

**ELDERS POND
HOMEOWNERS ASSOCIATION, INC.**

RULES & REGULATIONS

For Homeowners and Residents

Updated June 2009

EPHA BOARD OF DIRECTORS

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INTRODUCTION

This copy of our Rules and Regulations has been made available to you as a homeowner or resident of Elders Pond to give you guidelines which we hope will assist you in having a comfortable and enjoyable experience in our 'close' style of living. We hope that you will review the information carefully, and keep it handy along with your telephone and address books. Our Board of Directors has retained MJS, Inc. to handle day-to-day management of the Association and the financial aspects required to control expenses. Please refer any questions you may have to a Board Member or MJS Inc. at 803-743-0600.

Cooperation is the key to enjoyable living in a community such as Elders Pond. Homeowners Associations are like neighbors. If they work together to maintain and improve the area they are likely to succeed, if not it is likely that they will fail to succeed. Our goal is participation: We urge that you become a part of the Board, or a member of a Committee to meet some of your neighbors and have a voice in shaping our future. If you can't participate on that level we encourage you to attend our quarterly meetings of the Association. Elders Pond needs all of us to give a little time individually so we can all have more collectively.

Elders Pond Homeowners Association, Inc. must conform to many laws. The Declaration of Covenants sets precise standards and authorizes the Board of Directors to adopt rules and regulations to meet those standards. Other governing documents include the Articles of Incorporation, the Declaration of Covenants and our EPHA By-laws. If legal and real estate counsel did not provide these documents when you bought your home copies can be obtained from the Elders Pond management company, MJS Inc. by calling 803-743-0600.

These adopted Rules and Regulations are subject to Board review and revision as necessary. Every owner and resident of Elders Pond is subject to these rules and regulations. If any Elders Pond unit is occupied under lease, it is the responsibility of the owner to ensure that a copy of these Rules and Regulations is received by the lessee. Violations of the Rules and Regulations may result in fines as outlined in this document.

Maintenance personnel are employees only of the contractors employed to perform such services within our community. No owner or resident shall engage or direct any person employed by the Management Company or contractor for any private business of the owner/resident during business hours. Nor shall any owner or resident direct, supervise or in any manner attempt to assert control over any such person(s).

We urge you to keep alert to any unusual activity in your neighborhood. Elders Pond is participating in Neighborhood Watch crime prevention program. Residents seeing persons acting in a suspicious manner should immediately notify the Richland County Sheriff by calling the "Suspicious Activity" number at 803-252-2911. If you observe a crime in process or an emergency situation immediately call 911.

The Architectural Review Committee may conduct two Elders Pond inspections a year. Inspections include notation of painting and repair needs, as well as yard and general maintenance appearance. Owners will be notified by mail of any necessary repairs.

Complaints about other residents or guests concerning any violation specified in this document must be made in writing and submitted to the Elders Pond management company, MJS, Inc. Details, unit number(s), and names of the parties involved must be included. The written complaint must be signed. The identity of the person asking for assistance will not be divulged unless absolutely necessary. Complaints or problems involving residents of other subdivisions or apartments cannot be addressed by EPHA and should be reported to the Richland County Ombudsman's Office (803-929-6000) which will refer you to the proper authority.

GENERAL RULES AND REGULATIONS

Burning of any trash is prohibited. Storage of flammable material is prohibited. Fireworks and their use are prohibited.

The use of weapons of any kind is prohibited.

Do not dry clothes or other items by hanging them over the side of your property, on the fence, a clothesline or over the bushes.

Window blinds must be kept in good repair. All interior window coverings viewed from the exterior shall be white or off-white in color. Porch lights must be on and in working condition.

Residents are asked not to grill closer than 6 feet from buildings or fences because of possible damage or fire. The homeowner or neighbor responsible for damages will have the responsibility for repairs. Residents are encouraged not to grill during windy weather conditions.

No signs other than real estate signs (see SELLING A UNIT) may be erected without the approval of the Board.

No owner shall install television antennas, satellite dishes or radio antennas, window or roof top air conditioning units or similar machines or objects outside of the unit or any item which may protrude through the walls or roof of the unit.

COMMON AREAS

- No vehicles, except lawn equipment, are allowed to drive on Elders Pond common area grass or grounds at any time.
- No structure including but not limited to a trailer, outbuilding, playground, recreational equipment or fence, etc., shall be placed on common area property temporarily or permanently without the approval of the Board. Bicycles, scooters, recreational games or other such items shall not be allowed to stand on any of the common area. Such items should be properly stored on the owners' property when not in use. Common areas include front and side lawns and streets.
- Do not plant anything in the common areas.
- There is an underground sprinkler system in the common areas. Notify MJS of any malfunctioning sprinkler heads at 803-743-0600.

PETS

- Only 3 legally recognized household pets may be kept on a lot. Pets shall not be kept, bred or maintained for commercial purposes and do not endanger the health of any other resident.
- Leash laws are in effect in Elders Pond, therefore all pets must be leashed when not kept within the confines of the owner or resident's property.
- Pet food cannot be left outside as it attracts strays and wildlife.
- It is the owner's responsibility to properly collect and dispose of pet waste.
- Backyards used by pets must be kept clean in compliance with sanitary standards set forth by Animal Control and the Declaration of Covenants.
- To declare a pet a nuisance or to take any action against a pet or its owner, call the proper Animal Control authority at 803-929-6000.

SELLING A UNIT

- Seller should notify MJS that they are placing the property on the market.
- Homeowners must notify MJS in writing of the name of the new homeowner, date of closure and date of occupancy of new owner (if known).
- The seller should advise the buyer regarding \$100 due to EPHA, the rules and regulations, regime fees, name and telephone number of MJS and provide the buyer with a copy of the By-Laws, Covenants and Rules and Regulations.
- One real estate sign of not more than five (5) square feet may be displayed in the front yard of the lot for sale.

RENTING GUIDELINES FOR OWNERS AND RENTERS

- Renters must observe all guidelines of all governing documents as well as these Rules and Regulations.
- Owners are responsible for their renter's compliance with all governing documents and the Rules and Regulations of the Association.
- When a violation occurs, the renter and the homeowner will be notified and it will be the responsibility of the homeowner to rectify the violation or they will be fined in accordance with the Rules and Regulations.
- It is the responsibility of the homeowner to inform MJS and the Board with the name, phone number and car identification of the renter within 10 days after the unit is rented.

TRASH, GARBAGE AND RECYCLING

- Recycling pickup is Tuesday and garbage pickup is Wednesday. Containers for both recycling and garbage should be placed in front of the unit close to the street on scheduled pickup days and removed within 24 hours. Containers left in common areas, on or close to the street are subject to violation enforcement by Richland County and the EPHA. Call the Richland County Ombudsman at 803-929-6000 to report violators.
- If trash is refused for collection, then it is the responsibility of the owner to properly and legally dispose of these items.
- Unattended, unsightly trash and recycling containers are not allowed. This includes containers exceeding capacity.
- Trash, blown trash, general debris, cigarette butts, etc. at the front/side/back of property must be cleaned up.

UNIT ALTERATION, ADDITIONS AND DAMAGE

- No exterior alterations, additions to a townhouse, outbuilding, or other exterior structure to an individual lot can be made without written approval of the Board. Applications for any changes must be submitted in writing to MJS Inc. to be forwarded to the Board and must include a drawing, description of the proposed change, and a copy of your plat. This includes but is not limited to decks, pools, hot tubs, lighting fixtures etc., not included as part of the original structure.
- No owner shall make alterations, modifications or changes to the landscaping without obtaining written permission from the Board. Approved landscape alterations must be maintained by the lot owner/resident. Owner is responsible for replacing dead shrubbery and plant materials with reasonably similar shrubbery.
- The Board makes two Elders Pond inspections a year in the spring and fall. Inspections include notation of painting and repair needs as well as yard and general maintenance appearance. Owners will be notified by mail of any necessary repairs or changes.
- Damage including but not limited to siding, fence posts, driveways caused by weather, wear and tear, etc., must be repaired in a timely manner.

PARKING RULES AND REGULATIONS

Vehicle parking is allowed inside Elders Pond only in the parking spaces for each owner's residence and temporarily in the street.

TEMPORARY PARKING

- Parking in the street is for temporary use only. Temporary parking is defined as an occasional occurrence, no more than 4 concurrent nights. Residents are prohibited from parking in the street except when absolutely necessary, not to exceed 4 concurrent nights.
- Any parking in the street should not obstruct traffic flow. Parking across the street across from another parked vehicle is prohibited. Double parking is prohibited.
- It is illegal to park in front of a driveway or near enough to hinder the driveway use by others (SCDMV Driver's manual).
- It is illegal to park within 15 feet of a fire hydrant (SCDMV Driver's manual).
- Unit parking spaces must be used before parking on the street.
- Parking on the grass is not allowed and homeowner is responsible for replacing damaged sod.

PARKING SPACES/DRIVEWAYS

- Depending on the size of the unit, every unit is afforded parking spaces in front or to the side in the unit's driveway. This space is the property of the unit's owners and violators are subject to towing at the violator's expense.
- Vehicles not in working condition are not to be left in parking spaces. All vehicles must have a current registration and license plate. Vehicles that do not meet these requirements must be moved by owner within one week.
- Vehicles shall not be repaired on the premises. With the exception of minor repairs, unless it is imperative, so long as fluids are not released from the vehicle and that such emergency repairs can be completed on the same day.
- Parking of recreational vehicles, all terrain vehicles (other than licensed on-road motorcycles) boats, trailers, etc., is allowed only on a temporary basis not to exceed 24 hours. Storage of boats, recreational vehicles, trailers, etc., is not allowed.

COMMUNITY RULES AND REGULATIONS

We urge you to keep alert to any unusual activity in the neighborhood. Elders Pond has an active Neighborhood Watch program. Residents seeing persons of suspicious nature, persons soliciting or otherwise causing concern should immediately notify the Richland County Sheriff at 803-576-3000 or 911.

Door to door soliciting is prohibited and violators should be reported to Richland County Sheriff's Department at 803-576-3000.

No immoral, improper, offensive or unlawful use shall be conducted on any property. All valid laws, zoning ordinances, building codes and regulations of all governmental bodies having jurisdiction shall be strictly observed.

Because of the close proximity of neighbors and potential harm to a resident of property,

games such as football, golf, baseball, tether ball, etc., cannot be allowed. Please keep all toys and recreational equipment stored within your fence when not in use.

Damage to the common areas or personal property by residents, their guests or pets is prohibited. It is the responsibility of the offending party to repair any damage. In the case of renters, the homeowner has sole responsibility for repair.

Please be respectful of your neighbors. Keep noise to a reasonable level including in your cars when driving through the community. Violators should be reported to the Richland County Sheriff at 803-576-3000. Multiple complaints can result in a hefty fine.

Yard maintenance should be done at a time that is not a nuisance to your neighbors and any refuse should be cleaned up at the end of each day.

VIOLATIONS

If notified of a violation of any rule or regulation, steps must be completed in a timely manner to rectify any and all violations. The Board may impose fines and charge expenses incurred by the Elders Pond Association to an owner who has received a violation notice and has not complied with the governing documents and these Rules and Regulations. As the need may arise, the Board shall make whatever changes necessary to the Rules and Regulations. All violations are subject to a fine of \$15. All violations will be recorded in a tracking record, and the management company (MJS Inc.) will be informed of all recorded violations.

COMMUNITY MONITORING

Volunteers from the EPHA Board of Directors or Neighborhood Watch Committee will walk through the community observing compliance and violations. At least one complete walk-through will occur every two weeks. More than one walk-through may occur. Violations may be observed and recorded at any time during the two week walk-through interval.

The following process outlines the steps that will be taken by the Board of Directors and MJS, Inc.

DOOR HANGERS

The first observed instance (during a walk-through or as it occurs) of a violation a yellow door hanger will be placed on the respective homeowner's/resident's front door (side door if the unit has a carport). The violation will be checked and the appropriate notation added.

- The door hanger is a "courtesy alert". The purpose is to bring the violation to the homeowner's/resident's attention with the expectation that the violation will be quickly remedied.
- No fine is levied at this point.
- More than one door hanger could be placed at the same location for the same violation within the two week walk-through interval.

FIRST LETTER

During the next walk-through if a recorded first instance is noted as having not been remedied then the violation is considered as a continuing violation and escalates to the first official letter notification.

- This documents the violation with supporting references to governing documents and specifies the necessary remedy and the time in which compliance is expected.
- No fine is levied at this point.
- This notice can be received in less than two weeks since the door hanger was first applied.

SECOND LETTER

During the next walk-through if a recorded “second instance” is noted as having not been remedied then the violation remains as a continuing violation and escalates to the second official letter of notice and initiates fines into the process.

- This documents that the continuing violation has not been remedied and references the possibilities of additional fines and other actions.
- A \$15 fine is levied at this point.
- This notice can be received in less than two weeks since the first letter was mailed and received.

THIRD LETTER

During the next walk-through if a recorded “third instance” is noted as having not been remedied then the violation remains as a continuing violation and escalates to the third official letter of notice, initiates additional fines, and forwards the situation to the board for final action.

- This documents that the homeowner/resident is receiving the fourth notice of the non-remedied violation and that the board may seek legal action or administer self remedies that the homeowner/resident is responsible for.
- A second \$15 fine is levied at this point. Total fines will be \$30.
- At this point the management company is instructed to apply the respective homeowner’s/resident’s next monthly regime fees to the fines first. The homeowner/resident will risk being past due on the difference.
- This notice can be received in less than two weeks since the second letter was mailed and received.

DOOR HANGERS

(Checklist of Violations)

Violations in bold are major (non-standard). All other violations are minor (standard). Major violations require immediate action to correct.

General

- **burning of trash**
- hanging of items over fence or property
- damaged window blinds; non white window covering; porch light out
- unleashed pet; not picking up after pet; unacceptable pet waste in (back) yard
- unattended, unsightly trash and recycling containers; containers left at curb
- cigarette butts, trash etc., picked up
- **unit alteration without Board approval**
- **landscaping alteration without Board approval; dead shrubbery not replaced**
- **damage to unit caused by weather, wear and tear, etc., not repaired**
- pet food left out
- unacceptable signs
- Installation of a structure on lot without Board approval.

DOOR HANGERS

(Checklist of Violations continued)

Parking

- Street parking exceeds 4 consecutive days or that is recurrent/habitual.
- on the grass
- **obstructing traffic flow; parking across from another car; double park**
- **blocking or impeding access to driveway**
- **within 15 feet of fire hydrant**
- street parking before using driveway
- using another unit's driveway without permission
- **vehicle in non working condition; without registration or tags**
- **vehicle repair other than listed**
- recreational vehicle etc., exceed 24 hour; storage

Community

- **unacceptable noise levels; cars included**
- Operation of business on lot causing disruption.