

AMBERLEIGH HOMEOWNERS' ASSOCIATION

(a Mill Creek Neighborhood)

Rules & Regulations

May 1, 2010

1. APPLICATION AND AUTHORITY

1.1 Purpose. These rules and regulations (“Rules”) have been established to ensure the maximum enjoyment of the neighborhood by all residents, protect the investment of the Homeowner and make the neighborhood, as a whole, a place where owners take pride in the property. The following Rules and Procedures have been adopted to supplement and implement the covenants and restrictions set forth within the recorded Amberleigh Declaration of Covenants, Conditions and Restrictions (the CCRs).

1.2 Authority. These Rules have been approved by the Board of Directors in accordance with the Washington State’s Homeowners’ Associations statute (RCW 64.38), as well as the Association’s Declaration, Articles and Bylaws, and they are subject to change with written notice to all owners and residents to their last know mailing address.

1.3 Conflicts. In the event that these Rules conflict with the Declaration, the Declaration shall control.

1.4 Publication. A copy of the Rules shall be provided to or sent to all owners at their last known address. Owners are responsible to providing a copy to tenants.

1.5 Universal Application. All owners, tenants, guests and pets are subject to these Rules. It shall be the obligation of each owner to familiarize himself with these rules and procedures. It is the responsibility of the owner(s) to notify tenants and guests of these rules, and the owner shall be held responsible by the Board of Directors for actions of the residents/guests in violation of these rules.

1.6 Inclusion of CCRs. These Rules are intended to supplement the Association’s Declaration of Conditions, Covenants and Restrictions. The contents of the Declaration of Conditions, Covenants and Restrictions are incorporated herein by reference.

1.7 Jurisdiction. Amberleigh is a sub-association located within the greater Mill Creek Community Association (MCCA), and as such Amberleigh homeowners are governed by BOTH (i) the MCCA’s Declaration and Rules, and (ii) Amberleigh’s own Declaration and Rules. Although the purpose of publishing these Amberleigh Rules is to familiarize homeowners with Amberleigh’s own unique rules, references are also made, where applicable, to the corresponding MCCA Rule. Amberleigh and the MCCA have developed a working arrangement for coordinating both sets of Rules; Amberleigh is the first association to receive and review homeowner inquiries, complaints, and applications for approval of architectural projects.

1.8 Interpretation of Rules. The Board shall have the right to determine all questions arising in connection with these Rules and to construe and interpret the provisions of the rules, and its good faith determination, construction or interpretation shall be final and binding. The Board, in the discharge of its obligations hereunder and in its deliberations, shall act fairly in making decisions concerning various plans, specifications, plot plans and landscape plans submitted to it by various owners. The determination of the Board, as to non-compliance, shall be in writing signed by the Board and shall set forth in reasonable detail the reason of non-compliance.

2. AMBERLEIGH ARCHITECTURAL CONTROL COMMITTEE (AACC)

2.1 Amberleigh's Architectural Control Powers. It is recognized that homeowners within Amberleigh will, from time to time, desire to modify their homes or the landscaping within their own lots. All homeowner's modifications to homes or landscaping must have the approval of both (i) the Amberleigh Architectural Control Committee (AACC), and (ii) the Mill Creek Community Association (MCCA).

2.2 Coordination with MCCA. Amberleigh has primary jurisdiction over architectural control matters with MCCA as the final approval position. All homeowner modifications to their homes must be approved by the AAAC before the appropriate application can be returned to MCCA.

2.3 Establishment and Powers of AACC. The Directors have established an architectural control committee, called the Amberleigh Architectural Control Committee (the AACC), per a Charter instrument, a copy of which is available to homeowners upon request. The Directors have delegated certain matters to the AACC; namely, those actions are responsibilities that relate to homeowners' prospective changes to their homes and related structures.

2.4 Scope of AACC's Review Authority - All exterior improvement projects covered. The AACC's scope of authority is broad. Just about every homeowner project that involves a shovel, or hammer, or screwdriver, or paintbrush triggers the need to first seek the pre-approval of the AACC. Except for quite minor exterior repairs, homeowners should assume that their project ideas will first have to be reviewed by the AACC.

2.5 General Architectural Guidelines.

2.5.1 Amberleigh's Common Design Elements. Amberleigh is a unique single family development of small one and two story attached and unattached homes located on small private lots with common green areas and a community park for Amberleigh Residents' use only. The architectural style is traditional with Cape Cod, Tudor or Craftsman facades. The overall appearance is somewhat like that of a small village of similarly styled homes further united by the use of uniform roofing materials (cedar shakes), siding (cedar boards or shakes), paint (pastel shades of cream, gray & tan), aggregate walkways and driveways, and landscaping (grass, shrubs and trees). It is desirable that the unique general appearance of Amberleigh remain intact, therefore, variations to the architectural style or landscaping theme of the neighborhood are strongly discouraged and are not likely to be permitted.

2.5.2 Quality of Improvements. The attractive ambiance of Amberleigh is due in part to the original developer's striving for excellence in design and construction techniques. Proposals for further improvements should be consistent with this enduring goal. For example, plans for architectural features (exterior alterations, remodeling, or new structures) should be designed, detailed and scaled so as to be aesthetically and thematically consistent with the Common Design Elements; materials used should be of better than average grade; and work should be performed using higher than average levels of workmanship and skill.

3. ARCHITECTURAL RULES

[Note: The MCCA has overlapping jurisdiction with Amberleigh to regulate architectural matters. Where Amberleigh has adopted its own rules for a particular topic, the Amberleigh rules are likely to be the most restrictive. In order to make it easier for Amberleigh residents to see and compare the applicable MCCA rules and the Amberleigh Rules, the MCCA's own rules have been added into this document. The MCCA's rules, if any, are set forth at the applicable locations, in a different font – to set them apart. Each Amberleigh homeowner's project must pass muster with both the applicable Amberleigh rule and the MCCA rule.]

3.1 Specific Architectural Rules. Homeowner applications for proposals to modify homes will be approved if, in the opinion of the AACC, the proposal is consistent with the general Common Design Elements (section 2.5) and any specific rules adopted by the Board. The following rules and guidelines are intended to assist homeowners and the AACC in understanding the types of proposals that may not be consistent with Amberleigh's Common Design Elements. The lack of some specific applicable rule does not mean that the AACC lacks power or authority to develop new rules or guidelines as new questions are raised.

3.2 Roofing. All roof replacement or significant repair projects require written AACC pre-approval. There is no fee for submission of the Project Review Application. Submittal is required for roofing on new structures, as well as re-roofing an existing structure (including any significant repairs).

3.2.1 All roofing material shall be limited to products which have been identified by the Board as Approved Roofing Materials. The list of Approved Roofing Materials includes medium cedar shakes aligned in horizontal rows (like the original roof materials) plus other manufactured roofing products. A copy of the most current List of Approved Roofing Materials can be obtained upon request. The Board recognizes that new roofing materials will be manufactured over time, and homeowners may nominate another material for approval by the Board and inclusion in the current 'approved list' of roofing materials. The criteria for Board approval of alternate materials is based upon the requirement that those materials must aesthetically blend well with (or closely match) the materials originally used; namely, medium cedar shakes aligned in horizontal rows.

3.2.2 Edges & ridges. [no specific rules yet]

3.3 Siding Materials. All siding replacement or significant repair projects require written AACC pre-approval. There is no fee for submission of the Project Review Application. The only pre-approved siding material is cedar boards or shakes. Should any of the early built homes

sided with a manufactured “Oriented Strand Board” product require residing, the approved replacement product will be determined on a case by case basis.

[MCCA Rules] In Accordance with the MCCA Covenants, Article IX, Section 9.1, Paragraph 9.1.1, the following materials are hereby deemed Acceptable as finished sidings on buildings within the PRD [MCCA zone]: Wood, Brick, Stone, Masonry (stucco), and Trex. In addition, buildings finished with low maintenance siding (i.e., brick) can be finished off at corner end caps with low maintenance material such as aluminum siding, as approved on a case by case basis.

3.4 Home Painting. All repainting projects require written AACC pre-approval. There is no fee for submission of the Project Review Application. The only pre-approved outside paint colors (trim, walls, doors) are those within the current color palette (in Amberleigh, this means shades of cream, gray and tan); provided that no more than three colors, plus white, can be used on the outside of a home, and no two side-by-side homes may have the same color palette.

[MCCA Rules] All exterior colors shall be neutral, earth-tone pastels excepting "pink" and "melon" tones. Use of semi-transparent or solid color stains is strongly encouraged. All painting and repainting projects, including repainting with the existing colors, must be submitted to and approved in writing by the Committee prior to commencement.

3.5 Fence Painting. All fence painting or staining projects require written AACC pre-approval. There is no fee for submission of the Project Review Application. [Amberleigh does not yet have any specific rules for this topic]

[MCCA Rules]. All fencing panels, front and back, for new and replacement fencing, for single-family detached homes, will be maintained as natural wood or be treated with natural transparent stains only. Existing fencing currently maintained as natural wood or treated with natural transparent stains will remain in that state, unless, in the opinion of the Committee, said fence would be aesthetically displeasing if remaining in that state. Existing painted fences will be allowed to be repainted with a color consistent with the adjoining residence. For homes within a Private Division Association, Apartment or Condominium complex, fencing will be permitted to be painted a common color. However, front panels, which are shared with adjoining properties, will be maintained as natural wood, unless so agreed to by the adjoining property owners.

3.6 Fence Construction. All fence replacement or significant repair projects require written AACC pre-approval. There is no fee for submission of the Project Review Application. [Amberleigh does not yet have any specific rules for this topic].

[MCCA Rules] 1.6. Fences are permitted structures in Mill Creek, but must be constructed to maintain the integral character of the community and, pursuant to this concept, the following rules are hereby established by the Committee:

1.6.1 Prior to commencement and erection of any fence, a drawing of the design and specifications describing the type, shape, materials, height and color must be submitted to and approved in writing by the Committee. The detailed information must include complete dimensions and the exact location of the fence in relation to the property boundaries and existing structures. It is the applicant's responsibility to locate and identify the property markers, both at the site prior to AACC review and as submitted in

sketch form accompanying the submittal. Acceptable fencing materials are wood, brick or wrought iron.

Fences will not be permitted in the following areas:

Front yard of any lot, or past the front corner of the adjacent structure. When a lot is an unusual shape the AACC may permit exceptions.

Rear yard of any fairway lot except where enclosing a swimming pool, which may be enclosed by a brick and wrought iron structure.

All fencing requests along Village Green Drive, Trillium Boulevard, Mill Creek Boulevard, Mill Creek Road and 148th Street SE must be submitted with a landscaping plan that will provide sufficient natural screening to minimize their appearance. Approved natural screening must be installed prior to erection of the fencing any common property or any portion thereof.

1.6.3 The following are general conditions for fencing;

Natural evergreen screening is encouraged. If natural screening is installed, temporary fencing may be approved if erected simultaneously with natural permanent planting.

ALL fences shall harmonize with the existing or new landscaping. The Committee will consider, in addition, the harmony of external design and location in relation to topography and surrounding structures.

Fencing is to be no higher than six (6') feet as measured from average grade surrounding the fence.

An arbor or archway that is part of a fence should not exceed 90", or 7'6".

A trellis will not exceed 6' unless they are placed against the wall of a home. Synthetic materials may be approved on a case by case basis.

Height: No fence, hedge or boundary wall situated anywhere upon any residential lot shall have a height above the finished grade surface of the ground upon which such fence, hedge or wall is situated greater than six (6') feet or such other lesser height as the Committee may specify. The finish shall be consistent with the policy stated above.

The finished side must face adjacent properties, streets and common areas. Chain link and similar metal fencing and/or dog runs are strictly prohibited by Covenant. (Article IX, Section 9.1, Paragraph 9.1.10).

No chain link or similar metal fences or metal dog pens shall be allowed on the properties. All fences and dog pens facing common property or street frontages shall have natural landscaping to conceal the fence or dog run. Notwithstanding the above, the Board of Directors shall have the right to approve and arrange for the installation around detention ponds located on Association property. The installation of chain link fencing around detention ponds shall in no way establish any right in favor of an owner to use or otherwise erect chain link fencing on the owner's property.

Fence Maintenance. All fences must be maintained in proper condition, including but not limited to, cleaning and treatment to prevent moss and mildew growth.

3.7 Gazebos. All gazebo (covered garden structures) placement proposals or significant repair projects require written AACC pre-approval. There is no fee for submission of the Project Review Application. [Amberleigh does not yet have any specific rules for this topic].

[MCCA Rules] Gazebos will not exceed 9' in height unless approved by the committee on a case by case basis.

3.8 Hard Surfaces. All hard surface (ex. stone or concrete) replacement or significant repair projects require written AACC pre-approval. There is no fee for submission of the Project Review Application. [Amberleigh does not yet have any specific rules for this topic]

[MCCA Rules] All driveways and parking bays shall be constructed of concrete or finished concrete aggregate unless approval of use of other materials is granted, in writing, by the Committee. Submittal must be made for installation of any driveway or parking bay and/or replacing or refinishing the same. Parking bays will be permitted in areas alongside existing driveways and buildings only. No parking bay shall be installed along the front line of the property or in the backyard. Parking bays are not to be installed for the parking of any vehicles or recreational items prohibited elsewhere in the Covenants or enforced rules.

3.9 Additional Structures. All placements of or significant repairs made to structures (for example, storage sheds or garden houses) require written AACC pre-approval. There is no fee for submission of the Project Review Application. [Amberleigh does not yet have any specific rules for this topic]

[MCCA Rules] Where it is architecturally feasible, it is recommended that all garages, storage buildings, tool cabinets, garden houses and similar structures be attached to or incorporated in and made part of the dwelling house. Any secondary structure must be constructed of same materials, including roofing, as the existing house and must be painted in similar fashion.

Restrictions on Portable Storage Units: Storage containers, sheds, enclosures and buildings for use in side and backyards must comply with the following rules:

Attached to Existing Building: Enclosure must match adjoining building siding materials, color, texture and general trim finish and must appear to be an integral part of the larger building.

Free Standing: Height is restricted to 8'0" maximum (ground to peak) and have a footprint of no more than 50 square feet unless otherwise approved by the committee.

Hard rubber, plastic, aluminum and vinyl materials are not allowed in most cases although if completely shielded from view the committee will consider approval on a case by case basis.

A 5'0" setback from all fence lines is required if the peak to ground distance is more than 6'0" unless otherwise approved by the committee.

Storage building roof and other construction materials must match in color and general appearance those of the adjoining home.

3.10 Play Structures and Tree Houses. All play structure placement or significant repair projects require written AACC pre-approval. There is no fee for submission of the Project Review Application. [Amberleigh does not yet have any specific rules for this topic]

[MCCA Rules] Submittal to and written approval of the Committee is required prior to installation of any play structure, big toy, tree house etc. Any structure approved by the Committee must be installed completely within the owner's backyard. Installation in side yards or in cutting preserves will not be permitted. Wooden structures of limited height

are preferred. A sketch showing location, dimensions (including height above ground), materials, roofing, colors, details of access and how the structure will be supported is necessary. Native evergreens will be protected from damage. Provisions to prevent visual intrusion into neighbors' privacy will be considered. The basic platform of a structure will not exceed 36 square feet.

3.11 Sport Courts. All sport court placement or significant repair projects require written AACC pre-approval. There is no fee for submission of the Project Review Application. [Amberleigh does not yet have any specific rules for this topic]

[MCCA Rules] Requests for construction will include a drawing of the dimensions of the court and the distances from property lines, buildings and nearby trees. A description of lighting planned for installation and plans for shielding light from neighboring homes is required. Plans for water runoff and drainage are required. Any plans for additional fencing or shielding must also be included in the submittal. In addition, notification will be given to all contiguous property owners and comments will be solicited and considered. Sports courts will not be considered for installation on lots less than 15,000 square feet. Sports courts will be utilized for personal and family use only. No team practices will be allowed. Mechanical "pitching machines" of any type shall not be utilized at any time.

3.12 Swimming Pools/Spas/Tubs. All pool/spa/tub placement or significant repair projects require written AACC pre-approval. There is no fee for submission of the Project Review Application. [Amberleigh does not yet have any specific rules for this topic]

[MCCA Rules] Only permanent in-ground pools are permitted to be installed on the properties, and only in the backyard. Swimming pools must be maintained in proper condition at all times. Children's wading pools are permitted on a limited (seasonal basis) in the backyard only. Above ground structured pools are not permitted at any time.

3.13. Mechanical Equipment. All equipment placement (see Rule 3.20 below for roof solar panels) or significant repair projects require written AACC pre-approval. There is no fee for submission of the Project Review Application. Equipment and related apparatus should be placed and installed in such a way as to minimize all visual impacts, noise impacts, and safety impacts on neighbors and the neighborhood. This will likely require the addition of some means of sight and/or noise screening or concealment. Placements of equipment outside of the homeowner's enclosed courtyard area are highly disfavored. Where screening is required the use of natural vegetation (satisfying the landscaping rules) is preferred, rather than structural screening. The AACC may impose (i) noise muffling requirements that impose lower maximum decibel emission requirements, and (ii) more restrictive time of use limitations than imposed by the City of Mill Creek.

[MCCA Rules] Heat pumps (ex. for air conditioners), propane tanks, solar devices, chimney flues, hot tub pumps and similar exposed mechanical equipment shall be aesthetically concealed from view on all sides and shall be shielded in such a manner to minimize noise and safety impacts. The Committee shall approve the use of natural landscaping and/or lattice work enclosure to screen such equipment.

3.14. Aerials, Antennae and Satellite Dish Antennas. All signal receiver placements or significant repair projects require written AACC pre-approval. There is no fee for submission of the Project Review Application. The AACC's objective is to limit receiver placements to locations that will minimize the negative visual aesthetic impacts first on the neighborhood and second the affected neighbors. Each case is likely to involve unique circumstances and require unique constraints. Only devices for reception of standard TV, video and audio transmissions are allowable. Transmitters or receivers for other uses, such as short wave or ham radio, are not allowable.

[MCCA Rules] In Accordance with government regulations imposed in early 1996, the Association must permit aerials, antennas and satellite dish antennas under 1 meter, (39") inches in diameter, for reception of television and video reception only. However, the Association is permitted to place some restrictions on placement, including prohibiting mounting said item on any tree. The Committee will work closely with individual homeowners to assure that any proposed placement is the best for reception of signal while having the least impact to the neighboring properties, streets and common areas. Placement will not be permitted on any common area. Unless the only possible site for reception of signal, no aerial, antenna or satellite dish antenna will be permitted in an area visible from street view.

3.15 Wiring and Lines. All electric or utility line placement or significant repair projects require written AACC pre-approval. There is no fee for submission of the Project Review Application. [Amberleigh does not yet have any specific rules for this topic]

[MCCA Rules] No outdoor overhead wire or service drop for the distribution of electric energy or for telecommunication purposes, nor any pole, tower or other structure supporting said outdoor overhead wires shall be erected, placed or maintained within the properties. All purchasers of Lots within the properties, their heirs, successors and assigns shall use underground service wires to connect their premises and the structures built thereon to the underground electric or telephone utility facilities.

3.16 Home Facades. All facade replacement or significant repair projects require written AACC pre-approval. There is no fee for submission of the Project Review Application. [Amberleigh does not yet have any specific rules for this topic]

[MCCA Rules] No home with the same structural facade shall be repeated on the same street without written permission of the Architectural Control Committee.

3.17 Awnings and Sun Screens. All rain or sun blocker placement or significant repair projects require written AACC pre-approval. There is no fee for submission of the Project Review Application. [Amberleigh does not yet have any specific rules for this topic]

[MCCA Rules] Requests for approval of external awnings and/or sun-blockers, either fixed or retractable, shall include details of installation, color/material sample or proposed awning or sun-blocker for Committee review and approval prior to installation. Installation of such devices shall be kept to an absolute minimum. All rails, slides, housings and other non-retractable components shall blend into the color of the structure to which it is attached. Approval of such requests will be made on a case-by-case basis. "Sunscreens" are to be installed on the interior wall of the living unit. In

addition, plastic, fiberglass, aluminum or other metal awnings are not permitted within MCCA. This also includes parking bay covers, installed or freestanding of any style or any material.

3.18 Screen Doors. All screen or storm door placement or significant repair projects require written AACC pre-approval. There is no fee for submission of the Project Review Application. [Amberleigh does not yet have any specific rules for this topic]

[MCCA Rules] Requests for installation of screen or storm doors shall include a description of material and color. Colors shall match the existing windows or trim of the residence and not detract from the overall appearance of the home.

3.19 Outdoor Lighting. All new lighting fixtures (on homes or landscaping) placement or significant repair projects require written AACC pre-approval. There is no fee for submission of the Project Review Application. [Amberleigh does not yet have any specific rules for this topic]

[MCCA Rules] Requests for installation of outdoor lighting shall include a description of proposed lighting, location of installation and hours of operation.

3.20 Solar Energy Panels. All solar power energy device or panel placements or significant repair projects require written AACC pre-approval. There is no fee for submission of the Project Review Application. The AACC's objective is to limit solar panel placements to locations that will minimize the negative visual aesthetic impacts first on the neighborhood (street views) and second the affected neighbors. Each case is likely to involve unique circumstances and require unique constraints. Panels and related apparatus should not cover an area greater than 200 square feet, and must be placed at a location approved by the AACC. All product materials and supporting and connecting equipment and lines should be concealed and/or painted in a manner that is as aesthetically pleasing as possible. Panels should be installed with horizontal alignment, on top of (conforming to/ parallel to) the slope of the roof as low as possible (rather than being raised up above the surface of the roof). No part of the system may be higher than the roof ridge line in question. Each project must also comply with the requirements set forth in RCW 64.38.055 (a state law).

4. ARCHITECTURAL APPLICATIONS AND REVIEW PROCESS.

4.1 Plan Review Fees. Amberleigh does charge the homeowner any Project Review Application submission fees, unless specifically indicated for the particular type of project involved.

[MCCA Rules] An Architectural review fee shall be paid by the applicant at such time as plans and specifications are submitted for review. Unless otherwise noted, the following the current schedule of fees:

\$100 Single-family detached
\$45 Per unit for apartments, condominiums and commercial

\$75 Additions, alterations and separate secondary structures

4.2 Costs incurred by AACC. [Amberleigh does not yet have any specific rules for this topic]

[MCCA Rules] Recommendations made by the AACC that involve association expenditures will be forwarded to the Board for approval. All costs incurred by the Committee for inspections, plan review and consultants shall be paid for by the applicant.

4.3 Right of Entry of Association Representative. [Amberleigh does not yet have any specific rules for this topic]

[MCCA Rules] Any agent or officer of the Association may at any reasonable pre-determined hour or hours upon twenty-four (24) hours notice during construction or exterior remodeling, enter and inspect any of said property as to its maintenance or improvements to determine if there has been compliance with the provisions hereof. The Association and any agent or officer thereof shall not thereby be deemed guilty of any manner of trespass for such entry or inspection.

4.4 Evidence of Compliance with Restrictions. [Amberleigh does not yet have any specific rules for this topic]

[MCCA Rules] Records of the Association with respect to compliance with the provisions of the Declaration shall be conclusive evidence as to all matters shown by such records. After the expiration of six (6) months following the completion of any approved construction, addition, alteration or change to any building on a building site, in the absence of any notice to comply or in the absence of any suit to enjoin such work or to force compliance by change or removal of such work within said period, then and in that event said structure work, improvement or alteration shall be deemed to be in compliance with the provisions of this Declaration.

4.5 Review Standards Applied by AACC. [Amberleigh does not yet have any specific rules for this topic]

[MCCA Rules] Each proposal will be considered on a case-by-case basis, and no prior determinations made by the AACC will bind or limit future actions or determinations.

4.6 Interpretation of Rules. [Amberleigh does not yet have any specific rules for this topic]

[MCCA Rules] The Committee shall have the right to determine all questions arising in connection with the Architectural Rules and to construe and interpret the provisions of the Rules, and its good faith determination, construction or interpretation shall be final and binding. Additional Rules may be added by Committee Resolution as presented and approved by the Board of Directors.

4.7 Form of Applications. Amberleigh homeowners should use the appropriate MCCA forms when making architectural Project Review Applications, or, if the project involves landscaping change proposals, then the Homeowner should use Amberleigh's own Landscaping

Review Application form. Completed forms (MCCA forms or Amberleigh forms, as the case may be) should be submitted to the Amberleigh Board (to the current President's home address), rather than submitting directly to the MCCA. The AACC will coordinate with the MCCA to assure compliance with the MCCA's own concurrent requirements, so that the Amberleigh homeowner will be able to deal only with the Amberleigh AACC.

[MCCA Rules] Briefly, Amberleigh homeowners must: (1) obtain the appropriate permit form from the MCCA, (2) complete the required sections to include the appropriate supporting documents/samples/drawings, (3) submit the completed request to the Amberleigh ACC for recommendation, and (4) after Amberleigh's ACC approval return the permit form to the MCCA. Any approval requested of the AACC shall be requested in writing and shall be submitted to the Association headquarters

4.8 AACC's Failure to Respond. [Amberleigh does not yet have any specific rules for this topic]

[MCCA Rules] In the event the Architectural Control Committee fails to respond to the owner's application and submittal with reference to proposed plans and specifications within thirty (30) days after said plans and specifications have been submitted by the owner in writing to the Committee for such proposed construction, addition, alteration or change, then and in that event, compliance will be deemed to have been granted by said Committee and formal written approval will not be required and this provision shall be deemed to have been fully complied with.

4.9 Unpermitted Improvements. If and when it is discovered by the Board or the AACC that a homeowner has commenced or completed a project of any kind that is, in the opinion of the Board, subject to the pre-approval requirements of these rules, a charge of fifty dollars (\$50) will be imposed on the offending homeowner, and the offending homeowner will be notified of the charge and of the requirement to submit an appropriate application for the project. Such application will be reviewed and processed as provided in these rules, and it remains possible that the AACC may not approve the project, as it then stands or at all under any conditions. If the \$50 charge is not paid and the required application is not received by the Board within thirty (30) days of notice of the violation, then an additional Two Hundred Dollar (\$200) charge will be imposed upon the homeowner. Nothing in this rule will operate to limit the Board's prerogatives for enforcement of these rules or collection of homeowner account charges.

[MCCA Rules] In the event an owner enters into construction, addition, alteration or change of building on a building site on the properties without having first submitted in writing the proposed plans and specifications to the Committee for such work and completes such work without written approval by the Committee, the Association has the right, at any time, to force compliance by change or removal of such work, at the owner's expense. Further, the determination of the Architectural Control Committee, as to non-compliance, shall be in writing signed by the Committee and shall set forth in reasonable detail the reason of non-compliance.

5. LANDSCAPING CONTROLS AND APPLICATION REVIEWS

Amberleigh has primary jurisdiction over all landscaping matters within the landscape easement areas described in the Amberleigh CCRs (essentially, all of the front yards up to the walls and courtyard fences.)

5.1 Landscaping Easement. CCR §14.3 establishes a landscaping easement over all of the areas between the homes and the streets. CCR §7.5 provides that the Amberleigh HOA is responsible for all landscaping maintenance in the neighborhood (except for plantings in a homeowner's private courtyard or backyard). CCR §7.2 clarifies that it is the Board who determines when there is a need for maintenance. CCR §7.5 clarifies that no changes can be made in the landscape easement areas by homeowners directly without written approval from the Board. The HOA is in charge of what gets planted and how it is maintained. The following guidelines are intended to provide further clarification about how homeowners can provide input into landscaping matters concerning their own lots.

5.2 Neighborhood Landscape Plan. The original landscape design plan for the neighborhood was specified by a landscaping contractor hired by the developer, Wm. Buchan Homes. The Board believes that it is important to have and sustain a unified overall neighborhood design plan, one that can evolve over time. The Landscape Plan is more of an aspirational goal than a detailed set of plans and specifications. The Plan should be one that reflects certain qualities; a design that is based upon recognized landscape design principles, that looks nicer than the average for neighborhoods with homes of similar value, and is sustainable over long time frames. The Board occasionally consults with an independent landscape designer to provide input on adjustments that are made over time. It is recognized that all of the plants in the neighborhood have a functional life time – all will eventually become diseased, dead, damaged, or in some way detrimental to some other plant or structure. If, in the Board's opinion, one of these conditions appears, the plant will be considered to present a "need for addition, removal and/or replacement" Then, that task is placed on the HOA's current maintenance to-do list. The goal is to achieve a roughly level volume of such replacement needs each year, and the HOA's budget should reflect sufficient funds to afford that sustainable level of annual replacements. When the Board determines that a plant is in "need of addition, removal and/or replacement" and the related task is placed on the to-do list, it then becomes subject (like other items on the list) to prioritization and budget constraints. It may take some time before a plant in need actually receives the appropriate attention.

5.3 Homeowner Landscaping Proposals for Additions, Removals or Replacements. The Board feels that homeowners should be afforded some level of input as to the landscaping features placed on their lots. There is some room for the Board to both maintain its overall control over such matters and to accommodate certain homeowner requests for changes or adjustments. Sometimes the homeowner will want a change even if he must do the work himself and pay for it; and sometimes the homeowner wants the change and he just hopes that the Board will determine that the change in question presents a "need for addition, removal and/or replacement", in which case the HOA would handle the work and pay for it as part of its overall maintenance to-do list. Homeowners may present proposals for landscaping changes to the board. Any and all alterations, additions, removals or replacements of plants or trees (except annual flowers) in the landscape easement zones (i.e. in the front yards) or common areas within the neighborhood must first be approved in writing by the Board or the Amberleigh

Landscaping Committee (ALC), if one is created. Only changes which, in the opinion of the Board, are consistent with Amberleigh's common design elements and the Landscape Plan will be approved. It is most helpful when homeowners indicate their specific concerns and level of willingness to implement the proposal when submitting the written request.

5.4 Approval Procedures. Any landscaping proposals to the Board should be in writing and submitted to the Association President's address. Proposals should include a site plan and clear descriptions of the particular changes being requested. As the Board reviews each request for changing a plant, it will first make a determination as to whether the plant is in "need of removal and/or replacement". If the plant in question is found to be "in need" of attention, then the item is deemed to fall within the HOA's scope of routine maintenance responsibilities, and the HOA will implement a solution and pay for it. If, on the other hand, the Board determines that the plant in question is not in need of removal and/or replacement, then the Board will determine if the proposed changes (if implemented) would also be consistent with the Landscape Plan. Where the proposal is consistent, then the homeowner is authorized (perhaps subject to certain conditions) to implement and pay for his plan himself. Where the proposal is deemed to be inconsistent with the Landscape Plan, then the proposal will be denied. In the event the Board fails to respond to the owner's application within thirty (30) days, approval will be deemed to have been granted by the Board and formal written approval will not be required, and this provision shall be deemed to have been fully complied with.

5.5 Outdoor Decorations. Outdoor decorations include such items as birdbaths, fountains, bird feeders, sculptures, animal likenesses, wishing wells, elves, signs, or other forms of "yard art" (except December holiday decorations). Outdoor decorations affect the overall appearance of the neighborhood and the conduct of maintenance services within the landscape easement areas. Outdoor decorations are not allowed in the common areas, areas outside a homeowner's fenced patio area, grass zones in the front yards or attached to or extending beyond the "exterior" side of the patio fencing. Outdoor decorations may be placed in the "bark-beds" zones only after written approval from the Board. Only decorations which, in the opinion of the Board, are consistent with Amberleigh's common design elements and Landscape Plan will be approved.

5.6 Minor Additions by Homeowners. If a homeowner wishes to add some supplemental annual flowers (not perennial flowers or plants) into the bark bed areas around his front yard (especially if placed in pots), such minor additions can be made without first submitting an application request for pre-approval. Homeowners should be aware, however, that such plants oftentimes get in the way of regular maintenance activities, and any such plants are placed at the homeowner's sole cost and risk. Homeowners may also, if they wish, supplement the regular maintenance activities by doing some additional *minor* pruning of plants, bushes or trees, again without needing pre-approval.

5.7 Remedies. In the event an owner enters into placement, addition, alteration or change of a landscaping feature (other than the minor additions described above) without having first submitted in writing the proposed plans and specifications for such work and completes such work without written approval, the Association has the right, at any time, among other remedies,

to force compliance by change or removal of such work, at the owner's expense. Also, the Board may impose a \$50 fine if it discovers that changes have been made without pre-approval.

6. ENFORCEMENT

6.1 Architectural & Landscaping Matters. Amberleigh has jurisdiction (and enforcement power) with respect to all covenants and rules that pertain to architectural and/or landscaping activities within the neighborhood. For example, if a Amberleigh homeowner commences a architectural project without first obtaining written AACC approval, then the Amberleigh Board and AACC have power to address and correct that situation.

6.2 Use Restriction Matters. Amberleigh does not have authority (or enforcement powers) with respect to the numerous property use restrictions set forth in the MCCA Declaration and the related MCCA rules, which restrictions apply to Amberleigh homeowners. For example, if a Amberleigh homeowner begins to cause a general nuisance (say, tanning stinky animal skins in his garage), then complaints would be directed to the MCCA, and not Amberleigh's Board, because the anti-nuisance rule is a use restriction issue rather than an improvement project issue.

6.3 Board's Authority. These Rules shall be adopted and enforced by the Amberleigh Board of Directors as provided for in the Amberleigh Declaration of CCRs. Owners are responsible for compliance by their tenants.

6.4 Homeowner Complaints.

(a) *Self Help First.* If you are disturbed by the actions of other residents, you may wish to make a personal contact with the offending party to make them aware of the situation. Often a friendly reminder resolves the situation. If the grievance is not rectified after talking with the other party, and the behavior involves a subject regulated by the MCCA, you may submit a formal complaint to the MCCA office (425-316-3344) for action (see Mill Creek Community Association Covenant Committee Guidelines – Covenant Complaint Procedure). If the grievance is not rectified after talking with the other party, and the behavior involves a subject regulated by these Amberleigh Rules, you may submit a formal complaint to any Amberleigh Director for action.

(b) *Written Complaints.* If you feel that one of more of these Amberleigh Rules have been violated, you may submit a complaint to the Amberleigh Board of Directors. Complaints must be dated, written, identify the specific rule or rules suspected of being violated and signed by the party submitting the complaint.

(c) *Board Response.* As soon as is practicable, the Board will consider the complaint and make a determination as to whether any rules have been violated and if any further action is necessary to stop the violation. The Board will endeavor to inform the complainant of the Board's decision.

6.5 Fines. Violations of these Rules may result in the imposition of a fine. The Board will determine which behavior (or time intervals for chronic conditions) constitutes a separate violation.

(a) *General Fine Schedule*. Unless some more specific schedule of fines has been published to redress specific rules violations, fines may be imposed, at the sole discretion of the Board. All fines will be determined by the Board based on severity and frequency of the infraction. For Example, a fine begins accruing at \$10 per day for the first 30 days, \$20 per day for the next 30 days, \$40 per day for the next 30 days, and so on. Charges for fines do not include any other administrative costs incurred or legal costs incurred by the Association related to its enforcement actions taken; such other costs are also charged to the applicable homeowner's account.

(b) *Opportunity for Hearing*. When any fine is imposed or damage repair assessment is made against any Homeowner or lot, the Board of Directors will notify the owner and residents of that Lot in writing of the amount of the fine and/or damage repair and the reason for the assessment. The resident or owner of that Lot shall have fifteen (15) days to request a hearing before the Board of Directors to have the matter reviewed. This request shall be made in writing to the Board. If no request for hearing is made, the fine and or damage assessment will remain effective against that Lot, and the monetary penalty will (i) become enforceable against the Homeowner, and (ii) become enforceable against the Lot, and (iii) begin to accrue interest at the rate of twelve percent (12%) per annum until paid in full.

6.6 Notice of Violation. If the Board determines that a violation of a rule has occurred, the Board may, in its sole discretion and without limiting any other remedies available to the Board, send written notice of violation to the offending party, and the owner of the lot which that person occupies if that person is not the owner, specifying the particular rules being violated and suggesting a specific remedy or course of action to be followed by the offending party for redressing or alleviating the situation. If the violation constitutes a recurring violation or a violation for which a general or specific fine schedule has been published, the notice shall also specify the fine being imposed on the offending party, subject to an enforcement hearing at the option of the offending party.

6.7 Enforcement Hearings. If a hearing is requested pursuant to paragraph 6.5(b), the board shall schedule a meeting with the homeowner within twenty (20) days of the receipt of the notice of request of hearing to review the matter. At the hearing all parties shall have an opportunity to be heard at the hearing. Any party at the hearing may be represented by counsel. After all testimony has been given, the Board of Directors shall then determine, by a vote of the members, if a Rules violation has occurred and if a fine shall be issued. The majority of the board members shall prevail. Parties involved shall be notified in writing of the decision.

6.8 Lien for Charges. Fines and damage assessments imposed under these Rules shall give rise to a lien for unpaid amounts and such liens may be collected as general assessment liens, subject to Section 8.1 of the Declaration.

6.9 Alternative Remedies. Nothing in this section shall be construed as a prohibition of or a limitation on the right of the Board to pursue other means to enforce the provisions of the Declaration or these Rules.

[MCCA Rules] Enforcement: The Association or any owner shall have the right to enforce by any proceeding at law or in equity all restrictions, conditions, covenants and reservations imposed by the provisions of this Declaration and a similar right shall exist with respect to recovery of damages for any such violation. In the event a Judgment, or Decree, or Court Order is entered in favor of the Association or any owner in any action at law or in equity to enforce these provisions, the defendant in such action shall be liable for the Association's or owner's Court costs and disbursements and reasonable Attorney fees to be fixed by the Court. Failure of the Association or of any owner, at any time, to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so in the future.

Effect of Municipal Ordinances: Police, Fire and other public safety Ordinances of any municipal corporation having jurisdiction over any portion of the properties shall govern where more restrictive than these covenants and restrictions.

Interpretation of Covenants: The Board shall have the right to determine all questions arising in connection with the Declaration and to construe and interpret the provisions of the Declaration and its good faith determination, construction, or interpretation shall be final and binding.

7. GENERAL PROVISIONS

7.1 Meanings. Words and phrases used in these Rules shall be given their ordinary meaning unless otherwise provided for herein.

7.2 Amendments. These Rules may be amended by the Board of Directors in accordance with the Articles of Incorporation of the Homeowners' Association and the Declaration.

This Revised and Restated set of Rules & Regulations is adopted on April 14, 2010 by the Amberleigh Board of Directors, and it will become effective on May 1, 2010.

Jon Erickson, Director

Robert P. Williamson, Director

Anthony Munko, Director

Note Re: Revisions. These Rules & Regulations are amended from time to time by the Directors. When new rules are added or current rules are revised, a new version of the Rules & Regulations is published by the Board. Persons who are making plans based upon these Rules would be advised to make sure that the version they have is the most recent version. The current Rules are posted on the Association's website. Interested parties may contact any Director to verify the effective date of the latest version of these rules.