

## SUMMARY OF CHANGES TO COVENANTS AND RESTRICTIONS

### ARTICLE ONE - DEFINITIONS

Section 1.5 “Subdivision”. Shall mean the Whispering Oaks Phase II Development described above and such additions to the Development as may be brought within the jurisdiction of the Association as provided for in this declaration. **highlighted section added**

Section 1.8. “Member.” shall mean every single owner, single representative of multiple owners, or single representative or agent of an entity that owns a Lot. **The definition of member was clarified.**

Section 1.9. “Act.” shall mean the State of Indiana code (I.C. 32-25.5-1, et. seq.). **This was added to clarify the reference to the “Act” in the documents.**

**We removed all references to the Declarant/original developer in these documents. All powers previously granted to the Declarant has been given to the ACC under the direction of the Board of Directors.**

### ARTICLE TWO - ARCHITECTURAL GUIDELINES **renamed**

#### FENCING:

Section 2.3 (a)(1) - Non-split rail style wood fences are generally approved, provided such fences do not exceed 6 feet in height **and are planned to be sealed , stained, or painted; highlighted section added.**

Section 2.3 (a)(4) Vinyl fences are generally approved, provided such fences do not exceed 6 feet in height **This paragraph was added.**

Section 2.3 (b)(2) Fencing may extend into easements with the understanding that any damage caused by utility work will be the responsibility of the homeowner to repair. Fencing may be installed up to the property line, but egress must be available for maintenance (i.e. gate installed in rear fence). **highlighted section added**

Section 2.5 MINI BARNS AND ACCESSORY STRUCTURES. Generally, requests for mini-barns, storage sheds, and accessory structures may be approved if they meet the following conditions.

- A. Requested via written request to be approved by ACC.
- B. Must be constructed with quality materials and include a guard on bottom of unit to protect against scarring by weed eaters.
- C. No jacked-up units or units on stilts shall be approved.
- D. 2x4 construction.
- E. Constructed on and anchored to concrete foundation.
- F. No metal or vinyl siding. Structure must be constructed of quality materials for exterior siding to include Smart Siding, Hardi Siding, T1-11 (painted or stained), Cedar plank, brick, stone, manufactured stone or stucco, treated wood, or other quality material.
- G. Shingle roof.
- H. Windows to be prebuilt vinyl, wood, or wood clad.
- I. If stained, neutral colors and if painted, match trim of house.
- J. No logos.
- K. No lean-to roof or add-on buildings.
- L. No larger than 12’x10’ and height not to exceed 10’.
- M. Must be maintained in good condition or will be considered and dealt with as a nuisance.

**This Section was added.**

Section 2.6 SATELLITE. **Changed from 18” to 18-30”.**

Section 2.8 GAZEBOS. (d) **Any structure with a roof must have a building permit and be approved by the City of Jeffersonville. Added.**

Section 2.9 ABOVE-GROUND POOLS. Grass must be restored to original condition after pool removal. Added.

Section 2.10 IN-GROUND POOL. In-ground pools may be approved with building permit and appropriate fence. The pool fence must meet ACC requirements and be properly permitted and inspected by City of Jeffersonville. This paragraph was renamed from Pool Fencing and changed from “any application for construction of an in-ground pool will not be considered unless the application is accompanied by an application for an acceptable fence design which shall conform to state, county or municipal regulations.”

Section 2.11 POOL HOUSES. Pool equipment must be screened from view. Pool houses may be approved by the ACC with building permit from City of Jeffersonville. To be approved, pool houses must be placed on concrete foundation and constructed with same brick and shingles as used on the house. This clarification was added.

Section 2.12 (e) Temporary basketball goals may not be placed on street or curb and must be weighted with sand or water inside the base (i.e., piling bags, wood, or any other material visibly atop the goal base is not permitted). This paragraph was added. The previous paragraph E was removed that said “generally requests for other sports facilities will be denied.”

Section 2.13 Vegetation. Homeowner shall maintain lawn and landscaped areas including the treatment of weeds. Grass should be maintained at optimal height (3”-6”) to prevent weed germination. Bare spots should be reseeded in spring and/or fall. Sidewalks should be edged and grass growing between cracks in sidewalk and/or driveway removed. highlighted section added

Section 2.18 MAILBOXES. All mailbox numerals shall be the same color, style, and size as the Subdivision standard and shall be displayed on both sides of mailbox. Added.

### **ARTICLE THREE - COVENANTS AND RESTRICTIONS**

Section 3.3 Nuisance. Examples of Nuisance: Basketball goal on ground or on curb; Dead or overgrown shrubbery and/or trees; Persistent visible clutter around the exterior of the home; Moldy fences or fence in need of repair or stain/seal/paint; Barking dogs. Added.

Section 3.4 Exterior Decoration. Seasonal decorations must be removed within thirty (30) days after the seasonal event. Added.

Section 3.5 Business. No business of any kind shall be advertised at any residence. This paragraph was modified from “No business of any kind shall be conducted on any residence with the exception of the business of the Declarant and transferees of Declarant in developing the lots.

Section 3.7 Animals. Any pet which, in the judgment of the Board, is causing or creating a nuisance or unreasonable disturbance or noise, after affording the owner ample opportunity to remedy the situation, shall be referred to authorities. This last sentence was changed from the previous “Any pet in the judgment of the Board is causing or creating a nuisance or unreasonable disturbance or noise, shall be permanently removed from the Subdivision within ten (10) days after written notice from the Board.”

Section 3.10 Laundry. No temporary or permanent clothesline for drying clothes, sheets, blankets, rugs, laundry, or other things shall be permitted. Changed from NO clothes, sheets, etc. shall be hung out or exposed or visible from any street or any part of the Common Area or neighboring properties.

Previous Section 3.13 Water Usage was in reference to ponds or other water retention which does not apply to our subdivision.

Section 3.13 Parking. No boat, recreational vehicle, motor home, trailer, or disabled vehicle may be parked on the street or in the driveway for more than 24 hours without notification and approval of the ACC. Parking on the street is discouraged. Overnight parking in the driveway is mandatory. The only time vehicles are allowed to park overnight on the street is when the driveway is full. Changed from original “The Board may prohibit or limit parking on the streets of the residential

subdivision, but in no event shall a recreational vehicle, motor home, trailer, boat or disable vehicle be parked or stored overnight or longer on any street or lot in open public view.”

Section 3.18 No Short Term Leases. No...less than **twelve (12) months** without prior approval of the Board. **Changed from the original six (6) months.**

Section 3.19 Leases. Any ... for a period of at least **twelve (12) months**, **Changed from the original six (6) months.**

Section 3.21 Trash Cans. . . . containers out of public view, **either in back yard or in garage. Trash cans should be placed at curb the night before or morning of pickup and must be returned to storage same day as pickup.** **Highlighted section was added.**

Section 3.23 Solar Panels. **Must be approved by the ACC prior to installation.** **Highlighted section was added.**

Previous Article 4 regarding Assessments was removed from the Covenants and added to the Bylaws.

Previous Article 5 regarding Voting Rights, Classes of Members, and Governance of the Associations was removed from the Covenants and added to the Bylaws.

#### **ARTICLE FOUR (This was previously Article Six in the Covenants.) - ARCHITECTURAL CONTROL**

**All references to the Declarant (original developer) has been removed and all authority of the original developer has been transferred to the ACC Committee under the supervision of the Board of Directors.**

The original Section 6.3 “New Construction Committee” has been removed as this responsibility already exists under the responsibilities for the ACC.

Section 4.9 Builders Obligation. This was part of the original Section 5.7 of the Covenants, only the reference to Declarant was removed and this paragraph was moved to this Article.

Section 4.10 Builder Signs within the Subdivision. This was part of the original Section 5.11 of the Covenants, only the reference to Declarant was removed and this paragraph was moved to this Article.

#### **ARTICLE FIVE (This was previously Article Seven in the Covenants.) - LOSS TO COMMON AREA**

#### **ARTICLE SIX (This was previously Article Eight in the Covenants.) - AMENDMENTS OF COVENANTS**

Section 6.1 General Amendments. (D) Adoption. Any proposed amendment to these Covenants must be approved by a vote in favor of at least **fifty percent (50%) of the entire membership.** This was changed from the original “not less than fifty percent (50%) of the aggregate of the votes of all Owners.”

Section 6.2 Special Amendments. No amendment to these Covenants shall be adopted which changes: (1) the applicable share of an Owner’s liability for the Common Expenses, or the method of determining the same; or (2) the provisions of these Covenants with respect to reconstruction or repair or the Common Area in the event of fire or any other casualty or disaster; or (3) the provisions of these Covenants establishing the ACC and providing for its functions; or (4) the provisions of these Covenants with respect to the commencement of assessments on any Lot, without, in each and any of such circumstances, **a vote in favor of more than two-thirds (2/3) of the entire membership.** This was changed from “at least seventy percent (70%) of all Owners”.

The original 8.3 and 8.4 sections regarding powers of the Declarant were removed.

#### **ARTICLE SEVEN (This was previously Article Nine in the Covenants.) - MISCELLANEOUS PROVISIONS**

Section 7.1 **Any builder or development company** who acquires a Lot . . . **Highlighted item was added to replace the original “Any party other than the Declarant” and language related to the authority of the Declarant was removed from this Article.**