

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

OF

AMBERLEIGH HOMEOWNERS' ASSOCIATION
(9/01/2009 restated edition)

Table of Contents

1. Definitions	page 1
1.1 "Association"	page 1
1.2 "Board"	page 1
1.3 "Properties"	page 1
1.4 "Common Maintenance Area(s)"	page 1
1.5 "Lot"	page 2
1.6 "Declarant"	page 2
1.7 "Development Period"	page 2
1.8 "Other Parcels"	page 2
1.9 "Plat"	page 2
1.10 "Residence"	page 2
1.11 "Cutting Preserve Tracts"	page 2
1.12 "Common Area"	page 3
2. Pre-existing Restrictions	page 3
3. Other Parcels	page 3
4. Development Period; Management Rights of Declarant During Development	page 3
4.1 Management by Declarant	page 3
4.2 Notice to Owners	page 3
4.3 Temporary Board	page 3
4.4 Absence of Temporary Board	page 4
5. Easements, Open Space and Building Setback Areas	page 4
5.1 Conveyance of Common Areas	page 4
5.2 Cutting Preserve	page 4
5.3 Landscaped Screening Buffer	page 4
6. Areas of the Plat	page 4
6.1 Neighborhood Park	page 5
6.2 Public Pedestrian Easement	page 5
6.3 Common Driveways	page 5
6.4 Private Courtyards	page 5
6.5 Fences	page 5
a. Party Fences	page 5

b. Common Fences	page 6
c. Private Fences	page 6
7. Maintenance and Management of the Common Areas	page 6
7.1 Responsibility for Maintaining Common Maintenance Areas	page 6
7.2 Determination of Need for Maintenance or Repair	page 6
7.3 Repair of Common Maintenance Areas	page 6
7.4 Dumping Prohibited	page 6
7.5 Lawn Maintenance	page 6
7.6 Management	page 6
8. Assessments	page 7
8.1 Creation of Lien and Personal Obligation	page 7
8.2 Purpose of Assessments	page 7
8.3 Annual Assessment (and conditions)	page 7
8.4 Special Assessment for Capital Improvement	page 8
8.5 Special Assessment for Legal Fees and Damages	page 8
8.6 Notice and Quorum required for Sections 8.3 and 8.4	page 8
8.7 Uniform Rate of Assessment	page 8
8.8 Date of Commencement of Annual Assessment; Due Dates	page 9
8.9 Effect of Non-Payment of Assessments; Remedies	page 9
8.10 Subordination of the Lien to Mortgage	page 9
8.11 Exempt Property	page 9
8.12 Management by Declarant During Development Period	page 9
9. Walls Connecting Attached Single Family Homes	page 10
9.1 Contiguous Walls	page 10
9.2 Damage and Destruction to Connecting Walls	page 10
9.3 Right to Contribution Runs with the Land	page 10
9.4 Easement for Maintenance and Repair on Walls of Adjoining	page 10
10. Maintenance of Lots and Residences	page 10
10.1 Exterior Maintenance by Owner	page 10
11. Homeowners' Association	page 10
11.1 Non-Profit Corporation	page 10
11.2 Membership	page 11
11.3 Voting Rights	page 11
11.4 Meetings	page 11
12. Management by Board	page 11
12.1 Expiration of the Development Period	page 11
12.2 Terms	page 11
12.3 Powers of the Board	page 11
a. Insurance	page 11
b. Legal and Accounting Services	page 11

c. Maintainance	page 12
d. Discharge of Liens	page 12
e. Utilities	page 12
f. Right to Contract	page 12
g. Improvement of Common Areas	page 12
h. Right of Entry	page 12
i. Promulgation of Rules	page 12
j. Declaration of Vacancies (of a Board Member)	page 12
k. Employment of Manager	page 12
l. Payment for Goods and Services	page 13
m. Impose Assessments	page 13
n. Bank Account	page 13
o. Legal Actions	page 13
p. Exercise of Powers, Duties, and Authority	page 13
13. Property Restrictions	page 13
13.1 MCCA Restrictions	page 13
13.2 Amberleigh Architectural Restrictions	page 13
13.3 Roof Replacements	page 13
14. Easements	page 14
14.1 Easement for Access	page 14
14.2 Easement for Utilities	page 14
14.3 Grant of Easement for Maintenance	page 14
15. Common Areas, Common Elements, and Common Maintenance Areas	page 14
15.1 Common Areas and Elements	page 14
15.2 Use of Common Areas	page 15
15.3 No Partition of Common Areas	page 15
15.4 Maintenance and Repair of Utility Systems	page 15
16. Architectural Control	page 15
16.1 Architectural Control Committee (“ACC”)	page 15
16.2 Jurisdiction and Purpose	page 15
16.3 Concurrent Jurisdiction of MCCA	page 16
16.4 Submission of Plans	page 16
16.5 Evaluating Development Proposals	page 16
16.6 Approval Procedure	page 16
16.7 Compliance with Codes	page 17
16.8 Variations	page 17
17. General Provisions	page 17
17.1 Covenants Running with the Land	page 17
17.2 Amendment	page 17
17.3 Enforcement	page 17
17.4 Attorney’s Fees	page 17

17.5 Compensation for Witnesses	page 18
17.6 Responsibility of Association for Attorney Fees of Board Members	page 18
17.7 Successors and Assigns	page 18
17.8 Severability	page 18
17.9 Rule Against Perpetuities	page 18