

ALC RULES  
OF  
ARCHITECTURAL AND LANDSCAPE COMMITTEE  
FOR  
FRANKTOWN ESTATES

The following are the construction rules and regulations (“ALC Rules”) adopted by the Architectural and Landscape Committee (“ALC”) for Franktown Estates pursuant to Article I Section 2 and Article VI Section 3 of the Declaration of Covenants, Conditions and Restrictions for the Community at Franktown Estates (“Declaration”).

1. All property owners within Franktown Estates shall, as a condition precedent to obtaining approval of residential construction plans, execute an agreement which shall embody terms which conform to these ALC Rules, and a copy of these ALC Rules shall be attached as an Exhibit to such contract. All such agreements shall be countersigned by the owner’s contractors evidencing their notice of these ALC Rules.
2. All owners of existing property within Franktown Estates who are constructing improvements in accordance with prior approved residential construction plans shall follow such plans without deviation, unless changes are approved in writing by the ALC.
3. All residential building plans for submission to the ALC must be designed, stamped and signed by a licensed, registered architect.
4. Each residential building plan will be accompanied by a conceptual landscape plan which will give the ALC a preliminary impression of the new residence in the community environment.
  - a. All residential landscaping plans must be designed and signed by a licensed landscape contractor approved by the ALC. All landscape installation work must be performed by a licensed landscape contractor approved by the ALC.
  - b. A final residential landscape plan will be submitted for ALC approval within three months of the Certificate of Occupancy.
  - c. Residential lot cleanup and preparation for lot improvements, landscape materials and plants must begin within six months of the Certificate of Occupancy.
  - d. All landscaping must be installed within 1 year of completion of the main residence. Completion shall be when a Certificate of Occupancy has been issued by the appropriate building department.
5. An architecturally designed chimney cap must be installed on all chimneys to cover exposed metal spark arrestors. Both chimney cap and spark arrestor must be painted to harmonize with the rest of the house.
6. All excess fill material shall be removed from the site prior to obtaining Certificate of Occupancy.

7. All exposed metal flashing and trim and all exposed chimney metal, drains, etc., shall be painted to harmonize with the rest of the house. All plans shall show the color of such paint.
8. All owners submitting plans for approval shall pay the sum of Ten Thousand Dollars (\$10,000.00) to the Franktown Estates Homeowners Association ("Association") prior to plan approval, which sum shall constitute a compliance deposit by the owner to insure compliance with the ALC Rules and the Design Guidelines. Such sum shall be returned to the owner on final completion of all improvements including landscaping to the satisfaction of the ALC and in compliance with all conditions of the ALC approval. No interest shall be due owner on the deposit. In the event of failure of the owner or any of the owner's contractors or subcontractors to comply with the ALC Rules or the Design Guidelines, after written notice of failure to comply and the lapse of five (5) five full working days, the owner shall forfeit so much of the deposit as is required for the ALC to remedy the defect, except for penalties set forth below, in which case the amount of the forfeiture shall equal the penalties.
9. The penalty for violating any of the following rules shall be the sum of Two Hundred Fifty Dollars (\$250.00) for each noticed violation, which shall be deducted from the Ten Thousand Dollar (\$10,000.00) deposit. Each time the Association writes a notice of violation, that notice shall constitute a separate violation. Each violation of the following will be penalized.
  - a. Consumption or possession of any controlled substance or alcoholic beverages by construction crew personnel on any construction site or common area within Franktown Estates is prohibited at all times.
  - b. The contractor shall be responsible for controlling dust from the construction site, including immediate removal of dirt and mud from public or private roads that is the result of construction activity on the site and compliance with all federal, state and local air emissions requirements. The ALC shall approve dust control measures.
  - c. The construction site shall be maintained in a neat and orderly condition with provision for regular disposal of construction debris, to the satisfaction of the ALC.
  - d. There shall be no excessive noise on the site and radio volumes shall be kept low so as not to bother neighboring property owners. Appropriate radio volumes shall be determined in the sole discretion of the ALC.
  - e. Construction hours are Monday through Saturday, 7:00 A.M. to 6:00 P.M. There shall be no external construction activity on Sunday or National Holidays.
  - f. All signs during construction shall first be approved by the ALC and shall conform to standards as provided by the ALC.
  - g. Except for the temporary loading and unloading of heavy equipment, there shall be no trailers on any construction site, unless first approved in writing by the ALC. Any trailers otherwise allowed by the ALC must be well maintained and must be parked on the construction site in a location approved by the ALC.
  - h. All construction materials (including excavated material) shall be neatly and properly stored on site. No construction materials may be stored on adjoining property or in a street.
  - i. The use of or transit over any other lot, common area or land, including the golf course, is prohibited. Construction personnel are prohibited from parking, eating, or depositing

rubbish or scrap materials on any neighboring lot, common area, right-of-way or other property.

- j. Each owner or contractor shall be responsible for providing adequate sanitary facilities for construction workers. Portable toilets must be located on the lot.
  - k. All builders will be responsible for damage to the streets and curbs in Franktown Estates, and all other Franktown Estates improvements, and will be fined accordingly to the costs of repairing any breakage or damage done by heavy equipment, traffic or other builder activity.
  - l. All other rules listed within the Declaration or promulgated by the ALC or the Association including those referred to in these ALC Rules shall be strictly complied with.
10. The Association upon discovering a violation of the ALC Rules shall provide a written notice of noncompliance to the owner, including a reasonable time limit within which to correct the violation, unless the violation poses an imminent threat to health or safety. If receipt of such notification the owner fails to remedy such non-compliance within the designated time period given by the Association, the Association may in its discretion issue a \$250.00 penalty, refer the violation to the Board for further action and/or issue a stop work notice to the owner. Said expense shall be the sole responsibility of the owner and may be charged back against the compliance deposit and/or to the owners as a special assessment, secured by a lien upon such site enforceable in accordance with the CC&Rs. The compliance deposit may be used to satisfy, in whole or in part, the obligation of the owner to pay such expense. If the Association refers the matter to the Board, the Board shall set a date on which a hearing before the Board shall be held regarding the alleged non-compliance. The hearing date shall be not more than thirty (30) days or less than fifteen (15) days after the date on which the Association gives notice of the non-compliance to the Board. The Board shall give notice of the hearing date at least ten (10) days in advance thereof to the owner, the ALC, and, at the discretion of the Board, to any other interested party. The owner has a right to be heard at the Board hearing.
11. Each time the Association writes a notice of violation for non-compliance of a construction rule, that notice shall constitute a separate violation. If the violation is not cured within the time period as may be established by the Association pursuant to its notice of violation, the violation shall be deemed a continuing violation. Thereafter, additional fines may be imposed in the discretion of the Association for the violation for each 3-day period of permitted construction activity or portion thereof that the violation is not cured. The Association's failure to enforce the ALC Rules does not waive the right to enforce the same thereafter.
12. Unless excused by the ALC, any contractor who has more than four (4) violation notices in any twelve (12) consecutive month period may not act as a contractor for any new job within Franktown Estates for a period of one (1) year after completion of the job on which that contractor is working at the time he receives the fifth violation notice. And any agreement containing the name of such contractor during such period will not be accepted.
13. Any violation of these ALC Rules, CC&Rs or the Design Guidelines constitutes a violation of the CC&Rs. In addition to the remedies for violation as set forth in this document, the Board has the power and authority to institute arbitration, legal or other appropriate proceedings to enjoin or otherwise prevent a violation, and the ALC may recommend fines for levy by the Board. All costs

of dispute resolution, including attorney's fees, shall be charged to and paid by the owner of the Association prevails.

14. In addition to the requirement of posting the Ten Thousand Dollars (\$10,000.00) compliance deposit, in the event the owner (or any of his contractors or subcontractors) fails to comply with the ALC Rules and as a result thereof the Ten Thousand Dollars (\$10,000.00) compliance deposit is fully expended, any additional fines or costs assessed by the ALC shall be Association assessments against the owner's property, as specified in the Declaration.
15. In the event a notice of violation remains uncomplied, the Franktown Estates Homeowners Association and/or the ALC may undertake to remedy the violation and charge the actual and reasonable costs thereof (including any penalties as above provided), against the Ten Thousand Dollars (\$10,000.00) compliance deposit, and collection of the balance of such costs shall be had as above set forth above in these ALC Rules.
16. Contractors building for speculation should be aware that the \$10,000 compliance deposit will not be refunded until all the requirements of the CC&Rs including landscaping are completed. Therefore, if the contractor sells the house before all the requirements have been completed, the contractor must make arrangements with the prospective house buyer for the return of this deposit.
17. All contractors and the site owner shall be responsible for damage or liability claims of all kinds and types caused by employees, subcontractors, supplies, and other agents of contractors and site owners. All contractors and site owners agree to indemnify, defend and hold harmless the ALC, Association, golf course, Franktown Estates Homeowners Association, their employees, agents and representatives from any damage or claim of liability caused by contractors or site owners.