

ARCHITECTURAL AND ACTIVITY POLICIES

MYSTIC WOODS COMMUNITY ASSOCIATION, INC.

Pursuant to the Dedication, Protective Restrictions, Covenants, Limitations, Easements and Approvals Appended of the Plat and all Sections of Mystic Woods (hereafter, the Covenants), the following Architectural and Activity Policies have been adapted as amendments to the Bylaws of Mystic Woods Community Association, Inc. (hereafter, the Association) by its Board of Directors and are meant to ensure the long-term value, appearance, and desirability of Mystic Woods. These policies are binding on all homeowners, Lot owners, residents, and guests in Mystic Woods. Timely compliance with these policies is the responsibility of each homeowner, Lot owner, resident and guest in Mystic Woods. It is both to the benefit of the community and the responsibility of every homeowner and resident to ensure that every property and dwelling is well maintained.

ATTORNEY FEES AND RELATED EXPENSES: In the event the Association, Developer, an Owner, or the Plan Commission is successful in any proceeding, whether at law or in equity, brought to enforce any restriction, covenant, limitation, easement, condition, reservation, lien, or charge now or subsequently imposed by the provisions of these covenants, the successful party shall be entitled to recover from the party against whom the proceeding was brought, attorney fees and related costs and expenses incurred in such proceeding.

ENFORCEMENT: The Association, the Developer, and any Owner (individually or collectively), shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, Architectural and Activity Policies, liens and charges now or subsequently imposed. Failure by the Association, the Developer, or any Owner to enforce any provisions shall in no event be deemed a waiver of the right to do so later.

INVALIDATION: Invalidation of any language or provisions of these Architectural and Activity Policies by judgement or court order shall not affect any remaining language or provisions, and such remaining language and provisions shall remain in full force and effect. No invalidation of any language or provisions of these Architectural and Activity Policies shall affect any of the language or provisions of the recorded Covenants of Mystic Woods.

GENERAL

Pursuant to Section 5 of the Covenants, no building, fence, deck, wall, in-ground swimming pool, or any other structure, whether temporary or permanent, shall be commenced, erected, or maintained upon a Lot, nor shall any exterior addition, change, or alteration be made to a structure on a Lot until the plans and specifications showing the structure's nature, kind, shape, height, materials, and location are submitted to and approved by the Committee in writing as to the structure's harmony of external design and location in relation to surrounding structures and topography in Mystic Woods.

An Architectural Review Request Form is available from members of the Committee. Completed Architectural Review Request Forms must be submitted to the Chairperson of the Committee

including any additional information needed for a full description of the proposed project.

Additional information may include, but is not limited to:

- ❑ a drawing or detailed sketch with dimensions
- ❑ material type(s) and color(s)
- ❑ proposed location(s)
- ❑ party(ies) doing any required construction or installation and time frame required.

In the event that the Committee, or the Board of Directors of the Association, fails either to approve or to disapprove the design or location of a proposed structure or project as properly submitted on an Architectural Review Request Form (with any necessary supporting information) within thirty (30) days after receipt by the chair of the Committee, then approval of such project or structure will be deemed to have been given. A request for additional information either by the Committee or by the Board of Directors shall be considered disapproval, and the 30-day time frame begins with receipt by the chair of the Committee of the additional information requested. This “default” approval provision only applies to permissible projects and-or structures. Prohibited projects and-or structures shall not be deemed approved as a result of any passage of time or lack of action by either the Committee or the Board.

1. POLICIES INVOLVING ACTION BY OR APPROVAL FROM THE COMMITTEE

- A.1. **FENCES:** Fences must be commercial-grade wood or a composite (man-made) material with a maximum height of six (6) feet. Chain-link and other metal or wire fences are specifically prohibited. The Committee will not approve construction of or modification of any fence that, in the Committee’s sole opinion, would create a sight obstruction of any lake or would create a sight obstruction and, therefore, safety hazard on any street. Fence finish must be paint, stain, or natural earth tone and must conform aesthetically both with the home and with neighboring homes. Fence posts must either be integral with the fence or face the interior of the fence; external fence posts are prohibited. Fences shall not extend forward of the back line of the home. Fences must be maintained in a high state of repair.
- A.2. **SWIMMING POOLS and HOT TUBS:** Only in-ground pools are permissible subject to approval by the Committee and must be fully enclosed by a fence of approved construction which, generally, must be six (6) feet high. Any exterior gate to the fence enclosing a pool must have childproof latches. Cabanas are permitted (subject to approval by the Committee) inside the fence when used to house pump and filtration equipment for an in-ground pool. Hot tubs located exterior to the home generally must be integral with an aesthetically appealing wooden deck and are subject to approval by the Committee.
- A.3. **PLAYGROUND SETS:** Playground sets require Committee approval and are permitted only in backyards and at a location approved by the Committee. Playground sets must not be located on common ground or outside Lot boundaries. Maximum height permitted is 12 feet; while maximum length permitted is twenty (20) feet. Playground sets must be of heavy, wood construction, earth tone in color, and must be maintained in a high state of

repair. Although some plastic or metal accessory parts - a slide, for instance - may be approved, any playground equipment made either exclusively or primarily from plastic vinyl, or metal material is prohibited for exterior use. Trampolines and tree houses are prohibited.

- A.4. **FREE-STANDING POLES:** No clotheslines or clothes poles, or any other free standing, semi-permanent or permanent poles, rigs, or devices, regardless of purpose, with the exception of a flag pole displaying the United States flag and a basketball pole, shall be constructed, erected, or located or used on a Lot, provided however, that the installation and location of a flag pole or basketball pole must be approved by the Committee under section 5.
- A.5. **BASKETBALL POSTS and GOALS:** Plans for permanently installed basketball posts and goals are subject to review and approval by the Committee. Basketball posts and goals must be free-standing (not attached to the house, garage, or roof), constructed of commercial-grade materials, and located no more than twenty (20) feet from the dwelling. If located at the driveway, the backboard must be perpendicular to the street. Portable basketball goals must be stored in the garage when not in regular use and not be left in plain view from the street.
- A.6. **ANTENNAS and COMMUNICATION EQUIPMENT:** No radio or television antenna with more than 24 square feet of grid area, or that attains a height in excess of 6 feet above the highest point of the roof of a residence, shall be attached to a residence on a Lot. No free-standing radio or television antenna shall be permitted on a Lot. No solar panels (attached, detached or free-standing) are permitted on a Lot. No satellite receiving disk or dish in excess of 20 inches in diameter shall be permitted on a Lot, provided however, that the installation and location of a permitted disk or dish must be approved by the Committee under Section 5.
- A.7. **DWELLING EXTERIOR:** Exterior additions, changes, or alterations to any dwelling shall not be commenced, erected, or maintained until plans and specifications showing the nature, kind, shape, height, materials, and location are properly submitted to and approved by the Committee in writing as to the structure's harmony of external design and location in relation to surrounding structures and topography in Mystic Woods. No roll siding, asbestos siding, or siding containing asphalt or tar as one of its principal ingredients may be used in the exterior construction of any structure on any Lot, and no roll roofing of any description or character may be used on the roof of any structure on any Lot. Fireplace wood may not be stored on a driveway or in plain view from the front of the home.
- A.8. **BEAUTIFICATION:** The Committee encourages both landscaping and the planting of trees and shrubs beyond the minimum. In the event that either landscaping or the planting of trees and shrubs might block lake views on properties adjoining the lake or cause traffic hazards, the Committee's approval will be required.

- A.9. **LIGHTING:** No lighting attached to a dwelling shall be located above the roof eave line. External lighting attached to a dwelling or located on any Lot shall not utilize mercury-vapor or similar lighting mechanisms. Street lighting or ornamental yard lighting serviced by underground wires or cables are permitted; however, unusual or extensive lighting designs require approval by the Committee. Flood lights mounted on poles, and any other similar designs, are prohibited. External lighting not attached to a dwelling shall not exceed seven (7) feet in height.

2. **POLICIES NOT DIRECTLY INVOLVING THE COMMITTEE**

- B.1. **NUISANCE:** No noxious or offensive activity shall be carried out on any Lot, nor shall anything be done which either may be or may become an annoyance or nuisance to any resident(s) or guest(s) in Mystic Woods. Noxious or offensive activities include: loud music, repetitive dog barking, obtrusive lighting, and any other disruptive activities that are or may be inconsiderate of neighbors. The use of common ground must include respect for families whose homes adjoin such ground. For example, access to the lake should be via common ground or walkways as opposed to along backyards or neighbors.
- B.2. **STRUCTURES:** No structure of a temporary character, trailer, boat trailer, camper or camping trailer, recreational vehicle, motor home, basement, tent, shack, garage, barn, tool shed, dog house, dog run, burn barrel, pier, or any other outbuilding or structure, shall be constructed, erected, located, or used on any Lot for any purpose (including use as a residence), either temporarily or permanently. Basements, however, may be constructed in conjunction with an approved single-family residence on a Lot. No pier or structure shall be added to the Association's lake front (or property) without written approval from the Architectural Committee.
- B.3. **OUTSIDE STORAGE:** No boat, boat trailer, recreational vehicle, motor home, camper, camping trailer, truck, or any other wheeled vehicle, shall be permitted to be parked ungaraged on any Lot, or any street, for periods in excess of forty-eight (48) hours or for a period which, in the aggregate, exceeds eight (8) calendar days per calendar year. The term "truck" as used in this section means every motor vehicle designed, used, or maintained primarily for the transportation of property and rated one-ton or greater. It is strongly recommended - both for the sake of safety and for neighborhood appearance - that all motor vehicles be garaged when not in use. Lawn and garden tools and equipment are to be stored inside when not in use.
- B.4. **SIGNS:** No sign of any kind shall be displayed to the public view on a Lot except one professional sign (for example, stating that the dwelling is protected by ADT) of not more than one square foot, or one sign of not more than five square feet advertising a Lot or home for sale, or signs used by a builder to advertise a Lot during the construction and sales period.

- B.5. **ANIMALS:** No animals, livestock, or poultry of any kind shall be raised, bred, or kept on and Lot, except that dogs, cats, or other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purpose. All approved pets must be controlled in accordance with Allen County ordinances, including leash laws. Pet owners must clean up (“poop scoop”) any feces deposited on common ground, neighbors’ yards, or easements. In the interest of both sanitation and appearance, pet owners must regularly remove feces from yards. Feeding wild animals is discouraged.
- B.6. **DUMPING and TRASH DISPOSAL:** No Lot shall be used as a dumping ground for rubbish, scrap, concrete, or the like. Trash, garbage, and other waste, shall not be kept in the yard or at the street in excess of twenty-four (24) hours and must be in closed sanitary containers - closed plastic bags may be used after sanitary containers are full. Trash must not be allowed to blow onto streets, other Lots, common ground, or into any lakes. After disposal-company pickup, sanitary containers must be returned either to the garage (preferred) or to an appropriate location out of plain view from the street and lake. Grass clippings must not be left on the street at any time. Incinerators (external or internal) are prohibited as are composting piles and containers.
- B.7. **YARDS and LANDSCAPING:** Within ninety (90) days of original occupancy of a new dwelling (weather permitting), the yard shall be either seeded or sodded, and landscaping consisting of a minimum of nine (9) well-developed shrubs shall be completed. Yards must be free from weeds, trash, and other debris. Grass must be mown on a regular basis and maintained at the height not to exceed six (6) inches.
- B.8. **VACANT LOTS and DWELLINGS:** Except for construction periods, all yards, home exteriors, and vacant Lots must be neat, clean, and be free from weeds, trash, and other debris. Bare areas must be seeded to control weeds and erosion. Grass must be mown on a regular basis and maintained at a height not to exceed six (6) inches. During construction all materials, scrap, and trash must be contained and not be allowed to blow onto any street, other Lots, common ground, or into the lake.
- B.9. **TRAFFIC:** No motorized vehicles (mopeds, scooters, motorcycles, minibikes, go-carts, motorized three-wheelers, ATV’s, or the like) are permitted either on common ground or easements in Mystic Woods. The use of streets by any motorized vehicles must comply with Indiana state law and Allen County ordinances. Motor vehicle drivers and-or operators must observe all posted speed limits within Mystic Woods. Snowmobiling is prohibited in Mystic Woods.
- B.10. **HOUSEHOLD LAUNDRY:** Laundry wash items are not permitted to be aired or dried outside a home. No clotheslines of either a temporary or permanent design may be erected or maintained on any Lot.