

ARCHITECTURAL CONTROL COMMITTEE ORGANIZATION AND PROCEDURES

Subject: Architectural Control Committee; Organization, Purpose and Responsibilities

Reference: (A) Declaration of Covenants and Restrictions dated January 21, 1980 and recorded in Book 435, Page 362 Carteret County Registry and all subsequent amendments thereto

(B) Brandywine Owners Association By Laws dated September 9, 1980 and all subsequent amendments thereto

Attachments:

- 1) Request for Approval of Construction of Residence
- 2) Stamps Affixed to Drawings Submitted by Builder
- 3) Architectural Control Committee Plan Approval Checklist
- 4) Request for Final Inspection/Deposit Refund
- 5) Application to Clear Underbrush to Improve Saleability of Lot
- 6) A Guide to Brandywine Bay Covenants
- 7) Application for Alteration to Property

Purpose: The purpose of the Architectural Control Committee (ACC) is to assure compliance with all building restrictions and all covenants by all Brandywine owners as spelled out in reference (A) and to assist the owner/builder throughout the construction process.

Authority: Article V, reference (A) establishes the ACC and defines its basic responsibilities.

Composition: The ACC consists of five (5) members who are Brandywine Bay property owners and are formally appointed by the Board of Directors of the Brandywine Owners Association (BOA). The ACC will elect its own officers that consist of chairman, vice-chairman and secretary, as a minimum. A quorum of three (3) members present at any meeting is required and all actions are based on a simple majority vote of the ACC.

Procedure: The procedure followed by the ACC when reviewing a request for construction of a residence is as follows:

- a. The property owner/builder will submit attachment (1) to the chairman of the ACC,
- b. The ACC chairman conducts a preliminary review of attachment (1) to determine that the owner/builder has met the minimum requirements of reference (A) and that all requirements spelled out in attachment (1) are met,
- c. If the ACC chairman is satisfied he will affix the stamps depicted in attachment (2) to the plans and schedule a meeting of the full ACC for review of the plans with the owner/builder. The ACC must schedule a meeting with the owner/builder within 30 days from the date of submission of the plans to the ACC,
- d. The ACC will review the plans submitted for full compliance with reference (A). Attachment (3) is used as a guide to insure that the committee overlooks no important consideration. Any additional requirements, discrepancies or deficiencies revealed by this review will be annotated on the drawings. The chairman will assign one of the ACC members to monitor the construction process to insure that the home is built in accordance with the approved plans and that the provisions of Articles IV and V of reference (A) are met,

- e. The committee members and the owner/builder sign the plans in the appropriate places as identified by attachment (2) to signify approval and establish an understanding of what is expected by all parties,
- f. The ACC secretary prepares minutes to document the results of the meeting and distributes a copy to all committee members as well as all BOA board members,
- g. The owner/builder must use the approved plans to secure a building permit from the Morehead City Planning Office before construction can be started,
- h. Upon completion of construction the owner/builder will submit a completed attachment (4) to the ACC chairman. The chairman of the ACC and the chairman of the Roads and Drainage Committee will conduct an inspection to determine that all requirements are met and if satisfied pass the attachment to the BOA treasurer who will initiate refund of the construction bond. Prior to refund, any costs incurred with the repair of damages caused during the construction process and any assessments associated with non-compliance with portions of references (A) and (B) will be deducted.

Additional Requirements: Attachment (5) will be used by the owner/builder when saleability of a lot is a concern and clearing is desired. Attachment (6) is a guide to reference (A) and is intended to aid Brandywine Bay property owners. Attachment (7) will be used by all property owners who wish to make alterations to existing homes and must be submitted to the ACC for approval prior to the start of any alterations.

Enforcement: The ACC will report all covenant violations to the Board of Directors of the BOA that it has not been able to resolve. Reference (B) gives the Board of Directors of the BOA the authority to assess a penalty of up to \$100 per day for non-compliance of covenants on all property owners within the jurisdiction of the BOA. Collection of attorney's fees and the costs of any other legal procedures will be added to any monies due the BOA.

Appeals: Any property owner submitting plans to the ACC is entitled to appeal to the BOA any adverse decision. The aggrieved owner must notify the BOA in writing within seven days after receipt of written notification of the adverse decision. The BOA will schedule a hearing within fourteen days, will give the owner written notice of the date of the hearing, and will give the owner the right to appear and state his case. The BOA decision will be controlling in all appeals and all owners are bound by the BOA's decision.

Approval: This document reviewed, approved and signed by the BOA board in executive session on November 15, 2002.
