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SECTION I

INTRODUCTION

1. Overview.

The Lexington Owners Association, Inc. is the master property owners association for all of the property located within the community of "Lexington." In addition, property within Lexington is, or will be, subject to one of the three condominium unit owners associations applicable to the three separate condominiums within Lexington.

2. Authority.

Section 6.1 (c) of the Declaration of Protective Covenants and Restrictions for Lexington (the "Declaration") provides that the Board of Directors (the "Board") of Lexington Owners Association, Inc. (the "Association") may adopt general rules, including, but not limited to rules regulating potential problems relating to the use of the Properties, as defined in the Declaration, and the well-being of Members, and that such rules and any subsequent amendments thereto shall be binding on all Members and occupants of the Properties, except where expressly provided otherwise in such rule. By resolution effective August 3, 2006, the Board adopted the following rules governing the Properties which rules are set forth below (the "Rules").

3. Governing Documents.

The Rules should be considered with the Declaration, the Supplemental Declaration applicable to your neighborhood, the Articles of Incorporation of the Association (the "Articles"), the Bylaws of the Association (the "Bylaws"), and the Architectural Guidelines adopted by the Architectural Review Board of the Association ("ARB") from time to time. The foregoing documents are collectively referred to as the "Governing Documents". If any provision of these Rules conflicts with the terms or provisions of any of the Governing Documents, the terms and provisions of the applicable Governing Document(s) shall control.

4. Separate Condominium Association Documents.

In addition to the Governing Documents for the Association, each Lot is also subject to a separate condominium unit owners association, which separate association is governed by its own set of governing documents (collectively, the "Condominium Documents"). The Condominium Documents set forth additional covenants, easements, restrictions and rules and regulations, and Owners are encouraged to review such Condominium Documents to ensure that they are in compliance with same. The Condominium Documents may be more restrictive than these Rules and the Association's Governing Documents, but, in the case of any conflict between the Condominium Documents and the Governing Documents, the Governing Documents will control.

5. Definitions.

Unless otherwise indicated, defined terms used herein shall have the meaning set forth in the Governing Documents.

SECTION II

USE OF PROPERTY

1. Animals.

In recognition of the need for animal control within Lexington and the residents' right to enjoyment of the Association, the following rules and policies are hereby established to address animal problems, and to provide guidelines for processing animal questions and complaints.

- a. The maintenance, keeping, boarding or raising of animals, livestock, poultry or reptiles of any kind, regardless of number, is prohibited on the Common Area(s).
- b. Pets shall not be permitted upon the Common Area(s) unless accompanied by someone who can control the pet and unless carried or leashed. No pet may be leashed to any stationary object on the Common Area(s). Pets must be curbed only in the area(s) defined as "Pet Areas," if any are provided. Generally, pet areas are defined as:
 - i. areas away from buildings, walkways, patio areas, picnic and play areas, and any amenities area; and
 - ii. such other areas defined by the Board. Pet owners are responsible for the immediate removal and proper disposal of animal waste on **all** portions of the Property.
- c. Any Owner who keeps or maintains any pet upon any portion of the Properties agrees to indemnify and hold the Association and each Owner, free and harmless from any loss, claim or liability of any kind or character whatever arising by reason of keeping or maintaining such pet within the Properties.
- d. All pets shall be registered with the City of Virginia Beach and inoculated as required by law.
- e. The Association will monitor written complaints concerning dogs off leash and/or dog excreta nuisances. A notice of violation and/or fine will be issued if the violation is observed and verified by the Association.

Note: The Virginia Beach SPCA is a public service agency designed to provide residents in Virginia Beach with varying levels of animal services, including but not limited to dog and cat nuisance response, pet adoption programs, and vaccination clinics. We recognize that the SPCA's program and their ability to enforce the standards are very beneficial to Lexington residents, and we continue to encourage all residents to contact the SPCA when a particular animal question or problem needs to be resolved.

- f. Written complaints received by the Association concerning nuisance animals on Common Area(s) will be processed for a hearing pursuant to Section IV of the Rules by the Association if: (i) the alleged nuisance has affected at least two (2) other Owners, residing on separate Lots; and/or, (ii) at the discretion of the Association.
A written complaint form must be submitted to the Association along with the signatures of the other affected Owners, stating the particulars (dates and times) of the alleged nuisance. All owners signing the statement must be willing to attend a Board of Directors meeting, to which the animal's Owner has also been invited, for a hearing.
- g. Any pet causing or creating a nuisance, unreasonable disturbance or noise on an ongoing basis or demonstrating aggressive behavior or a threat to the health and welfare of the residents, guests and invitees, may be removed from the Properties after the Owner thereof has received ten (10) days written notice from the Association and has failed to take corrective action. The foregoing notwithstanding, any pet which threatens the safety

of any person(s) lawfully on or occupying the Properties, shall be permanently removed from the Properties immediately if the Board deems such removal necessary to protect the safety or welfare of such person(s), and in such cases, the Association shall provide such notice as is reasonable under the circumstances. The Association will refer all residents to the SPCA and/or the Virginia Beach department of animal control if an alleged domestic animal (dog or cat) control problem exists on residential private property, or if the problem concerns an undomesticated animal such as birds, opossums, deer, etc.

2. Association Property.

The Common Area(s) shall be used only for the furnishing of the services and facilities for which the same is reasonably suited and which are incident to the use of the Common Area(s). The improvements located on the Common Area(s) shall be used only for their intended purposes. Except as otherwise expressly provided in the Governing Documents, no Owner shall make any private, exclusive or proprietary use of any of the Common Area(s) without the prior written approval of the Board.

3. Group Outdoor Recreational Activities.

In the Common Area(s) group outdoor recreational activities may be permitted from sunrise to sunset in designated areas if approved by the Association's Board of Directors. In these designated areas, the Board of Directors shall establish enforceable behavior rules, identify parking areas for bicycles and other play equipment (skateboards, etc.), and provide for trash disposal.

4. Hazardous Use; Waste.

Nothing shall be done or kept on the Properties which will increase the rate of insurance applicable for permitted uses for the Common Area(s) or any part thereof without the prior written consent of the Board of Directors, including, without limitation, any activities which are unsafe or hazardous with respect to any person or property. No person shall permit anything to be done or kept on the Properties which will result in the cancellation of any insurance on the Common Area(s) or any part thereof or which would be in violation of any law, regulation or administrative ruling. No vehicle of any size which transports inflammatory or explosive cargo may be kept or driven on the Properties at any time. Each Owner shall comply with all federal, state and local statutes, regulations, ordinances, or other rules intended to protect the public health and welfare as related to land, water, groundwater, air or other aspects of the natural environment (the "Environmental Laws"). Environmental Laws shall include, but are not limited to, those laws regulating the use, generation, storage or disposal of hazardous substances, toxic wastes and other environmental contaminants (collectively, the "Hazardous Materials"). No Owner shall knowingly use, generate, manufacture, store, release, dispose of or knowingly permit to exist in, on, under or about the Common Area(s) or any portion of the Properties, or transport to or from any portion of the Properties any Hazardous Materials except in compliance with the Environmental Laws. No waste shall be committed on the Common Area(s).

5. Irrigation.

No sprinkler or irrigation system of any type which draws upon water from creeks, streams, rivers, lakes, ponds, wetlands, canals or other ground or surface waters within the Properties

shall be installed, constructed or operated within the Properties without the written approval of Board, except that the Association shall have the right to draw upon water from such water bodies for irrigation of the Common Area(s) shall have the right to install its own internal irrigation system provided such system draws water from sources owned, operated and/or maintained by the Association.

6. Lakes and Water Bodies.

As provided in the Declaration and subject to the use of the lakes for irrigation purposes by the Association, all lakes within the properties are aesthetic amenities only, and no other use thereof, including, without limitation, swimming, boating, fishing, playing or use of personal floatation devices shall be permitted. No piers or docks shall be constructed on any portion of the lakes nor attached to the shoreline or banks thereof, except for those approved by the Board. All lakefront property Owners are to observe the easement around each lake that has been dedicated to the Lexington Owners Association, Inc. No resident may seed, fertilize, mow or otherwise disturb the area within the association's landscaping easement. The Association shall not be responsible for any loss, damage or injury to any person or property arising out of the authorized or unauthorized use of the lakes within the Properties.

7. Lawful Use.

No improper, offensive or unlawful use shall be made of the Properties or any part thereof, and all valid laws, zoning ordinances and regulations of all governmental agencies having jurisdiction thereof shall be observed. All laws, orders, rules, regulations or requirements of any governmental agency having jurisdiction thereof relating to any portion of the Properties shall be complied with, by and at the sole expense of the Owner, the Association or any owners association or condominium unit owners association, whichever shall have the obligation for the upkeep of such portion of the Properties, and, if the Association, then the cost of such compliance shall be included in the General Assessment as appropriate.

8. Leaf Collection.

The burning of leaves and other yard debris within the Properties is strictly prohibited. A Lot Owner shall not rake or blow leaves into the Common Area(s), for collection by the Association.

9. Noise.

No person shall cause any unreasonably loud noise (except for security devices) anywhere on the Common Area(s), nor shall any person permit or engage in any activity, practice or behavior for the purpose of causing annoyance, discomfort or disturbance to any person lawfully present on any portion of the Common Area(s).

10. Nuisances.

No nuisance shall be permitted to exist on the Common Area(s). Noxious, destructive, or offensive activity, or any activity constituting an unreasonable source of annoyance, shall not be conducted on the Common Area(s), or any part thereof, and the Association shall have standing to initiate legal proceedings to abate such activity.

11. Obstructions.

No person shall obstruct any of the Common Area(s) or otherwise impede the rightful access of any other person on any portion of the Properties upon which such person has the right to enter. No person shall place or cause or permit anything to be placed on or in any of the Common Area(s) without the approval of the Board. Nothing shall be altered or constructed in or removed from the Common Area(s) except with the proper written approval of the Board.

12. Parking and Vehicular Restrictions.

All motor vehicles, including, but not limited to, trail bikes, motorcycles, dune buggies, and snowmobiles, shall be driven only upon paved streets and parking areas. A speed limit of 15 MPH should be observed within the parking areas and streets unless otherwise posted. Except for those vehicles used by the Association to carry out its day-to-day operations and motorized wheelchairs or other devices to assist the handicapped, motorized vehicles, including but not limited to golf carts and motorized scooters, are prohibited on the association's walking paths, trails, or unpaved portions of the Common Area(s). This prohibition shall not apply to normal vehicular use on designated streets and lanes.

Parking or storage of trailers and all vehicles other than licensed, operable private passenger vehicles within the Common Elements is prohibited. Except for emergency repairs, no Unit Owner shall repair or restore or permit others to repair or restore any vehicle upon any portion of the Common Elements. No junk or derelict vehicles or other vehicles on which current license plates or inspection stickers are not displayed shall be kept upon any portion of the Common Elements.

Parking in the Pool Parking Lot is reserved for the use of owners and their occasional guests. Vehicles left in the parking lot overnight that are not the property of owners or their occasional guests are subject to towing.

Overnight parking of boats or recreational vehicles on the Common Elements and in the pool parking lot is prohibited.

Owners who are on active duty with the United States Armed Forces must make arrangements for their vehicles to be secured prior to deployment. Long term parking of vehicles in the pool parking lot is prohibited.

Subject to applicable laws and ordinances, any vehicle parked in violation of these or other restrictions set forth in the Governing Documents may be towed by the Association at the sole expense of the owner of the vehicle as follows:

- a) If the vehicle is parked in a NO PARKING ZONE or fire lane, double parked or otherwise blocking throughways, or causing an emergency situation, it will be subject to towing without notice; and
- b) If the vehicle is not parked as provided in (a), then it may be towed by the Association if it remains in violation for 24 hours after a notice of violation is placed on the vehicle.
- c) The Association shall not be liable to the owner of the towed vehicle for trespass, conversion, or otherwise, nor shall the Association be guilty of any criminal act, by reason of the towing.

In cases of towing in which notice is required, once notice is posted, neither its removal, nor failure of the owner to receive it for any reason, shall be grounds for relief of any kind. An affidavit of the person posting such notice stating that the notice was properly posted shall be conclusive evidence of proper posting.

13. Other Recreational/Athletic Equipment.

- a. Portable freestanding athletic equipment may not be set up and used on any Common Area(s), public or private right-of-way.
- b. Play is prohibited between sundown and 9:00A.M.

14. Solicitation/Pamphleteering.

Soliciting and pamphleteering is prohibited within the entire community of Lexington. Under special circumstances, with the written permission of the Board of Directors, exception to this rule will be allowed on a case by case basis. Anyone desiring to solicit within Lexington for any reason must obtain a Lexington Owners Association, Inc. Solicitors Permit at the Association office. Official Publications of the Association are exempt from this rule. This permit will identify the solicitor by name and define the period of time that they will be permitted to solicit. There is a \$1.00 administrative fee and a \$10.00 deposit that will be refunded when the permit is returned within 24 hours of its expiration. For those with the proper Lexington Owners Association, Inc. Solicitors Permit, soliciting shall only be conducted Monday through Saturday between the hours of 10:00 A.M. and 5:00 P.M. Residents should notify the City of Virginia Beach law enforcement department of violations of the no solicitation policy.

SECTION III

COMPLAINT RESOLUTION PROCEDURES

Courtesy and cooperation among residents are a must for community living. When complaints involve your neighbors, it is most often best to simply discuss the problem with them. Should the complaint remain unresolved or if you feel uncomfortable talking to your neighbor, please contact the Association Manager to request assistance. The complaint filed with the Association should be in writing and should document the problem as thoroughly as possible. The Association will attempt to resolve the problem informally. Final recourse is available through the Board, which will schedule a panel to hear the complaint. The Board hereby adopts the provisions of Section 55-513 of the Property Owners Association Act and establishes the following complaint Resolution Procedures in accordance therewith.

1. Informal Procedures for Violations of the Governing Documents.

- a. Noncompliance with the governing documents may be noted by a resident, an Owner, or employee of the Association or by a city/county employee acting in an official capacity by initially reporting in writing to the Association. Such notice shall specify the time, date, place and nature of the violation.
- b. Upon receipt of such notice, the Association shall attempt to secure compliance by phone call, personal contact or by sending notice to the Owner stating the time, date, place and nature of violation to be corrected and notice that noncompliance repetition or such violation may result in imposition of sanctions, fines and/or legal action after notice and hearings by the Board. A record of this action and a copy of all notices sent by the Board or Association and any correspondence relating thereto shall be kept in the Association files, and may be sent to the Association's legal counsel.

2. Formal Procedures for Violations of the Governing Documents.

- a. The filing of a formal complaint with the Board shall initiate the formal procedures set forth below. No Resident or Owner may file a complaint unless the informal procedures set forth in Paragraph 1 above have been exhausted and such violation was not corrected within the time period specified in the notice sent by the Board or Association. The complaint shall identify the specific provisions of the Governing Documents which the Owner or resident is alleged to have violated or to be in continuing violation of, shall contain allegations of fact sufficient to support a finding of such violations, and shall, to the extent possible, specify the times, dates, places and persons involved and shall submit in writing the information listed above along with a description of the informal attempts already utilized to resolve the complaint.