

Homes

***Ashworth Heights &
Ashworth Preserve
Architectural Standards***

***Adopted by Ashworth Architectural Review Board
September, 2001***

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I. INTRODUCTION

Authority.

One of the primary purposes of the Declaration of Covenants, Conditions and Restrictions for Ashworth (the "Declaration") is to provide for a method of determining certain standards that will assure each owner that the property within the community will be developed and maintained in a fashion that will protect the investment of every homeowner. One important aspect of maintaining the integrity of a residential community is provided by the Declaration in authorizing the formation and duties of the Architectural Review Board ("ARB"). The ARB has the right to review and approve changes to the exterior of homes within the community. The Declaration strictly prohibits the addition of any Structure, or the alteration of any Structure, on any Homesite without the written approval of the ARB. The prohibition is very broad, including, but not limited to, the changing of exterior paint colors on a home. Any capitalized term used here have the same meanings as defined in the Declaration.

Purpose of the Architectural Standards.

General. *The Declaration further states that the ARB has the right to develop and disseminate guidelines for the Community. These guidelines are referred to specifically in the Declaration as the "Architectural Standards" and should be considered an extension of the Declaration. This document is not a all inclusive, but is a guideline to be followed by homeowners when planning landscaping or the construction or alteration of any Structure located on their property.*

The Architectural Standards set forth herein have been developed pursuant to Article X and expand the criteria in Article XI of the Declaration. The purpose of these Architectural Standards are to publish generally the (i) the use and maintenance of the property within Ashworth, and (ii) construction of improvements (including the alteration of Structures) upon Homesites within the community. As guidelines, these standards may not be determinative of whether or not a particular use of one's property is acceptable, or whether or not the plans for a proposed improvement will be approved. Because of the uniqueness of each Lot within the community, including variations in size, topography and location, certain uses, improvements or modifications suitable for one Lot may be inappropriate for another Lot. Therefore, despite the guidelines offered by these Standards, the ARB is authorized to apply or adopt different standards for different Lots to reflect those differences. As an example, the ARB may allow an improvement, modification or change to a Structure which cannot be seen from any street or other Lot within the Community, but prohibits the same improvement if it can be seen from any street or any other Lot.

Neighborhoods. *Due to the nature of, and structural differences in, the attached townhomes and the single family homes, the Declaration provides for Neighborhoods. Thus, the ARB has determined that it is appropriate to implement separate Architectural Standards for the two neighborhoods of the Ashworth community.*

The Architectural Review Board

The ARB is made up of members appointed by the Declarant as authorized by the Declaration. After the Declarant no longer has the right to appoint the members of the ARB, the authority will be shifted to the Board of Directors of Ashworth Homeowners Association, Inc. The Declaration grants the ARB discretionary powers regarding the aesthetic impact of design, construction and development including architectural style, colors, textures, materials, landscaping and overall impact on surrounding properties.

It is not the intent of the ARB to impose a uniform appearance within the Ashworth community nor to discourage creativity on behalf of the homeowners. Its intent is to promote and assure that all improvements are aesthetically compatible and reflect the image of a quality community. During the plan review process, the ARB intends to be fair, impartial and understanding of individual goals.

Overview of the Change Request Process

General Information

Homeowners are requested to provide as much detail as possible when submitting a Change Request Form to the ARB. This will eliminate confusion and reduce the time required to respond to the requesting homeowner. Plans should be specific in nature and include such items as types of materials to be used, planned start/completion dates, types of plants, size of plants and actual photographs of swings or arbors when applicable. Plans should also be limited in size to work that can be completed in a 30-day period unless a longer time is requested due to an exceptionally large project.

The ARB will meet the 3rd Monday of each month to review new change requests and conduct homeowner site visits. Every change request will be responded to in writing within 30 days from the day all final documentation has been received.

Step 1 - Submitting Plans

Homeowners are requested to submit photocopies of all plans and documentation. All submitted plans become the property of the ARB and will not be returned, but filed for future references and verification. Ashworth homeowners should deliver their Change Request Form and all necessary documentation, including plans, architectural drawings/photographs, property survey showing improvements and description of materials to:

*Ashworth Architectural Review Board
c/o HOA Management, LLC
P.O. Box 370
Woodstock, GA 30188*

Once plans are received, they will be date stamped and reviewed by the ARB in the order in which they are received. The ARB will notify the homeowner by phone of the approximate date and time of the on-site visit. In most cases, the homeowner's participation is not required for the on-site review, but is always welcomed.

Step 2-On-Site Review Process

The purpose of the on-site review is for the ARB members to assess the impact the request may

have to neighbors and the general quality of the Community. The onsite process is usually brief (5-20 minutes) with no or limited homeowner involvement. However, we recommend that a homeowner be available for questions for complex plans.

Step 3-Decision Process

Upon completion of the site review, the ARB will stamp the change request with one of four decisions and will contact the homeowner directly to explain the decision.

Plan Accepted - The plan was accepted as documented and the homeowner can begin the requested changes immediately upon obtaining all necessary governmental permits. All work must be done in accordance with the plans as approved by the ARB. All changes or modifications to plans must be reviewed and approved by the ARB.

Plan Accepted with Specific Conditions - The plan was accepted with specific conditions. The homeowner should review the conditions and if in agreement sign the conditions form and submit it to the ARB.

Plan Denied with Explanation - If the homeowner's plan was denied, an explanation will be provided. In many cases, the ARB will recommend one or more alternative solutions. If the homeowner is receptive to one of these solutions, they simply need to resubmit a Change Request Form detailing the plan within 60 days.

Plan Pending - If a plan was submitted incomplete, the homeowner will be notified and the plan will be held until the required documentation has been received.

" \13ARB's Right to Verify Construction in Accordance with Approved Plans

While under construction or after completion, the ARB does reserve the right to review approved plans to make certain the actual construction adheres to the approved plan.

" \13Violation Fines

The discretionary powers of the ARB are also coupled with the ability to establish and levy fines and penalties for noncompliance and, with the cooperation of the Board of Directors of the Association, also include the right to suspend membership rights, including the right to vote or to use the recreational facilities, if applicable. Although not limited to the following, "noncompliance" would include the failure to obtain approval of a new Structure in conformance with approved plans. Homeowners who are in violation of the Declaration and the Standards set forth in this document will be notified in writing of the violation and will be fined and penalized in accordance with the Declaration.

" \13Disclaimers

Approval of any Structure by the ARB is in no way a certification that the Structure has been built in accordance with any governmental rules or that the Structure complies with sound building practices. Homeowners are required by law to obtain a building permit for all new construction. For information on obtaining a building permit in DeKalb County contact: County Planning listed in the blue pages of the telephone book.

These Architectural Standards set forth herein have not been reviewed for engineering or structural design or quality of materials. In fact, it is very likely that certain standards have been adopted solely on the basis of aesthetic considerations. Therefore, no one should use or

rely upon these Architectural Standards as standards for structural integrity or soundness of design for any construction or modification of a Structure or for ensuring compliance of any activity or construction with building codes, zoning regulations and other governmental requirements. These things must be determined by, and are the sole responsibility of, each homeowner within the Community.

Please remember that, like the Architectural Standards, plans and specifications are not reviewed for engineering or structural design or quality materials. By approving such plans and specifications, neither Declarant, the Association, the ARB, the Board, nor the officers, directors, members, employees and agents of any of them shall be liable in damages to anyone submitting plans and specifications to any of them for approval, or to any homeowner of property affected by the Declaration by reason of mistake in judgement, negligence or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve or disapprove any such plans or specifications.

It is the sole responsibility of the homeowner to ensure that Structures are safe. Approval of any type of Structure including children's playsets by the ARB in no way guarantees the safety of the individual.

In accordance with the Declaration, every person who submits plans or specifications, and every homeowner has agreed that they will not bring any action or suit against Declarant, the Association, the ARB, the Board or the officers, directors, members, employees and agents of any of them to recover any such damages.

II. EXTERIOR STANDARDS

Construction

All construction requires the homeowner to complete a Request for Change Form and a site visit from members of the ARB. The purpose of the visit is to ensure that the construction adheres to ARB standards and is in harmony with the external design and general quality of the Community.

" \ 5 Driveways/Walkways

Any changes to existing or new hardscapes including, but not limited to, driveways, walkways and patios, require specific approval of the ARB prior to construction. A professional contractor must complete all hardscape construction.

" \ 5 Doors/Windows/Shutters

Any alterations to the exterior of the house including, but not limited to, doors, shutters, trim and exterior siding must be approved by the ARB.

All window treatments facing the street must be lined in white to give the Community a common look from the outside. The type of window treatments may include, but is not limited to: a white sheer, white blinds, white plantation shutters or white-lined curtains.

Stained glass windows and glass blocks are not permitted in doors or windows that are visible from the street. All requests for lead glass doors or windows should be submitted to the ARB.

" V Exterior Lighting

All exterior lighting shall be consistent with the character established in Ashworth and be limited to the minimum necessary for safety, identification and decoration.

Outside light posts should remain black or white in color. Colored lens, lamps or bulbs of any type are not permitted.

Any additional exterior lighting must be approved by the ARB.

Paint/Siding/Brick/Roof

All alterations to the exterior color of the house including, but not limited to, doors, shutters, trim, brick and siding must be approved by the ARB.

New roofs should follow the same style and color standard originally installed by the Builder. The roof should include at least a 20-year shingle warranty and must be approved by the ARB.

Mail Boxes/Street Numbers

All mailboxes should follow one common design. The mailbox shall include only the house number and be located as prescribed by the United States Postal Service. To replace any damaged or missing parts of your mailbox, contact the ARB for assistance.

Street numbers or surnames are not permitted on the curb or posted on any part of the house.

Decks/Patios/Lattice Work

All decks should have a natural stain or match the trim color of the home, be made of pressure-treated pine or cedar, be located on the back of the house and not extend out past the sides of the house. Any variance from this standard must be approved by the ARB.

All plans to build new or expand existing decks, patios and lattice work must be submitted to the ARB for approval. Also, homeowners are encouraged to submit a landscaping plan to address areas under and around the deck.

Storage areas of any type require the approval of the ARB and should be submitted with a specific landscaping plan to shield as much of the storage area as possible.

Fences .

In general, fences are not encouraged within Ashworth Heights and Ashworth Preserve. Hedges, berms or other landscaping alternatives are preferred. Invisible electrical fences for dogs are pre-approved.

Fences if permitted, will be located in the rear yard only, beginning at the rear corners; and require the homeowner to submit a detailed plan to the ARB for approval. *Submissions should include a complete description of the fence, materials and a site plan showing the fence location in relationship to property lines. When submitting a request for a new fence, homeowners are encouraged to also include a landscaping plan that is focused at hiding as much of the fence from neighbors as possible.*

All proposed fences must follow the ARB fence standards as defined below:

- Privacy & picket fences (unpainted or natural stain) with convex scalloped top*
- Ten foot (10') sections*
- Six foot (6') maximum height*
- Good side must show out*
- Natural finish*
- Natural sealer encouraged*

Wooden safety railings at the edge of retaining walls may have been required by the County and are pre-approved if installed prior to certificated of occupancy for dwelling. Any alteration of railings must be approved by the ARB

Detached Structures .

Arbors/swings must be approved by the ARB and are permitted in the rear yard only and must be located where it will have minimum impact on adjacent properties and streets. Homeowners are encouraged to include a landscape plan with the arbors/swings to minimize the neighboring view.

All lawn furnishings and Structures including, but not limited to, bird baths, frog ponds, artificial plants, bird houses, rock gardens or similar types of accessories must be located in the rear of the yard only and require ARB approval.

All doghouses must be approved by the ARB. Homeowners must submit all detailed plans including site layout, material type, color and landscaping plan. Emphasis will be placed on the consideration of views of the doghouse from adjacent properties and the street. Doghouses will be permitted only in the rear yard and must be located close to the house to provide minimum visual impact. Exterior colors must relate to the exterior of the house or be of neutral colors.

III. LANDSCAPE STANDARDS

Developing a Landscape Plan

Homeowners are encouraged to develop a long-range (3-9 months) landscape plan to be reviewed by the ARB. Many professional landscaping companies provide landscaping planning services for a reasonable fee. Professional assistance is encouraged to assist in reducing plant loss. The landscape plan should be detailed and include such items as plant type, size, quantity, estimated time to complete project and the physical location of each plant. While many landscape plans can be all encompassing, please limit change requests to work that can be completed in three months.

Lawns

All front, side and rear lawns shall be Bermuda or Zoysia sod to ensure consistency in the Community.

Pine Islands/Beds/Trees/Bushes

All new or expansion of existing islands or beds require a landscaping plan to be submitted for approval. No landscape plan is required to plant existing islands or beds. Pine islands should be maintained regularly with fresh pinestraw and edging.

Landscaping should relate to the existing terrain and natural features of the Lot, utilizing plant materials native to the Southeastern United States.

The preferred landscape bed edging is either a neat 4" - 6" deep trench or natural living plant life. All plant beds will be covered with pine straw, natural chopped bark or mulch. Rocks, boulders, stones, bricks or wood blocks are not permitted to line or cover islands/beds that are visible from the street.

Landscaping of walls require ARB approval.

Removal of Trees

No tree with a diameter greater than 4" (measured 2' from the ground) may be removed without written permission from the ARB. The removal of live branches greater than 8' above the ground also requires ARB written approval.

No trees shall be removed from any stream buffer or common areas.

IV. RECREATIONAL EQUIPMENT STANDARDS

Children Playsets/Bikes/Toys

Children's play equipment or swings must be located where it will have minimum visual impact on adjacent properties and streets. All playset equipment must be approved by the ARB. Metal or aluminium play equipment is prohibited.

All children's bikes and toys shall be placed out of public view when not in use to have minimum impact on neighbor's and adjacent properties.

No permanent basketball goals or posts are permitted. Mobile basketball goals are permitted and should be stored out of public view when not in use.

Pools/Spas/Whirlpools

Permanent aboveground pools of any type are not permitted.

All in-ground pools, spas or whirlpools must be approved by the ARB. Homeowners must submit a detailed plan including site layout, fencing and landscaping to obtain approval. All pump, filter, etc. equipment for pools must be located where it will not cause a nuisance to neighbors and must be screened from view with landscaping. In-ground pools, spas and whirlpools are permitted, but must fit naturally into the topography of the proposed Lot. The pool/spa/whirlpool must also be located to provide minimum visual impact to the surrounding properties and streets. Pool enclosures are not permitted.

V. MISCELLANEOUS ITEMS

Flags/Flagpoles

Decorative flags cannot be visible from the front of the house. Decorative flags can be placed in the rear of the house on a pole attached to either the deck or house, where they have minimum visual impact to the surrounding properties and streets. Stand-alone flagpoles are not permitted.

Common Areas/Signs

No temporary sign is permitted in any common ground area for a period greater than 24 hours and must be approved by the ARB prior to installation. Any permanent sign placed on common ground must be approved by the ARB.

Appendix A
Blank ARB Request for Change Forms

Ashworth, Dekalb County, GA

Ashworth

ARCHITECTURAL REVIEW BOARD

REQUEST FOR CHANGE

DATE: _____

HOMEOWNER(S) NAME(S): _____

ADDRESS: _____

PHONE NUMBER: _____

LOT #: _____

CONTRACTOR NAME: _____

PHONE NUMBER: _____

DESCRIPTION OF IMPROVEMENT PROPOSED :

(USE REVERSE SIDE IF MORE SPACE IS NEEDED FOR DESCRIPTION)

ALL SUBMISSIONS MUST BE ACCOMPANIED WITH THE FOLLOWING:

- 1) Architectural drawing and / or pictures
- 2) Property survey showing improvement(s); and
- 3) Description and samples of materials

Fax 404-355-9561

PROPOSED START DATE: _____

PROPOSED COMPLETION DATE: _____

NOTE: REMEMBER TO ALLOW A MINIMUM OF THIRTY (30) DAYS AFTER SUBMISSION TO THE ARB. PLEASE SEND COMPLETE REQUEST PACKAGE TO:

ASHWORTH ARB

**Community Management Associates
1465 Northside Drive
Suite 128
Atlanta, GA 30318**

IMPORTANT NOTICE: FOR YOUR PROTECTION, INQUIRE WITH THE CITY AND/OR COUNTY ABOUT PERMIT REQUIREMENTS BEFORE STARTING ANY WORK ON YOUR PROPERTY INVOLVING NEW CONSTRUCTION, ALTERATIONS, MODIFICATIONS OR ADDITIONS.

APPROVAL OF ANY STRUCTURE BY THE ARB IS IN NO WAY A CERTIFICATION THAT THE STRUCTURE HAS BEEN BUILT IN ACCORDANCE WITH ANY GOVERNMENTAL REGULATION(S) OR THAT THE STRUCTURE COMPLIES WITH SOUND BUILDING PRACTICE OR DESIGN.

NEITHER DECLARANT, THE ASSOCIATION, THE ARB, THE BOARD, NOR THE OFFICERS, DIRECTORS, MEMBERS, EMPLOYEES AND AGENTS OF ANY OF THEM SHALL BE LIABLE IN DAMAGES TO ANYONE SUBMITTING PLANS AND SPECIFICATIONS TO ANY OF THEM FOR APPROVAL, OR TO ANY OWNER OF PROPERTY AFFECTED BY THE DECLARATION BY REASON OF MISTAKE IN JUDGEMENT, NEGLIGENCE OR NONFEASANCE ARISING OUT OF OR IN CONNECTION WITH THE APPROVAL OR DISAPPROVAL OR FAILURE TO APPROVE OR DISAPPROVE ANY SUCH PLANS OR SPECIFICATIONS; NOR SHALL ANY OR THEM ASSUME LIABILITY OR RESPONSIBILITY FOR ANY DEFECT IN ANY STRUCTURE CONSTRUCTED FROM ANY SUCH PLANS AND SPECIFICATIONS.

Ashworth homeowner acknowledges that he/she has read this both pages of this form:

HOMEOWNER'S SIGNATURE

HOMEOWNER'S SIGNATURE

DATE RECEIVED