provided above in the Landscape Guidelines. Refer to the Unrecorded Lot Plat provided by the ACC for each Lot to identify if the Lot is a designated "Wooded Lot" or a "Partially Wooded Lot" and that are encompassed by the additional planting requirements in this section. The Reforestation Chart set forth below lists the number of additional trees required for each Lot classification.

#### 10.1. Existing Vegetation Classification.

All Lots within the The Point community will be assigned a vegetation classification by an arborist and/or landscape architect retained by the ACC for such purpose. Such vegetation classification of the Lots is based on their existing mature vegetative cover as follows:

- Wooded Lots: Lots containing substantial stands

of mature or maturing trees, not requiring additional reforestation.

- Partially Wooded Lots: Lots containing fifty percent (50%) or greater coverage with mature or maturing trees, requiring fifty percent (50%) of the reforestation planting required of an Unwooded Lot.
- Unwooded Lots: Lots containing either no mature existing trees or insignificant, immature existing trees, and requiring one hundred percent (100%) of the designated reforestation planting.

#### 10.2. Reforestation Chart.

<u>Lots:</u>	<u>Under 35,000 SF</u>	<u>35,000-43,500 SF</u>	<u>Over 43,500 SF</u>
Wooded Lots	N/A	N/A	N/A
Partially Wooded Lots	2 Shade Trees	2 Shade Trees	3 Shade Trees
Unwooded Lots	3 Shade Trees	4 Shade Trees	4 Shade Trees

The species of trees used for reforestation purposes shall be Oaks, Maples, Elms or similar large-maturing shade trees. Evergreen trees and Bradford Pear trees or their cultivars will not be permitted to satisfy the reforestation requirement. All trees will have a straight, single trunk with a full canopy or crown, and shall conform to current American Nursery Association Standards. All trees will be 3" caliper or larger at the time of planting.

### 11. LANDSCAPE DESIGN GUIDELINES — REQUIRED PRACTICES

The following guidelines shall be followed by all Lot Owners and the builders, contractors, subcontractors, and architects of the Lot Owners when planning for and installing Landscape Improvements on Lots within The Point, LLC. These guidelines contain specific required practices and techniques for creating an aesthetically pleasing landscape.

#### 11.1. Screening of HVAC Units, Utility Meters, Utility Transformers, Septic Equipment, Outside Refuse Containers, Etc.

All heating, ventilating, and air conditioning units, septic equipment, utility meters, electric utility transformer boxes, swimming pool pump equipment, permitted satellite or microwave dishes and similar equipment, apparatus and fixtures on each Lot, including all refuse containers stored outdoors, must be screened from view from streets and from the Waterfront, Golf Course and from neighboring Lots. Plants used as screening should be maintained by the Lot Owner so that the equipment, apparatus or fixture being screened is accessible (wherever possible) by service personnel and/or meter readers. Plant materials for this

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purpose shall be installed using either five (5) or seven (7) gallon sizes, evergreen only. Recommended plant types include Otto Luykens Laurel, Schipka Laurel, Dwarf Burford Holly, Compacta Holly, Variegated Ligustrum, Wax Myrtle, Fortunes Osthmanthus, although this is not intended as an exclusive listing. (See Figures 11.1.1, 11.1.2, 11.1.3.)

Condensation drains from HVAC units can dispose considerable water during their operation times. Their drain tubes shall be piped away from any septic system component and "daylighted" on the downslope of the system.

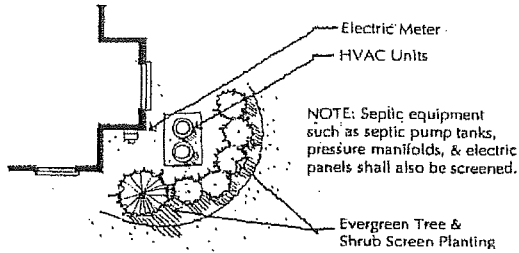


Figure 11.1.1 - Evergreen Screening of Utilities

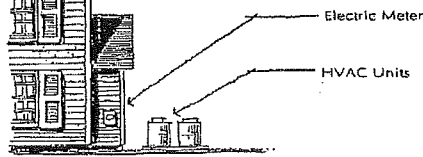


Figure 11.1.2 - Before Screening of Utilities

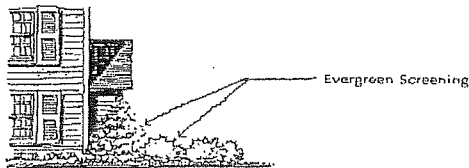


Figure 11.1.3 - After Screening of Utilities

## 11.2. Waterfront and Golf Course Lots - Special Requirements.

With regard to Lots that are contiguous to the Waterfront and Golf Course, plant material hedges will not be permitted outside of the Building Envelope for each such Lot. This restriction is intended as a means of facilitating the view of the Waterfront and Golf Course from all Waterfront and Golf Course Lots.

Existing trees adjacent to the Waterfront and Golf Course are essential to creating a well-defined vegetated edge to the Waterfront and Golf Course. Accordingly, Owners of Lots whose rear yards abut the Waterfront and Golf Course shall adhere to the provisions for tree preservation as outlined in Section 8 herein. In order to maximize their views of the Waterfront and Golf Course, however, Owners of Lots whose rear yards abut the Waterfront and Golf Course may, in their reasonable discretion, trim or remove hardwood trees under 2 1/2" in caliper and pine trees under 4" in caliper. Also, any such trees may be pruned or limbed-up, judiciously, to enhance views of the Waterfront and Golf Course. (See Figure 11.2.1.)

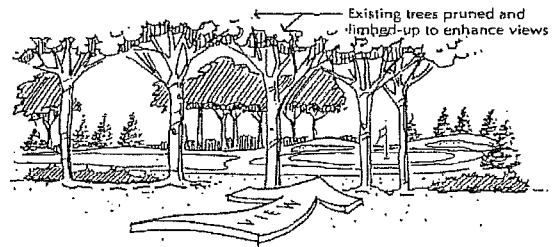


Figure 11.2.1 - Pruning/Limbing to Enhance Views

### 11.3. Driveway Location and Planting.

As set forth in Section 2.3 in the Architectural and Design Guidelines, driveways shall not be located closer than two (2) feet to the side Lot boundary line. Where a driveway exists on a Lot that is adjacent to a neighboring Lot which does not have a driveway on the same adjacent side, the Owner of the Lot on which the driveway exists shall be responsible for landscaping the two (2) foot strip between such Owner's driveway and the side Lot boundary line with a row of seven or more evergreen shrubs or narrow, conical evergreen trees to screen the view of the driveway from the neighboring Lot. This plant material will be required in addition to the minimum initial Landscape Improvements planting requirements set forth in Section 9 herein. (See Figure 11.3.1.)

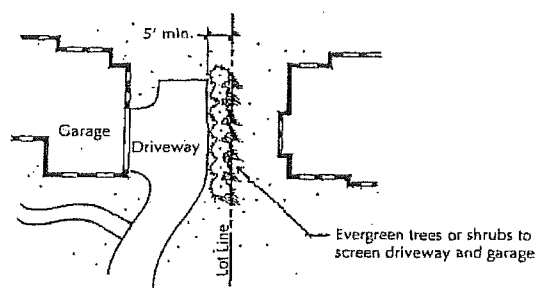


Figure 11.3.1 - Driveway/Garage Screen Planting

### 11.4. Retaining Walls.

As set forth in the Architectural and Design Guidelines, all retaining walls must be approved by the ACC prior to construction, and the material, location, and height of all retaining walls must be clearly labeled on the final Building Plans and Specifications. Where retaining walls are located on a Lot in an area that is visible from a street, additional plant material, over and above the minimum initial Landscape Improvements planting requirements herein, will be required to screen, or otherwise "soften" the retaining wall from view at the street. Additionally, it is recommended that retaining walls that are visible from neighboring Lots, Waterfront, and the Golf Course be screened and/or "softened" with plant material. Additional plant screening material required to be installed pursuant to this Section 11.4 must be installed at the same time the minimum initial Landscape Improvements are installed hereunder. (See Figure 11.4.1.)

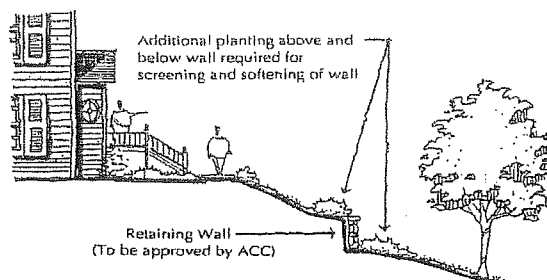


Figure 11.4.1 - Screening of Retaining Walls

### 11.5. Street Tree Location.

Street trees will be required on each Lot. The required species, size and location of each required street tree will be shown on the unrecorded plat provided by The Point, LLC or the ACC in connection with the initial sale of each Lot. The street trees planted on each Lot are expected to contribute to the overall effect of a unified street planting scheme that distinguishes each street with a particular species of tree. It is the responsibility of each Lot Owner (over and above the minimum initial Landscape Improvements planting requirements herein), to plant the precise size and species of tree described on the unrecorded plat provided by The Point, LLC or the ACC in the designated location(s) shown on such unrecorded plat and to maintain the same in a healthy, well-maintained condition in perpetuity. Additional trees required to be installed pursuant to this Section 11.5 must be installed at the same time the minimum initial Landscape Improvements are installed hereunder. (See Figure 11.5.1.)

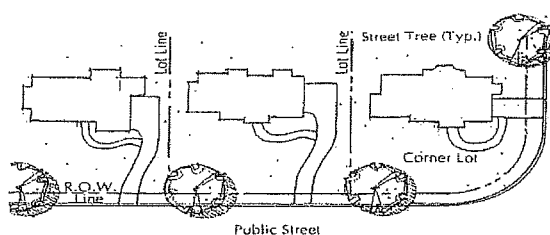


Figure 11.5.1 - Typical Street Tree Location

### 11.6. Lawn Ornaments/Bric-a-Brac.

All lawn ornaments and bric-a-brac constitute Landscape Improvements and therefore are subject to review and approval by the ACC. Without limiting the generality of the foregoing, no such landscape elements will be permitted in the front yard of any Lot without the prior written approval of the ACC. If, in the sole discretion of the ACC, such landscape elements are incompatible with the objectives of the Guidelines, they must be removed or relocated by the

responsible Lot Owner, as specified by the ACC, within ten (10) days from the date of written notification to the Lot Owner.

#### 11.7. Mulch Materials.

Annual flower beds and perennial flower beds shall receive two (2) inches of small/fine pine bark mulch. All planting beds and natural areas require a cover of three (3) inches of mulch. Acceptable mulch materials for covering planting beds and natural areas include pine straw, pine bark nuggets, shredded hardwood mulch, brick chips or dark-colored gravel (i.e., dark gray granite or dark brown "lava-rock"). White gravel will not be permitted without the prior written approval of the ACC. Consistent use of the same mulch material for any given Lot is required. Each Lot Owner shall be responsible for replacing and maintaining mulch material on such Owner's Lot from time to time consistent with the requirements of this Section 11.8.

#### 11.8. Respect For "NO-CLEAR" Areas.

"NO-CLEAR" areas will be clearly marked on the unrecorded plat provided by The Point, LLC or the ACC in connection with the initial sale of each Lot. These "NO-CLEAR" areas have been designated as tree preservation areas due to the exceptional, mature trees located in their boundaries. Utmost care and consideration by all Lot Owners, builders, contractors and subcontractors is required relative to the "NO-CLEAR" areas, as set forth in outlined Section 8 herein. Failure to follow such guidelines will result in the Owner's being required to pay compensation according to Section 8 herein.

#### 11.9. Walkway Layout.

Walkways from the driveway to the front door or porch of the house shall be designed with smooth, flowing curves (where possible), rather than rigid straight lines. Walkways shall be at least three (3) feet wide.

Subject to the provisions of Section 2.8 herein, openings to provide access to the lake and dock areas are allowed, but are limited to a maximum width of 10 feet for boats and 6 feet for walkways. Access to the streams are limited to a maximum width of 6 feet for walkways. (pervious materials should be used as base materials or elevated boardwalks can be used.)

#### 11.10 Elevated Deck and Patio Foundation Planting.

Decks and patios that are elevated above ground level shall be landscaped around their perimeters with appropriately sized plant material to screen the view of the space underneath the structure. It is especially important to screen those portions which are visible from the public street (i.e., especially on corner lots with elevated rear decks), front and Golf Course.

#### 11.11 Septic Systems - Special Requirements

Having accessibility to the septic system components is necessary for scheduled preventative maintenance and regular service. The planting of shrubbery and decorative landscaping items shall not be placed within a 5' radius of any septic system component that extends above ground. All planting and decorating must be approved by the ACC.

The septic system electrical control panels associated with certain system types will be attached to the side of the dwelling. No landscaping items will be allowed within a 3' radius from the box to allow for service without obstruction.

The planting of trees within the area of the septic systems should be performed carefully and very selectively. Only with the approval of the ACC will certain trees be allowed to be planted within the drainfield "envelope" or in the tankage area. No tree of any type shall be planted within 3' of any septic system component; e.g., tankage, distribution devices or drainlines.

The drainfield "envelope" shall have sufficient vegetative covering of the type identified by the ACC. Mulching is generally disallowed over the drainfield area. If the landscaping design shows mulching extending into the "envelope" and covering more than 10% of the "envelope" area, approval will be at the discretion of the ACC. In addition, if mulching is desired over the tankage or distribution device areas, detailed plans including septic system component locations must be submitted to the ACC for approval.

### 12. LANDSCAPE DESIGN GUIDELINES - RECOMMENDED PRACTICES

The following guidelines are recommended to be followed by all Lot Owners and the builders, contractors, subcontractors, and architects of the Lot Owners when planning for and installing Landscape Improvements on Lots within The Point. These guidelines contain specific recommended practices and techniques for creating an aesthetically pleasing landscape.

#### 12.1. Automatic Irrigation Systems.

Automatic irrigation systems are highly recommended. Besides the obvious advantage of convenience, automatic irrigation systems, when designed, installed and operated properly, should provide plant and lawn sod Landscape Improvements with the consistent waterings they require to thrive. Landscape Improvements that are installed between March 15 and September 30 likely will be subjected to periods of intense heat and periods of low precipitation. Automatic irrigation systems are especially beneficial during such periods to help ensure a consistent amount, frequency and duration of watering.

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When designing an automatic irrigation system it is recommended that lawn areas and shrub beds be placed on separate zones since the watering requirements for the two differ substantially. Also, the automatic irrigation system plan shall provide complete coverage, or "head-to-head" coverage, of all lawn areas. Without "head-to-head" coverage, lawn areas that are not covered will become brown or will suffer "brown-out." Often this phenomenon occurs in the area immediately surrounding the irrigation system heads, where little water actually falls on the ground. Another consideration is whether or not to meter the automatic irrigation system separately from the house water system. Waterfront lots are required to use the lake as the irrigation source. Separate water meters can be purchased at an additional cost from governmental authority having jurisdiction over the municipal water supply. In the event a Lot Owner elects to install an automatic irrigation system on such Owner's Lot, the automatic irrigation system shall be designed and operated so that water from the system remains on the Lot being irrigated without overspraying onto adjacent Lots. (See Figure 12.1.1.) Furthermore, no irrigation or trenching shall be allowed within the primary or repair septic fields.

All irrigation that services the drainfield envelope should be placed on separate zone or zones that are independent of the rest of the irrigation system. If this zone must be turned off for septic maintenance purposes, the rest of the landscape will not be affected.

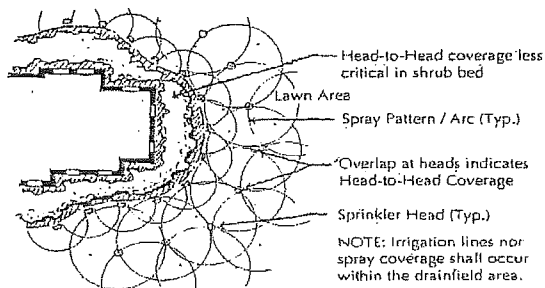


Figure 12.1.1 - Head-To-Head Irrigation Design

### 12.2. Landscape Lighting Systems.

Subject to the restrictions in Section 4.16 in the Architectural and Design Guidelines, landscape lighting systems are encouraged, although approval of landscape lighting systems may be granted or denied by the ACC in its sole discretion. Landscape lighting systems shall be designed, installed and operated to enhance the architecture of the house and the Landscape Improvements on the Lot in a tasteful and subtle manner. Overlighting the house and/or landscaping shall be avoided. Landscape lighting shall be confined to the Owner's Lot only, and no direct illumination from such landscape lighting shall encroach onto any other Lot, the Waterfront or Golf Course or any other location beyond the boundaries of such Owner's Lot. Trenching for

landscape lighting systems shall not occur through the septic field envelope.

### 12.3. Foundation Planting.

When designing foundation plantings, several important factors must be considered. Select shrubs that will not overgrow the location at maturity (i.e., covering windows). Select evergreen shrubs to be planted adjacent to the house foundation to provide an aesthetically pleasing appearance during all seasons, rather than deciduous plants (which shed their leaves in the winter months). Select plant types and varieties that require moderate to low maintenance and pruning. Locate foundation shrubs on either side of windows instead of directly under windows; this allows the shrubs more vertical growing room without blocking the window. Locate foundation plants far enough from the foundation of the house to allow ease of maintenance access to the house (e.g., with a ladder or to paint the wall directly behind the shrubbery). Foundation plants shall be layered from front to back, with taller plants (evergreen) at the back and successively lower plants in the front. (see Figure 12.3.1.)

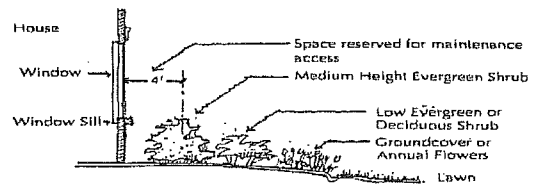


Figure 12.3.1 - Foundation Planting Hierarchy

### 12.4. Corner Lots.

With regard to Landscape Improvements, corner Lots shall treat both facades or elevations of the house which face the streets with equal care and consideration. Both facades or elevations are "public" sides of the house to the degree that both elevations front on a public street. Care and consideration shall be given to selecting plant material that will lend privacy to the rear yard by grouping evergreen trees and/or shrubs near the side right-of-way line. (See Figure 12.4.1.)

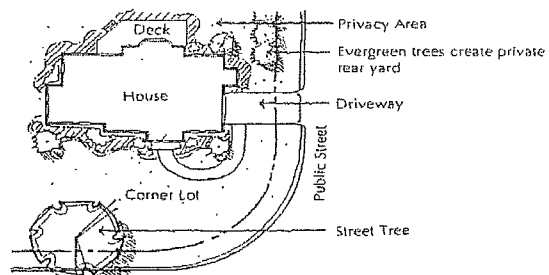


Figure 12.4.1 - Corner Lot Privacy Screening

## 12.5. Plants as Enframing Devices.

Trees and shrubs can and shall be utilized to enframe a yard of the house (e.g., the front elevation). For instance, trees located near the Lot boundary line at the street are best located near the side Lot boundary lines to create visual parameters through which to view the front of the house. This idea is further illustrated by locating evergreen trees (e.g., Nellie R. Stevens Hollies) at the front corners of the house to enframe the house with a plant material during all seasons of the year. (See Figure 12.5.1.)

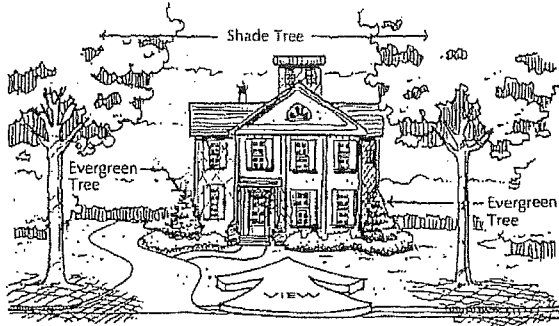


FIG. 12.5.1 PLANTS AS ENFRAMING DEVICES

Figure 12.5.1 - Plants as Enframing Devices

## 12.6. Planting Bed Layout.

Planting beds containing plant materials such as trees, shrubs, ground covers, and annual flowers shall be designed and constructed with smooth, flowing curves (wherever possible). The curves shall be broad enough to allow ease of maneuvering lawn mowing equipment along the edges of the planting beds. Consideration also should be given to the type of lawn mowing equipment that will be used (i.e., riding lawn mower or push-type lawn mower) and its minimum turning radius. (See Figure 12.6.1.)

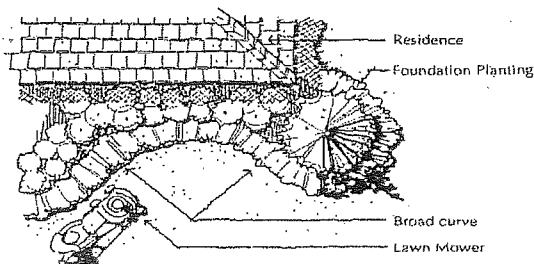


Figure 12.6.1 - Play Equipment Location

## 12.7. Landscape and Architecture Compatibility.

The landscape design for each Lot should enhance the

architectural style of the residence on such Lot. Different architectural styles call for different landscape styles. Lot Owners/builders are urged to hire an experienced, qualified landscape architect or landscape designer to assist in achieving such compatibility.

## 12.8. Fish Ponds and Fountains.

Fish ponds and fountains are permitted to be installed on Lots, subject to the ACC prior written approval. Generally, such site amenities must be restricted to rear yards only. Professional design and installation services are highly recommended for such amenities.

## 12.9. Yards and Visual Importance

Any area of a Lot that is visible from a public street takes on a "semi-public" character in that the visual quality of that portion of the Lot contributes to the overall quality and character of the community at large. It is incumbent upon all Lot Owners, therefore, to landscape and maintain all such "semi-public" areas of their Lots with utmost care and consideration. Corner Lots effectively have two such "semi-public" yards due to the fact that such Lots front on two public streets.

In contrast, rear yards tend to be the private domain of the Lot Owner, allowing somewhat more flexibility in the uses of the rear yard space. However, it is the hope of the ACC and The Point, LLC that equal care and attention will be given to the landscaping and maintenance of these areas. Additionally, rear yards become more "semi-public" where they front on Common Areas, common recreation facilities, Waterfront, or the Golf Course or other Club Facilities; and rear yards in these locations should always be well-maintained and adequately landscaped as "semi-public" areas.

## CONSTRUCTION RULES

1). Applicability. These construction rules (collectively the "Construction Rules") shall apply to all Lot Owners and their builders, and any reference herein to an Owner shall also apply to the Owner's builder and subcontractors. All Owners shall abide by the Construction Rules and such other rules as the Board and/or the ACC may establish from time to time.

2). Construction Hours and Noise. All construction activities must be conducted and all deliveries must be made from 7:00 a.m. until 8:00 p.m. Monday through Saturday; provided, however, no construction activities shall be conducted and no deliveries shall be made on July 4, Labor Day, Thanksgiving Day, Christmas Day or New Years Day. Any construction activities conducted or access to The Point, LLC other than during the foregoing hours must be

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scheduled with the ACC at least twenty-four (24) hours in advance and must be approved by the ACC in writing. No loud radios or distracting noise (other than normal construction noise) will be allowed within the community during construction. This is distracting to Lot Owners and golfers alike. Normal radio levels are acceptable. Radio and stereo speakers shall not be mounted on vehicles or outside of homes under construction.

3). Rubbish and Debris. In order to maintain a neat and (c) No Burning or Burial. Burning or burial of construction debris or vegetation is prohibited.

4). Excess Natural Materials. Excess plant matter, rock, topsoil and similar materials must be offered first to The Point, LLC prior to their removal from The Point, and no such materials may be removed from The Point without the prior approval of The Point, LLC.

5). Street Cleaning. Approximately once each week near the end of the week, The Point, LLC will engage a street cleaning service to clean the streets in The Point of normal construction dirt, mud, and gravel. The Point, LLC shall pay for twenty-five percent (25%) of the cost of such service. The Owners who are constructing homes in The Point at the time such services are rendered shall pay for the remaining seventy-five percent (75%) of the cost, in accordance with the following formula:

A particular Owner's pro-rata share of street cleaning costs shall be determined by multiplying the total cost of the service times (a) .75 and (b) a fraction, the denominator of which is the total number of houses in The Point that have been under construction for six (6) months or less, and the numerator of which is the number of houses in The Point that such Owner has had under construction for six (6) months or less. The intent of this formula is to ensure that each house under construction bears its fair share of the street cleaning costs for the first six (6) months it is under construction, but not thereafter. Invoices from The Point, LLC for reimbursement of the street cleaning costs must be paid within thirty (30) days.

The Point, LLC also shall have the right, without notice, to clean up any significant amount of dirt, gravel, cement, etc., left on any street if the same is not immediately removed by the responsible Owner, to charge the cost of such clean up to the responsible Owner and to receive reimbursement for the expense of such clean up from the responsible Owner.

6). Silt Fences. Silt fences and/or other devices for sedimentation control shall be installed where necessary or as directed by the ACC. Silt fences on rear of lots contiguous to the waterfront or golf course must be of the reinforced wire mesh type with steel poles for support.

7). Material Storage. No construction materials, equipment

or debris of any kind may be stored on any street, curb, sidewalk or area between streets and sidewalks, on any adjacent Lots or otherwise than in the locations approved by the ACC.

8). Trailers. No construction office trailers may be placed, erected or allowed to remain on any Lot or in any other area in The Point, except as approved in writing by the ACC.

9). Construction Access. During the time a residence or other Improvements are being built, all construction access shall be confined to the approved driveway for the Lot, unless the ACC approves an alternate access way.

10). Gravel Drives. Prior to the commencement of construction on a Lot, the Owner of such Lot or such Owner's contractor shall provide at the approved driveway location a gravel drive with a minimum of five (5) inches of #5 crushed stone base from the paved street to the house under construction.

11). Parking. All vehicles must be parked so as not to impede traffic or damage vegetation. No vehicles (trucks, vans, cars, trailers, construction equipment, etc.) may be left parked on any streets within The Point overnight. Construction vehicles may be left on a Lot overnight only if additional use of the vehicle will be made within the following three (3) days. Construction vehicles may be parked only on the street side of any Lot that is contiguous to the waterfront or Golf Course (i.e., away from the Lot's common boundary with the Golf Course).

12). Miscellaneous Practices. The following practices are prohibited at The Point.

(a) Changing oil of any vehicle or equipment;

(b) Allowing concrete suppliers and contractors to clean their equipment other than at locations, if any, designated for that purpose by the ACC;

(c) Carrying and/or discharging any type of firearms, except by law enforcement officials and security personnel authorized in writing by The Point, LLC;

(d) Careless disposition of cigarettes and other flammable material; and

(e) Operators of vehicles are required to use due care to ensure that they do not spill any damaging materials while within The Point. If spillage does occur, it is the responsibility of the operator of the vehicle to properly clean up the spill. Any such clean up operations completed by The Point, LLC's personnel will be charged to the responsible party. Any spills must be reported to the ACC and The Point in writing as soon as possible.

13). Pets. Builder and contractor personnel may not bring pets into The Point.

## The Point

14. Common Areas. Except with the prior written permission of the ACC, builder and contractor personnel are not allowed in the Common Areas or on the Golf Course, and no instruction access will be allowed across the Common Areas or the Golf Course.

15. Accidents. The Point, LLC and the ACC shall be notified immediately of any accidents, injuries or other emergency occurrences.

16. Portable Chemical Toilets. An enclosed and regularly serviced portable chemical toilet must be provided for at least every two homes under construction, and must be located in as inconspicuous a location as possible.

17. Speed Limit. The established speed limit within The Point community is twenty-five miles per hour (25 mph) for all vehicles, and this limit must be obeyed at all times.

18. Signs. Building permits are the only sign or documentation that may be posted at a residence or on a Lot during construction. Business permits are to be attached to a post in a manner protected from the elements; and in no event may building permits or any other signage or documentation be attached to trees.

19. Property Damage. Any damage to streets and curbs, drainage inlets, street lights, street markers, mailboxes, walls, fences, etc. will be repaired by The Point, LLC and the cost of such repairs will be billed to the responsible party. If not paid promptly, the repair cost will be deducted from the Landscape/Construction Escrow Deposit. If the Landscape/Construction Escrow Deposit is not sufficient to cover the entire repair cost, the additional amount will be charged to and promptly paid by the Owner. If any telephone, cable TV, electrical, water or other utility lines are cut, it is the responsible party's obligation to report such an accident within thirty (30) minutes to the Point, LLC personnel; and any cost incurred in connection with repairing such damage shall be borne by the responsible party.

20. Failure to abide. Failure of a builder or contractor to abide by any of the Construction Rules may result in the loss of such builder's or contractor's privilege to enter The Point on a temporary or permanent basis, or a fine, the amount being The Point, LLC's discretion, may be levied for infractions and failure to abide.

21. Septic Areas. All septic areas are required to be wrapped with Blaze-Orange Barrier Fencing, to prevent access to the area and protect it from compaction by construction traffic. This fence is required to be maintained at all times, including after installation of the septic system, until the lot has been landscaped and all other related construction completed.

General Builder Responsibilities. Builders are encouraged to maintain strict control over subcontractors to minimize soil and mud build up in streets. Builders are

advised to educate employees and subcontractors as to the location of the Lake Buffer Areas, the restrictions applicable to the Lake Buffer Areas and the ramifications for violation of the Architectural Guidelines (i.e. fines). Planning the home constructions with the erosion control measures and the Architectural Guidelines specifically in mind will be crucial to the success of each builder in The Point. Where the Builder desires to modify the vegetation in the Lake Buffer Area or construct pathways or shoreline stabilization in the Lake Buffer Area, a Lake Buffer plan must be first submitted to the ACC for approval prior to construction. In addition to protecting the Lake Buffer Areas and controlling erosion, builders are encouraged to develop Lot plans which preserve natural wooded areas wherever possible and which minimize Lot grading and disturbance. Alignment of utilities and access should be planned to minimize the cutting of mature trees.

Builders are encouraged to be guardians against:

- Excessive trash build-up and/or disposal on the project either in lots or in Common Areas
- Changing of oil, maintenance of equipment, or disposal of chemicals or paints resulting in spills on the Lots or into the storm drainage system for The Point.
- Use of excessive amounts of fertilizer or herbicides on seeded area;  
Destruction or modification of any part of the permanent storm drainage system for The Point;
- Unpermitted shoreline modification;
- Unauthorized disturbance of any Lake Buffer Areas;
- Improper use of, or disregard for, septic drainfield areas.