



3 CHERRY WAY, an Active Adult Community

Operating Rules and Regulations

These rules and regulations are for the continuing and ongoing safety, security, and pleasant and enjoyable lifestyle to be promoted for the residents of 3 Cherry Way, an active adult community. The rules and regulations are established in accordance with guidelines set forth by the Covenants, Conditions and Restrictions and the Bylaws for 3 Cherry Way Townhome Community and Homeowners Association. Any person(s) who purchases a townhome at 3 Cherry Way is by default a member of the 3 Cherry Way Townhome Community and Homeowners Association.

From time to time these rules and regulations governing the use of the Common Areas and the personal behavior and conduct of the members, their families, guests, invitees and tenants may be adjusted by the 3CW HOA Board of Directors with input from the Association members.

HOUSING FOR OLDER PERSONS

3 Cherry Way is an “Active Adult Community” providing townhome housing and other amenities predominantly for the use and enjoyment of persons 55 years and older.

Individuals under the age of 18 years are welcome to visit from time to time but shall not be permitted to become permanent residents without the prior approval of the Board of Directors of the Association.

At least 80% of the occupied homes within 3 Cherry Way must be occupied by at least one person 55 years of age or better. Documentation is required for age verification from each resident according to the rules and guidelines issued by Housing and Urban Developments (HUD). Additionally, the Fair Housing Act: Housing for Older Persons Act further requires that all communities for the 55 and older residents re-survey homeowners every two years to ensure that the 80% requirement is met.

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Section 1. General Rules and Regulations

Nothing shall be done or maintained in any Unit or Common area which would be in violation of any law.

Animals. Only common household pets shall be kept or maintained in any Unit, provided that they are not kept for commercial purposes. In no event shall more than two (2) dogs or two (2) cats or a combination thereof be permitted to reside in any Unit. No reptiles of any kind are allowed to be kept or maintained in any Unit. Should a new home buyer have three (3) common household pets, they will be permitted to reside at 3 Cherry Way; however, upon the demise of one animal, homeowner agrees to thereafter abide by the two (2) dogs or two (2) cats ruling or a combination thereof. No pet shall be permitted upon the Common Areas unless carried or leashed by a person that can control the pet. All pets shall be controlled so as not to create a nuisance or unreasonable disturbance (including loud and excessive barking) on the Common Areas outside or inside a dwelling unit. When pets defecate in the Common Areas, the Owner shall remove the feces immediately. All applicable laws and regulations concerning licensing, control, or restraint, and health, with respect to domestic animals, must be complied with. No pets, including dogs or cats shall be kept outside on a continuous basis. Pens, dog lots, dog houses, etc., are not permitted. Each Owner shall hold the Association harmless from any claim resulting from any action of his/her pet and shall repair at his/her expense any damage to the Common Areas caused by pets. Owners will be notified in writing for violations as per the Declaration of Covenants, Conditions and Restrictions of 3 Cherry Way Community and Homeowners Association.

Decorations. Annual religious and Christmas decorations are permitted. The attachment of such decorations shall not make holes in the soffit, siding or any trim. No roof decorations of any type are permitted.

Hazardous Material. Owners shall not permit any act that may increase the potential for fire, explosion or other hazard. Recommend owners not keep any gasoline, explosives, highly flammable material or hazardous chemicals in any Unit, except for normal household chemicals, cleaners and paint supplies. Recommend propane be in an outside tank and kept in the outside garage area.

Insurance. In compliance with the Declaration of Covenants, Conditions and Restrictions of 3 Cherry Way Community each owner shall provide the Board of Directors of the Community with proof of insurance and provide the correct mailing address of the HOA to the company.

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Noise. Residents shall not create any loud disturbance, noise or any other activity that will be a nuisance to other residents in the community. Unit owners shall keep the volume of any radio, amplifier, stereo, television, musical instrument or computer instrument in their Unit (including porch, garage, driveway, or surrounding common area) sufficiently reduced at all times so as not to disturb other Unit Owners in any building.

Plumbing. Water closets (commodes) and other water and sewer apparatus may not be used for any purpose other than those for which they were designed. No sweepings, matches, rags, ashes, cat litter or other improper articles shall be thrown therein. Grease and fat from cooking should not be put down any drain. The cost of repairing damage from misuse of any of the same may be borne by the Owner causing such damage.

Signage: No personal signage of any type shall be allowed in the common areas of the community.

Solicitors. Solicitors are not allowed in 3 Cherry Way.

Trade or Marketing Activities. All units at 3 Cherry Way shall be used for residential purposes only. Any type of trade or marketing, e.g., garage sales, tag sales or yard sales is prohibited.

The Owner or Occupant residing in a Unit may conduct business activities within the dwelling provided; (a) the existence or operation of the business activity is not apparent or detectable by activity, sight, sound or odor from outside the dwelling; (b) the business activity conforms to all zoning requirements for the property; (c) the business activity does not involve persons coming onto the property; (d) the business activity does not constitute a nuisance, hazardous or offensive use, or threaten the security or safety of other residents as determined by the BOD.

Units. Streets, driveways, garages, common areas, patios, and doorways shall not be obstructed nor used for any purpose other than that for which the Units were designed. Patios, garages, driveways and entrances to each private residence shall be maintained and kept in a neat, clean and orderly manner and shall not be used for storage of furniture, building materials, boxes, or any other debris of any kind.

Unit Exterior. Outside appearances of the building shall be kept uniform, except personalization of the area in the garage and the patio. Owners may place tasteful chairs, tables, etc., in the garage and patio areas so long as access is not obstructed, and the general décor of such items reflects the moderate nature of the community. Gas or charcoal grills should be stored in the garage area.

Owner(s) shall strive to prevent any damage from occurring to the exterior of their home. If the homeowner should cause damage to the exterior of the home, they may be required to repair the damages to maintain the appearance in the community. In the event the owner refuses to

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repair the home, the HOA may hire contractors to conduct the repairs and charge the repairs to the homeowner.

During the times of possible freezing weather Owner should not leave any hoses or other devices connected to outside water faucets, except while being used. Owner should properly insulate outside faucets during winter months. If an owner chooses not to follow these recommendations and damages occur, the owner is responsible for the cost of the repairs.

Owner shall not construct barriers, walls, ditches, or structures of any kind outside their Unit.

The installation of awnings, garage extensions, tents, or any other kind of structures, including portable basketball goals are not permitted.

Unit Sanitation. Trash, rubbish, garbage or other waste shall not be stored or kept, except in sanitary containers placed in the garage area of each unit. Any household garbage placed in these containers shall be further enclosed in nonleaking plastic bags.

Owners shall not throw anything, nor permit anything to be thrown from windows or doors onto the premises or common areas.

Section 2. Community Clubhouse

The Community Clubhouse is for the use of the residents of 3 Cherry Way. All persons below the age of 18 must be accompanied by an adult at all times.

The resident is responsible for ensuring himself/herself and guests respect the Clubhouse and other residents in the Clubhouse. For example, maintaining reasonable conversation volumes, no rough play, etc.

The intent is to allow maximum use of the building while protecting the availability of the building for each and every resident. Therefore, individual use of the building will be limited to residents of 3 Cherry Way and their guests. If a resident invites non-residents to the Clubhouse, a Nonresident Rental Form must be completed, approved and scheduled through the property manager or designated representative. If a resident invites other residents to the Clubhouse, a Resident Rental Form must be completed, approved and scheduled through the property manager or designated representative. The 3 Cherry Way Community Clubhouse Reservation Forms are located on the 3 Cherry Way Website at <https://www.3cherrywayhoa.com/3cwcommunity-clubhouse-forms>. The individual will then convey any scheduled use of the building to the residents on a regular basis. The building will not be available to individuals on any holidays or during any scheduled holiday events.

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A resident reserving the building for a personal event shall be responsible for the building and the actions of any guests they may invite. The resident shall make all non-resident invitees aware of the rules of behavior for 3 Cherry Way. Should any problem arise, the resident that signed the Building Use Form shall make certain the problems are resolved.

Resident(s) on behalf of themselves, their heirs, successors and assigns, and on behalf of their guests and invitees, their heirs, successors, and assigns hereby release 3CW HOA and their respective officers, directors, shareholders, agents, members, successors, and assigns of and from any claims which Resident Member(s), his or her guests, and invitees, now have or may hereafter have which are related in any way to any loss, damage or injury that may be sustained in connections with their use of the facilities or as a result of any activity, including the consumption of alcohol or other intoxicating or illegal substances, engaged in while using the facility.

A deposit is required to reserve the Community Clubhouse when non-residents are invited to the event. The deposit amount will be set by the HOA Board of Directors. This must be paid to the property manager or designated representative after approval of the Building Use Form and prior to actual use. Of this amount, a preset portion shall be a non-refundable consumables fee for use of Community Clubhouse supplies. And another refundable preset portion shall be a security deposit to ensure that the building and contents are kept in good order and condition. After scheduled event is finished the resident making the reservation is responsible for cleaning the floors, tables and any other equipment used. Trash must be removed and placed in the outside containers. The property manager or designated representative shall inspect the building after use to determine the state of the building. If there is no damage and the cleaning and trash removal are satisfactorily complete, the refundable portion of the deposit will be returned. Should conditions not be satisfactory the property manager or designated representative will hire a person to make it right. The cost incurred for this will be deducted from the refundable portion. If any remainder is left it will be returned to the resident.

For functions where there are 25 or more residents invited and the member requesting the Clubhouse wants exclusive use of the Clubhouse, there will not be a regular rental fee as indicated above for private functions attended by non-residents. However, the resident must complete a Community Clubhouse Reservation Form and Use Agreement for Events with Member Guests Only Form and submit it to the property manager or designated representative. In the event those utilizing the building do not clean following use, the HOA will hire someone to perform this duty.

There shall be no smoking in the Community Clubhouse.

Pets other than licensed service dogs shall not be allowed inside the Community Clubhouse.

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All visitors are to be informed of the rules of 3 Cherry Way. Persons under age 18 must be visiting an adult resident. All persons below the age of 18 must be supervised.

No food is to be left in the refrigerator, on countertops or in cupboards.

When decorating, do not use tacks, nails or tape on walls, doors, or any surface.

Before leaving the building:

- All tables and chairs must be returned to original position.
- Remove all trash from the kitchen and restrooms. Place all trash in garbage bags and place bags in trash containers outside.
- Place a new trash bag in the kitchen container and rest room containers.
- Wash all utensils that were used and return to proper place.
- Take all dish towels home, wash, and return to the clubhouse in a timely manner.
- Turn off all stovetop burners. Unplug coffee pot.
- Turn off all lights, interior and exterior.
- Lock all doors.
- Report any/all problems to the property manager or designated representative manager.

Section 3. Streets

Parking of Owners' vehicles on the private streets of 3 CHERRY WAY is strictly prohibited, excepting for occasional overflow parking. No vehicles shall be parked on the grass of the Common Property.

Vehicles requiring overnight parking that cannot utilize an owner's driveway may use the clubhouse parking lot **provided** a parking permit is obtained (see website for permit) and signed by a board director. This is to ensure vehicles from outside the community are not being parked in the lot. Vehicles towing trailers may utilize the Clubhouse parking lot provided the trailer is not over 24 feet in length. No commercial vehicles or commercial vehicles with trailers are allowed in the Clubhouse parking, except contractors' vehicles. All vehicles utilizing the Clubhouse parking lot are recommended to carry liability insurance.

In no case shall vehicles be parked in such a manner that the street or a fire hydrant is blocked. Normal traffic and emergency vehicles must always have access.

The community wide speed limit is 15 mph. All visitors should be informed.

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No truck or commercial vehicle in excess of one-ton load capacity or over 20 feet in length or any vehicle under repair, or any trailer, wrecked or junked motor vehicle shall be parked upon or permitted to remain on any Lot.

Trailers, campers, boats, motor homes, and recreational vehicles must be parked in the storage area specifically designated by the Association for the storage of such vehicles. No (house) trailer, motor home, recreational vehicle, camper or boat shall be used as a residence either permanently or temporarily.

All automobiles, trucks and motorcycles must have a current license plate affixed and must be parked on the concrete driveway associated with the Unit. Dilapidated vehicles shall not be kept out the garage on any lot.

Resident RVs and campers are allowed to park on the street for a period not to exceed 24 hours for the purpose of preparing for a trip, or clean-up after a trip. The RV or camper must be parked in such a way as to not block the street, any driveway, or a fire hydrant.

Streets and driveways shall not be used for any activity which may cause an increase in liability insurance for the Home Owners Association, or be a hazard to any homeowner or the participant in such activity. Reckless operation of bikes, skateboards or roller blades is not permitted. The HOA is not responsible for accidents or injuries.

Section 4. Common and Grass Areas

All grass areas shall be kept free of decorations, trash, litter, signs or any other matter that would limit the maintenance of the grass such as mowing, aerating, fertilizing or weed control.

No personal property shall be left unattended on the grounds of the Common Property. This includes all personal property such as cooking grills, bicycles, all types of sporting equipment, patio, or lawn furniture, etc.

Pet droppings shall be removed immediately from grass areas and all Common Areas.

No outside pet or storage structures may be placed in the grass areas except any structure approved by the Architectural Control Committee and the Board of Directors and made uniform for all units.

Owners may use the grass area adjacent to their unit for outside entertaining, picnics, or other temporary use provided the area is promptly cleaned of debris and the activity does not permanently harm the grass or become a nuisance to the neighbors.

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Owners, residents or visitors shall not park vehicles on any grass areas. Golf carts may be parked on grass areas.

Owners are not permitted to perform maintenance, upgrades or plant in any of the common areas within 3 Cherry Way without BOD approval.

Section 5. Landscape Areas

Refer to 3 Cherry Way's Landscape Standards and Guidelines for guidance.

Section 6. Pond Area

Owners, residents and visitors shall have access to any amenities around the pond.

No trash, refuse or pet feces shall be dropped or placed in the Common Areas around the pond. Trash and litter must be carried to the Owner's home and be disposed of properly. No trash or any other items should be allowed to enter the pond.

No owner, resident or visitor shall introduce any aquatic life into the pond such as fish, plants, or weeds like hydrilla.

No owner, resident or visitor shall feed any wildlife (other than birdfeeder) by hand or distribution. Attracting wildlife can be detrimental to people and property.

No watercraft of any kind, swimming, wading, or fishing is permitted in the pond.

Section 7. Trailer/RV Storage Area

The gate to this storage area shall be locked at all times unless being accessed by authorized persons, such as Owners or residents with property stored in the enclosure.

All persons using the Trailer/RV Storage Area do so at their own risk and sole responsibility. Owners and management are not responsible for accidents or injuries.

All vehicles, trailers, boats, motor homes or recreational vehicles stored in this area should have current license plates affixed.

Owners should maintain proper insurance on any vehicle, trailers, boats, motor homes or recreational vehicles stored in this area.

This storage area is for boat, trailer and RV storage only.

No commercial vehicles shall be stored in the storage lot.

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An Association Member may reserve one (1) storage space. If available, a member may reserve a second storage space until another resident submits a request for a storage lot and there are none available. The resident will have two weeks to vacate the second storage lot. The HOA may reserve one (1) storage space for HOA sanctioned activities.

Owners using the storage area need to keep storage area neat. This includes positioning and appearance of vehicles, trailers, boats, motor homes, or recreational vehicles as well as any trash or ancillary equipment.

All owners shall be aware that there is a storage fee for use of this area.

Nonpayment of the storage lot fees could result in fines and potential loss of the storage space.

Section 8. Swimming Pool

The pool is for the exclusive use of residents and their guests only. All persons below the age of 18 must be accompanied by an adult at all times.

The pool cannot be reserved for private functions.

Residents may invite guests to use the pool. If the number of guests exceed four (4), then, the resident must be present during such functions. The resident is responsible for ensuring himself/herself and guests respect the other pool users. For example, refraining from monopolizing pool furniture, maintaining reasonable conversation volumes, no rough play, etc.

All persons using the pool do so at their own risk and sole responsibility. Owners and management are not responsible for accidents or injuries. NO lifeguard is on duty.

The pool is open from 9am to 8pm (or dusk) from dates to be established by the HOA Board of Directors. Absolutely no night swimming.

Animals or pets are not allowed in the pool or pool deck area with the exception of licensed service animals. Licensed service animals are not allowed in the pool.

No running, boisterous or rough play is allowed in or around the pool area.

No diving allowed in the pool.

Drinks and snacks are permitted at the tables. However, no glass of any type (bottle, plates, containers, etc.) are allowed. Drinks and snacks are never permitted in the pool. Residents are responsible for removing their trash.

Portable music devices (small radios, iPods, MP3 players, etc.,) are permitted for personal use.

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Consideration of others must be exercised when listening to music.

The phone at the pool is for emergency use only. No other calls are permitted.

Proper swimming attire is required. No cutoffs or shorts are allowed. Non-toilet trained children must wear "little swimmers." No disposable diapers are allowed in the pool.

Swimming alone is discouraged and residents swimming alone shall assume all liability. No persons should swim alone.

No persons with skin, eye, ear or nasal infections are allowed in the pool.

No persons with communicable disease are allowed in the pool.

Emergency kits are located in the men's and women's restrooms in the clubhouse.

Section 9. Golf Carts

A. All golf carts:

- a. Recommend be operated by a driver who is 16 + years of age with a valid driver's license
- b. Must be registered with the HOA and have a HOA sticker be visible on the windshield.
- c. Recommend golf cart be insured.

B. Golf carts driven at night must have headlights and taillights.

C. Golf carts must have a rearview mirror and horn.

D. A resident must be on the golf cart whenever it is being driven in the community.

E. Golf carts driven on the streets shall be operated in the same manner as other motor vehicles and shall comply with all traffic laws, rules and regulations which govern the operation of motor vehicles on the public streets and highways of the State of North Carolina.

F. Drivers must observe all traffic regulations and use proper signals. Golf carts being driven on the streets shall yield to other motor vehicles. Golf carts must be stored in garage when not in use.

G. Drivers of golf carts are responsible for any damage or injury caused by negligence or willful misconduct.

H. The HOA BOD may suspend or revoke operating privileges in the event of any violation of the provisions in the Declaration, the Association Rules and Regulations or the laws of the State of North Carolina. The HOA BOD may tow golf carts which are improperly parked or operated at Owner's expense and Owners may be subject to administrative fines for violations. Owner

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is fully responsible for anyone who operates golf cart that is registered in their name as well as the conduct of any passengers.

Section 10. Recommended Code of Conduct

All persons should conduct themselves in a civil and courteous manner at all times and should not jeopardize or interfere with the rights and privileges of others.

Loud, profane, indecent or abusive language is prohibited.

Harassment or physical abuse of any person by another is not allowed.

No person's actions shall compromise the safety of another. All persons using the Common Areas shall obey all safety rules and shall cease unsafe activity when directed to so by the BOD or the assigned agent.

Owners and Residents are responsible for the actions of their guests. A violation of any rule by a guest will be deemed a violation of the host Owner or Resident.

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