

Villas at Blackberry Run Homeowners Association

ARCHITECTURAL REVIEW COMMITTEE CHARTER

Purpose:

The Architectural Review Committee (ARC), a standing committee, is hereby formed combining the committees previously known as Architectural Committee and Architectural & Covenants, Conditions and Restrictions Sub-committee, with the responsibilities of oversight and direction, advising the Board, ensuring compliance of all Association rules either detailed in the Restated Declaration of Covenants, Conditions and Restrictions (RDCC&R) or adopted by the Board of Directors, and to enhance, ensure, and protect the attractiveness and desirability of the Villas at Blackberry Run (VBR), thus protecting property values for owners. The ARC is to assist property owners in preserving the architecture of our community, while at the same time allowing compatible distinctiveness of individual units to community-wide standards of the both the VBR and Seven Hills Governing Documents and any Rules, Regulations and Guidelines that may be adopted.

Scope of Responsibility:

The ARC is responsible to the BOD for architectural and use matters within the VBR community. The ARC shall ensure all applications for changes, alterations, design, additions, or deletions to property, as well as, exterior color, and maintenance of property are in accordance with Article VI Use Restrictions and Rules as well as Article VII Architectural Standards in the Restated Declaration of Covenants, Conditions and Restrictions and any Design Guidelines and Rules and Regulations adopted for VBR.

The ARC may promulgate and maintain, as needed, Design Guidelines, Use Restrictions, and Rules and Regulations to be approved by the BOD, fostering a community where property owners enjoy living because of a pleasing environment and attractive community with sustained property values. These regulations,, restrictions and rules are also established to preserve the integrity of the original community design.

In addition to the preceding, the ARC is responsible for:

- Responsible to BOD for ensuring the Governing Documents are complied with by all owners and occupants and applied fairly and uniformly to homeowners.
- Ensuring the RCC&R's. Design Guidelines, Use Restrictions and Rules & Regulations are kept current.
- Drafting of related specifications, rules & regulations, guidelines within the VBR community to be reviewed and approved by the BOD.

- Working along with Landscape & Irrigation and Clubhouse Committees, make sure Common Area elements are well maintained.
- Review of homeowner modification or change requests to property, such as but not limited to, color change of exterior painting, structures, roofs, exterior appliances and doors.
- Courtyard additions, changes and structures that are "visible" from the street, or will be visible from the street at some future time, such as courtyard pergolas.
- Work with Management Company, Master Association architect and property manager to ensure the timely processing of modification requests per the governing documents.
- Decisions on approval or disapproval of modification requests will be in the form of a letter sent to the owner.
- Work with the management company on the notification of violations to members and the BOD as well as modification/change requests. Bring to the attention of the management company any violations observed outside their monthly inspections.
- Provide general site inspections of responsibility areas on a regular basis, and at least monthly for unapproved alterations, modifications and overall proper maintenance and safety.
- Timely reporting of issues, concerns and recommendations to BOD and Management Company.
- Advise the BOD of financial needs to properly maintain the HOA property.
- All exterior modifications other than landscaping of a owners property or the common area responsibilities are within the jurisdiction of the ARC and includes, but not limited to, changes to or on exterior walls of homes, courtyard additions, changes or modifications that are or will at some future time be "visible" from street.
- Provide activities updates to members through newsletter articles, emails, community meetings or other appropriate means of communication.
- Other tasks as may be assigned by the Board.

Furthermore, the ARC shall

Develop operating procedures for BOD approval for areas under its responsibilities, such as, review of plans for improvements, and alterations responding to homeowner violation complaints, and enforcing regulations, In doing so, they will coordinate with the Management Company to ensure the process is efficient and timely, as well as, effectively utilizing the Management Company's resources and service. At least once quarterly, or as need arises, the ARC shall inspect the community for individual compliance with the Governing Documents to ensure adequate and proper maintenance is being maintained of

residences, driveways, fences, and mailboxes. Inspection will also check for unapproved alterations and approved alterations not being maintained, as well as all other pertinent requirements of the Governing Documents.

The ARC shall ensure all applications for changes, alterations, design, additions or deletions to property are in accordance with RDCC&R and any specifications, design guidelines and Rules & Regulations established by VBR.

The ARC will strive to establish a good working relationship with the Master Association with a streamlined and efficient process for homeowner modification requests that benefits both the Master Association and the VBR Owners.

The ARC shall keep organized files of all correspondence and plans which are submitted by homeowners or sent to homeowners by the ARC.

Authority:

The Restated Declaration of Covenants, Conditions and Restrictions establishes the rights of each homeowner to the use of property, limitations of homeowner rights and obligations as a member of the Association. The Restated Declaration also establishes the purpose, and authority of the ARC, which operates as defined by this Charter and the BOD.

The ARC has no authority to make policy regarding activities at the Villas at Blackberry Run, but through Board Liaison will be expected to recommend specific policy to the Board for directors' approval.

The Board of Directors can request the ARC to make recommendations regarding policy. Upon due consideration and discussion, the Board has the sole right and authority to take action and/or make decisions with or without involving any committee and to take action and/or make decisions which are consistent with and/or contrary, in whole or in part, to any committee recommendations or decisions.

The ARC shall approve or reject plans subject to the Governing Documents and established guidelines. When a set of plans is rejected by the ARC, the applicant will be informed of the reason(s), any changes that could be made to facilitate approval of the plan, and their right to appeal the ARC's decision to the BOD, with guidance on the appeal procedure in Article VII Section 6 of the Restated CC&R. When an appeal is made the BOD may: (a) uphold the rejection of the plans; (b) approve the plans, or (c) return the plans to the ARC with questions, ask for clarification, request additional information and/or comments for consideration before making their decision.

The ARC can only expend funds as approved by BOD or as may be authorized by regulation passed by the BOD.

No committee member has any authority to bind the Association to any contractual or other liabilities, nor has any decision making authority which is binding on the HOA.

Reporting and Relationship to BOD:

If a Resident is Chairperson of ARC, they report directly to the appointed Board Liaison; if a Board Member serves as Chairperson, they report directly to the President.

Chairperson (or designated committee member) will attend board meetings to provide updates to BOD and when required monthly, quarterly, semi-annual and/or annual reports on committees functions and/or building.

The ARC Chairperson shall provide the BOD a written report on any recommendations at least 10 days prior to a Board Meeting so it may be included on the Agenda.

The ARC shall provide regular reports to the Board Liaison regarding architectural matters.

Rules and Enforcement:

The ARC will work with the Management Company to establish procedures for violation letters, and notification on approval or disapproval of modification requests and changes. The ARC has no authority to enforce rules, guidelines or restrictions relating to fines, penalties, sanctions or any other similar action, under this Charter, although, they may make a recommendation to the BOD regarding such matters.

The ARC shall advise the Board Liaison of violations warranting enforcement, in a timely manner prior to a letter being sent to Owner/Resident.

Approval Philosophy:

The approval process is intended to minimize hardships or undue delays, while preventing additions or modifications to property that would be costly to correct if done improperly or in violation of the Restated CC&R's, Rules & Regulations, Guidelines or community-wide standards. The ARC's goal in the review process is not to inform the owner that changes cannot be made to the property but rather to assist in making the changes in a way which conforms to the character of the community and maintaining the community-wide standards.

Precedents:

While the ARC will make every reasonable attempt to be fair and equitable, the ARC will not necessarily be bound by past decisions made by prior ARC committees or while under Declarant control. The ARC reserves the right to disapprove applications for improvements that require approval or a variance from established RDCC&R's if the ARC believes that such changes are not in the best interest of the future of the Community even if a precedent was set by a decision made by prior ARC committee or the Declarant.

In spite of their best efforts, the ARC may from time to time make a decision that, in retrospect, is not in the best interest of the Community. The Committee reserves the right to recognize such a situation, document it in the minutes of a meeting and no longer permit its use as a precedent.

Membership Structure:

The ARC may be comprised of both residents and directors of the Association. Every effort should be made to have a resident fill the position of ARC chairperson. In the event that a resident does not volunteer to serve as chairperson, the Board Liaison, or any Director, may serve as Interim Chairperson for not more than an one year term or until a Resident is appointed to fill the unexpired term. The President appoints both the Chairperson and Board Liaison to one year renewable terms. The committee will consist of three (3), five (5) or seven (7) members including the chairperson depending upon the needs of the committee to perform their duties and responsibilities.

The ARC Chairperson may select the committee members, upon approval of the Board Liaison. Members must be residents in good standing.

The terms of the committee members shall be staggered terms, as determined by the ARC chairperson. All terms shall be for at least one (1) year but no more than three (3) years. All terms will become two (2) year terms after the initial term expires in the event a member is re-appointed by chairperson.

Committee members' terms are from January to December of each year.

Terms of any committee members may be renewed with the Chairperson's recommendation and the Board Liaison's approval.

Although, not binding, it should be a goal of the committee to have a new member appointed when terms expire to increase opportunities for wide resident participation.

The ARC Chairperson serves at the pleasure of the President and may be removed by the President without cause, at any time, and with or without a successor being named. All committee members serve at the pleasure of the BOD and any committee member may be

removed by a majority of the members of the BOD without cause, at any time and with or without a successor being named.

Committee Meetings:

- Committee members to meet as often as necessary to assign responsibilities and/or conduct the business of the committee and at least once per quarter;
- The ARC shall provide Board Liaison with minutes of all meetings, who will advise BOD on any pertinent matters;
- In the event an even number of members attend a meeting with a quorum present and a vote is taken, the chairperson will abstain from voting in order to avoid a tie vote;
- Sub-committee, if formed, members may be included in ARC meetings and/or meet with ARC Chairperson as deemed necessary by Chairperson;
- The Board Liaison will attend committee meetings, offering advice, guidance but does not vote on committee matters.

Committee Code of Conduct:

All Architectural Review Committee members are expected to conduct themselves in a manner that promotes a healthy relationship with the BOD, Management Company, Master Association and VBR owners and residents. Proper committee member conduct includes, but is not limited to the following behaviors:

- Committee members shall forego personal agenda interests and strive for the common good of the Association
- All committee members actions shall comply with the Governing Documents, and Association Rules & Regulations, and Guidelines
- Demonstrate Mutual Respect. Committee Members shall address each other, the Board members, and Association members with respect, even when in disagreement; differences of opinion shall be handled in a professional manner, involving the BOD when needed
- Maintain Confidentiality - Committee members shall not share prohibited or highly confidential, sensitive information, and respect the privacy of all homeowners.
- Maintain a Supportive & Positive Attitude--Committee members shall encourage each other, homeowners, board members, managers and contractors to promote better performance and teamwork.
- Committee members shall respect the authority of the BOD by not undermining majority decisions and enacted policy.

- All Committee members shall refrain from actual or perceived conflicts of interest while acting for the BOD in Association matters.
- Committee members will not seek nor shall accept special favors from Association contractors or potential contractors or suppliers. Special favors are those services or products not made generally available to other community members. Committee members shall not accept any gifts, fees, commissions, rebates, or profit in any way on expenditures, services, or activities made for and in behalf of the Homeowners Association.

Resignation or Removal of a Chairperson or Committee Member:

- Any committee member may resign prior to completing their term. They should submit their written resignation to the Chairperson, indicating their desire and effective date of resignation. The Chairperson will then notify the Board Liaison to discuss selecting a new committee member.
- Chairperson can recommend to the Board Liaison the removal of a member if they habitually miss meetings, fails to complete assigned tasks and/or violate the Code of Conduct.
- In the event it becomes necessary to remove the ARC Chairperson or a committee member, the Chairperson may be removed by the President after notifying the BOD, and a committee member may be removed by majority members of the BOD. The chairperson and/or member can be removed with or without cause, at any time, and with or without a successor being named.

At the April 26, 2010, Board of Directors Meeting of The Villas at Blackberry Run Association the BOD hereby agrees formation of both the Architectural Committee and Architectural & Covenants, Conditions and Restrictions Sub-Committee in accordance with this document and the Association By-Laws.

Subsequently, At the January 24, 2011 Board of Directors Meeting of The Villas at Blackberry Run Association, the BOD hereby agrees to the revisions of both the Architectural Committee and Architectural & Covenants, Conditions and Restrictions Sub-Committee in accordance with this document and the Association By-laws.

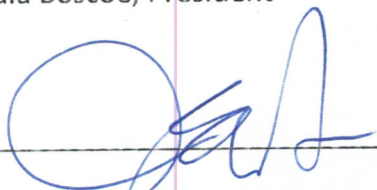
Subsequently, At the August 11, 2014 Board of Directors Meeting of The Villas at Blackberry Run Association, the BOD hereby agrees to the combining of the Architectural Committee and Architectural & Covenants Conditions and Restrictions Sub-Committee into one committee to

be known as the Architectural Committee in accordance with this document and Association By-laws.



Signed: August 11, 2014

Claudia Boscoe, President



Signed: August 11, 2014

John Herr, Vice President/Secretary