

SPRING RIVER ACRES

ARCHITECTURE REVIEW COMMITTEE

RULES AND REGULATIONS

SECTION 1.0 OBJECTIVE AND AUTHORITY OF ARCHITECTURE REVIEW COMMITTEE

1.1 DEVELOPMENT OBJECTIVES

Natural beauty is a primary feature of Spring River Acres. The Architecture Review Committee is responsible for insuring that the high standards of the development are considered by the property owner in the design or development of his house. These rules and regulations are designed to delineate the guidelines that the Committee will use.

1.2 ARCHITECTURE REVIEW COMMITTEE

1.2.1 FUNCTION OF ARCHITECTURE REVIEW COMMITTEE. The Architecture Review Committee shall exercise the functions for which it is given responsibility in any Spring River Acre declaration. Generally, this Committee will be responsible for the approval of plans and specifications for the development of private areas and for the promulgation and enforcement of its rules and regulations governing the use and maintenance of private areas and the improvements thereon.

1.2.2 MEMBERS: TERM AND REMOVAL. The Architecture Review Committee shall consist of three (3) persons appointed by the Board of Directors of Spring River Acres Homeowners Association. Members may be removed and replaced at any time by their appointors.

1.2.3 ACTION. Except as otherwise provided herein, any two members of the Architecture Review Committee shall have power to act on behalf of the Committee without the necessity of a meeting and without the necessity of consulting the remaining member of the Committee. The Committee may render its decisions only by written instrument setting forth the action taken by the members consenting thereto.

1.2.4 FAILURE TO ACT. If at any time the Architecture Review Committee shall for any reason fail to function, the Board of Directors of the Spring River Acres Association shall have complete authority to serve as a pro tem Architecture Review Committee.

1.2.5 DUTIES AND RULES. The Architecture Review Committee shall consider and act upon all matters properly submitted to it pursuant to the Rules and

Regulations of the Spring River Acres Homeowners Association or any section of declaration. In furtherance of this function, the Architecture Review Committee may, by unanimous vote, from time to time and in its sole discretion adopt, amend and repeal rules and regulations to be known as the "Architecture Review Committee Rules" establishing its operating procedures and interpreting, detailing and implementing the provisions of the instruments pursuant to which it is charged with responsibility. The Architecture Review Committee may establish a reasonable fee to be paid to it to cover its costs incurred in considering and acting upon matters submitted to it. Such fees shall be paid into the maintenance fund. Such rules shall have the same force and effect as if set forth herein as part of the Rules and Regulations of the Spring River Homeowners Association.

1.2.6 NONWAIVER. Consent by the Architecture Review Committee to any matter proposed to it or within its jurisdiction shall not be deemed to withhold approval as to any similar matter thereafter proposed or submitted to it for consent.

1.2.7 LIABILITIES. Neither the Architecture Review Committee nor any member thereof shall be liable to any unit owner for any damage, loss or prejudice suffered or claimed on account of any action or failure to act of the Committee or a member thereof, provided that only the member, in accordance with actual knowledge possessed by him, has acted in good faith.

1.2.8 ENFORCEMENT. In the event any unit owner constructs or permits to be constructed on his unit an improvement contrary to the provisions of a Spring River Acres declaration or in the event that a unit owner maintains or permits any improvement, condition or thing on his unit contrary to the provisions of a Spring River Acres declaration, the Committee may no sooner than 60 days after delivery to such unit owner of written notice of the violation enter upon the offending unit and remove the cause of such violation, or alter, repair or change the item which is in violation of such declaration in such manner as to make it conform thereto. The Committee may charge such unit owner for the entire cost of the work done by it pursuant to this section. Such amounts shall become payable upon delivery by the Committee to the unit owner of notice of the amount due, and shall be paid into the maintenance fund to the extent that the costs being reimbursed were paid out of the maintenance fund.

1.2.9 RIGHT OF ENTRY. Any member of the Architecture Review Committee may at any reasonable time, and from

time to time at reasonable intervals, enter upon any unit within Spring River Acres for the purpose of determining whether or not the use of such unit or any improvement thereon is then in compliance with any Spring River Acres declaration. No such entry shall be deemed to constitute a trespass or otherwise to create any right of action in the unit owner or occupant of such parcel.

1.2.10 EXPENSES AND ATTORNEYS' FEES. In the event that the Committee shall bring any suit or action to enforce any provision contained in the Spring River Acres declaration to collect any money due to it thereunder or to foreclose a lien, the defendant in such suit or action shall pay to the Committee all costs and expenses which the Committee shall incur in connection with such suit or action, including a foreclosure title report, and such amount as the court may determine to be reasonable as attorneys' fees therein, including attorneys' fees incurred in connection with any appeal from a decision of the trial court or an intermediate appellate court.

SECTION 2.0 PROCEDURES

2.1 MEMBERSHIP

2.1.1 TERM AND REMOVAL. Same as 1.2.2

2.1.2 TERM. At the first regularly scheduled meeting of the Architecture Review Committee following the adoption of these rules and regulations, one member shall be appointed for a one year term, one member for a two year term, and one member for a three year term, with all terms thereafter being for three years when filling vacancies caused by expirations of terms. Members may be appointed to consecutive terms.

2.1.3 VACANCIES. Vacancies in the members of the Architecture Review Committee shall be filled by appointment by the Board of Directors of the Spring River Acres Homeowners Association. The remaining terms of the vacancies filled shall be served by the members so appointed.

2.1.4 ATTENDANCE. If any member shall have two unexcused absences in regularly scheduled successive meetings, that member may be removed from office by the members of the Committee and a new member shall be appointed.

2.2 MEETINGS.

2.2.1 Meetings shall be held as needed. When appli-

cations are filled with the Architecture Review Committee or when two members of the Architecture Review Committee request a meeting.

2.2.2 LOCATION. Meetings shall be held at convenient locations as long as sufficient notice is given to those concerned.

2.2.3 NOTICES. Notice of meetings shall be given at least five days prior to the time of the meeting and shall include the location and all business to be considered at such meeting. Attendance at a meeting shall constitute a waiver of notice thereof.

2.2.4 QUORUM. A majority of the members shall constitute a quorum.

2.3 OFFICERS

2.3.1 DESIGNATION AND ELECTION. The principal officers of the Committee shall be a chairperson of the Committee and a secretary. The officers of the Committee shall be elected annually by the members at the first regular meeting of each calendar year and shall hold office for a term of one year.

2.3.2 CHAIRPERSON. The chairperson shall preside at all meetings of the Committee, and shall have the general powers and duties which are set forth in these Rules and Regulations.

2.3.3 SECRETARY. The secretary shall keep the minutes of all meetings of the Committee; shall serve notice of any such meeting; shall keep appropriate records of the names and addresses of the members; and shall perform further duties of the office of secretary as set forth in these Rules and Regulations.

2.4 AMENDMENTS OF RULES AND REGULATIONS.

These Rules and Regulations may be amended by a unanimous vote of the members of the Committee voting in person or by proxy at any meeting, providing that a quorum is present. Amendments may be proposed by any member of the Committee. A statement of any proposed amendment shall accompany the notice of any meeting and such proposed amendment shall be noted upon.

SECTION 3.0 SUBMITTAL AND APPROVAL PROCEDURES

3.1 NEW CONSTRUCTION SUBMITTALS.

3.1.1. PRELIMINARY APPROVAL.

(a) **PURPOSE.** The purpose of preliminary approval is to review designs at the preliminary stage to give the Committee a chance to comment on designs which may not be in keeping with the concepts of Spring River Acres or designs which could be duplications of others in close proximity to the requested improvement. The purpose will be to advise the owner of changes that may be requested by the Committee before additional amounts of time and money are expended.

(b) **INSPECTION.** The owner shall be responsible for providing a string layout of the buildings, drive, and parking on the site and submittal of the application to the Architecture Review Committee shall be deemed authority for the Architecture Review Committee to physically inspect the site showing the string layout of buildings, drive, and parking.

(c) **PURPOSE OF APPROVAL.** The preliminary approval shall not be deemed to be approval for the construction of the improvement. However, if the construction approval as submitted in accordance with these Rules and Regulations is in compliance with the preliminary approval, the Architecture Review Committee shall grant construction approval.

(d) **EXPIRATION DATE OF APPROVAL.** The preliminary approval shall be valid for a period of six months, at which time it shall expire.

3.1.2 CONSTRUCTION APPROVAL.

(a) **PURPOSE.** Before any improvement may be constructed at Spring River Acres, the owner must obtain a construction approval letter from the Architecture Review Committee. The purpose of this section is to set forth the requirements for obtaining such an approval.

(b) **INSPECTION.** Submittal of an application is authority for the Architecture Review Committee to make a physical on-site inspection of the proposed lot and improvements. In addition thereto, the owner shall be responsible for notifying the Architecture Review Committee of when construction of the proposed improvement is complete, at which time the Architecture Review Committee shall again make an inspection to verify compliance with the plan as submitted.

(c) **EXPIRATION DATE OF APPROVAL.** The construction approval shall be valid for a period of one year at which time it shall expire.

(d) **APPROVAL.** The construction approval letter shall be posted on the owner's lot during the entire period of

construction.

3.1.3 ALTERATION APPROVAL.

(a) PURPOSE. Before any improvement on Spring River Acres may be altered or refinished, whether by excavation, fill, alteration of existing drainage, or the cutting or removal of existing vegetation, shrubs or trees, such alteration must be approved by the Architecture Review Committee.

(b) The steps required for such an alteration approval shall be the same as set forth in 3.1.2.

4.0 BUILDING RULES

4.1 DESCHUTES COUNTY REQUIREMENTS. Deschutes County has adopted the Uniform Building Code for the State of Oregon modification. Deschutes County requires that a building permit be obtained prior to beginning construction of any improvement or making any additions or changes to an existing structure.

4.2 ARCHITECTURAL RULES.

4.2.1 ACCESSORY BUILDINGS. Only buildings to be used as temporary construction shelter may be erected on a lot prior to construction of the main residence building. Structures such as dog houses, tool sheds, etc., which are not pertinent to the dwelling structure, but are intended for permanent or semi-permanent use, are not specifically prohibited. However, the structures are subject to a Architecture Review Committee approval.

4.2.2 ADJACENT PRIVATE PROPERTY. Adjacent private property may not be used for access to any construction site under any circumstances. Adjacent private property may also not be used as a parking lot by any contractor or sub-contractor working on the lot. Damage to adjacent property shall be the responsibility of the lot owner and general contractor.

4.2.3 BUILDING HEIGHT. Building height limitations may be imposed by the Architecture Review Committee in order to preserve views from neighboring homes into common areas and to minimize the impact of structures on sensitive natural areas of Spring River Acres.

4.2.4 CLOTHESLINES. Exterior clotheslines must be located in fenced service yards and screened from the view of neighboring property.

4.2.5 EXCAVATION. All excavation must be done so as to create a minimum disturbance on the site. All dirt

and debris as a result of excavation must be removed from the site.

4.2.6 DRIVEWAYS. All driveways must be surfaced with cinders, gravel or hard surface.

4.2.7 Each lot shall be used for residential purposes only. One single family dwelling not to exceed two stories in height will be permitted only. Not more than one double garage or carport and one accessory building will be permitted. There shall be no detached living quarters.

4.2.8 The floor area of constructed residences shall be not less than 1200 square feet and be suitable for year round use, placed on permanent continuous concrete foundations and built to withstand heavy snow packs. All construction including fences and outbuildings shall be constructed in a workmanlike manner and kept in good condition of repair. No mobile homes will be permitted. Campers or camping units may be stored on the premises so long as they are screened from view from the common areas and these type units may be occupied temporarily for not more than a 14 day period during any summer season. Construction once started must be carried forward at a reasonable pace and completed within 24 months.

4.2.9 Building set back lines will be designated on the plat map and fences erected on said set back line will not exceed three feet in height. All other fences shall not exceed six feet in height.

4.2.10 Periphery fencing for security purposes, as presently existing, shall be maintained by the association of home owners. However, it shall be the obligation of each lot owner to install a gate at the roadway entrance to his property that will be properly secured when deemed necessary to assist in avoiding trespassers.

4.2.11 All other laws and regulations of the State of Oregon, Deschutes County, or any other applicable governmental body must be complied with.

4.2.12 Cutting or removal of living trees and other plant materials will be permitted only where necessary for the construction of allowable buildings or improvements or for the beautification of the property. Plans therefore must be submitted to the association administering the functions of the home owner association.

4.2.13 No animals other than domestic household pets such as cats and dogs will be permitted on the premises. All such animals must be kept in a satisfactory manner

and confined on the owner's lot.

4.2.14 No commercial, professional, obnoxious or offensive trade or activity shall be carried on on any lot, nor shall there be created any nuisance or annoying activity.

4.2.15 Each lot and its improvements must be kept in a clean and attractive condition in good repair and in such fashion as not to create a fire hazard. All garbage, trash, refuse, containers for same, fuel tanks, clothes lines and other service facilities shall be screened from neighboring lots and common areas.

4.2.16 Off street parking must be provided for on each lot.

4.2.17 FIRE HAZARDS. Exterior fires are not allowed during the fire season as outlined by the Oregon State Forestry and the U. S. Forest Service regulations. All other exterior fires are authorized only upon approval by the Architecture Review Committee. Each owner of private areas within Spring River Acres shall be responsible for eliminating any additional fire hazards on his property.

4.2.18 MAILBOXES. Mailboxes and newspapers holders are not permitted except when attached to a dwelling structure, and shall be of natural materials and natural colors.

4.2.19 SIGNS. Residential identification signs shall be permitted provided that they are of a natural unpainted wood and the letters are painted with a color that is consistent with the natural wood tones used in the sign, and further provided that all signs and their proposed locations must first be approved by the Committee. No lighted signs shall be permitted. All residences may have a designated lot number that is easily viewed from the road. The location of such sign number should be made a part of the construction approval submittal.

4.3

LANDSCAPING POLICIES

4.3.1 REMOVAL OF TREES, ROCKS, SHRUBS OR OTHER NATURAL FORMS. All removal of trees, rocks, shrubs, or other natural vegetation must be approved by the committee.

4.3.2 LANDSCAPE PLANS. A landscape plan must accompany each construction submittal although no formal landscaping is required except where there has been extensive disruption with the natural ground cover.

4.3.3 DRIVEWAYS. Driveways must not be lined with logs or rocks that would otherwise hinder emergency vehicles and which would be hidden under accumulations of snow.

5.0 SEVERABILITY

If any section, subsection, paragraph, sentence, clause or phrase of these Rules and Regulations is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of these Rules and Regulations.

6.0 NONWAIVER

Consent by the Architecture Review Committee to any matter proposed to it or within its jurisdiction, or failure by the Architecture Review Committee to enforce any violation of these Rules and Regulations, shall not be deemed to constitute a precedent or waiver impairing the Committee's right to withhold approval as to any similar matter thereafter proposed or submitted to it for consent or to enforce any subsequent or similar violation of these Rules and Regulations.

7.0 NON-CONFORMING USES

If any unit owner shall have any improvement located on a private area which is not in compliance with these Rules and Regulations as adopted or hereafter amended, even though said improvement existed prior to the adoption of these Rules, the unit owner shall have two (2) years from the date of notification by the Committee to comply with these Rules, provided, however, that each unit owner shall not be required to expend more than two (2) times the then prevailing annual dues per violation if said non-complying improvement existed prior to the adoption of any applicable amendment to these Rules.

8.0 ADOPTION OF ARCHITECTURE REVIEW COMMITTEE RULES AND REGULATIONS

The foregoing Architecture Review Committee Rules and Regulations are hereby adopted this 5th day of August, 1984, by the undersigned members of the Architecture Review Committee duly appointed by the Spring River Acres Homeowners Association.

[Signature]

STATE OF OREGON
COUNTY OF DESCHUTES

SUBSCRIBED AND SWORN TO before me this 20th day of January, 1989.

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Architecture Review Committee
Rules and Regulations

BABB & AVEDOVECH
ATTORNEYS AT LAW
115 N.W. GREENWOOD - P.O. BOX 8
BEND, OREGON 97708
TELEPHONE 388-1010

[Signature]
Notary Public
My commission expires: 10/25/92

SPRING RIVER ACRES RULES AND REGULATIONS JAN 18 1971

Residents of the Spring River Acres Community agree to bind themselves to comply with the Plan and Declaration and certain Rules and Regulations designed to insure quiet enjoyment of homes and amenities of the Community.

The Directors of the Spring River Home Owners Association serve the members through the establishment of Rules and Regulations designed to benefit all member/property owners. The effectiveness of the rules depends upon the compliance of all members. The cooperation of all members is essential to an orderly community/administration.

IDENTIFICATION AND PRIVILEGES OF MEMBERS, TENANTS AND GUESTS:
All Rules and Regulations pertaining to the identification of members, tenants and guests, as well as those relating to their privileges and restrictions, are intended to be for the benefit and protection of such members, tenants and guests, and to help insure the privacy and enjoyment of our Community. Compliance and cooperation of all concerned will be appreciated and is expected.

THE USE AND OCCUPANCY OF PROPERTY IN SPRING RIVER ACRES is restricted to property owners, dependents of property owners, tenants, and guests. The names of such persons must be recorded with the Home Owners Association in order to qualify for the use and enjoyment of the roads and common areas of the Spring River Acres Community.

PROPERTY OWNERS: A property owner is the person or persons who hold recorded legal title to property within Spring River Acres. In the case of an entity ownership (corporation, business, etc.) use of the common areas is limited to one designated person, his dependents, tenants, or guests as defined herein.

DEPENDENTS: A dependent is an immediate family member or person residing with the property owner and being financially supported primarily by the property owner.

TENANTS: All rights, privileges, obligations and responsibilities of a property owner become those of the tenant during the time in which he is in possession of the Spring River Acres residence. Dependents and guests of tenants are subject to the same definition and requirements of dependents and guests of owners.

GUESTS: A guest is any person who is in Spring River Acres at the invitation of a property owner, dependent, or tenant. Guests other than resident house guests must be accompanied by that

property owner, dependent or tenant. Guests of property owners, dependents or tenants are not authorized to invite guests.

LIABILITY: Property owners assume all responsibility for the acts and well being of their dependents, tenants and guests.

PETS: Property owners are responsible for their pets and those of their guests. The Spring River Acres Declaration permits a reasonable number of household pets provided the pets are not a nuisance to other property owners. Dogs that bark incessantly or roam are considered to be a nuisance. It is in the general interest of the Community that pets should be leashed, or under the owner's voice control or confined to the owner's private area. The character of the individual pet will normally indicate which of the aforementioned control measures is appropriate.

VEHICLE PARKING: The operation of snowmobiles, trail bikes, motorcycles, and other motorized non-transportation of off-road vehicles is prohibited within the boundaries of Spring River Acres. Vehicles are to be operated only where intended and where no damage, hazard or nuisance can be caused. The parking or storage on a more or less permanent basis of trailers, truck campers, boats, boat trailers, snowmobiles and other recreational or off-road vehicles must be screened.

SIGNS: All For Sale signs must conform to the sign standard. For sale signs are limited to one (1) per lot. The sign post shall not be more than 38 inches high.

Contractors signs are limited to one (1) per improvement site. Contractors signs shall not exceed 18" x 24" in size. Under no circumstances are subcontractors or suppliers permitted to display signs. Contractors signs may not be put out prior to the beginning of the construction process and must be removed once a home is occupied and/or at the time the construction is completed. Signs will be mounted on 1" x 1" angle iron to be self-standing.

Under NO conditions can signs be nailed or mounted to a tree. Signs not meeting the above standards (size, color, or other specifications) will be removed from the premises where they are displayed.

No permanent signs shall be placed or kept on a unit other than a sign 10" x 24" of a natural wood material with white lettering stating the name of the occupant and/or the lot, if any, and the address.

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MISCELLANEOUS:

With the exception of barbecue fires, there is to be no burning of trash, cuttings or other items without Spring River Home Owners Association approval.

No offensive of commercial activity shall be carried on within the Community. Peddlers or solicitors are prohibited from Spring River Acres.

The use of firearms, firecrackers, airguns, or slingshots anywhere within the limits of Spring River Acres is prohibited.

No area shall be used to raise domestic animals of any kind, including horses, except for a reasonable number of household pets, which are not kept, bred, or raised for commercial purposes and are not a nuisance to other residents.

THE AFOREMENTIONED RULES AND REGULATIONS are intended to be for your benefit and protection and to help insure the privacy and enjoyment of the Community. Compliance and cooperation of all concerned will be appreciated and is expected. Please make sure your dependents and guests are aware of this information.

STATE OF OREGON)
COUNTY OF DESCHUTES) SS.

I, MARY SUE PENHOLLOW, COUNTY CLERK AND RECORDER OF CONVEYANCES, IN AND FOR SAID COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WAS RECORDED THIS DAY:

89 JAN 26 PM 2:34

MARY SUE PENHOLLOW
COUNTY CLERK

BY: P. Luck DEPUTY
NO. 89-01778 FEE 6.00

DESCHUTES COUNTY OFFICIAL RECORDS

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