



3 CHERRY WAY, an Active Adult Community

Operating Rules and Regulations

These rules and regulations are promulgated for the continuing and ongoing safety, security, and pleasant and enjoyable lifestyle to be promoted for the residents of 3 Cherry Way, an active adult community. The rules and regulations are established in accordance with guidelines set forth by the Covenants, Conditions and Restrictions and the Bylaws for 3 Cherry Way Townhome Community and Homeowners Association. Any person(s) who purchases a townhome at 3 Cherry Way is by default a member of the 3 Cherry Way Townhome Community and Homeowners Association. Enforcement of the same shall be in accordance with guidelines contained in those documents.

HOUSING FOR OLDER PERSONS

The townhome community, Cherry Way is designed for and intended to be occupied by older persons. Typically, such a community is referred to an "Active Adult Community" providing housing and other amenities predominantly for the use and enjoyment of persons 55 years and older.

Although children, grandchildren and other visitors under the age of 18 years are welcome to visit from time to time, no such visitors under the age of 18 years old shall be permitted to become permanent residents without the prior approval of the Board of Directors of the Association. Once approval is granted by the Board of Directors for any particular minor, such approval shall not be revoked except for just cause.

At least 80% of the occupied homes within 3 Cherry Way must be occupied by at least one person 55 years of age or better. Documentation is required for age verification from each resident according to the rules and guidelines issued by HUD (Housing and Urban Development). Additionally, The Housing for Older Persons Act further requires that all communities for the 55 and better residents re-survey homeowners every two years to ensure that the 80% requirement is met.

Section 1. General Rules and Regulations

Nothing shall be done or maintained in any Unit or upon any Lot or upon any Common area which would be in violation of any law.

Streets, driveways, garages, walking trails, common areas, patios, and doorways shall not be obstructed nor used for any purpose other than that for which the Units were designed. Patios, garages, driveways, and entrances to each private residence shall be maintained and kept in a neat, clean and orderly manner and shall not be used for storage of furniture, building materials, boxes, or any other debris of any kind.

Trash, rubbish, garbage, or other waste shall not be stored or kept, except in sanitary containers placed in the garage area of each Unit, not visible from the area in front of the unit. Any item placed in these containers shall be further enclosed in nonleaking plastic bags, thus, to reduce odor and the possibility of trash being scattered by wind.

The installation of awnings, garage extensions, tents, or any other kind of structures, including portable basketball goals are not permitted.

No noxious or offensive trade or activity shall be permitted on any Lot, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood. Homeowners shall not create any loud disturbance, noise or any other activity that will be a nuisance to other homeowners in the community. Unit owners shall keep the volume of any radio, amplifier, stereo, television, musical instrument, or computer instrument in their Unit sufficiently reduced at all times so as not to disturb other Unit Owners in any building.

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Owners shall not permit any act or thing deemed hazardous or that may increase the potential for fire, explosion or other hazard or that will increase the rate of insurance or liability on the premises. Owners shall not keep any gasoline, explosives, highly flammable material or hazardous chemicals in any Unit, except for normal household chemicals, cleaners and paint supplies. Propane used for grilling must be in an outside tank.

Owners shall not throw anything, nor permit anything to be thrown from windows or doors onto the premises or common areas. Nothing shall be permitted to be placed or hung from fences and/or retaining walls, etc., such as flower boxes, flagpoles and hanging baskets.

Outside appearances of the building shall be kept uniform, except personalization of the area in the garage, the patio, and the plant area in front of the home. Owners may place tasteful chairs, tables, etc., in the garage and patio areas so long as access is not obstructed, and the general décor of such items reflects the conservative nature of the community. Owners shall not place, hang, mount or otherwise attach flower boxes, flagpoles or other devices to the brick walls. Gas or charcoal grills should be stored in each garage area.

In compliance with the Declaration of Covenants, Conditions and Restrictions of 3 Cherry Way Active Adult Community each owner shall provide the Board of Directors of the Community with proof of insurance from his/her insurer, confirming that he/she has the required coverage in place for their townhome unit.

Annual religious and Christmas decorations of a conservative nature are permitted. The attachment of such decorations shall not make holes in the soffit, siding or any trim. No roof decorations of any type are permitted.

Solicitors (door to door salespersons) are not allowed on the property. Any person coming to the door without an appointment for the purpose of selling some service or item should be informed. Call the HOA office in the event they fail to leave the area.

All Units at 3 Cherry Way shall be used for residential purposes only. No trade, including garage sales, tag sales, yard sales, etc., or business may be conducted in or from any Unit, except that the Owner or Occupant residing in a Unit may conduct business activities within the dwelling so long as the existence or operation of the business activity is not apparent or detectable by activity, sight, sound or odor from outside the dwelling; (b) the business activity conforms to all zoning requirements for the property; (c) the business activity does not involve persons coming onto the property; (d) the business activity is consistent with the residential character of the Property and does not constitute a nuisance, hazardous or offensive use, or threaten the security or safety of other residents as may be determined by the sole discretion of the Association; and (e) the Association consents to the business with written approval.

Animals. No animals of any kind shall be kept or maintained in any Unit, except small common household pets may be kept or maintained provided that they are not kept for commercial purposes. IN no event shall more than (2) dogs or two (2) cats or a combination thereof be permitted to reside in any Unit. During the construction phase of 3 Cherry Way, should any home buyer have 3 common household pets, they will be permitted to reside at 3 Cherry Way; however, upon the demise of one animal, homeowner agrees to thereafter abide by the two (2) dogs or two (2) cats ruling or a combination thereof. No pet shall be permitted upon the common Areas unless carried or leashed by a person that can controlled pet. All pets shall be controlled so as not to create a nuisance or unreasonable disturbance (including loud and excessive barking) on the Common Areas outside or inside a dwelling unit. When pets defecate in the Common Areas, the Owner shall remove the feces immediately. All cat litter from inside the pet owner's dwelling shall be double bagged in a liquid tight plastic bag and placed in the Owner's trash disposal container. All applicable laws and regulations concerning licensing, control, or restraint, and health, with respect pt domestic animals, must be complied with. No pets, including dogs or cats shall be kept outside on a temporary or continuous basis. Pens, dog lots, dog houses, etc., are not permitted. Each Owner shall hold the Association harmless from any claim resulting from any action of his/her pet and shall repair at his/her expense any damage to the Commons areas caused by pets. Owners will be notified in writing for violations as per the Declaration of Covenants, Conditions and Restrictions of 3 Cherry Way Active Adult Community and Homeowners Association. If any Owner violates these rules more than twice in any twelve (12) month period, the Board of Directors shall have the right to require the Owner to remove the pet permanently from the property upon not less than ten (10) days written notice.

Water closets (commodes) and other water and sewer apparatus shall not be used for purposed other than those for which they were designed. No sweepings, matches, rags, ashes, cat litter or other improper articles shall be thrown therein. Grease

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and fat from cooking should not be put down any drain. The cost of repairing any damage from misuse of any of the same shall be borne by the Owner causing such damage.

O. No truck or commercial vehicle in excess of one-ton load capacity or over 20 feet in length may be parked on any lot. Such vehicles shall be parked in the enclosed storage area for the community. No (house) trailer, motor home, recreational vehicle, camper or boat shall be used as a residence either permanently or temporarily. Trailers, campers, boats, motor homes and recreational vehicles must be parked in the enclosed area specifically designated by the Declarant or the Association for the storage of such vehicles. All automobiles, trucks and motorcycles must have a current license plate

affixed and must be parked in the Owner's garage or driveway. It is the intent of the Declarant and the Association to maintain an attractive community. Dilapidated vehicles shall not be kept on any Lot.

P. Owners shall strive to prevent any damage from occurring to the exterior of their home. The Owner shall reimburse the Association for any damage occurring as a result of such Owner's misuse, negligence, or personal activity. In particular gas grills should not be used inside the garage, or in the patio/porch areas or near any siding as heat may result from, the grill being in close proximity.

Q. During the times of possible freezing weather Owners shall not leave any hoses or other devices connected to outside water faucets, except while being used. Owner shall properly insulate outside faucets during winter months.

Section 2. Community Pavilion

The Community Pavilion is for the use of the residents of 3 Cherry Way. The intent is to allow maximum use of the building while protecting the availability of the building for each and every resident. Therefore, individual use of the building will be limited to residents of 3 Cherry Way, the Declarant and his guests and representatives. A specific request must be made, approved and scheduled through the property manager or designated representative. The manager will then convey any scheduled use of the building to the residents on a regular basis. The building will not be available to individuals on any holidays or during any scheduled holiday events. In addition, until such time as the 3 Cherry Way Community is completed there may be private marketing functions and events which times the Community Pavilion will be unavailable.

A resident reserving the building for a personal event shall be responsible for the building and the actions of any guests they may invite. The resident shall make all non-resident invitees aware of the rules of behavior for 3 Cherry Way. Should any problem arise, the resident that signed the Building Use Form (attached Exhibit A) shall make certain the problems are resolved.

A deposit of \$225 is required to reserve the Community Center. This must be paid to the manager after approval of the Building Use Form and prior to actual use. Of this amount \$100 shall be non-refundable rent of the Community Pavilion, and \$25 shall be a non-refundable consumables fee for use of Community Center supplies. Rental funds shall be deposited in the 3 Cherry Way HOA account. Should the scheduled event be canceled at least 24 hours prior to the scheduled start time the rent will be refunded. The remaining \$100 shall be a security deposit to ensure that the building and contents are kept in good order and condition. After scheduled event is finished the resident making the reservation is responsible for cleaning the floors, tables and any other equipment used. Trash must be removed and placed in the outside containers. The manager shall inspect the building after use to determine the state of the building. If there is no damage and the cleaning and trash removal are satisfactorily complete, the \$100 deposit will be returned. Should conditions not be satisfactory the manager will hire a person to make it right. The cost incurred for this will be deducted from the \$100, if any remainder is left it will be returned to the resident.

For functions where the entire community is invited there will not be a regular rental fee as indicated above for private functions. In the event those utilizing the building do not clean following use, the HOA will hire someone to perform this duty.

Individual rooms in 3 Cherry Way Pavilion will be available to the community residents at a fee of \$50 which \$25 will be refunded following a scheduled event and where no damage has occurred or additional cleaning up is required.

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There shall be no smoking in the Community Center. Pets other than service dogs for the blind shall not be allowed inside the Community Center.

All visitors are to be informed of the rules of 3 Cherry Way. Persons under age 18 must be visiting an adult resident. All young persons must be supervised. There shall be no skateboards, bikes, ball playing in the street or any activity that may have a child dart into the street at any time.

No food to be left in refrigerator, on counter or in cupboards.

When decorating, do not use tacks, nails or tape on walls, doors, or any surface.

Before leaving the building:

- All tables and chairs must be returned to normal position.
- Remove trash from kitchen and rest rooms. Place trash in garbage bags and place bags in trash containers outside.
- Place a new trash bag in the kitchen container.
- Wash all dish towels and utensils that were used and return to proper place.
- Turn off stovetop burners. Unplug coffee pot.
- Set thermostat to 68 degrees for cold weather and 76 degrees for hot weather.
- Turn off all lights, interior and exterior. Turn off ceiling fans.
- Lock all doors.
- Report any/all problems to the manager.

Section 3. Streets

Vehicles belonging to Owners shall not be parked on the street except for temporary convenience. Such vehicles shall not be parked on the street overnight.

Vehicles belonging to visitors may be parked on the street as close as is practical to the Unit of the Owner they are visiting, or in the designated visitor parking area.

In no case shall vehicles be parked in such a manner that the street or a fire hydrant is blocked. Normal traffic and emergency vehicles must always have access.

The community wide speed limit shall be 15 mph. All visitors should be informed.

Streets and driveways shall not be used for any activity which may cause an increase in liability insurance for the Homeowners Association, or be a hazard to any homeowner or the participant in such activity. This includes the use of skateboards, roller blades, and reckless operation of bicycles.

No signage of any type shall be allowed including yard sale, etc., except for street and traffic directional signs, monitored security system signs, or "For Sale" signs as provided for elsewhere in the restrictive covenants. Security signs must be placed in the landscaped area in front of the Unit, not in the grass or natural area around trees or shrubs.

Section 4. Grass areas

These areas shall be kept free of decorations, trash, litter, signs or any other matter that would limit the maintenance of the grass such as mowing, aerating, fertilizing or weed control.

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No personal property shall be left unattended on the grounds of the Common Property. This includes all personal property such as cooking grills, bicycles, all types of sporting equipment, patio, or lawn furniture, etc.

Flower beds or any other plantings shall not modify the grass areas. Should the Landscape Committee and the Board of Directors decide to modify the configuration of the grass areas, all units shall have the change for uniform appearance of the property.

Pet droppings shall be removed immediately from grass areas and all Common Areas.

No outside pet or storage structures may be placed in the grass areas except any structure approved by the Architectural Control Committee and the Board of Directors and made uniform form all units.

Owners may use the grass area adjacent to their unit for outside entertaining, picnics, or other temporary use provided the area is promptly cleaned of debris and the activity does not permanently harm the grass or become a nuisance to the neighbors.

Owners, residents or visitors shall not park vehicles of any sort on any grass areas.

Owners shall not erect outside clotheslines or other devices for the purpose of hanging clothes outside to dry and shall not place or allow clothes to be placed outside in any location for drying.

Section 5. Landscape areas

No artificial plants or flowers shall be placed in these areas or used as outdoor decorations.

Owners, at their expense, may add tasteful live plantings or bulbs to the landscape area in front of their unit so long as the plants do not expand the established area. These areas are to be maintained in an attractive manner. All dead plants, weeds, spent flowers, etc., shall be removed promptly and discarded properly.

Owners shall not construct barriers, walls, ditches or structures of any kind outside the perimeter of their Unit.

Section 6. Pond area

Owners, residents, and visitors shall have access to the walking trails and other amenities around the pond.

No trash or refuse shall be dropped or placed in the Common Areas around the pond. Trash and litter must be carried to the Owner's home and be disposed of properly. No trash or any other items should be allowed to enter the pond.

No owner, resident or visitor shall introduce any aquatic life into the pond such as fish, plants, or weeds like hydrilla.

No watercraft of any kind, swimming, wading or fishing is permitted in the pond.

Section 7. Trailer/RV Storage area

The gate to this storage area shall be locked at all times unless being accessed by authorized persons, such as Owners or residents with property stored in the enclosure.

All vehicles, trailers, boats, motor homes or recreational vehicles stored in this area must have current license plates affixed.

Owners shall maintain proper insurance on any vehicle, trailers, boats, motor homes or recreational vehicles stored in this area.

This area is for boat and RV storage only. Owners parking tow vehicles/pickup trucks in the area must realize that if the space is filled and another boat or RV needs space, some or all other vehicles may have to be removed.

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Owners using the storage area need to be aware of the neatness and appearance of the storage area. This includes positioning and appearance of vehicles, trailers, boats, motor homes, or recreational vehicles as well as any trash or ancillary equipment.

All owners shall be aware that there is a storage fee for use of this area, and that payment if the fee should occur on a monthly basis, along with HOA fees.

Section 8. Swimming Pool

All persons using pool do so at their own risk and sole responsibility. Owners and management are not responsible for accidents or injuries. NO lifeguard is on duty.

Pool is for the exclusive use of homeowners and their guests only. Guests must be accompanied by the resident.

The pool is open from 9am to 8pm (or dusk) from Memorial Day to Labor Day. Absolutely no night swimming.

Animals or pets are not allowed in the pool or pool deck area.

No running, boisterous or rough play is allowed in or around the pool area.

No diving allowed in the pool.

Drinks and snacks are permitted at the tables. However, no glass of any type (bottle, plates, containers, etc.) are allowed. Drinks and snacks are never permitted in the pool. Residents are responsible for removing their trash.

Portable music devices (small radios, iPods, MP3 players, etc.) are permitted for personal use. Consideration of others must be exercised when listening to music.

The phone at the pool is for emergency use only. No other calls are permitted.

Proper swimming attire is required. No cutoffs or shorts are allowed. Non-toilet trained children must wear "little swimmers". No disposable diapers are allowed in the pool.

All persons 18 and younger must be accompanied by an adult at all times.

Adults should not swim alone.

No persons with skin, eye, ear, or nasal infections allowed in the pool.

No person with communicable disease allowed in the pool.

Emergency kits are located in the men's and women's restrooms in the clubhouse.

Section 9. All other areas

A. Areas within the boundaries of 3 Cherry Way but not landscaped or having grass, may be cleaned of brush and landscaped by the adjacent Owners so long as this does not adversely affect drainage, create erosion problems or interfere with grass mowing.

B. Planting in these areas should be low growing and provide a pleasing appearance and a habitat for birds.

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C. Owners shall not apply or cause to be applied to the concrete driveway in front of their Unit any surface treatment such as Bomanite, paint, stucco, sealer, etc., without approval of the Architectural Control Committee in writing.

From time to time these rules and regulations governing the use of the Common Areas and the personal behavior and conduct of the members, their families, guests, invitees and tenants may be adjusted upon a called meeting of members in accordance with 3 Cherry way Homeowners Association Bylaws.