

WHEN RECORDED, MAIL TO:

America First Federal Credit Union
4646 South 1550 West, Suite 130
Riverdale, Utah 84406
Attn: Commercial Real Estate Department

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Book - 10394 Pg - 4780-4823
Gary W. Ott
Recorder, Salt Lake County, UT
NATIONAL TITLE AGCY OF UT INC
BY: eCASH, DEPUTY - EF 44 P.

**AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
TAVACI AT BIG COTTONWOOD CANYON**

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR TAVACI AT BIG COTTONWOOD CANYON ("Amendment"), is made as of this 29 day of December, 2015, by AMERICA FIRST FEDERAL CREDIT UNION ("Declarant").

RECITALS:

A. Declarant, as successor in interest to Cottonwood Estates Development, LLC, a Utah limited liability company, is the owner of the real property described on the attached Exhibit "A," which is attached hereto and incorporated by reference.

B. Pursuant to that certain Assignment of Declarant's Rights (Tavaci at Big Cottonwood Canyon) recorded June 1, 2015 as Entry Number 12062107 in Book 10329 at Page 9131 of the Official Records of the Salt Lake County Recorder, America First Federal Credit Union is the Declarant under that certain Declaration of Covenants, Conditions and Restrictions for Tavaci at Big Cottonwood Canyon recorded September 18, 2007 as Entry Number 10225001 in Book 9516 at Page 2774 of the Official Records of the Salt Lake County Recorder ("Declaration") that encumbers the real property situated in Salt Lake County, Utah and more particularly described in Exhibit "B," which is attached hereto and incorporated by reference.

C. Section 20.1 of the Declaration permits the Declarant to unilaterally amend the Declaration for any purpose.

D. Declarant now desires to amend the Declaration on the terms set forth below in this Amendment.

AGREEMENT:

NOW, THEREFORE, Declarant hereby declares as follows:

1. Incorporation of Recitals and Definitions. The foregoing Recitals are true and correct and are incorporated herein as fully set forth hereinafter. Capitalized terms in this

Amendment, unless otherwise defined herein, shall have the meaning given to them in the Declaration.

2. Reinvestment Fee Covenant: Article XXI of the Declaration is amended and restated in its entirety as follows:

- (a) Each purchaser of a Lot or Improvement shall pay to the Association at closing a "**Reinvestment Fee**" immediately upon becoming the Owner of the Lot or Improvement (i.e., at closing of the purchase) in such amount as is established from time to time by the Board, to reimburse the Association for costs incurred by the Association in connection with transfer of title to such new Owner and for the payment of other Common Expenses and/or reserves, as the Board may determine in its sole and exclusive discretion. Currently, the Reinvestment Fee shall be .75% of the gross sales price of any Lot or Improvement unless otherwise determined by the Board and set forth in the By-laws; provided, however, that in no event shall the reinvestment fee exceed two percent (2.0%) of the gross sales price of any Lot or Improvement. The Board shall have the right to collect and enforce the payment of the Reinvestment Fee in the same manner as enforcement and collection of delinquent Assessments as further described in this Declaration. In the event that the Reinvestment Fee is not paid at closing to the Association, then the Board shall have the right to impose a penalty against the new Owner of the Lot or Improvement in an amount as determined by the Board from time to time in its sole and exclusive discretion.
- (b) For purposes of this Article XXI, "gross sales price" shall mean, in the case of a transfer that is in all respects a bona fide sale, the greater of: (a) the gross sales price stated in the agreement for purchase and sale; (b) the gross sales price stated on the settlement statement prepared by a third-party escrow or title agent; or (c) the total consideration given for the transfer (or the equivalent thereof which would have been received by the transferor had the transaction been an arms-length, third-party cash transaction, in the event the transfer is not an arms-length, third-party cash transaction) of the Lot or Improvement subject to transfer. In case of a transfer that is a lease for a period of twenty (20) or more years or is otherwise not in all respects a bona fide sale, the gross sales price of the Lot subject to transfer shall be the fair market value of the Lot or Improvement as determined by the Board. A transferee may make written objection to the Board's determination of value for a non arms-length transfer within fifteen (15) days after the Board has given notice of such determination, in which event the Board shall obtain an appraisal, at the transferee's sole expense, from a certified real estate appraiser of good reputation, who is qualified to perform appraisals in Utah, who is familiar with Salt Lake County and local area real estate values, and who shall be selected by the Board. The appraisal so obtained shall be binding on both the Board and the transferee. Notwithstanding any provision herein to the contrary, where a transferee does not object within the fifteen (15) day period established above, the transferee shall be deemed to have waived all right of objection concerning gross sales price, and the Association's determination of such shall be binding.
- (c) No such Reinvestment Fee shall be payable and a transfer shall not be deemed to have occurred with respect to (a) the creation of any Mortgage, (b) any foreclosure of a

first Mortgage (as described in Section 8.7) ("First Mortgage"), (c) the exercise of a power of sale available under a First Mortgage, (d) the taking of a deed or assignment in lieu of a foreclosure by a First Mortgagee, (e) the conveyance by a First Mortgagee of a deed to a Lot or Improvement, or part thereof or interest therein, to a grantee if such First Mortgagee shall have obtained title to such Lot or Improvement, or part thereof or interest therein, pursuant to subclause (b), (c) or (d) above, (f) any transfer, sale or conveyance by Declarant, or (g) any transfer to a family trust or other closely held entity solely for estate planning purposes. For purposes of this Article XXI, a "transfer" shall mean, whether in one transaction or in a series of related transactions, any sale, conveyance, assignment, lease, or other transfer of any beneficial ownership of or interest in any Lot or Improvement, including but not limited to (i) the conveyance of fee simple title to any Lot or Improvement, (ii) the transfer of more than fifty percent (50%) of the outstanding shares of the voting stock of a corporation which, directly or indirectly, owns one or more Lots, and (iii) the transfer of more than fifty percent (50%) of the interest in net profits or net losses of any partnership, limited liability company, joint venture or other entity which, directly or indirectly, owns one or more Lots or Improvements. The Declarant, prior to the organization of the Association, and thereafter the Board, shall have the right to determine in their respective sole and exclusive judgment whether or not a "transfer" has occurred for the purposes of levying a Reinvestment Fee.

(d) A separate notice of the Reinvestment Fee required by this Article XXI has been or shall be Recorded.

3. Easements. Section 6.1 of the Declaration is amended and restated in its entirety as follows:

Except as otherwise provided herein, the Board shall have all the powers, duties and responsibilities as are now or may hereafter be provided by the Community Association Act, Utah Code Ann. §§ 57-8a-101 *et seq.*; the Utah Revised Nonprofit Corporation Act, Utah Code Ann. §§ 16-6a-101 *et seq.*; this Declaration and the By-Laws, including but not limited to the following:

- (a) To manage, maintain, operate and control the Area of Common Responsibility.
- (b) To enforce the Governing Documents.
- (c) To grant and amend easement and rights-of-way over the Common Area.

4. Design Guidelines. The definition of Design Guidelines in Article II is amended and restated as follows: The architectural, landscaping, design, and construction guidelines and review procedures adopted pursuant to Article IV, as they may be amended, set forth in **EXHIBIT E**.

5. Addition of Exhibit E. Exhibit C to this Amendment, which is attached hereto and incorporated by reference, is hereby added as Exhibit E to the Declaration.

6. Declaration Remains in Effect. This Amendment shall be considered supplemental to the Declaration. Except as expressly amended by the foregoing, the Declaration

shall remain in full force and effect and shall not be cancelled, suspended or otherwise abrogated by the recording of this Amendment. In the event of a conflict or inconsistency between the terms of this Amendment and the provisions of the Declaration, the provisions of this Amendment shall control.

7. Declarant Rights. Declarant shall retain all rights of Declarant as set forth in the Declaration, and this Amendment shall neither amend nor abrogate such rights.

8. Authority. Declarant hereby certifies that Declarant may execute this Amendment without the signature of any other party pursuant to its rights under Section 20.1 of the Declaration.

[Signatures on Following Page]

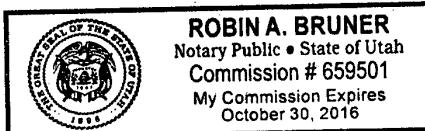
IN WITNESS WHEREOF, the undersigned has executed this Amendment to Declaration of Covenants, Conditions and Restrictions for Tavaci at Big Cottonwood Canyon as of the date first set forth above.

AMERICA FIRST FEDERAL CREDIT UNION

By: Shari Cheney
Name: Shari Cheney
Title: Manager

STATE OF Utah)
COUNTY OF Weber) : ss.

The foregoing instrument was acknowledged before me this 29 day of December, 2015, by Shari Cheney, the Manager of America First Federal Credit Union.



Robin A. Bruner
NOTARY PUBLIC

My Commission Expires October 30, 2016 Residing at: Davis County

EXHIBIT A
DESCRIPTION OF THE DECLARANT'S PROPERTY

All of COTTONWOOD CANYONE ESTATES SUBDIVISION, according to the official plat thereof, recorded December 29, 2004, as Entry No. 9262383, in Book 2004P, and Page 388, in the office of the Salt Lake County Recorder

Together with a perpetual right of way over the private roads as shown on the recorded subdivision plat.

LESS AND EXCEPTING therefrom Lots 1, 3, 18, 20, 34, and 43, and Parcels A, B, C and D.

LESS AND EXCEPTING therefrom any portion of the Private Roads lying within the parcel owned by Utah Power & Light Company.

EXHIBIT B

DESCRIPTION OF THE REAL PROPERTY

BEGINNING AT THE NORTH QUARTER CORNER OF SECTION 25, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE S89°59'27"E ALONG THE SECTION LINE 500.00 FEET TO AN ALUMINUM CAP MONUMENT; THENCE CONTINUING ALONG SAID SECTION LINE S89°59'56"E 2121.24 FEET TO THE NORTHEAST CORNER OF SAID SECTION 25; THENCE S00°31'13"W ALONG THE SECTION LINE 1819.36 FEET TO THE NORTHEAST CORNER OF UTAH POWER & LIGHT CO.; THENCE N64°15'58"W 271.15 FEET; THENCE S89°32'41"W 530.49 FEET TO A POINT OF TANGENCY ON A 155.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE 50.92 FEET THROUGH A CENTRAL ANGLE OF 18°49'22" (CHORD BEARS N81°02'38"W 50.69 FEET); THENCE N71°37'57"W 172.84 FEET TO A POINT OF TANGENCY ON A 55.00 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE 185.33 FEET THROUGH A CENTRAL ANGLE OF 193°03'54" (CHORD BEARS S11°50'06"W 109.29 FEET) TO A POINT OF TANGENCY; THENCE S84°41'50"E 59.88 FEET TO A POINT OF TANGENCY ON A 125.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 147.01 FEET THROUGH A CENTRAL ANGLE OF 6°23'07" (CHORD BEARS S51°00'17"E 138.68 FEET) TO A POINT OF REVERSE CURVATURE ON A 15.00 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 9.05 FEET THROUGH A CENTRAL ANGLE OF 34°34'07" (CHORD BEARS S34°35'45"E 8.91 FEET) TO A POINT OF REVERSE CURVATURE ON A 39.50 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE 66.93 FEET THROUGH A CENTRAL ANGLE OF 97°04'46" (CHORD BEARS S03°20'27"E 59.20 FEET) TO A POINT OF REVERSE CURVATURE ON A 22.00 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE 41.50 FEET THROUGH A CENTRAL ANGLE OF 108°04'54" (CHORD BEARS S08°50'31"E 35.62 FEET) TO A POINT OF NON-TANGENCY ON THE NORTH RIGHT- OF-WAY LINE OF SR-190 (ALSO KNOWN AS BIG COTTONWOOD CANYON ROAD); THENCE ALONG SAID RIGHT-OF-WAY LINE N89°48'30"W 64.39 FEET TO A POINT OF NONTANGENCY ON A 22.00 FOOT RADIUS CURVE TO THE LEFT (BEARING N31°45'41"W TO CENTER OF SAID CURVE); THENCE NORTHERLY ALONG THE ARC OF SAID CURVE 40.06 FEET THROUGH A CENTRAL ANGLE OF 104°19'05" (CHORD BEARS N06°04'46"E 34.75 FEET) TO A POINT OF REVERSE CURVATURE ON A 39.50 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE 32.24 FEET THROUGH A CENTRAL ANGLE OF 46°46'12" (CHORD BEARS N22°41'40"W 31.36 FEET); THENCE N00°41'25"E 15.70 FEET TO A POINT OF TANGENCY ON A 59.26 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE 88.31 FEET THROUGH A CENTRAL ANGLE OF 85°23'16" (CHORD BEARS N42°00'12"W 80.36 FEET) TO A POINT OF TANGENCY; THENCE N84°41'50"W 59.88 FEET TO A POINT OF TANGENCY ON A 105.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 353.81 FEET THROUGH A CENTRAL ANGLE OF 193°03'54" (CHORD BEARS N11°50'07"E 208.64 FEET) TO A POINT OF TANGENCY; THENCE S71°37'57"E 172.84 FEET TO A POINT OF TANGENCY ON A 105.00 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 34.49 FEET THROUGH A CENTRAL ANGLE OF 18°49'22" (CHORD BEARS S81°02'37"E 34.34 FEET) TO A POINT OF TANGENCY; THENCE N89°32'41"E 428.83 FEET TO A POINT ON THE BOUNDARY OF COTTONWOOD ESTATES INVESTMENT L.L.C. AS FOUND IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER, ENTRY NO. 8544867, BOOK 8745, PAGE 0747; THENCE N64°15'58"W 745.48 FEET; THENCE N89°48'18"W 1597.89 FEET TO THE SECTION LINE; THENCE N00°28'43"E ALONG SAID SECTION LINE 608.42 FEET TO AN ALUMINUM CAP MONUMENT; THENCE CONTINUING ALONG SAID SECTION LINE N00°28'31"E 715.00 FEET TO THE POINT OF BEGINNING.

ALSO KNOWN AS: LOTS A THROUGH D, 1 THROUGH 43, AND LOT ST, COTTONWOOD CANYON ESTATES SUBDIVISION, AS SHOWN ON THE RECORDED PLAT RECORDED DECEMBER 29, 2004 IN BOOK 2004D AT PAGE 388 OF THE OFFICIAL RECORDS.

(Legal Description Continued on Next Page)

Lot A:	22-25-202-006-0000	Lot 38:	22-25-201-006-0000
Lot A:	22-25-227-004-0000	Lot 39:	22-25-201-007-0000
Lot B:	22-25-226-004-0000	Lot 40:	22-25-201-008-0000
Lot B:	22-25-226-010-0000	Lot 41:	22-25-201-009-0000
Lot C:	22-25-203-011-0000	Lot 42:	22-25-201-010-0000
Lot C:	22-25-227-005-0000	Lot 43:	22-25-201-011-0000
Lot D:	22-25-227-003-0000	Lot ST:	22-25-202-012-0000
Lot 1:	22-25-226-009-0000		
Lot 2:	22-25-226-008-0000		
Lot 3:	22-25-226-007-0000		
Lot 4:	22-25-226-006-0000		
Lot 5:	22-25-226-005-0000		
Lot 6:	22-25-202-011-0000		
Lot 7:	22-25-202-010-0000		
Lot 8:	22-25-202-009-0000		
Lot 9:	22-25-202-008-0000		
Lot 10:	22-25-202-007-0000		
Lot 11:	22-25-202-005-0000		
Lot 12:	22-25-202-004-0000		
Lot 13:	22-25-202-003-0000		
Lot 14:	22-25-202-002-0000		
Lot 15:	22-25-202-001-0000		
Lot 16:	22-25-203-001-0000		
Lot 17:	22-25-203-002-0000		
Lot 18:	22-25-203-003-0000		
Lot 19:	22-25-203-004-0000		
Lot 20:	22-25-203-005-0000		
Lot 21:	22-25-203-006-0000		
Lot 22:	22-25-203-007-0000		
Lot 23:	22-25-203-008-0000		
Lot 24:	22-25-203-009-0000		
Lot 25:	22-25-203-010-0000		
Lot 26:	22-25-227-001-0000		
Lot 27:	22-25-227-002-0000		
Lot 28:	22-25-201-018-0000		
Lot 29:	22-25-201-017-0000		
Lot 30:	22-25-201-016-0000		
Lot 31:	22-25-201-015-0000		
Lot 32:	22-25-201-014-0000		
Lot 33:	22-25-201-013-0000		
Lot 34:	22-25-201-012-0000		
Lot 35:	22-25-201-003-0000		
Lot 36:	22-25-201-004-0000		
Lot 37:	22-25-201-005-0000		

EXHIBIT C
DESIGN GUIDELINES

**Tavaci at Big Cottonwood
Canyon Second
Amended and Restated
Design Guidelines
Cottonwood Estates Development, LLC**

Effective Date: _____, 2015

TABLE OF CONTENTS

	<u>Page</u>
1 INTRODUCTION TO THE GUIDELINES AND OBJECTIVES	1
1.1 Built Environment to be in Harmony with the Natural Environment	1
1.2 Conservation of Resources.....	2
2 SITE DEVELOPMENT GUIDELINES.....	3
2.1 Objectives	3
2.2 Restricted Building Areas.....	3
2.3 General Site Requirements.....	3
2.4 Combining Lots.	3
2.5 Off-Street Parking.....	4
2.6 Building Setbacks.	4
2.7 Driveways.	4
2.8 Perimeter Walls and Fencing.	4
3 DESIGN GUIDELINES.....	4
3.1 Building Heights.	4
3.2 Benchmark.	5
3.3 Building Massing.....	5
3.4 Building Size.....	5
3.5 Building Colors.....	5
3.6 Exterior Materials.....	6
3.7 Building Projections.....	6
3.8 Skylights and Glazing.....	6
3.9 Roofing.....	6
3.10 HVAC and WH Flues.....	7
3.11 Flagpoles and Antennae.....	7
3.12 Screen/Courtyard Walls.....	7
3.13 Service Yards.....	8
3.14 Guest Houses.....	8
3.15 Sculptures and Artwork.....	8
3.16 Patio Furniture.....	8
3.17 Barbecues and Heat Lamps.....	8
3.18 Outdoor Ceiling Fans.....	8
3.19 Window Coverings.	9

4	LANDSCAPE DESIGN GUIDELINES	9
4.1	Introduction.....	9
4.2	Native Areas/Natural Vegetation.....	9
4.3	Ornamental Areas (Private Areas)	9
4.4	Protecting and Preserving Existing Plants.....	10
4.5	Planting Plan Requirements.....	10
4.6	Exterior Lighting Goals.....	10
4.7	Lighting Guidelines.....	11
4.8	Hardscape Materials.....	11
4.9	Barbecues and Firepits.....	12
4.10	Fireplaces.....	12
4.11	Play Equipment , Basketball Courts and Tennis Courts	12
4.12	Showers.....	12
4.13	Mailboxes.....	12
4.14	Art	12
4.15	Ornaments.....	12
4.16	Seasonal Displays	12
4.17	Water Elements	13
4.18	Landscape Elements.....	13
4.19	Pots.....	14
4.20	Irrigation Systems	14
4.21	Landscape Maintenance Requirements.....	14
4.22	Landscape Inspections	15
5	REVIEW AND APPROVAL PROCESS	16
5.1	The Architectural Review TAC	16
5.2	Overview of the Review Process	17
5.3	Phases of the Review Process	18
6	CONSTRUCTION GUIDELINES.....	22
6.1	Construction Regulations.....	22
6.2	Contractor's Bond, Insurance	22
6.3	Pre-Construction Conference	23
6.4	OSHA Compliance	23
6.5	Construction Trailers, Portable Field Offices.....	23
6.6	Trash and Debris Removal.....	23

6.7	Sanitary Facilities.....	23
6.8	Vehicle Parking.....	24
6.9	Protection of Existing Landscape.....	24
6.10	Restoration or Repair of Property Damage.....	24
6.11	Construction Access.....	25
6.12	Dust, Mud and Noise Control.....	25
6.13	Construction Signs.....	25
6.14	Temporary Facility Requirements.....	25
6.15	Trash Dumpsters.....	26
6.16	Construction Trailers.....	26
6.17	Temporary Use of Adjacent Properties.....	26
6.18	Site Access Regulations.....	26
6.19	Hours of Construction.....	26
6.20	Site Conduct and Safety Precautions.....	27
6.21	Site Maintenance.....	27
6.22	Disposal of Site Spoils.....	27
6.23	Compliance.....	27
6.24	On-Site Inspections by the TAC.....	28
7	APPENDIX.....	28
7.1	Amending the Design Guidelines.....	28
7.2	Non-Liability of the TAC and the Developer.....	28
7.3	Incorporation.....	28
7.4	Enforcement.....	28
7.5	Right of Waiver.....	28
7.6	Estoppel Certificate.....	28
7.7	Construction Commencement.....	29
7.8	Severability.....	29

EXHIBIT A - LOT SETBACKS

EXHIBIT B - LIST OF PERMITTED PLANTS

1 INTRODUCTION TO THE GUIDELINES AND OBJECTIVES

1.1 Built Environment to be in Harmony with the Natural Environment

Tavaci at Big Cottonwood Canyon (hereafter referred to as the Development) is a magnificent setting located on a plateau high above the Salt Lake Valley floor at the entrance to Big Cottonwood Canyon. The creation of a truly unique community and the harmonious blending of the natural environment with the built environment are the core design philosophies of this community.

These Design Guidelines ("Guidelines") are authorized pursuant to Article IV of the Declaration of Covenants, Conditions and Restrictions for Tavaci at Big Cottonwood Canyon ("Declaration"). Capitalized terms used but not defined in these Guidelines shall have the meanings given them in the Declaration.

Simply stated, these Guidelines provide guidance in the formulation of highly creative design—architecture, site planning, grading and landscape architecture that is in balance with the natural environment. The built environment should complement and enhance the overall beauty of the natural environment. The ultimate vision is a rich, subtle tapestry of colors, materials, shapes, and forms that are compatible with the Wasatch Front's terrain and climate. Creativity and innovation in the design and use of materials consistent with the overall philosophy of the Development are encouraged. It is the intent of these Guidelines that every home be unique and individually designed and constructed for the site it is placed within and that the repetition of home styles that is typical of most conventional subdivisions be avoided.

Owners in the Development are encouraged to explore and examine the natural opportunities and constraints of their unique surroundings; to integrate the views and terrain available into their personal setting, and to cause minimal disruption to the existing environment. Every structure is to be built with an understanding of the site so that it becomes a part of the site rather than a structure that merely sits upon it.

These Guidelines are administered and enforced by the Tavaci at Big Cottonwood Canyon Architectural and Landscape TAC ("TAC"). Each Owner desiring to make Improvements must submit an Application to the TAC for review. The TAC reviews each proposed Improvement for appropriateness to its own unique site as well as the overall environment in relation to these Guidelines. The TAC may determine that a solution acceptable at one site is not appropriate for another site. The goal of the review is to approve Improvements that enhance the overall community and its natural environment and to not permit Improvements that could dominate, contrast sharply with or destroy the beauty of the Development's environment. These Guidelines are formulated to assure existing and future residents of the Development that a very high benchmark of creativity and design supported by proper standards of development will be maintained. The review process encourages excellence in architectural design, site planning, grading design and landscape design and maintains an image of the Development that will be readily identifiable with innovative, high-quality and award-winning design and development, thereby creating and maintaining lasting value.

The TAC and these Guidelines are meant to enforce reasonable controls with regard to aesthetic considerations for the Development. The TAC and these Guidelines are not meant to duplicate or supersede the requirements or functions of Salt Lake County ("County"). It is incumbent upon the Owners and their design and building consultants to become familiar with County requirements for obtaining building, grading, and similar permits. The Owners are responsible for coordinating and directing the design and construction of Improvements with the various architects, landscape architects, engineers, contractors and other Owners to achieve the desired result of quality and outstanding character that is the hallmark of Tavaci at Big Cottonwood Canyon.

Each Owner must retain the services of competent licensed professionals for planning and design. Design professionals should gain an understanding of the unique environment and climate and perform a thorough site analysis of existing natural and surrounding man-made conditions before beginning the design process. The Owner's requirements must then be skillfully translated into building forms and professionally presented to the TAC to assure timely and proper review.

Unlicensed professionals such as building designers or landscape contractors may not be retained without the approval of the TAC. The Owner shall be liable for any damages resulting from the unlicensed status of a retained professional.

1.2 Conservation of Resources.

As caretakers of the land and its natural resources, the Owners are encouraged to minimize usage of non-renewable energies and resources, properly use renewable resources, and take advantage of appropriate passive energy technologies. These technologies include a variety of planning techniques, materials, and mechanical equipment. For example, insulation should be maximized and highest efficiency appliances and mechanical systems should be used.

Good planning is the key to minimizing waste. The following should be considered in the design and planning of a residence:

- (a) Glazing should be recessed and protected from summer sun with overhangs to prevent excessive heat gain and minimize air conditioning costs.
- (b) Areas of thermal mass should be properly insulated to better stabilize interior temperatures.
- (c) Take advantage of prevailing breezes and proximity to mountains.
- (d) Study solar patterns to maximize winter sunlight to entries, patios, and courtyards to minimize indoor heating costs.
- (e) Take advantage of the high plateau environment without sacrificing reasonable measures to conserve energy costs.

2 SITE DEVELOPMENT GUIDELINES.

2.1 Objectives.

Located high above the Salt Lake Valley floor on sloping terrain, Tavaci at Big Cottonwood Canyon provides opportunities to develop Lots that are truly unique. Creative and thoughtful site planning will ensure that each Lot takes advantage of these opportunities without detracting from the Development.

2.2 Restricted Building Areas.

Developable areas on the Lots are indicated on the Plat by setbacks and building limit lines. The developable areas have been established to afford maximum flexibility in the site planning of Lots while protecting native vegetation, protecting steeper portions of the natural terrain and preserving view corridors.

No construction is permitted on areas with a slope greater than 30% (indicated on the Plat by the "30% Slope Line (Typ.)". Native vegetation within these areas should be preserved during construction, or where removal is unavoidable, restored to their original condition or enhanced as part of the Lot landscaping plan. Additional planting of native vegetation may be performed with the approval of the TAC. Since view corridors will be maintained, all elevations of a residence shall be considered viewable by the public and shall be designed so as to create architectural interest.

2.3 General Site Requirements.

Any changes to the natural topography of a Lot must be done in accordance with the following general limitations (absent special circumstances).

- (a)** Cut and fill slopes may not be left exposed following completion of construction, and the responsible Owner must make every effort to re-naturalize them, including restoring the grade, rounding the tops and toes of slopes, and replanting native species outside the building envelope.
- (b)** Natural (or existing) drainage patterns for surface waters must not be changed if such changes could adversely affect another Owner.

If an Owner fails to comply with the provisions of this Section, the TAC may require the Owner to immediately restore the Lot to its pre-existing state. The Owner shall reimburse the TAC and/or the Board for all expenses incurred by them in performing their obligations under this paragraph.

2.4 Combining Lots.

If an Owner wishes to combine two or more contiguous Lots into a single Lot, the Owner may do so only with the prior consent of the TAC and only if the TAC determines that the proposed Improvements for the combined Lots will not materially interfere with the views of neighboring Lots or Common Areas or impair the privacy of neighboring Owners. The Owner is

urged to submit a proposed building envelope plan for the combined Lots to the TAC as early in the review process as possible.

The plat for the combined Lot must be approved by and recorded with the County. All expenses incurred in connection with the approval of the combined Lot are the responsibility of the Owner.

2.5 Off-Street Parking.

Each residence shall have a minimum two (2) car enclosed garage. All garage doors shall be positioned or screened so as to reduce to the extent possible visibility from any street. Side-loaded garages are the preferred method of screening garages from the street. In addition, at least two (2) additional parking spaces shall be provided on the Lot to accommodate guests or service vehicles. Screening of all on-site parking must be maintained to minimize viewing of vehicles from adjacent Lots and or streets. No exterior storage of boats, trailers or other recreational vehicles, or unused autos will be permitted on any Lot.

Motor courts and side-entry garages will qualify for guest parking if the guest parking area is out of sight and screened from view.

2.6 Building Setbacks.

All custom Lot setbacks will be reviewed on the individual merits of the submitted site plan. **Exhibit A**, attached hereto, illustrates the front, side and rear yard setbacks for each Lot.

2.7 Driveways.

Driveways must be located to minimize their visual impact on the natural terrain, and to minimize the disruption of any natural features or plant materials. Heated driveways that include a snow and ice melt system are required.

2.8 Perimeter Walls and Fencing.

Walls and fencing must be architecturally pleasing and shall be designed in keeping with the architectural style and materials used on the main structure. Fencing constructed of chain-link, vinyl or wood is prohibited. Long straight walls and fences are discouraged. Property line walls and fences are strongly discouraged. Any wall or fence proposed to be constructed along a property line must be specifically approved by the TAC. Front yard fencing or walls may be approved by the TAC provided they preserve the view corridors of adjacent Lots and the design and materials used are in keeping with the architectural style and materials used on the main structure.

3 DESIGN GUIDELINES.

3.1 Building Heights.

The topography of Tavaci at Big Cottonwood Canyon is unique and natural, thus requiring absolute height restrictions for structures. Any structure whose height makes it appear

incompatible with surrounding Common Areas or Lots or blocks the view corridors of adjacent Common Areas or Lots is prohibited. The TAC may disapprove a proposed structure for excessive height even if the structure complies with any applicable County zoning ordinance regarding structure height.

3.2 Benchmark.

As part of the final site plan submittal and before beginning any site work, the Owner and/or his representative shall submit a plan that illustrates how the structure complies with the provisions of any applicable County ordinances regarding structure height and any additional provisions regarding building height that are imposed by the TAC. Also included on the plan shall be a preliminary finished floor height elevation for each pad contemplated by the building plan.

At completion of foundation, the surveyor must certify compliance of finished floor heights with approved plans. This certification letter must be on file with the TAC before construction proceeds past completion of foundations.

At any time during or after framing, the TAC may require the Owner and/or builder to certify that the finished height of the structure complies with the approved plans. Should the heights, in any aspect, exceed the approved documents, the owner/builder shall immediately bring the residence into full compliance.

3.3 Building Massing.

To ensure that structures do not dominate the environment of the Development, building masses should be predominantly horizontal rather than vertical while not creating long unbroken elements. This helps create masses that are accentuated by the strong play of sunlight and shadow.

Building masses should undulate in both vertical and horizontal planes to add interest to the structure as well as to accentuate the strong play of light and shadow. In keeping with the spirit of the height restrictions, the highest of the masses should be located in the interior most parts of the structure.

3.4 Building Size.

A residence located within the Development must contain at least 3,000 square feet of living area (air-conditioned habitable space).

3.5 Building Colors.

The colors of exterior materials must generally be subdued to complement the natural terrain and landscape. Colors should enhance, not overpower, the Development's environment. Earth tone varieties are recommended. Colors of the Great Basin are rich and varied and are intensified by the changing sunlight conditions. Strong, harsh colors, whites, and large amounts of highly contrasting or reflective trim are not allowed. All colors of structure, trim, yard walls,

exterior tiles, paving and exterior artwork must be submitted for review and approval by the TAC.

3.6 Exterior Materials.

Exterior materials must generally consist of materials that blend and are compatible with the surrounding landscape. Masonry, stucco, concrete or stone are to be the predominant surfaces. Twenty percent (20%) of the exterior surface of the structure must be of stone, slate or other TAC-approved decorative veneering. Exterior materials must withstand the harsh climate extremes and must not create maintenance problems for the Owners.

Specifically prohibited materials include: reflective or bright colored metal, vinyl and plastic siding, reflective materials, mirrored glazing, or other materials whose appearance, in the judgment of the TAC, does not convey strength, permanence or durability. The use of wood is permitted if consideration is given to proper detailing, protection from elements, and placement. Limited accent materials such as brushed aluminum, brass, bronze, and copper will be reviewed on a case by case basis.

3.7 Building Projections.

All projections from a structure including, but not limited to, chimneys, chimney caps, vents, gutters, down spouts, utility boxes and services, must be incorporated and detailed into the overall design. Projections must protrude at least eighteen inches (18") from the adjacent exterior surface. These items must be included in the Application to be reviewed by the TAC.

3.8 Skylights and Glazing.

Skylights and windows are important sources of natural light and provide an indoor/outdoor living environment. Unless carefully situated in the design, however, they can be sources of undesirable reflections and glare as well as tremendous heat gain and energy waste. Skylights designed to be an integral part of the roof will be considered by the TAC. Skylights must be low-profile, may not be clear or white, and must fit in with the overall color palette of the residence, even though concealed from view. Plastic or acrylic skylights are not permitted.

Windows should be protected by recesses or overhangs to protect and shelter the glazing from the environment and to provide the appearance of substantial walls.

3.9 Roofing.

Roofscapes can form an important part of the visual environment; they must be an integral part of the design and will be reviewed as such. Roof design and pitch are highly important to the overall design of the structure and can visually impact adjacent Lots. The maximum roof pitch shall be 5 $\frac{1}{2}$ /12, and care should be taken to fit the roof design into the structure's surroundings and minimize the proportional impact of roof massing.

Roof-mounted equipment is prohibited on any roof unless in the judgment of the TAC it is completely screened from view of adjacent streets, Lots and Common Areas. Roof materials

should be of the highest quality and should include interesting textures and colors compatible with the overall residence design. All roofing materials shall be approved by the TAC.

3.10 HVAC and WH Flues.

Where visible from streets or adjacent Common Areas or Lots, all HVAC and WH flues must be fully screened from view. The Owner must submit with the Application screening details that are architecturally consistent with the architectural design concept, materials, colors, and finishes of the structure and surroundings. It is recommended that all such flues be located behind parapets and within existing or special chimney elements.

3.11 Flagpoles and Antennae.

Pursuant to a ruling by the Federal Communications Commission (copy on file with the TAC), direct broadcast satellite (DBS) dishes one meter or less in diameter may be placed on an Owner's Lot. The Owner is requested to locate the dish in a location that minimizes visibility while providing the necessary service.

No other antennae or satellite dishes will be allowed without special review and design consideration and approval by the TAC. Any Owner considering the use of such a device should first discuss possible installation solutions with the TAC, as only exceptional solutions will be considered. Flagpoles may be permitted based upon a review of the proposed height, location, and overall impact on neighboring Lots.

3.12 Screen/Courtyard Walls.

Walls should be included in the overall design concept as an integral extension of the residence. Walls should be used as separation for privacy and as a screen for guest parking and service areas. They may not be used to delineate property lines or developable areas. The colors and materials of the walls must be integral with the overall design concept of the residence.

Walls used for privacy and screening shall be at least four feet six inches (4'6") but no more than six feet (6') above the natural grade of the Lot. Walls necessary to screen private plant and/or turf lawn areas may be lower as long as public-view screening is achieved.

All walls shall be constructed of masonry and veneered in materials compatible with the exterior finishes of the structure. No exposed block walls are permitted. Materials such as indigenous rock, stone, and stucco are encouraged, subject to TAC approval.

All wall footings, whether for freestanding or retaining walls, shall have a minimum of sixteen inches (16") of deep soil cover, measured from the top of the footings. This requirement allows for planting adjacent to the wall. Footings for freestanding and retaining walls shall be engineered to the depth and width necessary to meet minimum County standards.

Wall and garden gates shall be substantially constructed and include metal jambs, frames, and hardware. Design of gates and hardware shall be compatible with the architectural theme of neighboring structures.

3.13 Service Yards.

Each Lot shall contain a designated service yard accessible to but screened from the street, for trash cans, meters, and other outdoor maintenance requirements. All equipment and meters must be fully screened from public view and adjacent Common Areas and Lots.

Utility room doors shall be architecturally consistent with the overall design of the residence. Only low venting should be installed in doors (provided it is screened from view). Venting for combustion air shall be obtained by vertical venting up through the roof.

3.14 Guest Houses.

Guesthouse structures may be attached or detached, but must be designed as an integral part of the residence. The TAC must approve variations to the main architectural theme. Paving must be architecturally consistent between the main house and the guesthouse.

3.15 Sculptures and Artwork.

All sculptures and artwork visible from an adjacent street, Lot or Common Area must be approved by the TAC prior to installation. No sculptures or artwork with reflective or bright colors shall be permitted. The Application for a proposed sculpture or work of art shall include detailed information on location, size, materials, colors, mounting details, and lighting.

3.16 Patio Furniture.

Patio furniture and umbrella colors, where visible from streets or neighboring Lots or Common Areas, must be architecturally consistent with the residence. No white or other very light colors will be allowed. The TAC reserves the right to reject any such items if they are incompatible with the surrounding architectural and landscape design.

3.17 Barbecues and Heat Lamps.

Barbecue areas shall be architecturally consistent with the residence. All equipment that is visible from streets or neighboring Lots or Common Areas must not be reflective or contain bright colors.

3.18 Outdoor Ceiling Fans.

Outdoor ceiling fans, where visible from adjacent streets or neighboring Lots or Common Areas, must be architecturally consistent with the design of the residence and subject to TAC approval. Ceiling fans shall have no lights and shall be close to ceiling elements and not have long support rods. All ceiling fans must be approved by the TAC prior to installation. Colors of ceiling fans shall be complimentary to the main residence. Reflective materials such as brass or chrome are not allowed.

3.19 Window Coverings.

White window coverings or window coverings with harsh, highly contrasting, or reflecting colors that detract from the surroundings are prohibited.

4 LANDSCAPE DESIGN GUIDELINES.

4.1 Introduction.

The goal of Tavaci at Big Cottonwood Canyon is to preserve and enhance the beauty and character of the community's natural environment. Toward this end, landscaping should complement the innovative and creative design of the structures and create a visual transition from the natural to the built environment.

4.2 Native Areas/Natural Vegetation.

Structures and grading may not be constructed or performed on native areas (areas located beyond the line labeled on the Plat as "30% Slope Line (Typ.)"). Minimal work may be performed in such areas as long as the vegetation and land surface are not permanently damaged and provided it is possible to clean and trim to enhance recuperation. Any proposed landscaping of such areas will be closely reviewed by the TAC. Native areas that were disturbed during construction of the initial building phase but restored after completion thereof shall be deemed native areas again and shall be kept in a native state from that time forth.

Any proposed plant removal or transplanting operations must be indicated on the landscaping plan and detailed in writing in the Application. Natural, irregular landscaping edges are preferred to straight lines. No work that will alter native areas is to proceed without prior approval by the TAC. The TAC may require that transplanting occur at a time that ensures the best chance for survival.

Sod coverage shall be minimized and shall comprise no more than 30% of a Lot's usable area, defined as the areas of the Lot that have less than a thirty percent (30%) slope.

A list of plants that may be planted within a Lot's usable area is found on Exhibit B. Plants not found on the list may be planted with the approval of the TAC.

The landscape plan submitted by an Owner shall include plans for revegetation and restoration of building pads and disturbed areas.

4.3 Ornamental Areas (Private Areas).

There are fewer restrictions on the types of plants, shrubs, and trees allowed in "Ornamental Areas." Permitted vegetation includes those plant materials listed, and, if approved by the TAC, any other plant suitable for the temperate zone. "Ornamental Areas" includes courtyards, atriums, or areas behind walls where non-indigenous plants are appropriate despite their greater watering needs. Ornamental Areas may be designed as a mini-oasis which may be as lush and varied as desired by the Owner. However, all plants which are visible from a street or

adjacent Lot or Common Area must be plants that are listed on or approved by the TAC. Plants in the Ornamental Area must be adequately screened from public view.

4.4 Protecting and Preserving Existing Plants.

Owners must submit any and all vegetation and revegetation reports or plans that may be required pursuant to any applicable County land use ordinance.

Care should be taken to protect all existing mature trees in the Development. The TAC may require the replacement of any tree that dies which is visible from neighboring streets, Lots or Common Areas, whether the tree is native, transplanted, or nursery-grown, with a tree of the same species and size.

4.5 Planting Plan Requirements.

(a) Plan Graphics.

Symbols for all plants, other than trees, must be simple and easy to read and easily identified in the plant legend. Unique symbols are required for easy identification of each plant type.

Symbols for all canopy coverage plants must be drawn to scale (i.e., in proportion to canopy coverage area).

(b) Site Work.

Creativity in the design process is encouraged. Structures must be located where drainage, soil, and geological conditions provide a safe foundation. Soil analysis shall be obtained to assure proper foundation design.

Residences should typically be nestled into the land, remaining low so as to be part of the Lot rather than being perched on it; thus avoiding unnecessary height. Buildings and other Improvements should be stepped down slopes, using split and multi-level solutions wherever possible, to follow existing contours and achieve a balance of cut and fill. When the construction is finished, the earth around the residence and site walls should lie against the walls as near as possible to the original angle of slope.

Once a preliminary plan is developed, the corners of the structure should be staked out on the ungraded site and elevations taken at each corner with a transit. With this information it is often possible to determine exactly how to adjust the design to minimize the structure's height and conform to the existing contours.

4.6 Exterior Lighting Goals.

Exterior lighting is often the only way to experience a landscape at night. Landscape lighting can be a strong design element and can enhance safety. The TAC will review all proposed lighting to determine whether it enhances the beauty, sophistication, and integrity of the Development. Instead of conventional pole lighting, the Association uses soft, indirect

ambient light, reflected from the landscape planting to light the streets in the Development. The intent is to preserve the natural feel of the Development.

4.7 Lighting Guidelines.

(a) Frontage Street Landscape Lighting.

Owners must use soft, indirect ambient light similar to that described in Section 4.6 along the street frontage of the Lots. Approved street frontage landscape lighting must be connected to a timeclock and photo cell serviced by the Owner's electrical panel. The timeclock setting shall be determined by the TAC in accordance with overall lighting requirements. Frontage street landscape lighting requires a minimum of one 20-amp, 2400-watt circuit to be available on the Owner's timeclock. Other landscape lighting may be controlled by conventional switching inside the Owner's house. Final selection and location of fixtures and electrical work must be approved by the TAC.

(b) Flood and Spot Light Fixtures.

Above-grade flood lights for the lighting of trees and plantings shall be concealed by shrubs to prevent daytime or night-source visibility. They shall be installed and shielded to minimize glare into neighboring streets, Lots, or Common Areas, and shall be of 'specification' grade (preferably copper or brass construction) to prevent maintenance problems due to high-alkaline soils.

Where below-grade fixtures are used to up-light trees, standards shall conform to those listed above for flood and spotlight fixtures.

All outdoor fixtures must use incandescent, tungsten halogen or small, energy efficient fluorescent lamp bulbs. No colored bulbs are allowed. No post lights are permitted. Excessive spill lights are prohibited. No fluorescent tube or "shop" lamps are allowed.

All exterior-wall mount or ceiling-mount 'decorative' fixtures must be of high quality and conform to the architecture of the residence. Such fixtures must use incandescent bulbs.

(c) Walk Lights.

Walk lights placed adjacent to walkways in shrub or groundcover areas must use below-grade junction boxes to minimize the daytime visibility of the hardware.

(d) Field Testing.

The TAC requires nighttime field-testing of all fixture locations before final installation.

4.8 Hardscape Materials.

Hardscape materials for landscape use shall be aesthetically pleasing, harmonious, and compatible with the environment and surrounding architecture so as to complement and enhance the natural landscape.

No asphalt paving is permitted on the Lots. Permeon stain is encouraged. All hardscape materials shall be subject to approval by the TAC.

4.9 Barbecues and Firepits.

Material selection shall be compatible and harmonious with all other selected building materials to promote site-design continuity. If a built-in barbecue is located outside the building setbacks, the exposed portion of the screening wall shall not exceed eighteen inches (18") in height. Landscape berming or recessing the barbecue area may be used to mitigate the 18" restriction. No reflective materials are allowed unless screened from view. A dark cover is required for stainless steel or similar equipment.

4.10 Fireplaces.

Outdoor fireplaces shall conform to the building setback requirements and established architectural materials.

4.11 Play Equipment , Basketball Courts and Tennis Courts

Play equipment (fixed or portable), including basketball courts and tennis courts, may be installed only if they are screened from public view and are not lighted. The location, size, and construction details of play equipment shall be included on the Lot's site, grading, and landscape plans.

4.12 Showers.

Outside showers are permitted only if screened from public view.

4.13 Mailboxes.

Mail delivery for the Development will be at the community entrance on Big Cottonwood Canyon Road in a community mailbox structure approved by the United States Postal Service. Individual mailboxes on properties are unnecessary and are not allowed.

4.14 Art.

Landscape art and sculpture shall be subject to approval by the TAC on a case by case basis. The Application shall include photographs and illustrations depicting size, materials, finishes, subject, and location of the landscape art and/or sculpture.

4.15 Ornaments.

Garden and lawn ornaments (such as pink flamingos) are not permitted unless located within the Ornamental Area or screened from view.

4.16 Seasonal Displays.

This Section is not intended to discourage exterior holiday decorations, but to ensure that such decorations are tasteful and meet the Development's high standard of quality.

Holiday decorations should be subtle, soft, and tasteful. Decoration displays should not have a commercial appearance and should not be "overdone" in brightness, size, or visibility from surrounding streets, Lots, and Common Areas.

The TAC reserves the right to prohibit any holiday decorations it deems inappropriate under this Section.

4.17 Water Elements.

(a) Pool/Spa.

Consideration should be given in the designing of pool and spa areas to provide for privacy of the Owner and neighboring Owners. Pools and spas should complement the overall design of the individual Lot as well as the Development as a whole. All pools and spas will be reviewed by the TAC. Precast or molded pools or spas are prohibited. A minimum of five feet (5') of planting between all hardscape and property lines within rear yard setback areas is required.

Infinity edges shall be designed and installed so that the outfall portion of the infinity edge (where visible from adjacent streets, Lots, or Common Areas), shall appear as a natural scape, blending with the existing, natural theme. No brightly colored tile shall be placed on weir faces.

Pool and spa equipment shall be screened from view. If a below-grade vault is used to contain pool equipment, the vault shall be located at least five feet (5') from any property line. No vent stacks are allowed. The use of high-efficiency heaters eliminates the need for conventional stacks.

(b) Fountains.

As used in these Guidelines, "Fountain" means any body of water other than a swimming pool or spa. "Fountain" includes waterfalls, water falling into pools or other bodies of water, ponds, and bird baths.

Fountains shall be located at least three feet (3') from any property line. The TAC may approve reduced setback requirements for smaller Fountains (such as bird baths, small fountains, ornamental ponds, and wall fountains) on a case by case basis.

All Fountains shall be subject to review and approval by the TAC. Re-circulating water shall be used for all Fountains.

4.18 Landscape Elements.

(a) Boulders.

Natural granite boulders and rock indigenous to the Development are encouraged. At least 1/3 of the height of the boulder shall be placed into the finish grade. Boulders shall be placed in aesthetic groupings of two or more to achieve a natural look.

Artificially crafted boulders are permissible if they have qualities of form, character, and color that are representative of indigenous varnish specimens. Field samples or photographs of artificial work shall be submitted as part of the Application.

4.19 Pots.

Pots shall be constructed of or have the appearance of a "natural" material such as stone, clay, or textured/colored concrete. Pots made of fiberglass, plastic, glossy finished glazes or metals will not be allowed without the approval of the TAC.

Samples or photos showing style, color, and texture shall be submitted with the Application.

4.20 Irrigation Systems.

Irrigation systems and controller programs shall be designed to meet the peak demand of all plant material without overspray, runoff, or over-watering. Installation of tensiometers and rain guards are encouraged to protect automatic systems from water damage.

All control valves, gate valves, and quick couplers shall be installed in valve boxes with removable lids flush with finish grade.

All drip emitters shall be at grade. Sprayheads visible from neighboring streets, Lots, or Common Areas or adjacent to streets and sidewalks shall be pop-up style. Risers may be used only if installed adjacent to walls and visually screened.

See Section 4.21(b) for additional information.

4.21 Landscape Maintenance Requirements.

(a) Plantings.

Each Owner shall maintain all plantings in a healthy growing condition. Fertilizer, cultivation, and pruning shall be carried out on a regular basis in accordance with the approved maintenance schedule submitted by the Owner to the TAC. The Owner is responsible for obtaining this maintenance schedule from the landscape contractor or landscape architect.

Dead and dying plant material shall be removed and replaced with like species and size within fourteen (14) working days. No species substitutions are allowed without written approval of the TAC.

Any modifications to the installed, approved landscape architectural design which is visible from surrounding streets, Lots, or Common Areas must be pre-approved by the TAC.

(b) Irrigation.

The Owner shall be responsible for maintaining the irrigation systems. All emitters, sprayheads, and valves shall be properly adjusted for optimum coverage and minimal overspray onto walks, drives, walls, or planting areas not designed for additional water.

The automatic controller shall be kept in proper working condition. It shall be adjusted, cleaned, and repaired regularly to ensure all remote control valves are programmed to the appropriate watering and cycle times according to seasonal and/or climatic conditions.

All landscaped areas shall be provided with an automatic irrigation system. Drip irrigation shall be used in all planter areas unless such areas are screened from public view, in which case sprayheads may be utilized.

All irrigation piping, connections, swing joints, and sleeving shall be installed below grade.

All irrigation shall be designed with a reduced pressure backflow device to prevent contamination of domestic (potable) water lines. This backflow device shall be discreetly located and visually screened with plant material.

The automatic controller and its enclosure must be located in the service yard, mechanical room, or similar well screened area out of public view.

(c) Landscape Lighting.

All landscape lighting fixtures shall be kept in optimum working condition for aesthetics and security. Proper beam direction and alignment of fixtures shall be regularly checked and adjusted. Lenses shall be kept cleaned; lamps shall be replaced immediately as necessary. Plant material, which serves to screen light fixtures, shall be selectively trimmed to ensure unobstructed light beams.

(d) Boulders.

If landscape boulders have been stained and the color fades, it is the responsibility of the Owner to reestablish the original varnish color.

(e) Drainage.

All drainage amenities including drain tiles, catch basins, sumps, bubbler boxes, roof gutters, and surface swales shall be kept free of debris and obstruction to ensure positive drainage flow of nuisance water.

4.22 Landscape Inspections.

The following on-site landscape inspections shall be made with the landscape contractor and the landscape architect, or representative, during construction:

- (a) Rough Grading and Drainage System Inspection: Berming, swales, rock and boulder placement, relationship of grade to hardscape amenities, placement of drainage amenities, and positive drainage shall be examined.
- (b) Plant Material and Placement: Confirmation of plant species, quantity, size, and placement shall be made prior to planting. Location and arrangement of special landscape features shall also be inspected.
- (c) Final Landscape Inspection: Irrigation systems, plant coverage, and landscape lighting will be examined at this time. It shall be the general contractor's responsibility to call and coordinate for these inspections at the proper time.
- (d) After final inspection is complete and landscape installation is deemed satisfactory in workmanship and in accordance with the approved plans and specifications, written confirmation of such will be issued to the owner for use in the certificate of occupancy permit inspection.

5 REVIEW AND APPROVAL PROCESS.

5.1 The Architectural Review TAC.

The TAC oversees the residential development of Tavaci at Big Cottonwood Canyon in accordance with these Guidelines. In order to facilitate the planning and design of each residence and to assist each Owner in taking full advantage of the unique opportunities of his Lot, a comprehensive design review process is administered by the TAC. This process allows an Owner to draw upon the expertise and experience gained during the planning and construction of the Development. The TAC reviews all proposed construction to assure compliance with these Guidelines and to maintain the unique, quality environment of the Development. The TAC has the authority to issue all formal approvals or denials, and to enforce these Guidelines on each and every Owner and Lot.

The members of the TAC are appointed by the Declarant, until such time as control of the Association is turned over to the Owners. The TAC must have at least three members, who may be appointed by the Declarant, Owners in the Development, and other design professionals as may be deemed necessary by the Declarant or, following turn-over of control to the Association, the Association.

The TAC reviews designs only after determining that the Application is complete in accordance with these Guidelines and the TAC has adequate information to complete the review. After reviewing the Application, the TAC takes one of the following actions: a) Approval; b) Approval with conditions; c) Disapproval.

Each Owner must retain competent, experienced, licensed professionals for planning and design. The investment being made by each Owner as well as the investment in the Development as a whole requires a thorough analysis and understanding of the unique site and the Owner's desires and plans with respect to development. The ability and training necessary to translate these ideas into a building form and convey these concepts to the TAC are critical to the design and review process.

All plans must be approved by the County and appropriate permits issued prior to beginning construction. It is the responsibility of the Owner and/or his representative to obtain the required approvals and permits from the County.

5.2 Overview of the Review Process

The design review process provides checkpoints in an effort to minimize the time and effort spent on residential design concepts that do not adhere to these Guidelines, or in the opinion of the TAC, to the overall philosophy or environmental quality of the Development. Each Owner can expedite the process by retaining competent licensed professionals, complying with the Guidelines, and submitting a complete and accurate Application.

The TAC reviews Applications during its regular meetings or at other times as it deems appropriate. Owners, architects, or contractors may be required to attend TAC meetings to discuss the Application. The TAC will respond within thirty (30) working days after a complete Application is received. Any responses an Owner, architect, or contractor may wish to make in reference to a decision made by the TAC should be addressed to the TAC in writing and shall include supporting materials if applicable. Responses by the TAC will not normally be given by phone.

Although all provisions of the Guidelines are reviewed and enforced by the TAC, the following are of particular concern:

- (a)** The siting of the residence, and the effect of the siting on the view corridors and privacy of surrounding Lots and Owners.
- (b)** Height and massing of the residence, particularly with respect to the massing of roofs and walls.
- (c)** Exterior design of the residence, including aesthetic quality and compatibility with the environment and neighboring Lots and Common Areas.
- (d)** Variety and creativity of architectural detail and relief on the façade of the residence.
- (e)** Exterior colors and materials.
- (f)** Creativity of landscape palette and design and the potential of the landscape to enhance the natural surroundings.

The Guidelines foster creativity by establishing environmental and aesthetic goals for thoughtful consideration by the designer without imposing unduly burdensome restrictions. Strict compliance with these Guidelines does not by itself guarantee good composition or beauty. The TAC will work with Owners, designers and architects in an attempt to resolve specific problems that arise in connection with a proposed Improvement.

5.3 Phases of the Review Process

In general, the design and construction review process is divided into the following six phases:

1. The Pre-Design Meeting.
2. The Schematic Review.
3. The Preliminary Review.
4. The Final Review.
5. The Construction Process.
6. The Final Inspection.

All Application materials must be submitted in duplicate. The Owner assumes all risk associated with moving to the next stage of the approval procedure without obtaining formal approval from the TAC.

(a) The Pre-Design Meeting.

Before preparing any detailed drawings, the Owner and his design professionals must meet with a representative of the TAC to discuss the Owner's general plan for development of the Lot. This informal review also gives the Owner an opportunity to receive guidance from the TAC prior to the initiation of preliminary design and to avert any conflicts with the Guidelines. An appointment is required for this meeting, and arrangements must be made at least one week in advance of the desired time.

(b) Schematic Design Submittal.

Schematic design drawings and exhibits must be submitted to the TAC after the initial Pre-Design Meeting. The following drawings and/or exhibits are required before the schematic design portion of the Application is deemed complete:

1. A site plan showing existing Lot features and conceptually delineating the proposed residence and other Improvements. The site plan should include topography and boundary information, as surveyed by a licensed surveyor, and must be drawn to at least a 1"=10' scale.
2. Elevations, if applicable, at a 1/8"=1' scale. The elevations should conceptualize the exterior feel of the home and its relation to rest of the Lot.

(c) Schematic Review.

When the schematic design portion of the Application is deemed complete, the TAC shall review it and issue a written response to the Owner.

(d) Preliminary Submittal.

Preliminary drawings and exhibits must be submitted to the TAC after the initial Pre-Design Meeting. The following drawings and/or exhibits are required before the preliminary review portion of the Application will be deemed complete:

1. A site plan delineating the proposed residence and accompanying Improvements, the allowable building envelope, required setbacks, walls, service yards, utilities, existing topography (including rock outcroppings or other natural features), proposed grade changes, proposed pad heights, extending at least twenty-five feet (25') onto adjacent Lots. The site plan must be drawn to at least a 1"=20' scale.
2. A survey, at the same scale as the site plan, prepared by a registered land surveyor or civil engineer, showing Lot boundaries and dimensions, existing surface contours in one-foot intervals, and major terrain features.
3. A floor plan and roof plan at no less than a 1/8"= 1' scale. Roof plans must show areas of pitched and flat roofs, overhangs, and skylights.
4. Exterior elevations drawn at no less than a 1/8"=1' scale. Elevations must show existing as well as proposed grades, materials, colors, and walls. Heights of all walls, parapets, and ridges must be delineated.
5. A study model or perspective of the proposed residence and Improvements.
6. A material/sample board (colors and textures of exterior materials).
7. Any other drawings or samples required by the TAC.
8. To assist in the TAC's evaluation of the preliminary review portion of the Application, the Owner shall, if requested, provide preliminary staking at major corners or accessory points of proposed Improvements.
9. A schematic planting plan at the same scale as the site plan, delineating all proposed and existing landscaping, including existing site Improvements and landscaping on surrounding Lots extending at least twenty-five feet (25') onto the surrounding Lots. The planting plan shall show all anticipated hardscape, including pool and spa areas.
10. A hardscape encroachment plan, at the same scale as the site plan, delineating the total area of hardscape between the building setback and the property line ("encroachment"), and the total area of landscape between the setback line and the building and/or hardscape ("give-back"). Hardscape includes paving, walls, boulders tied into paving or walls, grass, cobble areas, decomposed granite or any non-indigenous material. Small enclosed landscaped areas may not count as "give-back". The plan will not be approved unless the "give-back" area is the same or greater than the "encroachment" area.

In connection with the submission of the items listed above, the Owner must deposit with the Association a review fee in the amount \$5,000.00 (the "Review Fee Deposit"). The TAC will charge a review fee in the amount of \$500.00 to cover costs to review the preliminary plans submitted by the Owner, which fee will be paid from the Review Fee Deposit. The balance of the Review Fee Deposit will be used as provided below in these Guidelines. The amount of the Review Fee Deposit may be increased from time to time, in the reasonable discretion of the Association to cover increased costs.

(e) Preliminary Review.

When the preliminary review portion of the Application is deemed complete, the TAC shall review it and issue a written response to the Owner.

(f) Final Submittal.

After preliminary approval is granted, the Owner must submit the following for final review.

1. Complete construction drawings including details, exterior light fixtures, meter locations, and photographs of any exterior artwork.
2. A complete hardscape plan for the Lot.
3. A precise grading and drainage plan, including heights of vertical elements, driveway slopes, spot elevations for all flatwork, existing and proposed contours, all drainage utilities with elevations, a minimum of twenty-five feet (25') of existing contours and elevations into the adjacent Lots or Common Areas, and pad and finish floor elevations.
4. An approximate time schedule listing proposed start dates for the major phases of construction, and an anticipated completion date.

(g) Final Approval.

After the final Application is deemed complete, the TAC shall review it for adherence to preliminary approval, including conditions, and for overall compliance with the Guidelines.

Upon completion of its review, the TAC shall issue a written response to the Owner. Approval of an Application by the TAC does not relieve the Owner of its responsibility to comply with the Guidelines.

(h) Construction Permits.

The Owner is solely responsible for securing all construction and occupancy permits. The approved Improvements must be constructed entirely in accordance with the Application approved by the TAC and in accordance with all applicable codes and ordinances of the appropriate governmental agencies.

(i) Changes/Corrections/Additions.

Any revisions to approved drawings must be submitted to the TAC for approval. A fee in the amount of \$250.00 will be charged by the TAC for review of each change to the approved drawings. Each review fee will be paid for from the Review Fee Deposit. Additional review fees may be required depending on the scope of the revisions. If the changes or additions do not demand complete resubmission of an Application, they must be clearly identified on all affected drawings.

As-built drawings for any modifications to the landscaping must be submitted to the TAC for review and approval. The plant matrix calculations must be corrected to reflect the existing landscape.

(j) Construction Reviews.

The TAC may review all construction progress and issue a notice of noncompliance, if found. The absence of such inspection and/or notification during the construction period does not constitute approval by the TAC of work in progress or indicate compliance with the Guidelines.

(k) Final Construction Review.

Upon completion of an approved Improvement, the Owner shall give written notice thereof to the TAC.

Within a reasonable time, not exceeding twenty (20) days after receipt of such written notice of completion, the TAC may inspect the newly installed Improvements. If the TAC determines that the Improvements were not constructed in strict compliance with the approved drawings, it shall notify the Owner in writing of such noncompliance within thirty (30) days after its receipt of the Owner's notice of completion, specifying in reasonable detail the particulars of noncompliance, and requesting the Owner to remedy the same.

If upon the expiration of thirty (30) days after the delivery of such notification by the TAC, the Owner has failed to remedy such noncompliance, the TAC may take such enforcement measures as set forth in the Declaration or these Guidelines, including, without limitation, seeking injunctive relief, imposing a fine, or requiring the Owner to remove the noncompliant Improvement at the Owner's cost within ten (10) days of notification thereof by Landlord.

A fee in the amount of \$500.00 will be charged for the final inspection by the TAC. The fee will be paid for out of the Review Fee Deposit. If additional inspections are needed to comply with final approval conditions imposed by the TAC, each additional inspection will be charged to the Owner at the rate of \$250.00 per inspection. Following final approval of the Improvements by the TAC, any funds remaining in the Review Fee Deposit will be refunded to the Owner. If at any time the Review Fee Deposit reaches a zero balance, the Owner must pay the required fee in advance of each additional review by the TAC.

(l) Limitation of Responsibility.

The approval or acceptance by the TAC of the designs and plans for the Improvements, or the approval of the completed Improvements by the TAC does not constitute and may not be interpreted as a representation or indemnity by the TAC, the Association or any member or officer of the TAC or the Association, to the Owner or to any other party against any deficiency or defect in the work for the Improvements or against any breach of contract. Inspections and approvals of the designs and plans for the Improvements, the workmanship and materials used in the Improvements, and the exercise of any other right of inspection, approval or inquiry granted to the TAC under these Guidelines are acknowledged to be solely for the protection of the interests of the Association and the TAC, and under no circumstances will they be construed to impose any responsibility or liability of any nature whatsoever on the TAC, the Association or any member or officer of the TAC or the Association to the Owner or to any third party. Neither the Owner or any other person may rely on, or have any right to rely on, the TAC's determination as to the nature of the Improvements, their construction, or suitability for their intended use by the Owner or any other person, nor does it constitute an indemnity by the TAC, the Association or any member or officer of the TAC or the Association to the Owner or to any other person against any deficiency or defect in the Improvements or against any breach of any contract.

6 CONSTRUCTION GUIDELINES.

6.1 Construction Regulations.

To ensure that the natural environment of the Development is not unduly damaged during construction, the Owners shall be subject to the following construction regulations. Any violation of the provisions of this Section 6 by a contractor of an Owner shall be deemed a violation by the Owner.

6.2 Contractor's Bond, Insurance.

Each Owner shall perform or cause the following to be performed:

- (a)** Before beginning construction on the Owner's Lot, Owner's contractor shall submit evidence of the following insurance coverage to the TAC before beginning construction on any Improvements: (1) comprehensive commercial general liability insurance covering work done or to be done by or on behalf of the contractor, naming the Association as additional insured, with limits of not less than one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) general aggregate; and (2) all other insurance coverage required by applicable federal, state, and local law. The insurance shall also provide for a minimum of thirty (30) days' notice to the TAC prior to cancellation, non-renewal or change in policy terms and/or conditions.
- (b)** Before beginning any material modifications to the exterior of, or the landscaping surrounding a residence, the Owner's contractor shall post a cash bond in the amount of \$5,000.00 with the Association (or a lesser amount for more minor Improvements, in the discretion of the TAC); costs incurred by the TAC in enforcing a violation of this Section 6 shall be charged against the bond.

6.3 Pre-Construction Conference.

Before beginning construction, the contractor must meet with the TAC to review acceptable construction as-built drawings.

After final approval is given, the TAC shall issue a stamped set of approved documents which must be submitted to the County for its approval. Documents that have been stamped for approval by the County must be kept at the construction site and made available to any TAC member or its representative upon request. To receive the final stamped documents from the TAC, the contractor must submit all required forms for construction as well as the contractor's bond, as described above. No construction activity of any sort may begin before these requirements are met.

6.4 OSHA Compliance.

All applicable OSHA regulations and guidelines must be strictly observed at all times. The Owner is responsible for compliance with all federal, state, and local construction laws and regulations.

6.5 Construction Trailers, Portable Field Offices.

Any Owner or contractor who desires to bring a construction trailer, field office, or similar structure to the construction site must obtain written approval from the TAC. To obtain such approval, the Owner or contractor must submit a copy of the architect's approved site plan showing the proposed location of the construction trailer, field office, portable toilet, plan box or trash receptacle. Such temporary facilities must be removed before final construction approval will be granted.

The Owner shall be responsible for obtaining any permits required by the County or other public agencies for the installation of a construction trailer or similar structure.

6.6 Trash and Debris Removal.

Contractors shall clean up all trash and debris on the construction site at the end of each day. Trash and debris shall not be allowed to accumulate. Lightweight materials, packaging, and other items must be covered or weighted down to keep them from being blown off the site. Contractors are prohibited from dumping, burying, or burning trash anywhere in the Development. During the construction process, each construction site and the route to and from the site shall be kept neat and clean. Unsightly dirt, mud, or debris from activity on the construction site shall be promptly removed and the general area cleaned up, or the cost of such clean-up incurred by the Association will be charged to the contractor or Owner.

6.7 Sanitary Facilities.

Each contractor is responsible for providing adequate sanitary facilities for construction personnel. Portable toilets shall be located in the areas indicated on the site plan submitted to and approved by the TAC.

6.8 Vehicle Parking.

Construction crews may not park on, or otherwise use other Lots or Common Areas. Private and construction vehicles may be parked only within the allowable building envelope or in areas specifically approved by the TAC.

Every effort shall be made to keep the streets within the Development reasonably free and clear at all times. If construction requires that a portion of a street be temporarily blocked, reasonable vehicular access shall be provided for a single lane of traffic around the obstruction. The contractor shall be responsible for ensuring that a safe environment is created for both vehicles and pedestrians in the vicinity of the obstruction.

Each contractor shall be responsible for ensuring that all subcontractors and suppliers on the construction site obey parking rules and speed limits posted in the Development. Contractors guilty of repeated violations may be fined (which fines may be charged against the bond) or denied future access to the Development.

6.9 Protection of Existing Landscape.

Contractors are advised that Lots and Common Areas in the Development contain fragile vegetation and other delicate features, such as topsoils, that must be absolutely protected during the construction process.

6.10 Restoration or Repair of Property Damage.

All Owners are absolutely responsible for the conduct, behavior, and omissions of their agents, contractors, subcontractors, and suppliers in connection with their work in the Development.

The following practices are strictly prohibited:

- (a)** Removing any natural material from the Development except as necessary in constructing the Improvements, including but not limited to rocks, plants, topsoil, or other natural materials.
- (b)** Allowing concrete suppliers, plasterers, painters, or any other subcontractors to clean their equipment anywhere but in a location specifically approved for that purpose by the TAC.
- (c)** Using disposal methods or equipment other than those approved by the TAC.
- (d)** No animal may be brought into the Development by construction personnel.
- (e)** Radios and other audio equipment may not be played on construction sites in the Development.
- (f)** Catering trucks may not use their horns except in cases of emergency. Catering truck schedules should be consistent so that workers are aware of break times.

Trash generated from catering truck purchases must be contained and disposed of properly. Catering truck drivers who repeatedly violate these requirements may be denied access to the Development.

- (g) No overnight parking is allowed on construction sites in the Development.
- (h) Maintenance on construction vehicles may not be performed in the Development.

6.11 Construction Access

The only approved construction access to a Lot is the approved driveway for that Lot, unless the TAC approves an alternate access route or the permission of an adjacent Owner is obtained.

The location of the construction entrance to the Development and the standard procedures for accessing the Development shall be reviewed from time to time and provided to each contractor working in the Development.

6.12 Dust, Mud and Noise Control.

The contractor is responsible for controlling dust, mud and noise and other possible nuisances generated at the construction site. If the site is adjacent to a completed residence, a six-foot (6') chain-link fence with a wind screen shall be installed on the property line between the construction site and the Lot containing the completed residence.

Trucks entering and leaving the construction site must be washed down to minimize the production and spreading of dust and mud.

6.13 Construction Signs.

Temporary construction signage will be limited to one sign per construction site, not to exceed six square feet of total surface area. The sign may include only the general contractor's name and logo, the Owner's name, the Lot number, and/or a phone number for emergencies. The sign shall be free-standing within the allowable building envelope, and its design and location shall be reviewed and approved by the TAC.

6.14 Temporary Facility Requirements.

(a) Temporary Water.

A temporary water riser, together with at least 150 feet of one-inch (1") heavy-duty rubber water hose, a hose stand, and irrigation facilities for dust control must be installed at each construction site. The street in front of each construction site must be cleaned daily.

(b) Temporary Electric.

A metered power outlet must be installed in accordance with the requirements of Rocky Mountain Power.

(c) Temporary Restroom.

A temporary tan fiberglass restroom (in good condition) must be provided at each construction site. The restroom shall undergo chemical maintenance biweekly and shall be kept clean, sanitary, and odorless. The location of the restroom will be determined at the pre-construction meeting and will not be allowed within five feet (5') of the curb.

6.15 Trash Dumpsters.

A maximum 12-yard steel roll-off dumpster shall be maintained on the construction site throughout the construction process. A regular dumping service must be maintained to prevent overflow and unpleasant odors. Dumpsters may not overflow at any time. Location of dumpsters will be decided at the pre-construction meeting.

6.16 Construction Trailers.

Construction trailers are permitted but not required. They must be tan in color and may not exhibit the name of the construction company on any portion of the exterior. The trailer and its location must be approved at the pre-construction meeting. The Owner and/or his representative shall be responsible for obtaining applicable permits for the placement and use of a trailer on the construction site.

6.17 Temporary Use of Adjacent Properties.

The use of a vacant Lot adjacent to or near the Lot under construction for vehicular access, parking or material storage is prohibited without the written permission of the Owner of the affected Lot. General contractors, employees, subcontractors, and suppliers shall not enter Common Areas for any reason at any time without the permission of the TAC.

6.18 Site Access Regulations.

The general contractor shall furnish the name, company name, arrival date, and Lot destination of all persons working at the construction site. The TAC may cancel security clearance for construction personnel who are in violation of these Guidelines or the Declaration.

The speed limit within the Development shall not exceed 25 miles per hour. The speed limit is strictly enforced. Speeds of less than 25 miles per hour will be required in areas where unsafe conditions warrant.

Parking will be confined to the Lot under construction. No parking is permitted in front of finished residences, fire hydrants, mailboxes, or driveways.

Street parking that obstructs emergency vehicle access is prohibited.

6.19 Hours of Construction.

Hours of construction shall be limited to Monday through Saturday, 7:00 am to 6:00 pm. No construction shall occur on Sundays or on observed federal or state holidays.

6.20 Site Conduct and Safety Precautions.

The general contractor, subcontractor, and all suppliers must: (a) Comply with the provisions of this Section 6.

- (a) Follow the instructions of TAC members, Association security staff, and other authorized representatives of Declarant or the Association.
- (b) Not allow alcoholic consumption under any circumstances within the Development.
- (c) Not damage or disturb the work of others.
- (d) Take all necessary precautions for the safety of all persons, materials, and equipment on the construction site and adjacent areas.
- (e) Furnish, erect, and maintain approved barriers, lights, signs and other safeguards to adequately warn persons of any dangerous conditions on or near the construction site.

6.21 Site Maintenance.

The general contractor, subcontractors and suppliers must comply with the following rules established for the maintenance and cleanliness of the construction site:

- (a) Maintain the site in a clean and orderly condition and immediately remove any waste materials or debris.
- (b) Remove all debris generated by employees from the construction site on a daily basis.
- (c) Remove all equipment, materials, supplies and temporary structures when any phase of the construction is complete, leaving the area neat and orderly. Equipment not in daily use must be removed from the construction site. Vehicles and heavy equipment such as cranes and tractors may not be left on the construction site overnight without permission from the TAC.

6.22 Disposal of Site Spoils.

Any spoils generated from the site grading must be placed on the Lot. No materials may be placed on the streets, other Lots, or Common Areas.

6.23 Compliance.

The Association reserves the right to deny site access to any general contractor, subcontractor, or supplier who is in violation of the provisions of this Section 6 and reserves the right to halt construction on a Lot where the Improvements are being constructed contrary to approved plans or variances, or in violation of these Guidelines or the Declaration.

6.24 On-Site Inspections by the TAC.

Once construction has begun, the general contractor should contact a TAC member 48 hours in advance to set-up appropriate site inspections in accordance with these Guidelines.

7 APPENDIX

7.1 Amending the Design Guidelines.

Declarant may amend or repeal these Guidelines in its sole discretion from time to time in accordance with Section 4.3(a) of the Declaration. Each Owner is responsible for obtaining from the TAC a copy of the most recent version of these Guidelines. Upon request, the TAC will provide a summary of substantive changes made to the Guidelines since the previous version.

7.2 Non-Liability of the TAC and the Developer.

Neither the TAC, nor any individual member thereof, nor the Developer, nor their respective successors or assigns, shall be liable in damages to anyone submitting an Application hereunder, nor to any Owner or other person by reason of mistake in judgment, negligence, or nonfeasance arising out of or in connection with any decision on an Application made by the TAC. By submitting an Application, the Owner agrees that he will not bring any action or suit against the TAC, any member thereof, or the Developer. Approval of an Application shall not be deemed to be a representation or warranty that the Owner's drawings or specifications or the actual construction of the residence or other Improvements complies with applicable governmental ordinances or regulations. It shall be the sole responsibility of the Owner or his agent to assure compliance with said ordinances or regulations.

7.3 Incorporation.

The provisions of the Declaration applicable to architectural and landscape design and control are incorporated herein by reference. If there is any conflict between these Guidelines and the Declaration, the latter shall control.

7.4 Enforcement.

These Guidelines may be enforced by the TAC, the Board, or the Declarant as provided herein or in the Declaration.

7.5 Right of Waiver.

The TAC reserves the right to waive or vary any of the procedures or standards set forth herein at its discretion, for good cause shown.

7.6 Estoppel Certificate.

Within thirty (30) days after written request is delivered to the TAC by an Owner, and upon payment to the TAC of a reasonable fee set by the TAC to cover costs, the TAC shall provide the owner with an estoppel certificate executed by a member of the TAC, certifying with

respect to the Owner's Lot that as of the date thereof either (a) all Improvements made upon the Lot comply with these Guidelines and the Declaration, or (b) certain Improvements do not comply, in which case the certificate shall identify the noncomplying Improvements and the reasons for noncompliance. Any purchaser from the Owner and any Mortgagee shall be entitled to rely on the certificate with respect to the matters set forth therein, such matters being conclusive as between the Association, the Board, the TAC, the Declarant, the Owners, and other interested persons, and such purchaser or Mortgagee.

7.7 Construction Commencement.

Upon receipt of approval from the TAC, the Owner shall satisfy all conditions thereof and commence construction of the approved Improvements within one year after the date of such approval. If the Owner fails to do so, the approval granted shall be deemed revoked unless, upon written request of the Owner before the expiration of the one-year period, TAC agrees in writing to extend the time period. The Owner shall, in any event, complete the construction of the foundation and all exterior surfaces (including the roof, exterior walls, windows and doors) of any Improvement within one year after commencing construction thereof, except when and for so long as, such completion is rendered impossible or would result in great hardship to the Owner due to force majeure. If the Owner fails to comply with this Section, the TAC may notify the Board of such failure, and the Board may either complete the Improvements in accordance with the approved Application or remove the Improvements and restore the Lot to its prior condition. The Owner shall reimburse the Association for all expenses incurred in connection with enforcement hereunder.

7.8 Severability.

If any provision of these Guidelines is held invalid, the same shall not affect the validity of the remaining provisions.

EXHIBIT A

Lot Setbacks

Front	20 feet
Rear	20 feet
Side	10 feet

EXHIBIT B

List of Permitted Plants

Any plant that is on the U.S.D.A. Plant Zone 4.