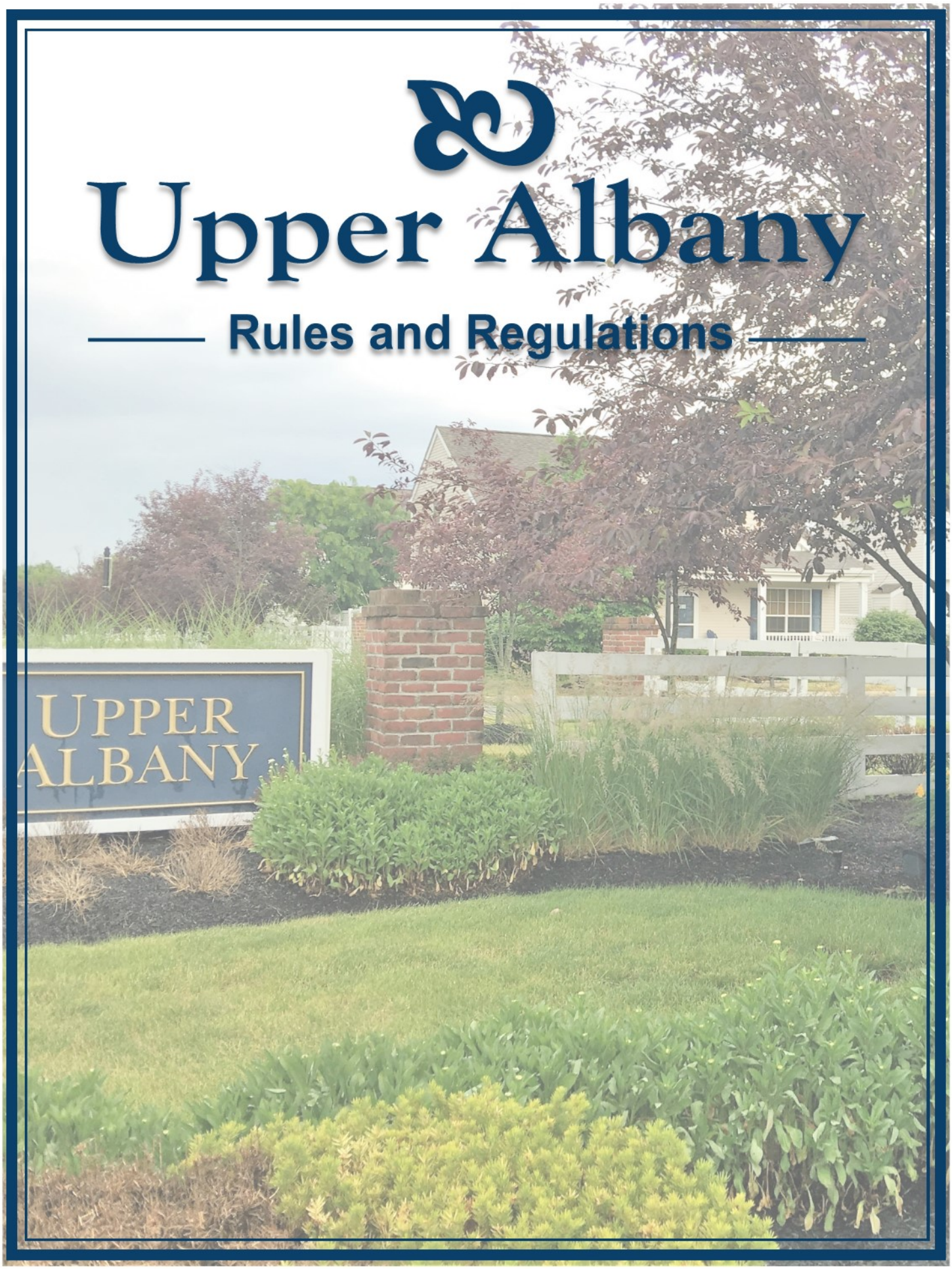
Upper Albany

Rules and Regulations



This Handbook has been prepared to provide a ready reference of general information about Upper Albany Homeowners' Association ("HOA") Rules and Regulations and the responsibilities of the association and the owners. This booklet is not a substitute for the HOA Declaration of Covenants, Easements, Conditions and Restrictions ("Declaration"), which should be read and understood by every owner. In the event of a conflict between this handbook and the HOA Declaration, the Declaration is the controlling document. Questions about the HOA and its activities, or an interpretation of the rules, should be directed to the Board of Trustees or to the Association Management Company.

COVENANTS AND RESTRICTIONS

The purpose for the following covenants and restrictions is to maintain a high standard for the appearance and aesthetics of the HOA. These rules benefit everyone by helping maintain property values and by promoting the general enjoyment of the community.

All portions of a homeowner's dwelling and/or yard visible from the street or adjoining property shall be properly maintained by the owner (or home occupant) so as to present a neat and clean appearance, free of trash, animal waste, and overgrown shrubbery. The following covenants and restrictions will be strictly enforced by the HOA and its Management Company.

1. **Use of Lots** – Each lot shall be used exclusively for single-family, residential purposes. No improvements may be constructed on any lot unless first submitted and approved by the HOA Board of Trustees.

2. **Use of Common Property** – Common elements (including playgrounds) are for the use of all HOA residents and guests only. Common element activity shall benefit the health, safety, welfare, convenience, & enjoyment of all residents and guests and must be in compliance with laws of the State of Ohio.

3. **Hazardous Actions or Materials** - No unlawful or hazardous material or activity, which would possibly disturb the quiet occupancy of neighboring residents, or warrant the increase in casualty or public liability insurance, shall be permitted.

4. **Signs** – No signs of any character shall be displayed on any lot except for temporary real estate signs (not to exceed 6 square feet). Political signs (1 per property) for an election may be displayed no earlier than 30 days prior to an election, and must be removed within 24 hours of the election date.

5. **Animals**
    a. HOA residents shall not keep, breed, board, or raise any animals for commercial purposes on any lot.
    b. All domestic pets shall be properly restrained and on a leash at all times, except within the restricted confines of owner property.
    c. All animal waste shall be immediately and properly disposed of by pet owner. Homeowners/occupants are also responsible for keeping property free of pet waste.

6. **Nuisances** – No noxious or offensive activity shall be permitted on any property which unreasonably disturbs or interferes with the quiet occupancy of surrounding residents.

7. **Business** – No industry, business, or trade may be conducted, operated on the Property without the prior written approval of the Board. This provision shall not prohibit a "home office" use, in which no non-resident employees are working on the Property, and no customers, employees, or other 3rd parties park on the property.

8. **Storage**
    a. No open storage of any kind is permitted. No storage buildings of any kind are permitted, including sheds, or barns, without prior written Board permission.
    b. Front porches – Storage of such items as bicycles, toys, gardening utensils, trash containers, etc. shall not be maintained on the front porch of any residence.

9. **Hotel/Transient Uses/Leases** – No lot may be used for hotel or transient uses, nor shall leases to roomers or boarders be permitted.

10. **Vehicles**
    a. No commercial vehicles, boats, trailers, campers or mobile homes shall be parked or stored on any street in HOA or on any lot (except in an enclosed structure, shielded from view). (The definition of trailers and commercial vehicles may be found in section J of the Declaration.) The Board may grant occasional, non-recurring parking of such vehicles, with the limitations of 48 consecutive hours, and less than 96 cumulative hours in any 30-day period.
    b. No vehicle of any type which is not functionally or legally operable on public highways shall be kept, stored, operated, or maintained on or in front of any lot within HOA for a period longer than seven days, unless it is entirely contained and shielded from view within a permitted structure. The Board shall have the right and authority to have any such vehicles removed at the owner's expense.
    c. No vehicle shall be permitted to be on the lawn.

11. **Trash**
    a. All trash shall be deposited in covered, sanitary containers.
    b. The trash container shall be stored either inside the owner's garage or otherwise screened from view. Trash containers for carriage homes (those with alley ways behind the homes) must not be visible from either the alleyway or the street.
    c. Trash containers & recycling bins should be placed at the pickup location NO EARLIER than the evening BEFORE pickup. Containers/bins must be removed from pickup location within 24 HOURS of pickup.
    d. No burning or storage of trash of any kind shall be permitted on the Property.

12. **Antennae**
    a. All radio, satellite dish, television, or other electronic antennae ("antennae") may not be erected or installed on any lot without prior approved of the HOA. Standard TV antennae and other over-the-air reception devices (including satellite dishes) of one meter (39 inches) in diameter or less shall be permitted with HOA approval for location, size and screening. Every effort must be taken to minimize Public View.
        i Antennae must not be visible from any public street. Alley visibility is permitted.
        ii If roof-mounted, antennae may not be installed on the street side (alley side is permitted) of any roof ridge and may not extend higher than any roof ridge.

iii Ground mounted antennae must be installed on an approved extension and must be immediately and permanently (year round) screened.

13. **Tanks** – No tanks for storage of propane gas or fuel oil shall be permitted above or beneath the ground on any lot. Propane gas containers for gas grills are permitted.

14. **Driveways** – Owners are responsible for maintaining and sealing their driveways on a routine basis.

15. **Basketball hoops** – Portable basketball hoops are to be placed on the homeowner's property only, not on the sidewalk or street.

16. **Landscaping**
    a. The HOA provides routine lawn care (lawn treatments and cuttings), annual bed mulching, and common area shrub maintenance.
    b. Owner/resident responsibilities:
        i Grass – Treatment and, if necessary, replacement of damaged grass areas.
        ii Shrubs – Trimming of shrubs on owner's property, and treatment/replacement of damaged/dying shrubs.
        iii Street trees – Circles should be kept free of grass and weeds – mulch area maintained.
        iv General cleanup and grooming of outdoor areas.

17. **Street Trees** – The HOA developer designated uniform street trees in front of each lot. Each Lot owner shall care for and, if necessary, replace the street tree(s) at the lot owner's expense with a like type of tree.

18. **Mailbox** – The HOA developer installed a curb side mailbox for each lot with a uniform design. If the mailbox is damaged or destroyed, the lot owner shall repair or replace, at lot owner's expense, such mailbox with a like kind design, pattern, and color as the original mailbox. Mailboxes are to be maintained by the owner, with routine painting and repair of broken or missing parts.

19. **Yard Lights & Lamp Posts** – Shall conform to the standards adopted for the HOA community.

20. **Fencing** – All fencing & walls shall conform to the uniform quality and design of the HOA community, and must be approved by the HOA prior to installation. No chain link or similar metal or wire fencing shall be permitted.

21. **Swimming Pools** – No above-ground swimming pool extending 12 inches or more above the ground shall be permitted on any lot. This rule shall not apply to the installation of a hot tub or sauna.

22. **Exterior Modification Application & Approval** – No improvements may be constructed on any lot unless first submitted and approved by the HOA Board of Trustees. Any exterior modification to the home or lot requires an application to be submitted prior to the start of the project and Board approval. If you begin an exterior modification of any kind without first applying and getting approval you will be fined $100.00. If your modification is not approved prior to work beginning, there is also a possibility that you may need to return the modification back to its original condition.

23. **Decorations** – Holiday Decorations may not be displayed before November 1st and must be removed by no later than January 31st of the following year. For any other holiday that occurs outside of the period between November 1st and January 31st, the decorations must not be displayed more than two weeks before and two weeks after the holiday.

24. **Paint Colors Permitted on Exterior Surfaces of The Homes** – All exterior modifications to the home require an application to be submitted prior to the start of the project and Board approval. Colors that will be permitted for exterior house painting will be the original M/I Homes color pallet. (These colors include White, Black, Wedgewood Blue, (Potters) Clay, Federal Brown, Musket Brown, Tuxedo Gray, Wicker, Burgundy Red, Forest Green, Classic Blue, Wineberry, Bright White, Midnight Green, Midnight Blue, Bordeaux) These colors can be matched and found at the PPG paint store at 5548 N. Hamilton Road. Colors that will be permitted for decks will be: Earth tones such as browns, white, greys, dark reds and creams. All matched colors are at the Board's discretion.

Collection of Dues

1. All assessments, including maintenance fees, are due on March 1st and are considered late if not received by the 10th day of the month.

2. An administrative late charge of $50.00 per month shall be incurred for any late payment and on any unpaid balance (subject to increase upon further notice).

3. Any payments made shall be applied in the following order:
    1. Interest and/or administrative late fees owed to the Association
    2. Collection costs and attorney's fees incurred by the Association
    3. Principal amounts owed on the account for common expenses and assessments

4. Any past due assessments may cause a lien, a suit for money judgment, and/or a suit for foreclosure to be filed against a unit owner. Once judgment is obtained, the Association may proceed to post-judgment actions including, but not limited to, bank attachment, wage garnishment, and/or sheriff's sale of the property, if applicable.

5. Any costs, including attorneys' fees, recording costs, title reports, and/or court costs, incurred by the Association in the collection of delinquent assessments, shall be added to the amount owed by the delinquent owner.

6. If any unit owner (either by his or her conduct or by the conduct of any occupant) fails to perform any act that he/she is requested to perform by the Declaration, the Bylaws, or the Rules and Regulations, the Association may, but shall not be obligated to, undertake such performance, or cure such violation, and shall charge and collect from said unit owner the entire cost and expense, including reasonable attorneys' fees, of such performing or cure incurred by the Association. Any such amount shall be deemed to be a Special Individual Unit Assessment as described in the deed restrictions and shall be due and payable immediately following notification of such charge; and the Association may obtain a lien for said amount in the same manner and to the same extent as if it were a lien for common expenses.

Non-Compliance and Enforcement

1. **Distribution of Rules** – A copy of these Rules & Regulations shall be distributed to all HOA homeowners.

a. Homeowners are responsible for reading and abiding by all policies included within these Rules.
b. It is the obligation of Homeowners to contact the HOA for clarification prior to taking any action that might conflict with these rules.

2. **Enforcement Assessments** – It shall be the policy of the HOA to levy enforcement assessments against Homeowners who violate (or whose invitees or tenants violate) any section of the Declarations, Bylaws, or these Rules & Regulations.
    a. The HOA Board of Trustees, through its Management Company, may be notified of a noncompliance issue. Residents who encounter problems with other residents are encouraged to first attempt to resolve the issues informally. However, any resident who feels that a rule has been violated may file a formal complaint with the Board. The anonymity of the complainant will be protected whenever possible.
    b. The Board will review complaints for validity.
    c. Violations of the Declarations, Bylaws, or these Rules & Regulations shall be addressed as follows:
        i. 1st offense – reminder letter
        ii. 2nd offense – warning letter
        iii. 3rd (and additional) offenses – $50.00 Enforcement Assessment

The Board may change fees, from time to time, for infraction(s) of any provision of the Declarations, Bylaws, or Rules & Regulations.

3. **A lot owner who receives a violation letter has the following options:**
    a. Resolve the issue by full compliance with the Handbook. The lot owner shall notify the Board when the problem has been resolved.
    b. Write a letter to the Board that explains why the 10-day period is insufficient. The lot owner must propose another date and explain the reason for the delay. Once the Board receives the response, it may decide to grant the delay or instruct the owner to comply with the rules within 10 days.
    c. Write a letter to the Board disputing the legitimacy of the complaint. The Board will review the issue and, if the complaint is found to be illegitimate, the issue is over. If the complaint is found to be valid, the lot owner will be advised to comply with the rules within 10 calendar days.
    d. Any Homeowner may appeal an Enforcement Assessment by delivering a written request for a hearing to the HOA within 10 days of the date of the notice of a proposed Enforcement Assessment. The Board will hear such appeals when Board members are available. The Board shall not levy an Enforcement Assessment before holding the requested hearing. All Board decisions are final.

4. **Non-Compliance** – If a property owner does not comply with these Rules & Regulations upon request, then the HOA may pursue any and all remedies available to it, including Enforcement Assessments, self-help, litigation, or arbitration. All enforcement costs shall be assessed to the property and property owner, pursuant to the Declaration and Ohio Law.
    a. Any Enforcement Assessment levied against a homeowner, in accordance with these procedures, shall be classified as a personal obligation of the owner against whom it was levied and an assessment against that property by the HOA. Accordingly, the HOA will pursue the collection of unpaid Enforcement Assessments by pursuing all remedies available to it under Ohio Law, including, but not limited to, the filing of HOA assessment liens and foreclosure proceedings.

UAHA EXTERIOR MODIFICATION APPLICATION

Applications submitted without adequate information will be returned to you without review and approval.
Processing exterior modifications may take up to 30 days.

Name: _____ Date Submitted: _____

Home Address: _____ Phone: _____

Association: _____ Email: _____

Description of Modification: _____

Please provide details and CLEAR, LEGIBLE, COLOR documents about the product you plan to use.

Complete this checklist to ensure your application is complete

- ☐ Completed application, including contact information.
- ☐ Description and brochure of all exterior materials and finishes, in color: _____
- ☐ Color swatch.
- ☐ Site plan showing location of modification on property.
- ☐ Permit, if required.

Modification to Begin On: _____ To Be Completed By: _____

Exterior Modification Review Process

1. Submit your application and accompanying documents to CPS.
2. You will receive a notification that your application was received.
3. The application will be scanned to your portal. You can access the portal to receive real time updates. You can access the portal by going to https://cps.vmsclientonline.com/.
4. The application will be sent to the Review Committee, a group of association volunteers.
5. The Review Committee will notify the CPS of approval or denial.
6. CPS will contact you with the Review Committees Decision.

All approved projects shall be completed within 90 days.
Only owners current on dues payments will receive approval.
Any project must be maintained to the manufacture's specifications.
Owner shall repair any damage to the Common or Limited Common Elements or other Units.

APPROVED ☐ **DISAPPROVED** ☐ **BY:** _____ **DATE:** _____

PLEASE EMAIL FORM: admin@cpscolumbus.com

OR MAIL FORM TO:
Capital Property Solutions
P.O. Box 630
Worthington, Ohio 43085

FREQUENTLY ASKED QUESTIONS

1. How long does it take for an application to be approved?
    a. An application could take as long as 30 days to be approved by the committee. Please submit a complete application with lots of detail to help shorten the process.

2. If I have to resubmit an application, does the 30 days restart?
    a. Yes, the 30-day approval period restarts each time you need to resubmit an application.

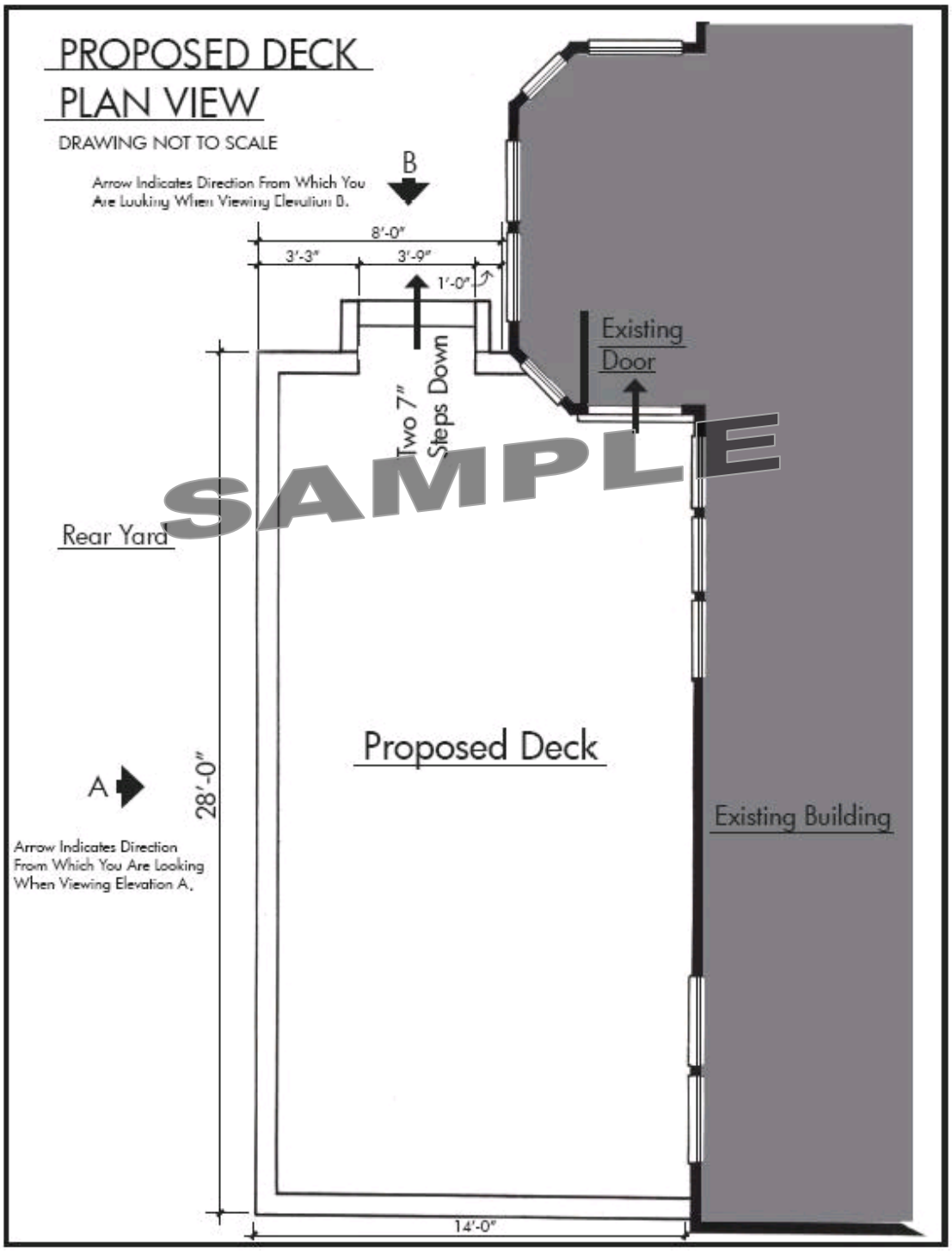
3. How will I be notified if my application is approved or denied?
    a. You will be notified by email (if provided) or mail.

4. How do I submit my application?
    a. By sending an email to admin@cpscolumbus.com or by mailing your application to Capital Property Solutions, PO Box 630, Worthington, Ohio 43085.

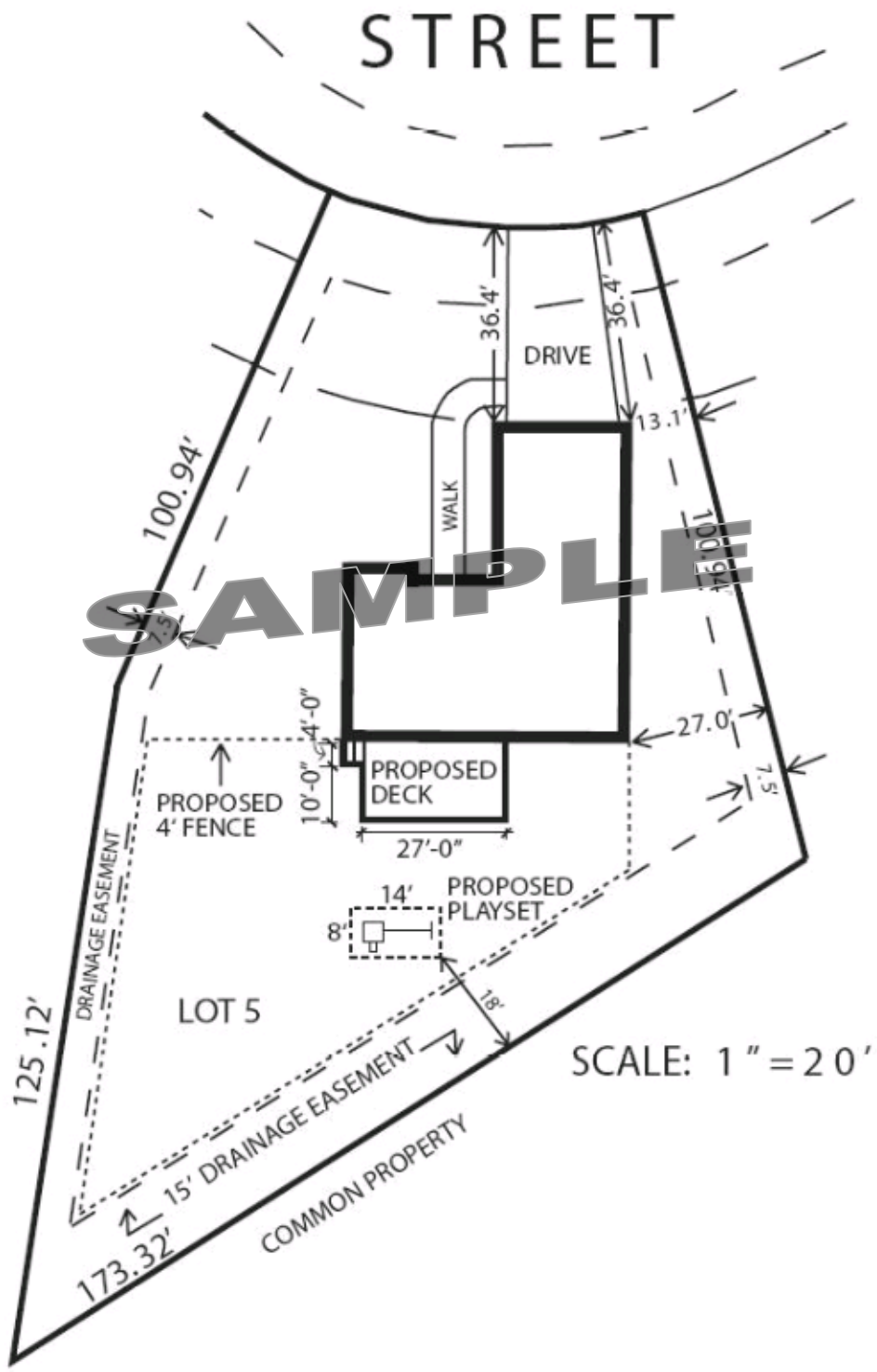
5. How do I know what is permitted?
    a. Review your governing documents for details about projects that are permitted or restricted. You can find your governing documents on your resident portal: https://cps.vmsclientonline.com/.

7. Where can I get a site plan?
    a. Site plans are located in your governing documents or on the county auditor website.

DRAWINGS EXAMPLE



SITE PLAN EXAMPLE



REQUEST TO SPEAK WITH THE BOARD

Date:_____

Name:_____

Home Address:_____

Phone Number:_____

Email Address:_____

Please Check One: Open Board Meeting:_____ Executive Board Meeting_____ Hearing:_____

Topic: Statement of presentation you wish to make and statement of the action you wish the board to take. Attach additional sheets if necessary.

_____

_____

_____

_____

_____

You will be given 5 minutes to make your presentation and are permitted to bring one guest with you to assist in your presentation. All parties retain the right to provide rebuttal evidence and/or cross-examine witnesses based on any claims made. Please note that if you are scheduling a hearing, you will not be granted a continuance if you do not attend the hearing. This form must be returned to the Association Manager, along with at least **three possible schedule dates** for the hearing you are requesting. Once this form is submitted, Capital Property Solutions will contact you with the hearing date and time. Please call us at (614) 481-4411 to confirm receipt of this form.

Signature:_____

PLEASE REMIT TO:
Capital Property Solutions
P.O. Box 630, Worthington, Ohio 43085
Fax: (614) 443-3798
Questions? Call (614) 481-4411

RESIDENT COMPLAINT FORM

Date Filed: _____

Unit Owner being complained about: _____

Address: _____

Date and Time problem occurred: _____

VIOLATION OF WHAT RULE IN THE DECLARATION OR HANDBOOK: _____

_____

Please explain the problem: _____

_____

_____

What have you done to resolve this problem? _____

_____

_____

What is your recommendation for a solution? _____

_____

_____

UNIT OWNER FILING COMPLAINT: (Must be filled out and signed)

Name: _____ Date: _____

Address: _____

Phone: (H) _____ (W) _____

Signature: _____

PLEASE REMIT TO:
Capital Property Solutions
P.O. Box 630, Worthington, Ohio 43085
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