

**PHASE 4 ARCHITECTURAL
RULES AND REGULATIONS**

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PHASE 4 ARCHITECTURAL RULES AND REGULATIONS

These Phase 4 Architectural Rules and Regulations (hereafter “Rules”) were adopted on this 4th day of June, 2007, by the Phase 4 Architectural Committee pursuant to Section 7.4 of the Second Amended and Restated Phase 4 Supplement to the Declaration of Covenants, Conditions and Restrictions for Phase 4, and are effective immediately.

ARTICLE I INTRODUCTION AND DEFINITIONS

In addition to the definitions set forth herein and except as otherwise provided herein, all terms initially capitalized and used in these Rules shall have the same meaning as is ascribed to such terms in the Second Amended and Restated Phase 4 Supplement to the Declaration of Covenants, Conditions and Restrictions for Phase 4 and the amendments and supplements thereto (collectively, the “Phase 4 Supplement”). To the extent that these Rules are inconsistent with the Phase 4 Supplement, the Phase 4 Supplement shall govern.

These rules are supplemental to the Phase 4 Supplement and each Owner/Applicant is advised and admonished to read the Phase 4 Supplement, in full. Pursuant to Section 11.10 of the River Run Declaration, these Rules are the exclusive Architectural Rules and Regulations for lots within the Island.

ARTICLE II SUBMITTAL AND APPROVAL PROCEDURES

2.1 Construction Submittals and Approvals.

2.1.1 Construction Submittals. Before any improvement may be constructed within the Island, the Owner must obtain a Construction Approval Letter from the Architectural Committee. Construction Submittals shall be made pursuant to the “Architectural Committee Submittal Form and Application” (which shall be completed in full) and such submittal shall include, without limitation, the following:

2.1.1.1 A complete site plan with a scale at 1 inch equals 8 feet which shows the exterior perimeter of the lot, any significant topographical features, proposed location of all driveways, pathways, easements and setbacks as shown on the applicable subdivision plat.

2.1.1.2 A complete set of building elevations shall be submitted showing the location of the improvement as proposed to be located on the Building Lot, and shall be at a scale of 1/4 inch equals 1 foot.

2.1.1.3 Floor plans for the proposed improvement shall be submitted at a scale of 1/4-inch equals 1-foot. The square footage of each floor or level of the building shall be designated as well as the total square footage of the proposed building.

2.1.1.4 The application shall be submitted with the required fees in an amount set by the Committee pursuant to the Phase 4 Supplement, if any, including those fees necessary for the Committee's retention of an independent architect (or other professional) to evaluate Owner's plans, construction lay-out and completed construction. The application shall also specify when the proposed improvements shall be laid out on the site (by string layout and/or story poles, as deemed necessary by the Committee) to facilitate inspection of the same.

2.1.1.5 Exterior lighting plans.

2.1.1.6 Landscaping Plans.

2.1.1.7 Any other information requested by the Architectural Committee.

2.1.2 **Construction Application Approvals.** The Owner shall be notified of the action of the Architectural Committee within twenty days from the date of submittal of a complete application and/or all required application materials, whichever is later. The construction approval shall be valid for a period of 180 days at which time it shall expire and be of no force and effect. The construction approval issued by the Architectural Committee may be conditional.

2.1.3 **Inspections.** By submittal of an application, Owner grants the Architectural Committee, and/or its duly appointed professional representative, authority to make physical on-site inspections of the Building Lot and its improvements. The Owner shall notify the Architectural Committee when construction commences, when the proposed improvements are laid out on site (by string layout and/or story poles, as deemed necessary by the Committee) and when construction is complete, at which time(s) the Architectural Committee shall make inspections to verify compliance with the plan(s) as approved.

2.2 Remodeling, Submittals and Approval.

2.2.1 **Submittals for Exterior Remodeling and Changes to Landscaping.** Before any changes to a housing unit or any structure associated with that unit, the change must be approved by the Architectural Committee. A "change" refers to any remodeling, painting, staining, alteration, or any act that significantly changes the exterior appearance of a housing unit or any

structure associated with that unit. A “housing unit or any structure associated with that unit” refers to houses, condominiums, patio homes, townhouses, garages, dog runs, fences, walls, privacy screens, arbors, decks, patios, spas, walkways, driveways, porches, windows, doors, roofs, portable or fixed sporting equipment, children’s play sets, jungle gyms and any other fixture or item of personal property which affects the visible appearance of the exterior of the Owner’s property. These associated structures may or may not be physically attached to the housing unit. Furthermore, any major changes to landscaping must also be approved by the Architectural Committee. Changes to landscaping that must be approved include excavations, fill, alteration of drainage, adding or removing trees or large shrubs, and installation or removal of decorative rock. Any one wishing to make such changes must follow the procedures to submit a “Submittal Form and Application” to the Architectural Committee. Contact the property Management Company or members of the Architectural Committee for further details of the submittal and application process, but submittals must include, as a minimum, the following:

2.2.1.1 The elevations of the proposed improvement as necessary to fully depict the proposed improvement.

2.2.1.2 A site plan at a scale of 1 inch equals 20 feet of the proposed alteration and/or improvement.

2.2.1.3 If applicable, a floor plan at a scale of 1/4-inch equals 1 foot, showing the square footage.

2.2.1.4 Repainting or restaining must include a submittal of the paint or stain chip of the requested color. The application shall be submitted with the required fee in the amount set by the Architectural Committee. Submittal of the application shall be authorization to the Architectural Committee to make physical on-site inspection of the Building Lot where the proposed alteration is to be completed. The application shall also specify when the proposed improvements shall be laid-out on the site (string lay-out) to facilitate Architectural Committee site inspection. The owner is responsible for notifying the Architectural Committee of completion of the proposed alteration to facilitate final inspection for compliance with the approved submittal.

2.2.1.5 Any other information requested by the Architectural Committee.

2.2.2 **Remodeling Approvals.** The Owner shall be notified of the action of the Architectural Committee within twenty days from the date of submittal of a complete application and/or all required application materials, whichever

is later. The alteration approval shall be valid for a period of one year, after which time it shall expire and be of no force and effect. The alteration approval issued by the Architectural Committee may be conditional.

ARTICLE III DESIGN AND CONSTRUCTION GUIDELINES

The following is a list of certain design and construction guidelines, which may assist an Owner/Applicant; provided, however, that the following guidelines shall in no respect modify the Phase 4 Supplement.

- 3.1 **Vegetation.** Certain plants and trees are indigenous to the Phase 4 area and have been found to grow well in this location. Assistance in choosing plants and trees will be provided by the Architectural Committee upon request, and all landscaping within Riparian Easement Areas and those adjacent to trout habitat waterways shall comply with Exhibit A attached hereto and incorporated herein.
- 3.2 **Accessory Structures & Equipment.** Structures such as garages, carports, bathing cages, trampolines, dog houses, tool sheds, tree houses, play houses, children's play sets, portable or fixed sporting equipment and all similar such structures which are not attached to the dwelling structure are specifically prohibited, regardless of whether such structures are temporary or permanent, unless approved by the Architectural Committee pursuant to Section 3.18, below.
- 3.3 **Building Height.** Building height limitations may be imposed by the Architectural Committee in order to preserve views and to minimize the adverse impact of structures on sensitive natural areas or air and light requirements of other properties.
- 3.4 **Building Size & Placement.** In addition to any limitations imposed by any applicable zoning ordinance, the following lot coverage, size and placement guidelines shall apply to all newly constructed, remodeled and/or re-constructed residential structures, including any additions to such structures.
 - 3.4.1 **Lot Coverage ("Footprint").** The ratio of the ground-floor square footage of any residential structure, including garage(s) (the "footprint"), to the total square footage of its Building Lot shall not exceed twenty percent (20%).
 - 3.4.2 **Size.** The ratio of the total square footage of any residential structure, including its garage(s), to the total square footage of the Building Lot shall not exceed twenty-five percent (25%).

- 3.4.3 **View Corridor.** All proposed residential structures must be of such size, and placement upon its Building Lot, so as to cause minimal to no impact upon the view corridor(s) of surrounding neighbors.
- 3.5 **Chimneys.** All exterior chimneys must be of wood, stone, brick or metal. A metal chimney must be of such a color as to blend in aesthetically with the residence and will be subject to approval by the Architectural Committee.
- 3.6 **Chimney Caps.** Chimney caps of purely utilitarian design shall not be allowed in Phase 4. Such caps when necessary shall be screened by a false cap appropriate to the design of the house. The design of this cap shall be indicated in the final drawings. In circumstances where a custom designed false cap is not desired, the Chase Termination Shroud may receive approval by the Architectural Committee. Other types may be approved upon application.
- 3.7 **Driveways.** Except for multi-family structures, driveway cuts onto streets shall be limited to one per Building Lot, unless otherwise approved by the Architectural Committee.
- 3.8 **Excavation.** All excavation must be done so as to create a minimum disturbance on the site and surrounding properties. All dirt (not otherwise used) and debris as a result of excavation must be removed from Phase 4.
- 3.9. **Exterior Lighting.** Exterior lighting located at the front of the house may be of a direct type (for example, of an exposed bulb, carriage-light type), but the combined bulb output of any fixture may not exceed 40 watts, regardless of the number of bulbs per fixture. Exterior lighting located other than at the front or street side of the house must be either:
- 3.9.1 Indirect, with the light source shielded and not visible, or
 - 3.9.2 Otherwise screened by landscaping or in such a manner that the visible light shall not pass beyond the boundary of the property on which the light is located.

In no case may the bulb output of any fixture exceed 40 watts. The purpose of this paragraph 3.9 is to provide a neighboring property owner with assurance that they will not receive unwanted or objectionable light from an unshielded light fixture. Where exterior lighting is desired or required and a shielded type of light fixture is incompatible with the style of the house, recessed soffit lighting is encouraged by the Committee. Floodlights and spotlights mounted on the exterior face of the house, on poles or in trees are prohibited. Colored lights (other than “bug lights”) shall be prohibited, except during the Holiday Season (defined as November 1 through January 7). Ground-mounted floodlight for landscaping emphasis will be allowed under the rules applying to shielded fixtures. Low voltage landscaping lighting and “downlighting” (defined as partially or fully enclosed lights which

cast a soft, warm glow) that does not create glare to neighboring properties is allowed.

- 3.10 Exterior Walls and Trim. Wood (natural or treated with earth-tone semi-transparent stains), local stone, brick and stucco (medium to dark even earth-tone colors) are preferred for exterior walls and trims.
- 3.11 Exterior Appearance.
 - 3.11.1 Exterior color and material treatment used on the building walls shall be continuous and consistent on all elevations of a residence in order to achieve a uniform and complete architectural design and to avoid a “veneer” look.
 - 3.11.2 Exterior colors must harmonize with the surrounding landscape and all colors are subject to approval by the Architectural Committee. All reflective metal such as chimney stacks, flashings, exhaust vents and pipes must be painted to match or blend with surrounding materials. All such colors are also subject to approval by the Architectural Committee.
 - 3.11.3 All draperies and window coverings should also be of materials and colors that harmonize with the surroundings and should be chosen in consideration with neighbors and neighboring views.
 - 3.11.4 In general, all-utility meter panels shall not be visible and shall be installed according to guidelines available from utility companies and those set forth by the Architectural Committee.
 - 3.11.5 All glass, plastic or other transparent skylight or solar devices shall be treated to eliminate reflective glare.
- 3.12 Fencing. Phase 4 has been designed in a manner to minimize the need for fencing, including but not limited to perimeter fencing. The landscaping design goal of Phase 4 is to achieve the appearance of a grouping of homes that have been placed in a park-like setting. To achieve this effect, it is necessary and desirable that the lawn area of one neighbor run into the lawn area of another without property boundaries being defined by fencing or landscaping. Consequently, fencing of any kind without exception is prohibited except in special circumstances or to comply with applicable law, and then only as approved by the Phase 4 Architectural Committee. An Owner may submit an application setting forth his or her special circumstances for fencing, along with the heights, locations, color and design of the proposed fence, a site plan, a sample of the proposed building materials, a paint or stain chip and all such other information as reasonably requested by the Phase 4 Architectural Committee. Owners are advised that the enclosure of animals and/or children or the protection of property from trespass are not deemed special circumstances and are insufficient to justify

deviation from the prohibition against fencing. The Phase 4 Architectural Committee will require Owners to explore and exhaust all other less visible or less intrusive alternatives before fencing for special circumstances will be considered.

As used in this Section 3.11, the term “fencing” includes without limitation privacy screens, “natural” borders that act as property dividers (such as hedges), stone walls, split rail fences, ornamental fences and all such similar items used to divide, enclose or separate real property, people, animals or items of personal property.

- 3.13 Group Design. Any production/merchant builder owning contiguous property or property within the same block should submit the complete group design to the Architectural Committee.
- 3.14 Gutters and Downspouts. All gutters and downspouts shall be designed as a continuous architectural design feature. Exposed gutters and downspouts shall be colored to blend in with the surface to which they are attached.
- 3.15 Heating and Cooling Systems. All interior or exterior heating or cooling systems must be screened from the view of neighboring property, streets and the Common Area, and must be insulated for noise so as not to be heard from adjoining properties.
- 3.16 Mailboxes. Mailboxes shall be consistent in appearance with other mailboxes in Phase 4 and must be of the size, shape and design as promulgated by the Architectural Committee.
- 3.17 Parking. A minimum of two parking spaces shall be required for each single-family Building Lot. Parking must be in an approved garage or carport, or an approved area adequately screened from any road and neighboring views.
- 3.18 Play/Sporting Equipment. Play and/or Sporting Equipment (such as soccer nets, and the like) may be approved by the Committee on a case by case basis upon the Committee’s consideration (in its discretion) of the following factors:
 - 3.18.1 Minimal to no impact on the view corridor of surrounding neighbors (i.e., placement location on lot.)
 - 3.18.2 Lack of visibility from the street.
 - 3.18.3 Must be screened with year-round natural vegetation. Vegetation cannot block the neighbors’ view corridors.

- 3.18.4 If approved, the Play and/or Sporting Equipment must remain in its original approved location and cannot be moved without approval by the Committee.
- 3.18.5 Play and/or Sporting Equipment cannot be placed in any restricted flood zones or right-of-way easements.
- 3.18.6 Play and/or Sporting Equipment must be maintained and in good repair at all times, which includes without limitation the absence of faded or tattered fabrics, regular staining and/or painting, etc.
- 3.18.7 Noise emissions produced by the Play and/or Sporting Equipment or use thereof will also be considered.
- 3.18.8 Batting cages and trampolines, and any other equipment determined by the Architectural Committee to be inherently detrimental to the vision statement of the Island, are specifically prohibited and not eligible for discretionary approval under this section 3.17.

After approval of the Play and/or Sporting Equipment based on the above criteria, and other criteria which govern the Architectural Committee, the Committee shall retain jurisdiction over such equipment and, in the event compliance with any of the above criteria changes, the Committee may withdraw its approval and the Owner agrees immediately to rectify or remove such equipment.

The Committee also shall exercise jurisdiction over existing Play and/or Sporting Equipment. Owners with existing Play and/or Sporting Equipment shall have up to six months to petition the Committee for approval of any such equipment which has not been previously approved by the Board in writing. The above factors will be applied to any such petition for approval. Play and/or Sporting Equipment which is not approved by the Committee immediately must be removed.

- 3.19 Prefabricated Housing. Prefabricated housing is prohibited.
- 3.20 Roofs. Roofs shall be constructed, repaired and/or replaced only with
 - 3.20.1 Wood shakes and shingles;
 - 3.20.2 Slate and/or concrete tiles; or
 - 3.20.3 Any roofing materials developed and/or introduced subsequent to the acceptance of these Rules which are approved by the Architectural Committee.
- 3.21 Service Yards. When not provided by other structures, each residence should have a screened service yard, enclosing garbage and trash containers, firewood,

bicycles, and other items of personality and must be placed where they will not be seen from the streets, or neighboring Building Lots.

3.22 Utilities. All connections from trunk lines to individual structures must be underground. Exposed plumbing and electrical lines are not allowed. Material must conform to the State of Idaho Electrical and Plumbing Codes. Water and sewer hookups must be inspected by the appropriate governmental inspectors. All excavation for site utility hookups must be restored to its natural condition.

3.23 Staging Area and Construction Period. Each Construction Approval submittal shall designate at least one staging area for a building lot subject to approval by the Architectural Committee. Building materials and construction vehicles shall be kept completely on the construction site unless prior approval of the Committee is obtained. The construction area shall be kept free of litter and debris. Loud music and stray animals will not be allowed. Persistent violation of these requirements shall be considered sufficient grounds for retention of the Construction Deposit. The Owner of the Building Lot shall be responsible for all damage to adjoining lots as a result of such Owner's activities and the application fee may be held and applied toward the costs and expenses of repairing such damage. Additionally, the Owner of the Building Lot ultimately is the one responsible for street cleaning related to any construction or landscape projects.

3.23.1 **Construction Courtesies.** The Construction Site Contractor/Subcontractor Courtesies attached hereto and incorporated herein by reference are to be observed at all times and shall be provided by the Owner to any contractors, subcontractors or other workers in advance of the commencement of any work.

3.24 Landscaping.

3.24.1 **Front Yards.** Front yard is defined as that area between the front property line and the plane of the face of the building, or intercepting side yard fence or wall. The total front yard area (except the driveways and entry paving) is to be landscaped and irrigated. The front yard landscaping shall be maintained in a healthy and neat appearance at all times. The front yard landscaping shall be designed in conjunction with and in harmony with the architectural design of the residence and Building Lot. The following standards shall be followed when designing and installing the front yard landscaping, unless otherwise approved by the Architectural Committee.

3.24.1.1 **Ground Plane.** All landscape areas shall be irrigated by an underground sprinkler system. Sixty percent (60%) of the ground area shall be planted in grass. The grass area shall be designed so as to accomplish a continuous grass appearance along the property frontage from the back of the curb. Forty percent (40%) of the ground area may be planted with shrubs, groundcover, or utilized as an entry patio.

3.24.1.2 **Trees.** A minimum of one tree shall be planted per 500 square feet of front yard ground plane area and a minimum of one tree shall be planted per 1,500 square feet of rear yard ground plane area. Required trees shall be a minimum of one and one-quarter (1 1/4 inches) caliper measured at twenty- four inches above ground. Trees shall be properly staked to prevent wind damage or breakage. Trees shall not be planted closer than 4.5 feet from the curb. Any tree planted that does not survive or which is not healthy shall be immediately replaced. Trees shall be planted in informal pattern (approved by the Architectural Committee).

3.24.1.3 **Tree removal/replacement.** Tree removal and/or replacement shall be treated as a material alteration to the landscaping, and therefore shall be subject to full review and approval from the Committee. The Committee will consider the following when evaluating an application for the removal and/or replacement of a tree:

3.24.1.3.3 The health of the existing tree.

3.24.1.3.2 Potential damage to surrounding structures.

3.24.1.3.3 The amount of existing trees already on the Building Lot.

3.24.1.3.4 The amount of time for the new tree to mature to the point that it protects the existing canopy.

The above requirements will not apply to the removal of small trees (those whose height has not exceeded four feet) or shrubs.

3.24.2.1 **Rear Yards.** A rear yard is defined as all areas that are not visible from the street.

3.24.2.2 **Ground Plane Rear Yard.** All rear yard areas shall be landscaped and irrigated by an underground irrigation system.

3.24.2.3 **Trees.** One tree shall be planted per 1,500 square feet of rear yard area. The location and species of the trees shall be selected by the Owner/Applicant according to use and privacy needs of the rear yard. Tree heights should extend beyond the ridgeline of the building (or for new trees, such should extend beyond the ridgeline of the building within ten years). The tree canopy is an essential element to the beauty and ambiance of Phase 4, and must be maintained. Therefore, any trees removed, regardless of age, size or reason for removal, must be replaced with trees that

will extend beyond the ridgeline of the building within ten years from planting.

3.24.2.4 **Grading.** A maximum slope of three to one (3:1) shall be allowed between the Building and existing Common Area grade.

3.24.2.5 **Goal.** The rear yard transition with the Common Area is critical to the image and character of the housing as well as Phase 4 in general. The visual appearance of an unfenced lot flowing into the Common Area and making harmonious transition is desired.

3.24.2.6 **Miscellaneous.** Service yard, clothes lines, swimming pools, spas, decks, and so forth, are subject to review and permitted on a case-by-case basis only.

3.24.3 **Side Yards.** Landscaping will have the same requirements as typical rear yards. Landscaping requirements and fence restrictions for side yards facing streets shall be the same as front yard requirements.

3.24.4 **Miscellaneous Landscaping and Exterior Issues.**

3.24.4.1 **Solar Encroachment.** Any planting that interferes with the existing use of solar energy on an adjacent property is prohibited.

3.24.4.2 **Outdoor Furniture.** All outdoor furniture should be chosen in consideration of the neighbors and neighboring views.

3.24.4.3 **Timing.** All landscaping shall be accomplished as soon as reasonably possible and in connection with construction of other improvements. The Architectural Committee may specify in its Construction Approval Letter the timing for the commencement and completion of landscaping and other exterior improvements.

3.24.4.4 **View Corridors.** Landscaping plans should take into account the location of improvements on adjoining parcels and, to the extent practical, landscaping should be located so as not to interfere with existing views from adjoining parcels.

3.25 **Garages and Carports.** The design of all proposed garages and carports to be attached to the dwelling structure is subject to the approval of the Architectural Committee. Owners are reminded, pursuant to Section 3.2, that garages, carports or other outbuildings which are unattached to the dwelling structure are strictly prohibited.

3.26 **Signs.** Advertising signs visible to the public view are prohibited except for real estate signage as set forth in this Section 3.26. Real estate signage for the sale of

the residence on which the sign is placed is allowed so long as the following specifications are observed: one sign is allowed, not to exceed 450 square inches (approximately 18 inches x 24 inches); no part of the sign shall be higher than three feet from the ground. The sign must be at the front of the house and no closer than five feet from the roadway. One "open house" directional sign of similar size may be posted temporarily during open house hours in one common area. Streamers, flags, balloons and other similar attention-getting devices are strictly prohibited.

ARTICLE IV

ARCHITECTURAL COMMITTEE

The Architectural Committee consists of three members selected by the Phase 4 Association Board of Directors. Each member shall hold office until such time as he or she has resigned or has been removed or his or her successor has been appointed.

ARTICLE V MISCELLANEOUS

- 5.1 Severability. If any section, subsection, paragraph, sentence, clause, or phrase of these Rules 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.
- 5.2 Non-waiver. Consent by the Architectural Committee to any matter proposed to it or within its jurisdiction, or failure by the Architectural Committee or the Phase 4 Association to enforce any violation of these rules, 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.
- 5.3 Non-Conforming Uses. If any owner shall have any improvement located on a building Lot which is not in compliance with these Rules as adopted or hereafter amended, even though said improvements existed prior to the adoption of these Rules, the Owner shall have six months from the date of notification by the Committee to comply with these Rules, provided, however, that each Owner shall not be required to expend more than two times the then prevailing annual dues of the Phase 4 Homeowners' Association per violation if said non-complying improvement existed prior to the adoption of these Rules or prior to the adoption of any applicable amendment to these Rules.
- 5.4 Notice. Adjoining lot owners shall be given a copy of the applicant's submittal. Such adjoining lot owners shall have no right of approval but may submit written comments regarding the submittal to the Architectural Committee.

- 5.5 Amendment. These Rules and Regulations for Phase 4 may be amended at any time by the Phase 4 Architectural Committee, upon certification that the Board of Directors of the Phase 4 Association has approved any such amendment(s) in accordance with Section 7.4 of the Phase 4 Supplement. A current copy of these Rules and Regulations shall be maintained by the River Run Phase 4 Local Association, Inc. and are available by request.

CERTIFICATE OF ADOPTION FOLLOWING BOARD APPROVAL

The undersigned members of the Phase 4 Architectural Committee hereby certify that these Phase 4 Architectural Rules and Regulations have been approved by the Board of Directors of the Phase 4A Association, and are hereby adopted pursuant to Section 7.4 of the SECOND AMENDED AND RESTATED PHASE 4 SUPPLEMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR RIVER RUN, effective this 4th day of June, 2007.

[Linda Strauss, Architectural Committee Chair]

[Wendy Shoemaker, Architectural Committee]

[Barrie O'Neill, Architectural Committee]