SOMERS ESTATES CONDOMINIUM OWNERS' ASSOCIATION

RULES AND REGULATIONS

Modified by the Board of directors with approval of a majority of unit owners effective October 30, 2025

Modified by the Board of directors with approval of a majority of unit owners effective September 19, 2025

Modified by the Board of Directors with approval of a majority of unit owners effective September 20, 2022

Modified by the Board of Directors with approval of a majority of unit owners effective 6/13/2011

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Condominium Living

All common and "limited" common elements are owned by the entire Association. Therefore, if one unit owner arbitrarily or unilaterally alters a common element, all owners are affected. When purchasing a condominium, each unit owner joins a compact to respect the common elements and not alter them without approval of the governing body. This allows the community to maintain its architecture and landscaping in a consistent character. In addition, this avoids expenses which may be incurred in maintaining disharmonious aspects of the common elements or performing repairs on changes which were improperly requested by one owner.

Regardless of the shared ownership aspects of a condominium association, owners treasure their homes as their primary investments and feel they have certain autonomy in personalizing their unit. Problems arise when an owner's desires conflict with the needs of the Association.

Therefore, all owners are obligated by their association in the Somers Estates Condominium Owners Association to abide by the following rules and regulations.

Dues

Monthly homeowner dues are due and payable by the 1st of each month. A late fee of up to $20.00 may be imposed by the Board of Directors against a unit owner if any balance remains unpaid by the 10th day of the month when due.

Use of Common and Limited Common Elements

1. The common and limited common elements shall be used only for the purposes for which they are reasonably suited.

    a. One or more unit owners may reserve the common elements for a temporary special use (ex. Yard party) with the permission of the neighbors in all units adjacent to the common area.

2. No nuisances shall be allowed on the property, nor shall any use or practice be allowed which is a source of annoyance to its residents or which interferes with the peaceful possession or proper use of the property by its residents.

3. No immoral, improper, offensive, or unlawful use shall be made of the property, and all valid laws, zoning ordinances and regulations of all governmental bodies having jurisdiction over the property shall be followed.

4. A unit owner shall not place any furniture or other personal property in the common elements (front yard) unless approved by the Board of Directors.

5. The residential units shall be used for residential purposes only. The garages shall not be used for any purpose other than as a garage.

6. The unit owner shall not park or store any vehicle, other than vehicles licensed as automobiles, or perform any repair work of any sort upon any type of vehicles (except in the case of an emergency) on any part of the common elements or limited common elements, including but not limited to outside parking areas.

    a. Unit Owners may not park motorcycles, trailers, recreational vehicles, or any commercial vehicles of any kind upon the common or limited common elements. Any such vehicle shall be parked in a garage which is attached to the Unit.

    b. Recreational vehicles that belong to the unit owner may be parked in the driveway of said owner up to 3 consecutive days prior and 3 consecutive days after a planned trip using said vehicle to allow the owner to pack and clean the vehicle.

7. No signs, except signs advertising sale of units, shall be allowed in the common elements, limited common elements, or units, except as specifically authorized by the Board of Directors.

    a. Decorations for all holidays, excluding Christmas, can be up two weeks before and must be taken down two weeks after. For Christmas, decorations can go up no sooner than Thanksgiving weekend and must be taken down by the end of January.

8. A unit owner may make additions, improvements or alterations <u>within</u> the unit which do not impair the structural integrity or lessen the support of any portion of the Property.

    a. A unit owner <u>may not</u> make any change to, nor affix anything to the exterior of the building containing the unit.

    b. A unit owner may not alter any exterior door, window, or exterior light fixture without the prior written consent of the Board of Directors.

    c. All units must be equipped with a glass-framed white storm door to protect the front entrance wooden door from damage.

        i. If an owner does not comply with this, any damage to the exterior of the main front door caused by the lack of said storm door shall be the responsibility of the unit owner.

9. Satellite dishes and similar technology for the reception of television and other signals can only be mounted on free-standing poles. Satellite dishes shall be:
    a. No larger than 2 feet in diameter, unless specifically approved by the Board of Directors.

    b. Located at the rear of the structure and shall not be visible from the street line.

    c. A Satellite dish or similar receiver which serves a single unit may not be located on any exterior wall or roof of that unit.

    d. Any Unit Owner who causes any such technology to be installed or maintained in or upon the common elements shall be liable for all damage to the common elements by reason of such installation and that Unit Owner shall be further liable for all costs related to the restoration of the common elements at such time as the technology is removed.

    i. In the event that a Unit Owner desires to sell a Unit which includes technology described in this Section, that Unit Owner shall either provide the Board of Directors with the purchaser's written acknowledgment of the provisions of this section or remove the technology from the common elements prior to conveyance of the Unit to the purchaser.

Animals

1. No livestock, horses, or poultry of any kind used or intended to be used for commercial, or pleasure purposes shall be raised, bred, or kept on the property.

    a. Dogs, cats, and other household pets may be kept by the unit owners in the living area of their respective units.

    b. All pets shall be carried or kept on a leash at all times when not in the units.

    c. No pets shall be permitted to cause a nuisance or unreasonable disturbance. In the event that any pet causes such a nuisance or disturbance. Any pet which causes a nuisance or disturbance shall be permanently removed from the unit at the order of the Board of Directors if notification of the parties does not resolve the disturbance.

    d. All unit owners and occupants shall promptly and regularly clean up the excrement of their pets. Pet owners may not allow their animals to urinate on the plantings within the common elements. In the event that a pet damages the common elements, the owner of such pet shall be liable for all costs of restoration.

2. The association will not permit the following pets to be kept by the condominium unit owners, renters, and/or visitors:

    a. Dogs: Akita, American Staffordshire Terrier (pit bull), Chow, Presa Canario, Rottweiler, Shar-Pei, Wolf Hybrid, and any dog that is predominantly any breed of the mentioned breeds. Also, dogs which have a previous bite history or display vicious or dangerous tendencies.

    b. Any wild, exotic, non-domesticated, dangerous, or vicious animals are also not acceptable.

Decks

1. Decks/Additions. Because of the unique designs allowed by Crosswinds Development to decks and additions prior to this Association being formed, all decks shall be maintained by the unit owner.

    a. Decks can be framed by aluminum, wooden, or white vinyl railing, consistent with railings that already exist in the Association.

    b. Decks may be finished at the base with a vinyl lattice skirt or treated lumber edging.

    c. Unit owners are responsible for proper maintenance of the deck, i.e., power washing and clear water sealant treatment.

        i. This is recommended every 3-5 years.

        ii. Should decks deteriorate due to lack of proper maintenance by the unit owner, the unit owner will be responsible for repairing or replacing it or the Association will have it repaired or replaced, and the unit owner will be assessed for the cost and a penalty fine.

Grilling, Fire Pits, and Propane Heaters

1. Charcoal or wood burning grilling is prohibited anywhere on the grounds or in the homes of the association.
2. Gas grilling is only permitted at a minimum of 10 feet away from any exterior walls of the homes.
3. The maximum size propane tank allowed for gas grilling is the common 20 lb. tank (37 lbs. weight when full). When grill is not being used, the propane tank must fit within the grill unit, be covered and or shaded from direct sunlight, and must be completely shut off. Each homeowner is allowed to store one propane tank (maximum 20 lb. tank) in their garage, and the gas valve must be completely shut

off. Storing of propane gas tanks in any other area, is not permitted except as noted in this paragraph.

4. Electric grills are permitted to be stored and used on decks but must be UL-listed and designed for outdoor use.
5. Wood burning fire pits are not permitted. Propane, natural gas, gel fire pits, and propane heaters are permitted if located a minimum of 5 feet away from any exterior walls of the home. Wind guards are required around fire pits. Fire pits must be always attended by an adult at all times when in use.
6. Any damage to the landscaping (common elements) is the responsibility of the unit owner.
7. The rules pertaining to grilling, fire pits, and propane heaters are subject to change by the board of directors and may be no less restrictive than the local fire code.

Modifications

1. Modifications to common or limited common areas must be approved by the Board of Directors. Requests must be submitted on the Application for Common Area Modification form.

    a. Modifications that <u>do not</u> require Board approval are limited to:

        i. Planting flowers in the in the mulched area which will enhance the overall appearance of the unit.

        ii. All that is required is at the end of the season the dead annuals be removed, the perennials trimmed, and the area left clean and neat over the winter months.

        iii. Installation of any stepping stones from the deck to the driveway or from the deck to the rear outdoor faucet or in the mulched areas; provided the stepping stones are flush with the ground to avoid any damage to lawn maintenance equipment or personal injury from tripping.

        iv. Placing free-standing trellises in the mulched area at the side or rear of unit (not in front).

Violations to above Rules and Regulations

Unit owners will be given 7 days to correct the violation. After which, the Board may assess a fine for said violation. If the unit owner does not comply by fixing the violation, the Board may have the work performed and assess the unit owner for the costs. Any unpaid fines or assessments may result in a lien against the owner's property.

Grievances

Should any decision(s) made by the Board of Directors that a unit owner disagrees with should occur, the attached Grievance Procedure will be followed. The Grievance Committee would be an Ad Hoc committee made up principally of volunteer former directors and officers, selected by the current board.

Grievance Procedure

Following an action by the Board of Directors (not related to collection of assessments or dues), the Unit Owner against whom the action was taken may file a written appeal with the secretary of the Association. Upon receipt of an appeal, the president of the Association shall notify the Grievance Committee. The Grievance Committee shall consist of three unit owners who are not members of the Board, relatives of the complaining unit owner or persons otherwise interested in the matter.)

A hearing shall be conducted by the Grievance Committee within 14 days of the complaint. The hearing shall be informal.

The Grievance Committee may:

1. Uphold the action of the Board of Directors
2. Annul the action of the Board of Directors
3. Take any action authorized by the condominium documents

Within 7 days of the hearing, the Grievance Committee shall file a written decision with the Secretary of the Association and serve it on the complaining unit owner.

The decision of the Grievance Committee shall be binding upon all parties effective as of the date it is served on the complaining unit owner. Any fines or assessments imposed by the Board of Directors shall remain a viable lien during the grievance procedure.

RESOLUTION TO ADOPT RULE
ON HARASSING AND EXCESSIVE CONTACT

THEREFORE, BE IT RESOLVED that the Somers Estates Condominium Owners Association adopt the following Rule: <u>EXCESSIVE CONTACT.</u>

Residents shall not engage in any abusive or harassing behavior, either verbal or physical, or any form of intimidation or aggression directed at other condominium members, residents, guests, occupants, invitees; or directed at management, its agents, its employees, or vendors.

Harassing behavior will include any unwelcome contact, and excessive contact (email, texts, phone calls, mail, or visits to a home or place of service) to management, its agents, its employees or vendors, the Board of Directors, or other Association residents. Harassing behavior will also include physical and/or abusive actions, including defamation, threats, insults, profanity, and obscenities, as well as cyber actions (spreading malicious content and accusations on the internet).

Excessive is defined as more than one (1) contact, either email, text, phone call, mail, or visit to place of service, per week about the same subject or concern.

If a question has been asked and answered and is still being asked, that will be construed as excessive.

If a unit owner has more than one concern, they should be addressed in one communication. Those concerns may be acted on individually or as a group by the Board of Directors or management company, dependent upon the concerns or situations. The unit owner will be notified by the Board of Directors or management company what determination was made about their concern by email, if possible, or mail.

In addition, no unit owner may interfere with any contracted vendor performing work at the direction of the Board of Directors or the management company. That will be deemed as harassment and may be subject to possible fines.

Finally, any disruptive or harassing behavior by a unit owner or his or her proxy holder at an owners' meeting may result in fines being assessed to the unit owner.

Violations of any of the above-stated Rules will be subject to fines below and beyond the regular fine structure within the Association's Enforcement policy.

a. A written warning will be the first violation
b. $200 shall be assessed for the second violation
c. $400 shall be assessed for the third violation
d. Notwithstanding paragraphs (a-c) immediately above, $1,000 shall be assessed for each violation, when in the sole opinion of the Board of Directors the violation meets one or more of the following criteria:
    1. The violation is in direct defiance of a previous mandate from the Board of Directors
    2. The violation was malicious in its intent.
    3. The violation is evidence of a pattern of the owner's non-compliance with the Somers Estates Condominium Owners Association governing documents.

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These rules and regulations were modified by the Board of Directors with approval of a majority of unit owners effective September 20, 2022.

These rules and regulations were modified by the Board of Directors with approval of a majority of unit owners, effective June 13, 2011.