

HICKORY FOREST DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

ARTICLE IV ARCHITECTURAL COMMITTEE

Section 4.01 ORGANIZATION, POWER OF APPOINTMENT AND REMOVAL OF MEMBERS

There shall be an ARCHITECTURAL COMMITTEE, organized as follows:

A. COMMITTEE COMPOSITION. The ARCHITECTURAL COMMITTEE shall consist of three (3) persons. No COMMITTEE member shall be required to meet any qualifications for membership.

B. ALTERNATE MEMBERS. There shall be one (1) alternate member who may be designated by the COMMITTEE to act as a substitute on the COMMITTEE in the event of absence or disability of a COMMITTEE member.

C. APPOINTMENT AND REMOVAL. The right to appoint and remove all members and alternate members of the ARCHITECTURAL COMMITTEE shall be and is hereby vested solely in the DECLARANT unless prior to said time DECLARANT records a declaration waiving its rights hereunder. Exercise of the right of appointment and removal, as set forth herein, shall be evidenced by the recording of a declaration identifying each new COMMITTEE member or alternate member appointed and each member or alternative member replaced or removed from the ARCHITECTURAL COMMITTEE.

D. RESIGNATIONS. Any member or alternate member of the ARCHITECTURAL COMMITTEE may at any time resign from the COMMITTEE upon written notice delivered to the DECLARANT.

E. VACANCIES. Vacancies of the ARCHITECTURAL COMMITTEE, however caused, shall be filled by the DECLARANT.

Section 4.02 DUTIES.

It shall be the duty of the ARCHITECTURAL COMMITTEE to consider and act upon such proposals or plans submitted to it pursuant to the terms hereof, to adopt ARCHITECTURAL COMMITTEE RULES, to perform other duties delegated to it by the DECLARANT, and to carry out all other duties imposed upon it by the HICKORY FOREST RESTRICTIONS.

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Section 4.03 MEETINGS.

The ARCHITECTURAL COMMITTEE shall meet from time to time as necessary to properly perform its duties hereunder. The vote or written consent of any two members shall constitute an act by the COMMITTEE. The COMMITTEE shall keep and maintain a record of all actions taken by it at such meetings or otherwise.

Section 4.04 ARCHITECTURAL COMMITTEE RULES.

The ARCHITECTURAL COMMITTEE may, from time to time, and in its sole discretion, adopt, amend and repeal, by unanimous vote, rules and regulations, to be known as "ARCHITECTURAL COMMITTEE RULES." Said "RULES" shall interpret and implement the provisions herein by setting forth the standards and procedures for ARCHITECTURAL COMMITTEE review and the guidelines for architectural design, placement of buildings, landscaping, color schemes, exterior finishes, materials, maintenance and repairs and similar features which are recommended for use in HICKORY FOREST.

Section 4.05 NO WAIVER.

The approval of the ARCHITECTURAL COMMITTEE of any plans, drawings, or specifications for any work done or proposed, or for any other matter requiring the approval of the ARCHITECTURAL COMMITTEE under the HICKORY FOREST RESTRICTIONS shall not be deemed to constitute a waiver of any right to withhold approval of any similar plan, drawing, specification or matter subsequently submitted for approval.

Section 4.06 ESTOPPEL CERTIFICATE

Within thirty (30) days after written demand is delivered to the ARCHITECTURAL COMMITTEE by any OWNER, and upon payment to the ASSOCIATION of a reasonable fee (as fixed from time to time by the ASSOCIATION), the ARCHITECTURAL COMMITTEE shall record an estoppel certificate, executed by any two (2) of its members, certifying (with respect to any lot of a said OWNER) that as of the date thereof either (a) all improvements made and other work done upon or within said lot comply with the HICKORY FOREST RESTRICTIONS, or (b) such improvements or work do not so comply, in which event the certificate shall also identify the noncomplying improvements or work and set forth with particularity the basis of such noncompliance. Any purchasers from the OWNER, or from anyone deriving an interest in said lot through him, shall be entitled to rely on said certificate with respect to the matters therein set forth, such matters being

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conclusive as between the ASSOCIATION, DECLARANT and all OWNERS and such persons deriving any interest through them.

Section 4.07

LIABILITY.

Neither the ARCHITECTURAL COMMITTEE nor any member thereof shall be liable to the owner for any damage, loss or prejudice suffered or claimed on account of (a) the approval or disapproval of any plans, drawings, and specifications, whether or not defective, (b) the construction or performance of any work, whether or not pursuant to approved plans, drawings and specifications, (c) the development of any property within HICKORY FOREST, whether or not the facts therein are correct; provided, however, that such member has acted in good faith on the basis of information as may be possessed by him. Without in any way limiting the generality of the foregoing, the ARCHITECTURAL COMMITTEE, or any member thereof, may, but is not required to, consult with or hear the views of an OWNER with respect to any plans, drawings, specifications or any other proposal submitted to the ARCHITECTURAL COMMITTEE by such OWNER.