

Eagle Point Homeowners Association

Covenants and Restrictions Overview

January 2010

The purpose of the covenants and restrictions is to provide a standard for the Eagle Point neighborhood. The goal of the Eagle Point Homeowners Association (EPHOA) and the Architectural Review & Covenants Committee (ARCC) is to ensure the architectural integrity of the neighborhood is upheld and to ensure our neighborhood is well-maintained. This is beneficial to every homeowner, as it enhances the beauty of the neighborhood and provides benefits for the homeowner during resale of the home.

In an effort to help homeowners to better understand the covenants restrictions, the EPHOA has provided a list of Frequently Asked Questions below.

Frequently Asked Questions (FAQ's)

1) If I want to make any modifications to the exterior of my home do I need to receive Prior written approval?

Yes. Any homeowner making modifications to the exterior of their home must receive prior written approval from the Home Owners Association Architectural Review and Covenants Committee (ARCC) before proceeding. The ARCC Request Form is available on the Eagle Point Community website. Below is a list of common modifications requiring prior written approval:

- Additions to your home
- Pools & Pool houses
- Fences
- Additions or modifications of screen porches, decks, etc.
- Retaining walls & major drainage alterations
- Painting of house
- Replacing roofing shingles
- Landscaping

Note: Aluminum- or Vinyl-sided screened porches are not permitted. If you are not sure if Written approval is required; please call the Architectural Review and Covenants Committee for Verification before proceeding as failure to do so could result in costly rework or removal (Contact info is listed below).

Paint: Any color previously approved by the Developer or the ARCC may be reapplied or repainted without the prior written approval of the ARCC. Paint colors that have not been previously approved by either the Developer or the ARCC must be submitted to the ARCC for approval prior to commencement of work. Any submission of sample colors to the ARCC must include color information for the body and trim of the house or structure to be painted.

Shingles: Any change of shingle color or design must be approved by the ARCC.

2) If I want to add an addition or a pool house, are there restrictions I should follow?

Yes. Below is list of restrictions for adding an addition or separate structure. For additional questions concerning additions and separate structures, please contact the Architectural Review and Covenants Committee.

Note: Temporary Structures. No temporary structure of any kind shall be used, or placed upon the lot, including, but not limited to trailers, campers, shacks, tents and outbuildings.

Outbuildings such as pool houses that are on foundation, wired and plumbed and that are consistent with the neighborhood may be approved by the ARCC at its discretion.

- Materials must match the existing house (e.g. if your main structure is brick the Siding must be brick).
- Colors must match the existing house.
- It must have a shingled roof which matches the roofing of the main structure. (no vinyl or metal roofs).
- It must be site-built with a foundation as a permanent structure.
- No garage door openings can face the street except in the 22nd Sector.
- Must follow setback guidelines as follows:
 - Minimum 25 feet to any rear lot line.
 - For minimum front setback, see recorded map Exhibit B.
 - Minimum 10 feet to any side lot line.

Note: If you are not sure if written approval is required, please call the Architectural Review and Covenants Committee for verification before proceeding as failure to do so could result in costly rework or removal. (Contact info is listed below)

3) If a homeowner does not obtain prior approval from the ARCC will he or she be responsible for the costs of bringing the modification in compliance?

Yes, if a homeowner does not obtain prior approval from the ARCC and the modification is not in compliance, the homeowner may be responsible for the cost of bringing the Modification into compliance.

Note: By working with the ARCC prior to starting a project, homeowners can save themselves Potentially costly rework to bring a modification into compliance.

4) What are the restrictions on boats, RV's, trailers etc?

The following items are not permitted to be stored on any lot except in a garage.

- Boats, Jet Skis, etc. of any size
- RVs
- Trailers (covered utility, boat trailers, work trailers etc)
- Non-registered and non-functioning cars.

5) What type of building materials may be used to construct a fence?

Fences may be constructed of wood, wrought iron or aluminum and you must obtain written prior approval before building the fence. Fence materials and construction must be approved in writing by the HOA architectural committee prior to installation. The fence must be constructed of the same material throughout and must be of the same height throughout. (Vinyl fencing is not allowed).

Note: No chain link fencing is allowed except in the rear of the lot. If you are not sure of what materials are allowed please

Contact the ARCC for verification before proceeding as failure to do so could result in costly rework or removal.

6) Are there requirements on where a fence can be placed?

Yes, a fence cannot be installed in front of a residence.

Note: Sight Easements. No fence, wall, tree, shrub, or bush shall be erected or planted in such a way as to prevent any pedestrian or operator of a motor vehicle from having clear, open and safe scope of vision at any intersection, corner, or other adjoining streets, or as to obstruct passage on public right of way. Height of shrubbery near intersections not to

exceed thirty (30) inches.

7) Are there height limitations on fences?

Yes, the height limitation is 6 feet.

8) Are there requirements for air conditioning units?

Yes, window air-conditioning units shall not be permitted.

9) Where the trash bins should be kept?

Trash bins should be kept out of view in your garage or as far back in the driveway as possible.

10) Are there requirements for landscaping?

Yes, to maintain the consistency of homes in Eagle Point, a minimum amount of Landscaping is required and must be approved by the ARCC. If you are unsure what Landscaping is required please contact the ARCC committee for details.

11) Are there any requirements for Lot maintenance?

Yes, each owner of any lot shall at all times keep and maintain said lot and improvements thereon in a clean, orderly, and attractive condition, maintaining and repairing the residence promptly as conditions may require. The requirements for lawn maintenance are listed below:

- Lawns must be maintained and cut on a regular basis.
- Beds must be weeded as needed.
- Shrubs must be kept trimmed and not overgrown.
- Fallen trees, limbs, shrubs, and debris must be removed from yard.
- Driveways and sidewalks must be edged.
- Easements must be maintained.
- Trash must be placed in garbage bins.
- Items cannot be stored outside the garage (e.g. on driveway, under tarps, against the house, etc.)

12) Are there any requirements for house maintenance?

Yes, some of the requirements for house maintenance are listed below:

- Excessive mildew must be cleaned (includes fencing).
- Houses must be painted as needed (e.g. peeling paint, faded paint. etc).
- Roofs must be replaced as needed.
- Driveways (broken concrete) must be replaced or repaired as needed.
- Items cannot be stored outside the garage (e.g. on driveway, under tarps, against the house, etc).

13) Am I allowed to have sports and play equipment?

Yes, however sports and play equipment must be located to the rear of the dwelling. Portable basket ball goals are approved at the back of the drive.

14) Does Eagle Point requires a specific type of mailbox?

Yes, you are required to have the ARCC approved mailbox. You can visit the website to Obtain the information concerning the type of required mailbox and contact information of the Vendors who supply them.

Note: Homeowners are responsible for the maintenance and replacement of their mailboxes.

15) Are there any restrictions on fireworks and burning?

Yes, the use of fireworks is strictly prohibited throughout Eagle Point.

No burning of any kind shall be allowed on any portion of Eagle Point except in properly constructed outdoor fireplaces, grills, and chimneys.

16) What are my responsibilities in regards to having a pet?

Homeowners must follow the following guidelines in regards to pets:

- With the exception of domestic dogs, cats, and other commonly accepted household pets, no animals, livestock, or poultry of any kind shall be kept on any Lot.
- All commonly accepted household pets shall be contained on the Owner's Lot and shall not be permitted to roam freely without being controlled at all times by the Owner.
- No pen, doghouse, or other structure intended for a commonly accepted household pet shall be constructed or allowed to remain on any Lot unless approved by the Architectural Review and Covenants Committee.
- The Owner of such commonly accepted household pets shall maintain all such pets in a clean and sanitary manner, and in a manner which does not create a nuisance to other owners.
- Commercial activities involving pets and animals, including domestic dogs, cats, and other commonly accepted household pets, are prohibited.

Note: Shelby County requires that all dogs be on a leash when outside of the owners dwelling or fence. They also require that pet owners ensure the pet is not a threat to or disruptive to neighbors (barking, digging, etc.).

17) Am I allowed to place signs on my property?

No signs, billboards, posters or other advertising matter or displays of any kind shall be Permitted anywhere in the Eagle Point Subdivision except as follows: Unless otherwise Permitted by Alabama law, signs and posters affixed to street signs are prohibited, and the Association shall bill all costs associated with the removal of posted signs and posters to the lot Owner or person who posted them.

- No signs of any kind shall be displayed to the public view on any Lot or structure except one (1) professionally lettered sign of not more than five (5) square feet to advertise the property for sale, by the homeowner or their real estate agent.
- All signs shall be mounted on a free-standing post or sign holder.
- No signs may be placed on public right of ways (i.e., lost dog, garage sale, church etc.). An exception is made for Real Estate Agents and For Sale by Owner, who may post home for sale signs from Friday evening until Sunday evening.)

18) Are there any restrictions on motorized recreational vehicles?

Yes, No two (2), three (3), or four (4) wheel motorized recreational vehicle, e.g., go carts, all terrain vehicles, 4-wheelers etc., shall be operated on any portion of Eagle Point. This includes the common areas, utility easements, park areas, or wooded areas. Vehicles should be street legal and must be only used on the streets.

Note: Nuisances. No substance, thing or material shall be kept upon any lot that will emit foul or obnoxious odors, or that will cause any noise that will or might disturb the peace, quiet, comfort or serenity of the occupant of surrounding property. No boat, boat trailer, house trailer, trailer, motor home, truck, commercial vehicle, motorcycle, golf cart, or any other similar item shall be stored in the open on any lot for a period of time in excess of twenty-four (24) hours.

19) Does Eagle Point have a website?

Yes – The Eagle Point Homeowners Association Website is: www.ephoea.org.
This website gives an overview of the neighborhood and contains Covenants & Restrictions.

20) How do I report violations to the Covenants and Restrictions?

If you see any violations you can contact the Architectural Review and Covenants Committee Members located on the Eagle Point Website or send an email. The contact information is as follows: Website: www.ephoea.org ; E-mail: eaglepointhomeowners@gmail.com

21) What can I do as a homeowner to help keep Eagle Point Beautiful?

- I. Obey the Covenants and Restrictions and encourage your neighbors to do the same.
- II. Volunteer to help the Homeowners Association.
- III. Provide suggestions and ideas for improvements to the neighborhood.
- IV. When out for a walk pick up any trash you may find along the way.
- V. Report any violations of the Covenants and Restrictions.
- VI. Together we can make a difference.

22) What happens if I receive a notice of violation of the covenants?

See Covenant Enforcement Procedure.

You will receive a “good neighbor” letter outlining the exact nature of the violation needing Compliance. This should not be perceived as negative. Again, our goal is to maintain the neighborhood which is to everyone’s benefit.

Should you fail to correct the violation(s) within 14 days; the Association will send a second “certified” letter informing the Homeowner of the specific violation as described in the “Restatement of General Covenants,” and to warn of fining, as described in our Covenant Enforcement Procedure.

It is the responsibility of all homeowners to follow and to help maintain the Covenants and Restrictions. Following these simple rules will ensure Eagle Point continues to be a beautiful place to live and will help ensure that our home values stay strong.

Note: Some of the Covenants and Restrictions vary slightly by phase. If you have any questions please refer to the covenants and restrictions located on the Eagle Point Homeowners Website or contact a Homeowners Association volunteer.

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