Design Guidelines

The Lodges at Eagles Nest
Banner Elk, NC

REVISED 2020

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CHAPTER 1 - INTRODUCTION

1.1 BACKGROUND

Eagles Nest is a planned mountain community, designed to be well integrated with the terrain and climate. The design objective is to blend the development into its natural setting rather than contrast or compete with it.

A 2,400 acre development with altitudes over 5,000 feet, The Lodges at Eagles Nest features a wildlife preserve, waterfalls, trout-filled streams, and miles of pristine mountain trails perfect for hiking, riding, and biking. These Custom-built homes are designed by some of the country's best architects, each showcasing a one-of-a-kind rustic mountain elegance with creative flair and ingenuity. One of the community's strongest statements is the architectural quality of its homes. The degree to which Eagles Nest integrates with its blended rural atmosphere is therefore dependent on the design and setting of each home. The architectural review process has been established to help ensure that each home makes a contribution to this design objective and is site-compatible when employing these guidelines. A mountain design theme will be prevalent throughout many of the homes at Eagles Nest. Although all sites and homes will vary somewhat, a common set of design elements and theme compatibility should be carried throughout.

1.2 PURPOSE

Waterfront Group, the developer of Eagles Nest, has established these Design Guidelines for Lodges at Eagles Nest to provide guidance to homeowners planning to build on their lots or planning improvements and modifications to their existing homes to facilitate the review process. However, these Design Guidelines are not the sole basis for decisions on architectural and aesthetic matters. Please refer to the Eagles Nest Architectural Review Board, hereinafter referred to as
"ARB", for additional guidance.

These Design Guidelines are not meant to discourage new lot owners from building their homes or owners from beautifying and improving their existing property. On the contrary, new builds or exterior improvements can contribute positively to neighborhood property values and aesthetics. The intent is to protect all homeowners with a strict process for assuring that new builds, modifications and improvements are:

a. consistent with the harmony of exterior design in Eagles Nest.
b. located appropriately with regard to surrounding structures and topography.
c. high quality materials and workmanship.

1.3 GOVERNMENTAL REQUIREMENTS

Homeowners shall comply with these Design Guidelines in addition to the requirements of Avery County and any other applicable government ordinances, building codes, and regulations. To the extent that any other government ordinance, building code, or regulation imposes a more restrictive standard than the standards set forth in the Eagles Nest ARB, these Design Guidelines or the Eagles Nest style the government standard shall control. To the extent that any government standard is less restrictive, the Eagles Nest ARB, these Design Guidelines and the Eagles Nest ARB shall control.

1.4 INTERPRETATION

In the event of a conflict in the Design Guidelines, the Eagles Nest Architectural Review Board shall control. Capitalized terms used in these Design Guidelines and not otherwise defined in this document shall have the same meaning as set forth in the Eagles Nest Architectural Review Board.

1.5 AMENDMENTS

The Eagles Nest ARB may amend these Design Guidelines so long as it has any reviewing authority under the ARB. Thereafter, the Architectural Review Board appointed by the Eagles Nest POA Board of Directors may amend them. Amendments shall not apply retroactively to require modification or removal of work already approved and completed or in progress. It is the responsibility of owners to ensure that they have the most current edition of these Design Guidelines.

CHAPTER 2 - ARCHITECTURAL REVIEW PROCESS

2.1 REVIEW AUTHORITY

Eagles Nest Architectural Review Board is granted the power of establishing design guidelines through The Declaration of Covenants, Reservations and Restrictions for Eagles Nest Development. The Declaration of Covenants is a recorded and binding instrument as stated on the Deed to your property. These guidelines are intended to supplement all specific information included in the Amended and Restated Declaration of Covenants for the Lodges at Eagles Nest Development recorded DB 474 at 2179-2207. If there is a discrepancy between these two documents, the Declaration of Covenants will take precedent.

2.2 APPROVAL REQUIREMENT

The Design Guidelines derive their authority from the Declaration of Covenants, Reservations and Restrictions for the Lodges at Eagles Nest Development; the Guidelines are meant to clarify and add greater detail to the Covenants.

Any work done in violation of these Guidelines is nonconforming. With a written request from the ARB, the Owner, at his sole cost and expense, shall bring any and all such work into conformance. If the Owner chooses not to correct such issues, the Eagles Nest ARB can enjoin the property for corrective action, at Owner's expense.

The Eagles Nest ARB, acting on behalf of the Board of Directors, shall pursue all legal and equitable remedies to enforce the provisions, including, but not limited to, placing a lien on a lot for payment of delinquent fines and assessments. Such fines may include fines imposed by the ARB for violations as stated on the Schedule of Fines in Appendix B and costs related to any and all corrective actions undertaken and/or required. Additionally, legal and equitable remedies may include issuance of "cease-and-desist order".

Verbal approval by the manager, an officer or member of the ARB, by the Homeowners Association or the Association's manager does not constitute ARB approval. Approvals for any items noted and identified in these Design Guidelines or so referred to in the Declaration must be issued in writing from a representative of the Eagles Nest ARB.

2.3 PROJECT TYPES

2.3.1 New Construction/Large Project

The new construction/large project is for new construction, and/or any improvement that requires structural changes.

2.3.2 Home Improvement/Mid-Size Project

The home improvement/mid-size project request is required for owners proposing temporary structures and non-structural improvements after completion of the initial construction of the home on the home site. Examples include but are not limited to garages, decks that do not require structural change, fences, storage sheds, playhouses and structures of the like.

2.3.3 Small Project

The small project request is required for owners proposing to make any changes to the home and/or garage exterior paint/stain color, or that do not alter the exterior of the home itself. Examples of the later include but are not limited to fountains, patios and walkways.

2.4 SUBMITTALS

Requests for approval of proposed work must be made by submitting a completed Appendix A Project Application; an acknowledgement of Appendix B Construction Agreement; the required survey and site plan; architectural floor plans and elevations; and landscape/hardscape plans as identified below.

Submittals for approval of other items must include drawings, pictures, or other information sufficient for the ARB to properly consider the application. Failure to provide adequate information may result in denial of the application.

Color samples and photographs assist the ARB in rendering its decision and expedite the review process. The ARB may require the submission of such additional information as may be reasonably necessary to consider any application.

Applications for approval of new home construction, additions or modifications to structures and improvements on any Unit must be accompanied by a PDF of ALL of the following (See Chapter 4 for more information):

2.4.1 Survey and Site Plan – (all submittals shall be electronic)

A. Survey and site plan, drawn to scale no less than 1" = 20', showing all of the following: **a**. Property lines, setbacks and easements.
B. Footprint of the house and driveway, sidewalks, deck, patio, retaining walls, etc.
C. Finished floor elevation relative to existing/proposed grades.
D. Existing trees more than six (6") inches in diameter at breast height (DBH) and other existing large clumps of rhododendron or mountain laurel.
E. All proposed improvements dimensioned to properly locate them from the house or property line.
F. The septic tank and drain field.

2.4.2 Description of the Materials and Finishes

See Section 2.10 Materials.

2.4.3 Construction Detail

See Section 2 and Appendix A.

2.4.4 Architectural Floor Plans and Elevations

Architectural floor plans should be a minimum scale 1/4" = 1'-0" and must show all rooms, walls, windows and all dimensions. The architectural elevations be a minimum scale 1/8" = 1'-0", representing the view of all exterior sides of the proposed home. Wood and/or stone elements of all exterior walls shall be accurately and specifically depicted or designated. No kit style homes are permitted.

Elevations must delineate existing and proposed grade levels. All exterior component materials must be defined for specific material type and colors.

2.4.5 Landscape / Hardscape Plan

A scaled (min 1" = 20') landscape plan must identify all proposed plant material, including placement, number, size of trees and plants. Also show mulched and grass areas of proposed landscape additions or modifications.

2.5 SCOPE OF REVIEW

These Design Guidelines are intended to facilitate the review process, but are not the sole basis for decisions on architectural and aesthetic matters. Compliance with these Design Guidelines does not guarantee approval. In reviewing each application, the ARB may consider any factors it deems relevant. Decisions may be based on purely aesthetic considerations. Each owner acknowledges that determinations as to such matters are purely subjective, and opinions may vary as to the desirability and/or attractiveness of a proposed addition or modification. The ARB is not responsible for ensuring compliance with codes or structural integrity of approved work.

2.6 TIMING

The timing of review of applications and notification of applicants shall be conducted as described in the Declaration of Covenants. Specifically, the ARB shall notify the applicant via an email from the Property Management firm of their determination on any application no later than 30 business days upon determination of a completed application with all required documentation.

2.6.1 Site Review

An onsite meeting is required with an ARB representative to review the property and initial conceptual plans. The Building Envelope, Proposed Drive, proposed clearing and issues concerning adjacent properties should be discussed. This is an important step that will ultimately save time and money.

This meeting will confirm the correct analysis of the land use classification for your site, assess the appropriateness of the design concept to its surrounding locale and neighbors as well as its success in achieving the quality design standards for Eagles Nest.

Except for minimal brush cutting necessary for Health Department or survey purposes, lot clearing, grading or tree removal is not allowed until Final Site Plans have approval by ARB and all fees have been paid.

2.7 RESPONSIBILITY FOR COMPLIANCE

The ARB is not responsible for ensuring compliance with state and local building codes. Each owner is responsible for obtaining all necessary building permits from Avery County or Building and Zoning Department, and other government approvals that may be required for proposed modifications or additions. Additionally, owners are responsible for locating underground cables and wires prior to any modification requiring digging.

An applicant is responsible for ensuring that all the applicant's representatives, including the applicant's architect, engineer, contractors, subcontractors, and their agents and employees, are aware of these Design Guidelines, the Contractor Work Rules as stated in Appendix B and all requirements imposed by the ARB as a condition of approval.

2.8 OBSERVATION

Periodic field observation may be conducted by the ARB, the Eagles Nest Board members and Property Management Representative for every residence under construction.

Field observation shall be limited to the exterior of the structures and the grounds surrounding them. Interior designs which meet minimum finished living space requirements are the sole concern of the homeowner.

2.8.1 Final Inspection

Upon completion of construction (as evidenced by a copy of the Final Inspection/Certificate of Occupancy from Avery County and upon notification by Owner), the ARB will inspect the completed residence to determine compliance with the Final Design Approval. Following such inspection, the ARB will render a Certificate of Compliance or will note any deficiencies, and the Owner will have thirty (30) days to correct such deficiencies.

2.9 CONSTRUCTION REGULATIONS AND PROCESS

2.9.1 Contractor

All contractors building in Eagles Nest must be approved by the ARB. The Contractor will provide the ARB with a resume, financial statement, certificate of liability and workmen's compensation insurance, trade references and customer references as may be reasonably requested by the ARB. All contractors must have a valid NC Contractors License and will provide evidence thereof to the ARB. The Owner is responsible for all actions of the Contractor and compliance with the ARB Policies and Procedures and Construction Regulations.

2.9.2 Subcontractor

All subcontractors are subject to the approval of the ARB. The Owner and the Contractor are responsible for all actions and compliance of all subcontractors.

2.9.3 Construction Regulations

All contractors will sign a copy of the construction agreement attached hereto as ***Appendix B***. The Owner, the Contractor and all Subcontractors will comply with the Construction Regulations developed by the Declarant. A copy of the current Construction Regulations is attached hereto as ***Appendix C***. All Contractors will acknowledge in writing receipt of a copy of the Construction Regulations and agree to fully comply therewith.

2.9.4 Inspections

The ARB or representatives thereof may periodically inspect the construction to determine compliance with the Construction Regulations and Final Design Approval. Such inspections (or failure to inspect) do not constitute approvals or waive the right of the ARB to demand full and complete compliance with the Final Design Approval at any subsequent time or at the time of the Final Inspection. The ARB may give written notice of failure to comply with the Construction Regulations or the Final Design Approval at any time.

2.10 MATERIALS

Native or indigenous materials must be used in the construction of homes including:

2.10.1 Roofs

Roof pitches for major roof areas are required to be a minimum of 6/12 and a maximum of 14/12 for functional and aesthetic reasons. The aesthetic appearance of a residence roof-scape depends greatly upon the articulation of the siding, roofing, details, fenestration, walls, and fences. Walls, fences, and screens should be used to provide privacy, enclose service areas and HVAC units, and to reduce the scale of large masses. Details at the soffit, fascia, base, corner, windows, and decks should have common elements that help unify the appearance.

2.10.2 Exterior Finishes

High-quality exterior engineered wood-like aggregate products, natural woods, and stone is encouraged while the use of imitation or less than highest quality materials strongly discouraged and may be grounds for rejection. The use of LP smart siding are permitted. The use of plywood siding is not permitted except on the underside of soffit. Roofing materials shall be heavy wood shakes, shingle style clay tile products, fiberglass shingles, metal, or slate. In case of fiberglass shingles they must have a 25-year warranty.

2.10.3 Foundations

Foundations **MUST** be veneered using natural woods and stone. Cultured stone is prohibited. Areas of the foundation that are not visible from any roadway, other lot/home site, or future lot/home site may be stucco only with approval by the Eagles Nest ARB.

2.10.4 Colors

All exterior materials and colors should complement the surrounding environment color samples for new construction and re-coloring of existing buildings. Color samples shall be submitted to the Board for approval in advance prior to painting or staining. Colors selected for residences, garages, or other structures shall be in the natural brown, grey and earth tone color palette. With the exception of Vineyard Village which should be from the gray tone pallet to match or complement the winery. **No white windows or blinds may be used anywhere in the community. Window exteriors and blind color seen from the outside must follow Eagles Nest earth tone color palette requirements.**

NOTE: All color schemes must be approved by the ARB. Additional colors will be considered upon review. Submit color chips of all proposed paints and stains with your project application for approval by the ARB. You may be required to provide a sample color on the proposed materials as well.

2.11 LANDSCAPING

Rocks, berms, and plants may be used to create outdoor spaces. Care should be taken in the selection of plants and flowers for size tolerance of environment and resistance to drought and wildlife. Plants identified by the USDA Forest Services as "invasive" shall not be used. The landscape design shall be compatible with the mountain environment by using native stone, wood and other materials in conjunction with plantings. All trees, shrubs, and groundcovers must be properly maintained. All dead or dying plants shall be removed and replaced within 30 days of notification to the Owner by the ARB. Lawn areas are encouraged, particularly in the front as they greatly enhance the appearance of the yard and residence. Storm drainage systems in the immediate area of the site shall be integrated into the overall landscape design.

2.12 OTHER

2.12.1 Temporary Structures

No structure of a temporary nature shall be placed upon any portion of Eagles Nest at any time for any reason. Temporary shelters, including mobile homes, trailers, recreational vehicles, and tents, may not be used as temporary permanent residences or be permitted to remain on any portion of Eagles Nest. Trailers for contractors, builders, or others normally placed at construction sites are permitted only after specific approval in writing by the ARB and only for its need during constructions. Basements or partially complete houses are considered temporary and **may not** be inhabited.

2.12.2 Driveways

All driveways and parking areas should be finished with asphalt, concrete, or natural stone unless another paving material is approved in writing by the ARB. All exceptions must be approved by the Eagles Nest ARB.

2.12.3 Well and Septic

Prior to the occupancy of any family dwelling unit, proper and suitable provisions shall be made for the disposal of sewage by means for a septic system. No sewage shall be emptied or discharged into any creek, or upon the open ground. No sewage disposal system shall be used unless such system is designated, located, constructed, and maintained in accordance with the requirements, standards, and recommendations of the Health Department or its successor governmental authority. Each septic system shall be maintained in good condition so that its use and existence shall not constitute a nuisance to any other lot Owner. Approval of such system shall be obtained from the health authority without having jurisdiction.

2.12.4 Garages

Homes that choose to build a garage must have a two-car garage of at least 400 square feet minimum. Detached garages need to be approved by the Eagles Nest ARB to determine size and approval. Garage doors must not face the street unless the lay of the land requires such, as approved by the ARB. No carports allowed.

2.12.5 Fences

Fencing as a landscape element may be allowed if approved. Rail, split rail and low stonewalls in the Eagles Nest rock wall style are encouraged as landscaping elements. Privacy screens and chain link or wire fencing are not permitted.

2.12.6 Site Grading

Site grading shall be kept to a minimum, and drainage systems shall be designed for minimum impact or alteration of natural drainage systems. Flooding from large storms is sometimes a temporary problem in some areas, thus particular attention must be paid when grading to avoid standing water.

Retaining walls may be used to reduce areas needing grading. The walls must be stone, reflect the architecture and enhancement of the home's materials or coloring, and should be carefully integrated into the site and/or home with ARB approval required.

Sedimentation and erosion control measures must be employed during the construction process as required by the state. Please see Appendix B included herein. Surface drainage must be collected or contained on-site and shall not impact adjacent properties.

2.12.7 Rubbish and Sanitation

Each construction site is required to have a commercial **dumpster** and a **job toilet** for use of the workers. Each lot Owner shall provide sanitary bear proof containers for garbage, and all garbage receptacles, tools, and equipment for use by the lot Owner. Trash, garbage, and other waste shall be kept in said sanitary containers. NO trash, garbage, construction debris, or other unsightly or offensive material shall be placed upon any portion of Eagles Nest except as temporary and incidental to bona fide improvements of said area. Animal-proof trash receptacles are mandatory and should be screened by planting, berming, or a fencing element. The toilet should be outside of the street right-of-way and placed in an inconspicuous location with the door facing away from the street and neighboring homes. **TOILET MUST BE AT LEAST 25 FEET FROM THE STREET.**

2.13 SIGNS

The Declarant reserves the exclusive right to display signs. Property Owners shall not display any sign or device indicating the profession, business, or trade of any person or advertising in any way. Property Owners shall not erect or maintain signs on any Lot or on any structure on any Lot. Property Owners will not display "For Sale" or "For Rent" signs. If a Property Owner is given permission by the Declarant in writing to display signs, then those signs shall not exceed two (2) in number and such sign shall not exceed two feet (2') by three feet (3') in size, or except as may be permitted in writing by the Declarant, or except as may be required by legal authority. The entrance sign naming the Development, road signs, and a temporary sign installed by the Declarant announcing the Lots in the Development for sale shall, however, be excepted from this restriction. Declarant specifically reserves the right to establish gates and suitable signs at entrances to specific "Gated Areas" to be constructed and maintained within the Development. Specifically prohibited are "No Trespassing" signs.

2.14 TREES

The cutting of mature trees is strictly regulated before, during and after construction. The Association recognizes that each homeowner desires the best possible view from their property. To insure no clear-cutting and that proper consideration is given to the adjoining homes and common areas, **ARB approval is required to cut any tree whose diameter at breast height (DBH) is six (6") inches or more, large clumps of rhododendron or mountain laurels**, unless located within ten (10') feet of a proposed building, or within a proposed driveway or walkway. Exceptions include damaged trees or trees which must be removed because of a potential danger.

Homeowners wishing to remove or limb **(topping trees is not allowed)** trees will mark the trees or limbs to be removed and submit a written request to the ARB. The ARB will examine the area and the homeowner(s) will be informed in writing of their decision. Logs cut and retained must be kept out of sight of Eagles Nest roads.

Should a lot owner remove any tree or vegetation without prior written ARB approval, said lot owner shall be liable for damages which may include fines and/or legal action. For trees removed or destroyed without the ARB's approval, the Association may, at the lot owner's expense, enter the property and install new trees as necessary to replace removed or destroyed trees.

2.15 EXTERIOR LIGHTING

All exterior lighting shall be installed so as not to disturb neighbors and minimize visual access to the light. Exterior floodlights must use a hooded-type fixture and directed downward to minimize glare.
All exterior lighting must be approved by the Eagles Nest ARB. Down lighting is encouraged to reduce glare; exterior light fixtures on homes should be of baffled design and conservative in number. Colored lights are prohibited.

2.15.1 High Density Area Lighting

There is a uniform requirement for blind and window treatments and landscape lighting in high density areas. No exterior lighting from which the direct source is visible to a neighboring residence or produces light spillover or glare to pedestrian or vehicular traffic shall be allowed. When exterior lighting is used, soft-white exterior lights are required. Low-level landscape lighting immediately adjacent to the residence may be permitted. Up lighting of any sort is strictly prohibited.

2.15.2 Exterior Decorative Accessories and Installations

All exterior accessories including, but not limited to, address numbers, hardware, house signs, ornamentation, light fixtures, pole lamps, and lawn ornaments must have prior written approval of the ARB prior to installation. Such accessories must conform to the prevailing theme of the Eagles Nest community. No Christmas themed lights, rope style, etc of lighting for decorative or other purposes will be allowed outside of the standard holiday season timeframe of Thanksgiving-New Year.

2.16 ANTENNAE

All utilities, wires, cables, antennae and the like, of any kind (such as telephone, electrical, television, radio, and citizen band radios) must be placed underground except as may be expressly permitted and approved in writing by the Eagles Nest ARB. Satellite dishes shall not exceed 24" in diameter and must be placed as unobtrusively as possible.

2.17 POOLS AND SPAS

No above ground pools or inflatable bubble covers will be allowed. Pools and enclosures should relate architecturally to the home and other structures in their materials and detailing.

2.18 MISCELLANEOUS

Any cleaning, grading, or building without approval of the ARB will result in suspension of work and denial of builder, contractor and/or subcontractors access to the project.
Mulching with hardwood bark is required for all planted areas to provide a smooth transition to the existing natural vegetation. Gravel, pine bark or pine straw are not acceptable as mulching materials.

2.19 TOYS, TOOLS, AND LAWN EQUIPMENT

Toys, bicycles, and other portable play equipment, tools, and landscaping materials and equipment must be stored inside the dwelling, garage or other approved structure or container when not in use.
Sprinklers and hoses must be coiled and stored out of view from streets and neighboring property when not in use.

2.20 ITEMS NOT COVERED

Matters not covered in this document cannot be construed, as authorization to execute by a property owner and must be provided approval in writing by the ARB. When in doubt, contact the Eagles Nest ARB for resolution.

2.21 EXCEPTIONS

Variance and/or deviations from compliance with any of these Design Guidelines and procedures above may be permitted if the ARB determines that circumstances such as topography, natural obstructions, hardship, aesthetic or environmental considerations justify such a variance. However, the ARB is not obligated to grant a variance. Any exception granted shall be confirmed in writing, shall be considered unique, and will not establish a precedent for future decisions.

2.22 RIGHT-OF-WAY

The right-of-way consists of the road adjacent to your property and the strip of land on each side of the road.

Owners may not build or place any structure in the right-of-way, remove any trees or other vegetation from the right-of-way, or undertake any projects in the right-of-way that would affect drainage, safety, or aesthetic without obtaining prior written notice from the ARB. Proceeding with a project in the right-of-way without written approval will incur the peril of having to restore the right-of-way to its original condition at Owner's expense.

Contractors are expressly forbidden from parking, placing equipment or materials on the shoulder of the road. The lot owner and contractor will receive one (1) warning via email. The second occurrence will result in a fine up to $100.00 per day.

If an Owner proceeds with a project in the right-of-way after obtaining approval, (such as planting grass on the shoulder of the road, or installing a curb across a driveway entrance), Owner will be solely responsible for all maintenance and damage associated with that project.

CHAPTER 3 – CONSTRUCTION DEPOSIT AND SCHEDULE

3.1 NEW CONSTRUCTION/LARGE PROJECT

Construction of a Single Family Home – *(make each check separate and payable to The Lodges at Eagles Nest POA)*

3.1.1 Construction Letter of Credit

$7,500.00 Letter of Credit due from builder upon approval of final plans

3.1.2 Architectural Review Fee – New Construction

$1,000.00 due with application

3.1.3 Architectural Review Fee – Improvements, Additions, or Incomplete application submittal

$500.00 per occurrence

3.1.4 Road Impact Fee – New Construction

$7,500.00

ALL FEES ARE DUE IN FULL PRIOR TO ANY SITE CLEARING OR CONSTRUCTION, OR YOU WILL BE CHARGED WITH FINES PER THE SCHEDULE OF FINES FOUND IN APPENDIX B

CHAPTER 4 - SUBMITTAL PROCESS

4.1 REQUIRED DOCUMENTATION

Project applications may be completed and submitted via the owner portal which can be accessed from the Blue Ridge Professional Property Services website (http//www.brppservices.com). Once in the owner portal, click the Documents Menu in the upper right hand corner and select the Download Documents tab. Download the required PDF forms for fill in using Adobe Acrobat Reader. When finished, the forms will be submitted via email by clicking the Submit button at the bottom of each form. Project application must include:

- **Appendix A - Project Application.** Complete all required information.
- **Appendix B - Construction Agreement.** This must be completed and acknowledged by both the owner and general contractor.
- **Appendix C- Construction Regulations.** This must be completed and acknowledged by both the owner and general contractor.
- **Certificate of General Liability Insurance of the Contractor. This must remain current throughout the entirety of the project and cover all subcontractors. Coverage amount is required to be a minimum of one million dollars.**

In addition to completing both Appendix A and B, the applicant must also include PDF files containing a survey and site plan, appropriate architectural floor plans with elevations, and a landscape/hardscape plan.

4.2 REQUIRED DEPOSITS AND FEE CHECKS

Required deposit and fees may be paid on-line when the Project Application is submitted, or the fees can be paid by separate checks, made payable to the Lodges at Eagles Nest POA and mailed to:

Blue Ridge Professional Property Services, LLC
Attention: Eagles Nest
P.O. Box 2201
Boone, NC 28607

PLEASE NOTE THE FOLLOWING:

- The ARB will not begin the 30 business day review period until both completed exhibits with required supporting documentation and applicable fees have been received.
- **Absolutely no construction is allowed until all fees have been paid in full and you have received written approval from the ARB.**

4.3 CONSTRUCTION LETTER OF CREDIT

This letter of credit is due upon approval of final plans and will be held on file throughout the duration of the project. The letter of credit will be released at the completion of the project after a final site review has been completed and if there is no damage caused by any party involved in the construction process and no design violations have occurred. However, if there is a need to administer or process a violation as listed in Appendix B, the associated costs will be deducted from this letter of credit.

4.4 ARCHITECTURAL REVIEW FEE

This fee is due with the project application. The fee covers the cost of processing and reviewing an application through the required steps. It also includes assistance to owners submitting an application, document control, the potential cost of review by an architect, engineer, landscape architect, etc., if required and necessary, construction observation and final project administration.

4.5 IMPACT FEE

This fee is non-refundable and is due with the project application. It is required to cover impact and damage to the existing road network.

4.6 VIOLATIONS AND ENFORCEMENT

4.6.1 Notice

In the case of a violation of the Construction Regulations, or failure to implement construction in accordance with Final Design Approval, a RED violation notice will be posted at the property and a copy thereof sent by certified mail to the Owner, Contractor and Architect to the addresses specified in the Application or any subsequent change of address notice given to the ARB. Minor violations may be handled on a less formal basis via direct contact by the ARB with the Owner or Contractor.

4.6.2 Corrections

There shall be no grace or cure period prior to enforcement of fines and remedies for violations of the Construction Regulations. The Owner will cause non-Construction Regulation violations to be corrected within ten (10) days after receipt of such violation notice unless, such violation is incapable of being cured within ten (10) days. If such violation is incapable of being cured within ten (10) days, the Owner will inform the ARB of Owner's intended corrective action, and subject to approval and consent of the ARB of Owner's proposed remedy and timing, Owner will continuously and diligently pursue correction of the violation until corrected.

4.6.3 Fines

If a violation continues beyond the ten (10) day period (or such longer period as agreed to by the ARB), the Owner will pay to the ARB a fine of $100 per day RETROACTIVE to the date of notice of violation until the violation is corrected.

4.6.4 Government Notice

If the violation involves a safety risk to the public or the environment, the ARB may inform appropriate governmental agencies of the potential risk.

4.6.5 Remedies

The ARB will be entitled to enforce the provisions of these policies, procedures, rules, regulations and standards by all available remedies under the Declaration and as are afforded by law or in equity, including injunctive relief. The Owner will be responsible for all costs incurred by the ARB in enforcing these provisions including attorney's fees.

4.6.6 Lien

All Fees, Fines, charges and enforcement costs will constitute a lien against the property of Owner to which the Fee, Fine, charge or enforcement cost applies and may be enforced in accordance with the provisions of the Declaration.

4.6.7 BUILD TIME REQUIREMENTS

THIS COMPLETED PROJECT APPLICATION MUST BE APPROVED BY THE ARCHITECTURAL REVIEW BOARD BEFORE CONSTRUCTION OR INSTALLATION CAN BEGIN. BUILD TIME REQUIREMENT IS A TOTAL OF 18 MONTHS. 9 MONTHS ALLOWED FROM THE START OF PROJECT TO COMPLETE THE DRY IN PROCESS. 9 MONTHS FROM DRIED IN TO FULL COMPLETION OF THE HOME OR STRUCTURE.