

The Communities of Wellington

Homeowners Association Inc.

COMMUNITY DESIGN GUIDELINES



Building a Better Neighborhood

Version 6.0 March 2015

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MISSION STATEMENT

As an administrative arm of the Board of Directors,
the Architectural Advisory Committee's role is to
preserve, protect and enhance the value of the properties
in The Communities of Wellington
by enforcing the architectural provisions
of the Declaration of Covenants and Restrictions.

The Architectural Advisory Committee
is chartered with ensuring uniform and equitable
compliance with these covenants.

Community Design Guidelines

Version 5.0

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INTRODUCTION

The Declaration of Covenants and Restrictions for The Communities of Wellington (TCO Wellington) provides for a design review process through which property modifications must be approved by an Architectural Advisory Committee (AAC). This provision applies to both new construction as well as any exterior modification of existing homes/properties and was created for the sole purpose of achieving harmony, balance and a high standard of quality within the community.

As an administrative arm of the Board of Directors, the AAC's role is to *preserve, protect and enhance* the value of the properties in The Communities of Wellington by enforcing the Declaration of Covenants and Restrictions. The AAC is chartered with ensuring uniform and equitable compliance with these covenants.

The following Community Design Guidelines are provided to amplify and supplement our community's covenants. Homeowners are encouraged to study these guidelines as well as the covenants. Note that in the event of a conflict, the Declaration of Covenants and Restrictions will control.

As a final introductory comment, please remember - **REQUEST APPROVAL BEFORE BEGINNING ANY IMPROVEMENTS OR MODIFICATIONS!** The vast majority of problems occur when a homeowner begins a project without written approval from the AAC. **Any modifications not specifically addressed in this document will also need approval. Please do not assume that since it is not addressed, that a form is not required.**

The contents of these guidelines and any action of the AAC or its agents, are not intended to be, and should not be construed to be an approval of the adequacy, reasonableness, safety, structural integrity, or fitness for intended use of submitted plans, materials or construction, nor for ensuring compliance with building codes, zoning regulations or other governmental requirements. Neither the Association, the Board, nor member thereof shall be held liable for injury, damages or loss arising out of any approval or disapproval, construction or through such modification to a lot.

AUTHORITY

These Community Design Guidelines are promulgated pursuant to the authority granted to the Architectural Advisory Committee (hereinafter referred to as the AAC) of The Communities of Wellington under Article VI, Section 5 of the Declarations of Covenants and Restrictions for The Communities of Wellington. The requirements of these Design Guidelines shall be in addition to and not in lieu of the requirements and provisions of the Declaration. The covenants require that,

"The owner of each Lot shall be obligated to keep and maintain all portions of his Lot, including all improvements, and the portion of the right-of-way on which his Lot is located lying between his Lot and the pavement of the road within such right-of-way in a neat, sanitary and attractive condition which is satisfactory to the Board of Directors."

PURPOSE

Plans and specifications must be submitted to and approved by the AAC pursuant to the Declaration and these Design Guidelines are for the sole and exclusive purpose of assuring that all Structures within the Development are in conformity and harmony of external design with existing standards of the neighborhood.

DEFINITIONS

The words “structure”, “owner” and “lot” as used herein shall have the same meanings as such words have in the Declaration.

REVIEW CRITERIA

The AAC will evaluate all submissions on the individual merits of the application. Besides evaluation of the particular design proposal, this will include consideration of the characteristics of the housing type and the individual site, since what may be an acceptable design of an exterior in one instance may not be for another. Design decisions made by the AAC in reviewing applications are not based on personal opinion or taste. Judgments of acceptable design are based on the following criteria, which represent in more specific terms the general standards of the Declaration.

Conformance with Covenants

All applications are reviewed to confirm that the project is in conformance with the Declaration.

Relation to the Natural Environment

Fencing in particular can have a damaging effect on the feeling of open space. Other factors such as removal of trees, disruption of the natural topography and changes in rate or direction of storm water run-off also adversely affect the natural environment.

Validity of Concept

The basic idea must be sound and appropriate to its surroundings.

Design Compatibility

The proposed improvement must be compatible with the architectural characteristics of the applicant's house, adjoining houses and the neighborhood setting. Compatibility is defined as similarity in architectural style, quality of workmanship, similar use of materials, color and construction details.

Location and Impact on Neighbors

The proposed alteration should relate favorably to the landscape, the existing structure and the neighborhood. The primary concerns are access, view, sunlight, ventilation and drainage. For example, fences may obstruct views; breezes or access to neighboring property; decks or larger additions may cast unwanted shadows on the adjacent patio or infringe on a neighbor's privacy. When a proposed alteration has possible impact on adjacent properties, it is suggested that the applicant discuss the proposal with neighbors prior to making application. It may be appropriate in some cases to submit neighbor comments along with the application.

Scale

The size (in three dimensions) of the proposed alteration should relate well to adjacent structures and its surroundings. For example, a large addition to a small house may be inappropriate.

Color

Color may be used to soften or intensify visual impact. Parts of the addition that are similar to the existing house, such as roofs and trim, should be matching in color.

Materials

Continuity is established by use of the same or compatible materials as were used in the original house. The options may be limited somewhat by the design and materials of the original house. For instance, vertical wood siding on the original house should be reflected in an addition. On the other hand, an addition with wood siding may be compatible with a brick house.

Workmanship

Workmanship is another standard that is applied to all exterior alterations. The quality of work should be equal to or better than that of the surrounding area. Poor practices, besides causing the owner problems, can be visually objectionable to others. Poor workmanship can also create safety hazards. Certain architectural requests will require professional installation by a licensed contractor. **The Association assumes no responsibility for the safety of new construction by virtue of design or workmanship.**

Timing

A variety of alterations can be built or installed by the residents themselves rather than a contractor. However, projects that remain uncompleted for long periods of time are visually objectionable and can be a nuisance and safety hazard for the neighbors and the community. All applications must include estimated completions dates. If such time period is considered unreasonable, the AAC may disapprove the application.

APPEAL PROCESS

In the event that a modification request is denied by the AAC, the homeowner has the right of appeal to the AAC. The aggrieved homeowner's request must be in writing stating all facts pertinent to the appeal. The AAC will reconsider the request based on the appeal information. If the AAC decides to stand by its original decision, the aggrieved may appeal to the HOA Board of Directors. During the appeal process no work may begin on the project. The decision of the HOA Board of Directors is final.

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APPLICATION INFORMATION

SUBMISSION OF PLANS AND SPECIFICATIONS

A Form for Request for Modification Review, hereinafter “Form”, is provided for use in requesting review/approval of any exterior modification. This Form must contain the following:

- A. Plans and specifications for the construction or replacement of any Structure on the Lot shall be submitted to and reviewed by the AAC in accordance with the requirements of Article VI, Section 3 of the Declaration for Covenants and Restrictions of The Communities of Wellington. Each Owner shall submit to the AAC at least one complete set of such plans and a specification clearly designating which Lot is covered by such plans and specifications.
- B. Plans and specifications should contain all of the following information showing the nature, kind, shape, height, materials and location of the proposed property addition or modification as well as the estimated date of completion.
- C. The submission of any application should be done at least 30 days prior to the anticipated time that you intend to begin work. Any and all modification request must be approved, in writing, before any work begins.
- D. If any work is begun before written approval, the AAC will refer to Article VI, Section 3, Paragraph (d) of the Declaration of Covenants and Restrictions for The Communities of Wellington.
- E. All work must be completed within the period specified on the application. This requirement ensures timely completion and protects the community from extended periods of partially completed construction.
- F. Approvals granted by the AAC are valid for 90 days from the date of approval. Any project not begun within 90 days, must reapply for approval to ensure that the project conforms with any subsequent revisions to the community wide standards.

AUTOMATICALLY APPROVED MODIFICATIONS

There are, however, modifications that may be completed without AAC approval. The following exterior modifications, and only these modifications, do not require a Form to be submitted as long as certain conditions as described in the following Guidelines are met:

- A. Exterior Lighting Accent Lights (landscaping lights)(reference Guideline #4)
- B. Flag Poles (reference Guideline #4)
- C. Ornamental Trees and Shrubbery (reference Guideline #5)
- D. Basketball Goals (reference Guideline #6)

E. Children’s Wading Pools (reference Guideline #7)

A completed Form must be submitted through the AAC for all other types of exterior improvements or modifications. **The verbal approval of any sales agent, developer, builder, or association representative is not sufficient.** All modification approvals must be in writing.

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THE COMMUNITIES OF WELLINGTON AAC REQUEST GUIDELINES

GUIDELINE #1: Exterior Building Alterations

General Guidelines

A Form must be submitted for all exterior-building alterations. No exterior construction, alteration, addition or erection of any nature whatsoever shall be commenced or placed upon any part of the community unless expressly approved in accordance with the Declaration of Covenants and Restrictions for The Communities of Wellington, Article VI, Section 3, Paragraph (a). Building alterations include, but are not limited to, storm doors and windows, awnings, construction of driveways, garages, carports, porches and room additions to the home. Unless addressed elsewhere in these Guidelines, any exterior modification constitutes an alteration as defined in this context.

The original architectural character or theme of any home must be consistent for all exterior components of the home. Once the character is established, whether it is traditional, contemporary, etc., no change may alter that character.

If City of Johns Creek authorities make changes to the plans as approved by the AAC, the owner must submit such changes for approval prior to commencing construction.

Homeowners are advised that a City of Johns Creek building permit will be required for certain exterior building alterations. It is the Homeowners responsibility to obtain necessary permits & inspections.

Permits may be found on the city website at <http://www.johnscreekga.gov/forms/index.html>

Permits are required for fences, retaining walls over 4 feet high, pools/spas and all exterior building additions. Approval by the AAC in these instances is conditional and not approved until a copy of the permit is submitted to supplement the application.

Painting

The exterior colors of the walls and roof of homes shall be compatible and harmonious with the colors of other homes in the neighborhood. The homeowner must repair/repaint all peeling paint or paint that is faded such that it no longer appears uniform in color, tone or shade. Homeowners must choose from the current color palette available from HMS OR THE CURRENT MANAGEMENT COMPANY.

- A. paint sample –The current palette is already on file and the color code just needs to be cited on the application.
- B. description of area of home to be repainted

- a. Garage Doors must be painted the same color as the trim. Any home currently with the doors the color of the siding/stucco will be required to comply when painted next.

- i. Exception may be granted upon approval for carriage style garage doors where there are trim like sections of the door panel as such, but must be individually noted and approved.



- b. Front Doors and Shutters must be the same accent color.
- i. Exception will be granted for front doors that have been replaced by wooden doors.

For decks and fences, staining with natural wood tones is preferred. Opaque wood stain or paint, that matches the house colors, will be approved for use on the vertical surfaces of decks.

Awnings

In an effort to maintain uniformity in the neighborhood appearance, awnings are not allowed on the front or sides of any home. Awnings will be considered for coverage of a deck or patio.

Storm Windows & Doors

A Form **must be submitted** for all storm windows and doors. Storm windows and doors must be made of anodized bronze or anodized aluminum with baked enamel finish compatible with the home's primary and trim colors. Addition of storm windows or doors requires the following information:

- A. picture or drawing of your home, showing the location of all windows/doors on which storm windows/doors will be installed;
- B. picture depicting style and color of storm window/door to be installed.

Air Conditioning Units

No air conditioner shall be installed in any window of any building located on any Lot, nor shall any air conditioner be installed on any building located on any Lot so that the same protrudes through any exterior wall of such building.

Dog Houses

A Form **must be submitted** for all doghouses. All doghouses must be located where they will have minimum visual impact on adjacent properties or from the street. Construction type, size, and exterior colors/materials will be given consideration in determining approval.

Construction or placement of pet/animal confinement areas is prohibited. Confinement areas include, but are not limited to, hutches, pens, coops, cages, chain link dog-runs or wire pens.

Mailboxes

Mailboxes and posts must be the same as originally installed on the Lot, unless otherwise approved by the AAC. Every mailbox must be in good condition, with self-latching door and operating flag. Posts must be erect within 5 degrees of vertical.

Ornamental metal posts must be maintained as originally installed.

House numbers on the post must conform to numbers originally used on the post. Numbers may not be painted or attached to the mailbox itself unless originally installed.

All damaged mailboxes must be replaced immediately with an identical mailbox. For replacement/vendor information, contact HMS OR THE CURRENT MANAGEMENT COMPANY.

Detached Buildings

A Form **must be submitted** for all detached buildings of any type or style.

- A. Size shall be limited to 100 square feet.
- B. Building must be located in the rear of the primary home within the extended sidelines of the home.
- C. Building may not be used for any purpose that may be deemed by the AAC to cause disorderly, unsightly, or unkempt conditions.
- D. Detached building exterior materials must be in conformity with existing exterior materials and colors used on the original home or within the community. Siding should be of the same material as used on the house. The structure must be painted in the same color scheme as the house, i.e. Siding/Trim/Accent colors. Roofs should be of a shingle that matches the shingles used on the house.
 - a. Exception to matching materials will be considered for a pre-fabricated unit where that unit may be placed on the property and is concealed from the view of the neighbors. Such examples would be placement under a deck or surrounded by trees in the back yard.

E. Pre-Fab Storage Buildings – Buildings will be permissible once a color picture is submitted for review and approval.

- a. Visible from the Street – Only a custom building or a pre-fab unit with hardiplank siding will be considered.**
 - i. Must be painted in the color scheme of the existing home.**
 - ii. Should be shingled to match the existing home.**
- b. Visible from Neighbors - Pre-fab wooden structures will be considered**
 - i. Must be painted in the color scheme of the existing home.**
 - ii. Should be shingled to match the existing home.**
- c. Not Visible by any neighbor - Plastic/Rubbermaid type ONLY if hidden from all view.**
 - i. Should be neutral colors. Browns, tans, white.**
- d. Metal – NOT ALLOWED**

GUIDELINE #2: Decks

A Form **must be submitted** for all decks. A site plan denoting location, dimensions, materials and color must be submitted. The following, without limitation, will be reviewed: location, size, conformity with design of the house, relationship to neighboring dwellings, and proposed use.

The following guidelines have been adopted for decks in the community:

- A. In most cases, the deck may not extend past the sides of the home; for steeply sloped lots, or where side entry doors exist, special consideration of impact on neighboring homes will be evaluated.
- B. Materials must be cedar, cypress, or No. 2 grade or better pressure treated pine; artificial decking materials (plastics/manufactured) will be considered once a sample is provided as long as they retain a natural wood look.
- C. Natural wood tone stain is preferred. Opaque wood stain or paint, that matches the house colors, will be approved for use on the vertical surfaces of decks. Painted decks must be maintained to the same standard as house siding.
- D. Vertical support for wood decks must be opaque wood stain, painted black, or paint that matches the house colors will be approved. This is the same provision as defined under “Painting”. If wooden posts are used, they must be the same as other vertical surfaces of the deck.

Homeowners are advised that a building permit may be required for a deck.

GUIDELINE #3: Patios/Walkways/Driveways

Patios/Walkways

A Form **must be submitted** for any type or design of patio cover, unless the following guidelines are met:

- A. the patio/walkway is located in the rear yard;
- B. the patio/walkway does not extend beyond the sidelines of the house;
- C. the patio/walkway does not extend to within 10 feet of side or rear property lines;
- D. the patio/walkway’s elevation above ground level at any point does not exceed 6 inches for patios and 4 inches for walkways; and
- E. the patio does not exceed 16 x 20 ft. (320 sq. ft.) and walkways do not exceed 3 feet in width.

Homeowners are advised that a building permit may be required for a patio.

Driveways

A Form **must be submitted** for any replacement of a driveway or a repair to a driveway that will be visible.

GUIDELINE #4: Exterior Decorative Objects

General Guidelines

A Form **must be submitted** for all exterior decorative objects, both natural and manmade if objects are placed in the front or side yards. Exterior decorative objects include items such as bird baths, bridges, wagon wheels, sculptures, benches and porch swings, flower pots, free standing poles of all types, flag poles (see below), and items attached to approved structures.

Objects will be evaluated on criteria such as position, proportion, color and appropriateness to surrounding environment.

Up to two decorative objects will be allowed without prior approval provided they do not exceed 18 inches in height and are of natural colors (grays, browns, greens) so as not to be overly noticeable. Some decorative objects which meet the above criteria may not be consistent with the community-wide standards, and therefore, these objects would not be approved if applied for, and as such can be “denied” ex post facto. Objects such as recycled tire “flowerpots” are less than 18 inches in height, and are natural colors; however, the member may be required to remove said objects upon the request of the AAC.

Exterior Lighting and Holiday Decorations

Except as provided below, a Form **must be submitted** for all exterior lights or lighting fixtures not included as a part of the original structures.

Landscape accent lighting maybe used to enhance walkways, vegetation and architectural illumination.

A Form **is not** required if the lights meet all of the following criteria:

- A. lighting does not exceed 8 inches in height;
- B. the number of lights does not exceed 10;
- C. individual lights must be low wattage (10W or less); and
- D. lights used are white or clear, non-glare type and located to cause minimal visual impact on adjacent properties and streets.

A Form **is not** required for seasonal decorative lighting and decorations. Recognized civil holiday lights and decorations are to be consistent with generally accepted practices within the community. Seasonal decorative lighting and decorations must be removed within 10 days following the celebrated “day”. Lighting used for the Christmas/New Year holidays must be

removed by January 10th. Flags, banners and signs are not considered “decorations” as used in this provision and are addressed elsewhere in the doc.

Flag Poles

A Form **is not** required to be submitted for a single flag pole staff, of less than 7 feet in length, attached to the front portion of a house at an angle of 45 degrees or more from vertical. The size of any flag displayed may not be greater than 4 x 6 feet.

Freestanding poles will be approved provided the placement is harmonious with the topology of the member lot. Any freestanding pole must be less than 20 feet in height, and removed from view when not in use. Acceptable periods of use are the recognized federal holidays of Veterans Day, Flag Day, Memorial Day, July 4, and Labor Day. The display may also include the connecting weekend of each.

Plants and Flower Pots

Front doors and entry area decorations must be tasteful and in keeping with the style and colors of the house. Plants and flowerpots must always be neat and healthy. Neatly maintained front porch flowerpots that coordinate with exterior home colors and containing evergreens/flowers **do not** require submission of a Form. In an effort to maintain uniformity in the neighborhood appearance, artificial vegetation of any type shall be properly maintained and utilized such that its presence is consistent with seasonal factors. Please refer to section on “Decorative Objects” for further guidance.

GUIDELINE #5: Exterior Landscaping & Maintenance

General Guidelines

Landscaping should relate to the existing terrain and natural features of the lot. The amount and character of the landscaping must conform to the precedent set in the surrounding TCO Wellington. Each homeowner should keep the lot and all improvements thereon in good order and repair including, but not limited to:

- A. Each homeowner is responsible for removal of debris, clippings, etc. from the property line to the center of the street. Plants growing in the street (cracks and joints) should be removed when regular mowing occurs.
- B. All planting areas should be properly maintained at all times, including, after the first frost, all affected material should be removed. At the end of the growing season, all dead plants should be removed.
- C. All lawn and landscaped areas must be properly maintained.
 1. Seeding and watering: Lawns are to be maintained in a uniform and consistent manner and appearance. Sodded areas should be watered and uniformly green during growing seasons.

2. Regular mowing and periodic edging along main lawn as well as sidewalk and curb. Bermuda runners should be kept off paved areas.
3. Immediate removal of all weeds, onions and non-grass plants.
4. Pruning and cutting of all trees and shrubbery, painting or other appropriate care of all buildings and improvements.

This should be done in a manner and with such frequency as is consistent with good property management and the precedent set in the surrounding TCO Wellington.

- D. All landscape beds must be covered with suitable mulch such as pine straw, chopped pine bark mulch, wood mulch, etc. Rock, stone or pebbles are considered suitable mulch if tastefully applied and placed within a contained boarder material. Grass encroachment into bedding areas is to be prevented. Suitable edging or trenching is necessary to prevent Bermuda encroachment. Creeping grasses cannot be controlled with chemicals. A solid physical barrier or 4” deep trench is a necessity.
- E. Planting of flowerbeds and ornamental planting are allowed such that other guidelines are not compromised. (refer to Trees and Shrubbery below)
- F. Trees and shrubs should be trimmed and maintained in such a manner that the view of the front ground floor windows is not obscured.
- G. Landscaping around mailbox should not obscure the visibility of the post and should not exceed in height the bottom of the mailbox except seasonal flowers.
- H. Outdoor storage of garden tools and loose hoses must be screened from view. Hoses stored on rollup storage carts which are properly maintained are allowed. Any tools or items stored under a back deck or porch should also be screened from view.
- I. Natural flow of water, drainage, and runoff shall not be diverted, channeled or obstructed.
- J. Outdoor storage of garbage cans and trash bins and other receptacles, must be screened from view. Screening must be approved, if other than natural plant materials.
 - a. Natural vegetation must be of suitable size to hide the cans and bins from view, including a side view. One bush in front is not considered suitable screening.
 - b. Non-natural screens may be required until such time that natural vegetation has grown to an appropriate size to screen the view.

Suitable screening includes

- a. fencing as provided for in the “Fence” guidelines
- b. 2”x2” lattice with framed borders

Painting of screening shall follow the guidelines defined for “Decks”.

Trees and Shrubbery

If any trees are removed then the stumps must also be removed and the area landscaped if possible given the topography of the Lot. The Board of Directors may impose a fine of \$200 for each individual tree removed without proper authorization, identification, and prior written approval from the AAC. Specimen trees as defined by the City of Johns Creek require City permission prior to removal. Specimen trees are defined in the attached fence permit application.

A Form **is not** required to be submitted for planting ornamental trees and shrubs in existing plant bed; however, a change or addition to bedding size or shape will require submission of a Form.

A Form **must be submitted** for screen planting (row or cluster style – 3 or more), property line plantings and the planting of all other types of trees. Form must include a description of the sizes and types of trees or shrubs to be planted and a site plan showing the relationship of plantings to the house and adjacent dwellings. The Board of Directors seeks to preserve and protect the beauty and ecological benefits trees provide to the Community. Therefore removal of healthy, living trees in excess of three (3) inches in diameter at a point two (2) feet above the ground is not permitted unless prior written approval is granted for each individual tree to be removed by the AAC. The AAC will give approval for the removal of any tree that is dead, severely diseased or damaged. If a tree poses an immediate threat to persons or property, the homeowner should contact HMS OR THE CURRENT MANAGEMENT COMPANY for advisement/approval. The AAC will give consideration to the impact on the natural environment and topography for healthy trees. Any tree removal due to damage or approved removal must be replaced with a similar tree of type and size unless the change or non-replacement is approved by the AAC.

Please be aware that there may be additional governmental regulations that the homeowner must follow. The homeowner is responsible for verifying and adhering to any city, county, state, and/or federal regulations pertaining to tree removals. The Association's AAC approval of your project does not constitute approval by any governmental authorities.

Trees cannot be planted that will interfere with sight-lines of driveways and road intersections.

Vegetable Garden Plots

A Form **is not** required for garden plots if all the following guidelines are met:

- A. the plot is located behind the rear line of the house so as to minimize the visual impact on adjacent properties or from the street;
- B. the size of the plot is limited to 150 square feet; and
- C. the maximum height of plants, at full growth, is less than four (4') feet.

All garden plots must be cleared at the completion of the growing season.

Firewood

The following guidelines apply to the storage of firewood:

- A. Firewood piles are to be maintained in good order and must generally be located within the sidelines of the house and in the rear yard. Woodpiles are not to be kept on the sides of homes. The AAC recommends that any firewood be kept away from the home. Termites are a serious problem in Georgia, and wood stacked adjacent to buildings encourages infestation.
- B. Woodpile coverings are allowed only if the cover is an earth tone color and the woodpile is screened from the view of the street. For example, a tarp-covered woodpile may be located under a deck with shrubs planted around it.

GUIDELINE #6: Play Equipment

General Guidelines

A Form **must be submitted** for all play equipment. The following guidelines apply:

- A. the play equipment shall be located in the rear yard and within the extended sidelines of the house, and shall not be located within any Lot side or rear setback areas;
- B. the play equipment shall not be taller than 15 feet in height; and
- C. the play equipment shall be sized and located such that it will have minimal visual impact on adjacent properties.
- D. Portable play equipment shall never be left in the front yard overnight.**

Play equipment, exclusive of wearing surfaces (slide poles, climbing rungs, swing seats, etc.) will require routine maintenance that will be the homeowner's responsibility.

Play Houses/Tree Houses

A Form **must be submitted** for all playhouses. The following guidelines apply:

- A. Playhouses must be located where they will have minimal visual impact on adjacent properties.
- B. In most cases, materials used must match existing materials of the home or similar to exterior materials used within the community on other homes.
- C. Playhouses may not be larger than 64 square feet or 8 feet in total height.

Playhouses must be maintained to preserve the approved decor.

Basketball Goals

Basketball Goals will be allowed, however, no goal may be attached to the structure of the house.

A Form **is not required to be submitted** if all the following guidelines are met:

- A. goal is installed adjacent to a driveway and the backboard is perpendicular to primary street;
- B. goal is located no further forward than 8 feet from the front line of the house and the distance from the curb to the street is at least 20 feet.
- C. backboard is white, beige, clear or light gray;
- D. post is painted black; and,
- E. one rectangular guideline surrounding the hoop is permissible

Portable goals

- A. Portable goals are considered recreational equipment and are not truly portable given their size and weight. Their placement will be held to the same standards as permanent goal posts.
- B. No goals may be left in the roadway when not in use, as it may cause a traffic hazard and is subject to the ordinances of the City of Johns Creek.

Note: Negative impact related to time of use, lighting and noise on adjacent properties should be avoided. As with all improvements, basketball goals must be maintained to the condition as originally installed.

All goals and posts must be maintained. Any parts that are faded, torn, cracked or otherwise not in “like new” condition must be painted, repaired or replaced as necessary. Goals should be disposed of when no longer used.

GUIDELINE #7: Signage

- A. ***No sign of any kind*** shall be erected by an Owner or Occupant or their representatives within The Communities of Wellington without the prior written consent of TCO Wellington Homeowners Association Board. The Board has determined that signs are not to be placed upon any common areas, main entrance areas or neighborhood entrances areas, unless approved by the Association Board. Any signs placed on community property without approval will be removed. Removed signs will be returned to the homeowner if possible or placed at the clubhouse for the owner to retrieve. The Association takes no responsibility for the signs are removed and left at the clubhouse for retrieval. Signs are not allowed at the entrances to the neighborhood on Sargent Road and Abbots Bridge Road.

The following exceptions will be allowed without approval on **NON**-community owned common areas, i.e. private property:

- B. One “For Sale” and “For Rent” sign may be placed on a Lot. Wellington requires specifically community approved signage. This also applies to For Sale by Owner. For vendor information on obtaining the signs and community specifications, contact HMS OR THE CURRENT MANAGEMENT COMPANY. Additionally, one information box sign may be placed in addition to the For Sale sign. Information boxes/tubes are allowed only if attached to the sign or sign posts are not allowed as standalone items.
- C. Signs required by law for legal proceedings may be erected.
- D. One sign may be placed on a Lot announcing newborns, graduation, etc., for up to seven consecutive days within a 30 day period, provided not more than 2 occasions per year are announced and the sign is not hand made. In the event of multiple celebrants (twins, two graduating students, etc., one sign per celebrant will be permitted.
- E. Garage sale signs must be preprinted and not handmade. These signs are available at any home improvement store. Personalization of the signs must be made with letters also purchased. No part of the sign may be hand written.
- F. Directional signs announcing, open houses or other events, may be placed on other members’ lots provided that the member owning the Lot has given written permission. Such directional signs can be visible from 6 p.m. Thursday until 6 p.m. Sunday. These signs are not allowed at the entrances to the neighborhood on Sargent Road and Abotts Bridge Road.

GUIDELINE #8: Private Pools

Children’s Portable Wading Pools

A Form **is not** required to be submitted for children’s portable wading pools (those that can be emptied at night) as long as they do not exceed 18 inches in depth and whose surface area does not exceed 36 square feet. Portable wading pools must be stored when not in use.

Above-Ground Pools

Above ground pools are prohibited.

In-Ground Pools

A Form **must be submitted** for all in-ground pools. Due to the unique nature of each individual installation, the following factors will be considered:

- A. appearance, height, and detailing of all retaining walls must be consistent with the architectural character of the house — some terracing may be acceptable;
- B. the fencing enclosing the pool area;
- C. pool area as related to lot size;

- D. light sources which can be seen from neighboring lots (generally not acceptable); and
- E. landscaping enhancement of the pool area and screening with landscaping.

All City of Johns Creek and any other municipal regulations, permits and codes must be complied with. AAC approval is neither an endorsement of suitability or safety.

Hot Tubs

A form **must be submitted** for exterior hot tubs

- A. Hot tubs must be screened from adjacent properties and streets.
- B. Equipment must be screened and situated such that it is not a nuisance to neighboring lots.

GUIDELINE #9: Fences

The original design concept of The Communities of Wellington promotes a feeling of open space; therefore, fencing is not generally encouraged. However, should an owner desire to erect a fence, a request form **must be submitted** to the AAC for approval.

A request for fencing must include the following information:

- A. owner must conform to one of the standardized fence details, which have been pre-approved by the Declaration of Covenants and Restrictions, attached herein as Exhibit A, unless otherwise approved by the AAC;
- B. dimensions including height, span between posts, post size, and crossbeam size and number of rails; and
- C. a site plan denoting the location of the fence together with information as to existing fences erected on adjacent properties.

The following guidelines have been adopted for Covenant specified fences in the community:

- A. **no chain link, wire or plastic** fencing is to be used;
- B. the maximum height must not exceed 6 feet;
- C. the maximum span between posts shall be 10 feet; the minimum post size shall be 4x4 inches and the maximum shall not exceed 6x6 inches. Posts must have decorative tops and be placed on the exterior of the fence. The decorative top in the style guide is only one of various acceptable styles. Please note in the application which style post you will be using;
- D. the crossbeam structure (rails) shall not be visible from any street (e.g. finished sides of the fence must be turned to the outside);

- E. the rails must consist of two 2x6 inch or three 2x4 inch per section;
- F. the fence must be left natural or may be painted with natural wood toners; no opaque wood stain will be approved;
- G. typically, the fence should join the home at the rear corners on both sides. Fences shall not be located forward more than seven feet from the rear corner of the home. That is, no closer to any street than 7 feet from the rear edge of the home;
- H. on corner lots, the fence shall not be closer to any side street than the building lot line;
- I. fences should be placed within 6 inches of property lines, unless topology considerations prevent such placement;
- J. alleyways and “canyon” placement is to be avoided. See diagrams below;
- K. the initial finish and maintenance aspects of the fence should be able to withstand weathering and minimal deterioration over time. Fences left in the natural state that have grayed and/or weathered will require periodic cleaning and maintenance to maintain the original natural wood tone. Fences that have been stained will also need periodic cleaning and periodic staining once the colors have faded. When repairs are made, the color differential may require cleaning/staining of the entire fence to minimize the color differential.
- L. there are to be no “alleyways” so that property between fences can be maintained;
- M. the minimum height requirement for a private pool fence is 4 feet;
- N. proposed fence should be compatible (style and finish) to any existing fence on adjacent properties;
- O. the chosen fence style should be proportionate to the home and lot;
- P. natural and existing drainage must not be interfered with; space must be provided between the fence and the ground in areas where water needs to pass underneath; and
- Q. fences must not obstruct access to electric and gas meters, and utility easements (i.e. sewer).

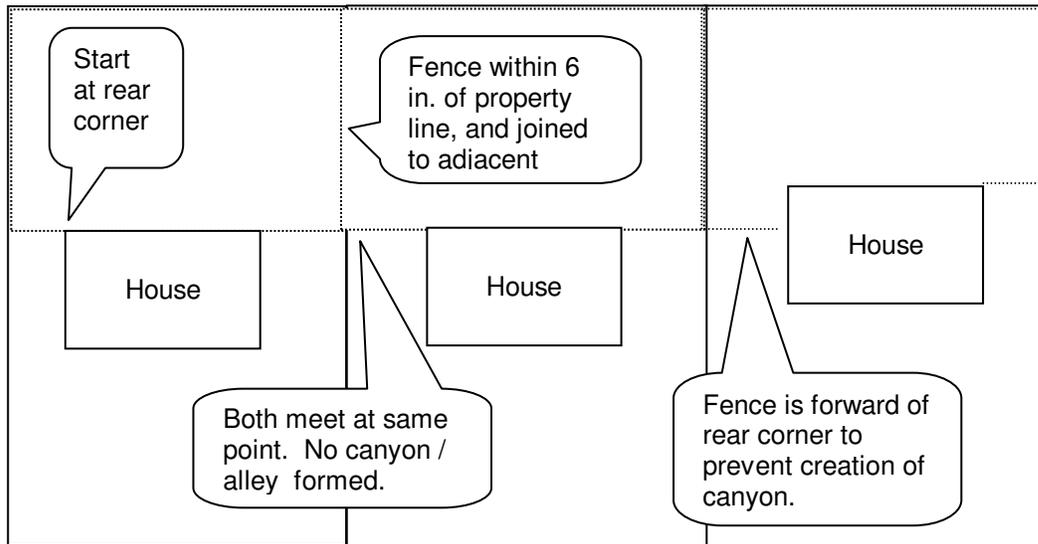
City of Johns Creek and any other municipal regulations, permits and codes must be complied with. AAC approval is neither an endorsement of suitability or safety. As fences impact your neighbors directly and due to their proximity to property lines, a fence permit from Johns Creek is required.

Fences traditionally are the most frequent request received by Architectural Advisory Committees of any homeowner’s association. At the same time, fences tend to generate the most controversy between an AAC, the homeowner, and owners of adjacent property. The Communities of Wellington fence guideline is intended to establish a standard that is appropriate to the aesthetics and values of the community.

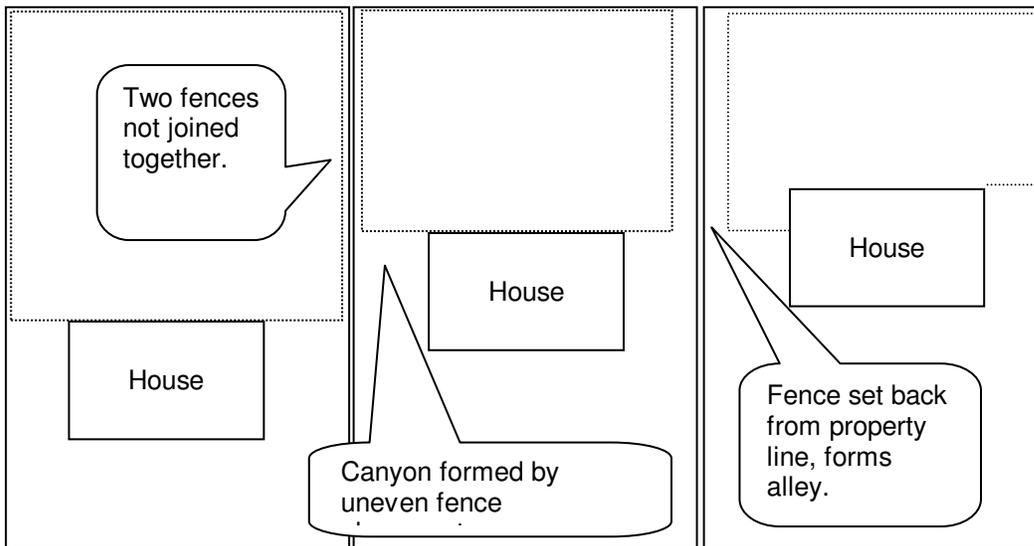
Fences of styles or materials will be considered on an individual basis.

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Acceptable Fence Placement (typical examples)



Not Acceptable Fence Placement (typical examples)



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GUIDELINE #10: Retaining Walls

No construction or alteration of existing landscaping involving changes of grade at any residence shall take place prior to written approval by the AAC.

- A. Retaining walls require approval if they are greater than 18 inches in height.
- B. Retaining walls should complement the design, texture and color of all structures on the same lot and should not interfere with drainage.
- C. Retaining wall materials must be of natural 6x6 landscape beams, architectural stone or brick with mortared joints (except wall systems specifically designed without mortar).
- D. Cast “setback” blocks must be set level and uniformly placed. Wall and barriers made from setback blocks must adhere to the above guidelines.
- E. Materials used should be consistent in all applications on the lot. Use of different types or colors of border/retaining wall materials requires ACC approval.

City of Johns Creek and any other municipal regulations, permits and codes must be complied with for retaining walls. The City of Johns Creek requires a permit if the retaining wall exceeds four feet in height. AAC approval is neither an endorsement of suitability or safety. Due to safety issues of retaining walls, possible changes in water flow, proximity to property lines, and proximity to utility, drainage or other easements, the ACC may only grant an initial conditional approval of retaining walls in excess of four feet.

GUIDELINE #11: Recreational & Towed Vehicles, Parking of Vehicles

The following guidelines apply:

- A. No vehicle shall be left parked and/or unattended in any common areas owned by the Association, except during use of a Wellington Community facility. **No overnight parking in the common area parking lots is allowed.**
- B. No boat, trailer, camper or recreational or any other type vehicle may be parked or stored in open view on residential property for longer than a 48-hour period. No two 48-hour periods may occur within a 7-day period.
- C. No commercial vehicle or any vehicle displaying signage may be parked or stored in open view on residential property for longer than a 24-hour period.
- D. All vehicles parked in open view and not in a garage must be operable and may not be unsightly. Any vehicle with visible damage, rust, mismatched paint, etc... are deemed unsightly.
- E. No vehicle may be parked on any unpaved areas.

- F. Since the roadways throughout The Communities of Wellington are maintained and governed by The City of Johns Creek, no unlicensed recreational vehicle may be operated upon these streets. This includes, but is not limited to, go carts and all-terrain vehicles.

As a general rule, parking of vehicles on the street is discouraged. Temporary parking (four hours or less) is allowed if not a nuisance to neighbors or impediment to traffic flow. Homeowners are responsible for guest parking and must ensure that guests park in a safe manner and do not impede access to other driveways and traffic.

GUIDELINE #12: Antennas, Satellite Dishes

This guideline applies to installation, attachment and maintenance of direct broadcast satellite (“DBS”) dishes or antennas and multi-channel multipoint distribution services (“MMDS”) dishes or antennas (herein collectively called “Satellite Dishes”, which definition shall include the supporting mast, cabling and all other components or accessories thereof) at The Communities of Wellington.

SATELLITE DISHES MAY BE INSTALLED AT THE SUBDIVISION FOR RECEPTION, BUT NOT TRANSMISSION, IN ACCORDANCE WITH THESE GUIDELINES. NO OTHER ANTENNAS OR SIMILAR DEVICES MAY BE INSTALLED AT THE SUBDIVISION WITHOUT APPROVAL OF THE ASSOCIATION’S AAC.

Within 5 days of installation or attachment of any Satellite Dish, the lot owner or occupant must notify the AAC in writing using the Satellite Dish Notification Form. If the Satellite Dish is installed in an approved location and in accordance with these guidelines, then no further action is required by the lot owner or occupant except providing the notification form to the AAC.

General Guidelines

- A. Satellite Dish Size Limits - Satellite dishes shall be no larger than one meter in diameter. Satellite Dishes or antennas mounted on masts are prohibited except where necessary for reception of an acceptable quality. The mast is limited to twelve feet in height above the roof line. Concealed cabling shall not count toward this total size guideline.
- B. Location - The Satellite Dish must be placed in the location that is least visible to public view. With submission of a notification form as provided above, and without further approval of the Board or AAC, Satellite Dishes may be installed, in order of priority, in the following locations:
 - a) Rear of Home - Whenever possible, Satellite Dishes must be mounted in or on the rear of the home within the sidelines of the home so as not to be visible from the street.
 - b) Ground mounted - When ground mounted, satellite dish must be screened from view by natural landscaping — no lattice. Any cables must be buried.
 - c) Rooftop mounting - Satellite dishes are allowed only on the rear of the home.

Unapproved Locations and Location Disputes.

If it is determined that the Satellite Dish cannot receive an acceptable quality DBS or MMDS signal in any of the pre-approved locations designated above, then, prior to installation in an alternate location, the owner or occupant who wants to install a Satellite Dish must submit to the AAC a written request to install the Satellite Dish in an alternate location, along with specific, written documentation as to why the pre-approved locations are not acceptable. The AAC shall respond to such written request for approval of an alternate location as promptly as practical.

Alternatively, if a dish cannot be mounted per the Community Guidelines, then the owner of such lot shall submit with the Satellite Dish Notification Form a written, signed statement from the satellite dish installation firm the reason that such placement cannot be accommodated. The AAC shall have at its sole discretion, authority to determine the suitability and reasonability of such location. Determination that the justification is insufficient shall be cause to require re-location of the equipment.

Installation

The Satellite Dish must be painted so as to blend into the background to which it is mounted or placed. Wiring or cabling shall be installed so as to be minimally visible and blend into the material to which it is attached. No cabling shall be allowed on the roof surface. Any cabling on the surface of the exterior siding or brick of any home shall be painted to conceal it from view.

The owner or occupant shall be responsible for the maintenance and repair of the Satellite Dish including, but not limited to, (of) reattachment of Satellite Dish, and any components thereof within forty-eight (48) hours of dislodging, for any reason, from its original point of installation; (ii) repainting or replacement, if for any reason the exterior surface of the Satellite Dish becomes worn, disfigured or deteriorated.

Removal

Upon cancellation of service, the Satellite Dish, and all attachment/anchoring accessories must be removed. Any surface with damage from the installation of the dish must be repaired to render such damage as unnoticeable.

GUIDELINE #13: Business Use

General Guidelines

Each lot shall be used for residential purposes only, and no trade or business of any kind may be conducted in or from a Lot or any part of the Property, including business uses ancillary to a primary residential use, except that the Owner or Occupant residing in a dwelling on a Lot may conduct such ancillary business activities within the dwelling as long as:

- A. the existence or operation of the business activity is not apparent or detectable by sight, sound, or smell from the exterior of the dwelling;
- B. the business activity does not involve visitation of the Lot by employees, clients, customers, suppliers or other business invitees; provided, however, this provision shall not preclude

delivery of materials or items by United States Postal delivery or by other customary parcel delivery services (U.P.S., Federal Express, etc.);

- C. the business activity conforms to all zoning requirements for the Property;
- D. the business activity does not increase traffic in the Property;
- E. the business activity does not increase the insurance premium paid by the Association or otherwise negatively affect the ability of the Association to obtain insurance coverage; and
- F. the business activity is consistent with the residential character of the Property and does not constitute a nuisance or a hazardous or offensive use, or threaten the security or safety of other residents of the Property, as may be determined in the Board’s sole discretion.

The terms “business” and “trade”, as used in this provision, shall be construed to have their ordinary, generally accepted meanings, and shall include, without limitation, any occupation, work, or activity undertaken on an ongoing basis which involves the provision of goods or services to persons other than the provider’s family and for which the provider receives a fee, compensation, or other form of consideration, regardless of whether: (of) such activity is engaged in full or part-time; (ii) such activity is intended to or does generate a profit; or (iii) a license is required thereof.

GUIDELINE #14: Subdivision of Lots.

No Lot may be further subdivided into any smaller Lot.

GUIDELINE #15: Roofs/Re-Roofing.

General Guidelines

The condition and appearance of the roof must be maintained. Roofs that exhibit streaks, stains and/or lichen growth should be cleaned and/or otherwise treated to maintain visual and structural integrity. Damaged/missing shingles must be replaced with matching shingles so the repair is unnoticeable.

A Form **must be submitted prior to** installing a new roof.

- A. Due to the overwhelming choice of roof requests in 2009 and 2010 being for architectural style shingles, the new community standard is for all roofs to be replaced with **architectural shingles**. Three tab shingles are only acceptable if replacing a few damaged shingles and not the entire roof. If replacement shingles are not an exact match, the entire roof may need to be re-shingled. Currently requests for shingles that are shades of red are not being considered.
 - a. Re-roofing without prior approval may result in the denial of the newly installed shingles/color and may require replacement with approved shingles/colors. **Please get approval prior to re-roofing.**
- B. Original turtle vents may be replaced with the peak roof vents.
- C. Roof ventilation fans require approval prior to installation.

GUIDELINE #16: Replacement Windows.**General Guidelines**

The condition and appearance of the Windows must be maintained. Windows that have accumulated condensation between panes must be replaced.

A Form **must be submitted prior to** installing new windows.

- A. Due to the requests of the homeowners and changing trends noticed in neighborhoods in the Johns Creek area, homeowners will have the option to not have grids in their windows.
- B. Additionally, homeowners may replace the small half windows over the kitchen sink with slider style windows rather than double hung windows.
- C. Any changes from original window types must be documented on the submission form and approved prior to installation.

GUIDELINE #17: Windows Treatments.

No forms are required for window treatments.

- A. All window treatments must show as white to the outside. This means that curtains must have a white backing, and all blinds or similar products must be white in color.
- B. All windows on the front of the home should have uniform window treatments. If blinds are used, the same type of blinds should be used on all window. If you use curtains in one room, it may also require the use of blinds on that window to maintain the uniform appearance requirement. Bed sheets and blankets are not acceptable window treatments.
- C. Any broken, torn, or yellowed window treatments must be replaced.

GUIDELINE #18: Solar Panels

- A. Solar panels will only be installed on the rear roof of the home
- B. The color of the panels and trim of the support structure will be limited to black, brown, gray or non-reflective metallic as provided by the manufacturer.
- C. Panels may not be positioned where they will reflect light onto a neighbor's home.
- D. The highest point of a solar panel will be lower than the ridge of the roof where it is attached.
- E. Piping and electrical connections will be located directly under and/or within the perimeter of the panel and invisible from all street angles.
- F. All painted surfaces will be kept in good repair.
- G. Ground mounted systems are not allowed.

MISCELLANEOUS

The following has been included to educate all homeowners of other actions that are not guidelines, but are directly addressed in the Declarations of Covenants and Restrictions.

Prohibited Activities

- A. No noxious or offensive activity shall be conducted on any Lot. Each owner of any lot, such owner's family, tenants, guests and invitees, shall refrain from any act or use of such Lots which could reasonably be expected to cause embarrassment, discomfort, annoyance or nuisance to any other residence or residents of any other Lot.
- B. Use of firearms within the community is considered a safety hazard and nuisance to members of the community. In this context, firearms include, but are not limited to: BB guns, air or gas powered pellet guns, bow and arrows, crossbows, or other projectile based devices.

Nuisances

No nuisance shall be permitted to exist upon any Lot. Without limiting the generality of the foregoing, no exterior speaker, horn, whistle, siren, bell, amplified or other sound device, except such devices as may be used exclusively for security purposes, shall be located installed or maintained upon the exterior of any lot. Amplified music for occasional outdoor parties will be such as that neighbors are not disturbed.

Trash

No portion of any Lot shall be used as a dumping ground for rubbish, trash or garbage, nor shall any trash or garbage be permitted to accumulate upon any Lot. Garbage containers shall be placed inside of the garage or screened on each Lot so that the same shall not be visible from the street or from any part of any other Lot. No burning of any rubbish, trash or garbage shall be permitted.

Animals

No Lot shall be used or keeping or breeding of livestock animals or poultry of any kind, except that a reasonable number of household pets may be kept, provided they are neither keep for breeding nor maintained for any commercial purpose, and provided that none of such pets are permitted to be a source of annoyance to any other resident or residents of any other Lot. All pets must remain on a leash while not on owner's property.

Clothes lines

No clothesline shall be erected on any portion of the Lot.

COVENANT ENFORCEMENT PROCEDURES

RECOGNITION AND DUE PROCESS

Alleged covenant violations — as reported by any source — may be submitted to the AAC, or their agent, to be referred for appropriate action. At the time of publication of this guide, the management company is the primary point of contact. The first action will be confirmation that a violation exists. If substantiated, the homeowner in violation will be contacted, the violation explained, and be requested to provide corrective action in a reasonable time period according to the following policy:

- A. Upon recognition of a violation, a letter will be forwarded from the Chair of the AAC advising the homeowner of the violation, stating the steps necessary to remedy the violation and a time period in which to either respond, with an appeal, (in writing) and/or remedy the violation.
- B. If after “due process”, the violation cannot be resolved by the AAC and the member, or if there is no response to the first letter, or if the violation has not been remedied within the prescribed time period, then the AAC is obligated to refer the matter to the Board. The Communities of Wellington Homeowners Association Board may take action, as deemed appropriate, and may include:
 - a) suspension of the right to vote in Association matters;
 - b) suspension of the right to use the recreational facilities and/or common areas;
 - c) recordation of notice of covenant violation with the superior court;
 - d) imposition of a fine on a per violation and/or per day basis;
 - e) correction of the violation by the association with all costs charged to the homeowner; and/or
 - f) filing of a lien for all fines and costs, including but not limited to legal fees, to correct the violation.

As a last resort, if the action is still outstanding, then it may be necessary for the Association Board of Directors to file a lawsuit in order to enforce the covenants.

When a determination has been established that a property is in violation of the Guidelines, and the property owner has been properly notified, the violation will remain active until it is resolved. **Transfer of ownership of a property WILL NOT erase an outstanding violation since a violation follows the property, not the property owner. The realty agency involved in transfer of ownership will be contacted and advised of the existing violation.**

PENALTIES

Any resident who is found to be in violation of the Declaration of Covenants and Restrictions and these Community Design Guidelines is subject to penalties or corrective action as deemed necessary and appropriate. All such decisions shall rest with The Communities of Wellington Homeowners Board of Directors. The Board shall make the final determination and may take any and all appropriate corrective action as the situation may merit.

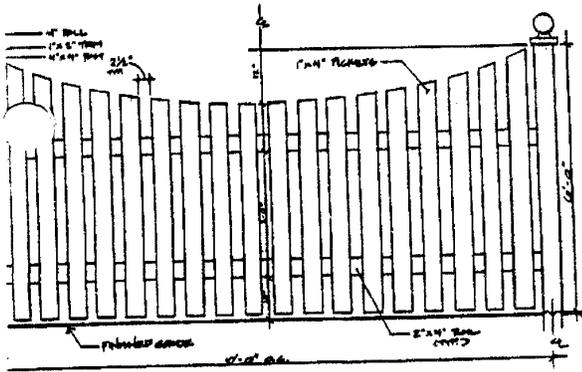
SUMMARY

These guidelines are provided to help in understanding our community standards. If you are unsure of the need to submit a Form for a project not specifically referenced by these guidelines, please call any member of the AAC for assistance.

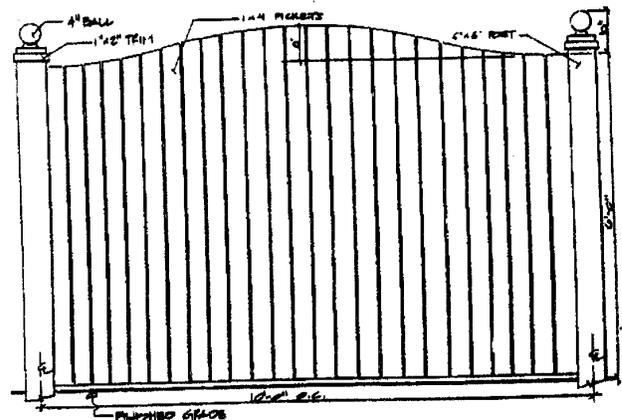
Also, please remember that these are GUIDELINES. If you have a unique situation that needs consideration, submit a request. The AAC will make every attempt to resolve all issues in the best interest of the community. The foremost purpose of the AAC and these Guidelines is to preserve, protect and enhance the values of the homes within The Communities of Wellington.

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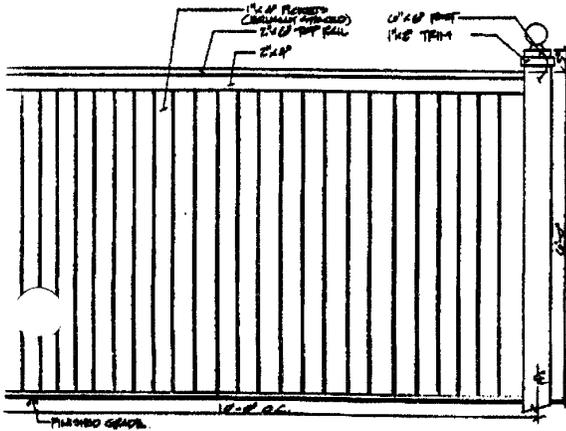
EXHIBIT "A" - FENCE STYLES FROM COVENANTS



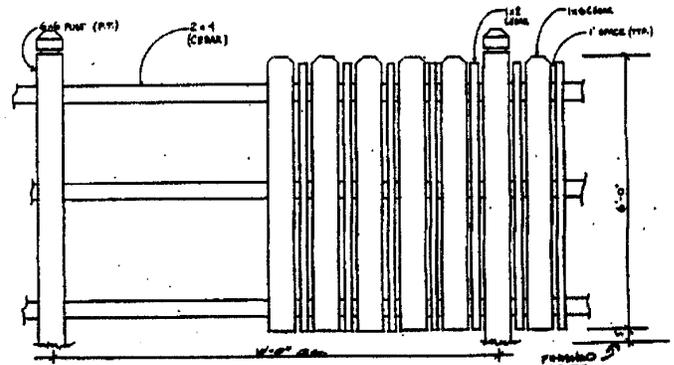
FENCE DETAIL 'A'
NOT TO SCALE



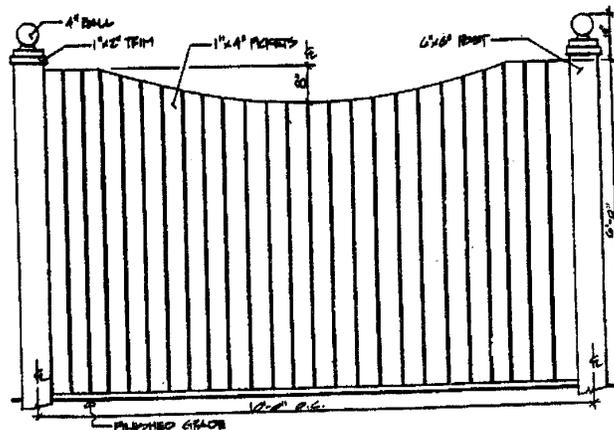
FENCE DETAIL 'B'
NOT TO SCALE



FENCE DETAIL 'C'
NOT TO SCALE



FENCE DETAIL 'D'
NOT TO SCALE



FENCE DETAIL 'E'
NOT TO SCALE

[End of Exhibit "A"]