

CONSTRUCTION

RULES AND REGULATIONS

HARBOR TOWN PLANNED DEVELOPMENT

MEMPHIS, TENNESSEE

Date of issue: October 1, 1991

REVISED AS OF MARCH 19, 1996

BUILDING PERMIT

Prior to commencing construction, each builder and/or homeowner will be required to obtain a Harbor Town Building Permit, a copy of which is attached as Appendix 1. The Building Permit acknowledges the acceptance by the builder and/or homeowner of the Construction Rules and Regulations governing their project at Harbor Town.

The cost to obtain a Building Permit is \$225.00. (\$200.00 of this fee is for a "damage deposit" which is fully refundable if all conditions have been met. Refer to Administrative Resolution #3 attached as Appendix 2). The Permit will be issued by the Harbor Town Community Association Property Management office located in the Sales Center, 726 Island Drive, Memphis, Tennessee (901-527-4837).

By acceptance of the Harbor Town Building Permit, the builder and/or homeowner certifies receipt of approval from Design Review and acknowledges acceptance of any comments required for approval noted on the final design review.

Any changes or modifications desired during construction which modify the approved design and can be viewed from the public way must be re-submitted for review prior to implementation.

The fine for starting a house without obtaining a Harbor Town Building Permit and a copy of the Construction Rules and Regulations shall be \$500.

CONSTRUCTION DEBRIS AND TRASH REMOVAL

Each builder will be required to maintain a dumpster at the front curb of the residence under construction. This dumpster should be emptied periodically when construction materials reach the upper rim. Each Friday, all construction sites are to be clean so as to facilitate a pleasing appearance to homeowners and visitors (prospective buyers) and to eliminate any hazards for any person who might venture through the various construction projects.

Should a construction site be deemed in an unacceptable condition when the site is inspected on Friday evening, the builder will first be issued a notice, which will require that the condition be corrected by the following Friday. Failure to comply will result in the Development hiring someone to clean the site and back-charging the builder and/or homeowner at two times the direct cost.

Construction materials will be kept out of the street right-of-way at all times. Lanes and streets adjacent to said property shall be kept open for circulation at all times. This is for the protection of all parties and will allow emergency vehicles direct access to any part of the development.

Workers utilizing the parks for lunch shall remove all food wrappers, containers, etc., from the site upon completion and deposit said debris in trash receptacles.

A dumpster may be shared between two or more builders and/or homeowners.

INFRASTRUCTURE

There presently exists at Harbor Town numerous forms of infrastructure consisting of curbs, streets, lanes, landscaping, street trees, street lights, sidewalks in certain areas, irrigation systems, brick pads, benches, bridges, street furniture, bike racks, ponds, pond lighting, walking paths, parks, pavilions, trash receptacles, etc. The builder and/or homeowner is responsible for protecting the infrastructure adjacent to the subject property.

Any damage to infrastructure should be reported to the Association Property Management Office in the Sales Center located at 726 Island Drive, Memphis, Tennessee 38103 or by calling the office at 901-527-4837 immediately in order that the damage can be contained and to prevent additional damage. The Harbor Town staff will wrap orange webbing around street trees and street light standards adjacent to your site. All materials are to be kept away from these trees and lights during construction so as to prevent any damage. These elements are valuable assets to your own

property as well as the overall development, and every effort should be taken to protect them.

Damage to any infrastructure item will be repaired by the Harbor Town Community Association and back-charged to the builder and/or homeowner at two times the direct cost.

USE OF BUILDINGS UNDER CONSTRUCTION

No functions shall occur in any building under construction. Once a building is completed, any functions which are held in an unoccupied building within the development will have to be cleared through the Association Property Management Office located in the Sales Center at 726 Island Drive, Memphis, Tennessee 38103 (901-527-4837).

CONSTRUCTION TIME

No builder shall commence construction on a weekday prior to 7:00 a.m., nor continue construction beyond 7:00 p.m. No builder shall commence construction on a weekend prior to 9:00 a.m., nor continue construction beyond 6:00 p.m.

CONSTRUCTION RADIOS AND NOISES

No construction radios shall be utilized prior to 9:00 a.m., nor beyond 6:00 p.m., on weekdays. Construction radios are specifically prohibited on Saturdays and Sundays. Radios are not to be played so loudly as to disturb nearby residents.

CONCRETE DELIVERY AND DISPOSAL OF EXCESS MATERIAL

Concrete trucks are specifically prohibited from dumping any excess concrete anywhere on the Harbor Town site. Concrete which is accidentally spilled on the asphalt paving must be removed by the builder immediately. Concrete can only be washed out on your lot and you are

solely responsible for its removal from the site upon completion of your construction.

SIDEWALK INSTALLATION

Sidewalks and lane curbing, where applicable, are paid by the builder and/or homeowner at closing and installed by the Developer upon receipt of a written request by the builder to the Development office. (901-527-2770 or fax request to 901-527-8943). Sidewalks and lane curbing, where applicable, will be scheduled within fourteen days of request. The builder is required to install driveways and curb cuts, where applicable, after the sidewalk and/or lane curbing is installed. Sidewalks will be continuous from the side property line to the side property line, and will set the grade for driveways, entry walks and curb cuts.

OPEN FIRES

Due to the close proximity of buildings and the winds generated on the island, open fires or fires in containers of any size or kind by construction workers to warm themselves, or for any other reason, are specifically prohibited. Any violations will result in forfeiture of the entire damage deposit (\$200.00). A second violation will carry a fine of \$500.00.

SURVEYS AND CONSTRUCTION STAKING

Each builder and/or homeowner is responsible for establishing their own property corners and construction staking. A foundation survey is required on all residential construction. The survey is to be completed immediately upon completion of the concrete block foundation wall and provided to the Harbor Town Community Association Property Manager prior to pouring the slab or commencing framing in order to minimize damage due to improper placement of the residence on the lot.

DUMP SITES

THERE ARE NO DUMP SITES WITHIN THE HARBOR TOWN PLANNED

DEVELOPMENT. All material shall be removed from the premises during construction and upon completion of construction.

A fine of \$1,000 shall be imposed on anyone dumping debris on any undeveloped parcels of Harbor Town. This fine shall accrue to the property from which the debris originated and a lien shall be filed on said property. The workman responsible for depositing such debris shall be prohibited from future work in the Harbor Town Planned Development.

PROTECTION OF ADJACENT COMPLETED PROPERTY

When construction is to begin adjacent to a completed property, the contractor is required to put up a solid black silt fence along the entire property line separating the proposed construction site from the completed property. This fence should be maintained by the builder during construction and every effort should be made to keep any construction debris from going over the fence onto the adjacent completed property. Any damage to an adjacent property or residence shall be immediately repaired by the builder/owner at their sole expense.

SIGNAGE

The only signage allowed on a single lot or home is the official Harbor Town sign which is installed directly to the mailbox column of the property. The Association office will install the mailbox when it is needed (901-527-4837) and the bracket may be purchased from the Association Property Management office located at 726 Island Drive (527-4837). Signs may be purchased from Signs First located at 59 Monroe Avenue at Front Street (901-521-9823). Please refer to Special Resolution #2, attached as Appendix 3.

COMPLIANCE REVIEWS

The Community Association Property Management office and the Town Architect will conduct two compliance inspections during your construction. The fee for these inspections is \$100.00. The sole purpose of these inspections is for determining that all issues identified during the design review process have been adequately addressed during construction. Please see Administrative Resolution #2, attached as Appendix 4. It is the builder's responsibility to contact the Association management office to schedule the inspections at the appropriate times. The first inspection will be scheduled after notification that framing is complete. The second inspection will be scheduled after notification that exterior finishes and trim are in place. A Certificate of Compliance will be issued by the Association management office after inspections have been completed. Every effort will be made to schedule the inspections within 48 hours of notification by the builder. Builder/owner is responsible for compliance with all Design Guidelines and Construction Rules and Regulations.

PARKING

While it is understood that parking for workers may in some instances be limited, it is mandatory that vehicles not be parked in such a manner as to impede ingress or egress of residents to/from their homes, nor should parking block mailboxes or in any way prevent mail delivery. Fire hydrants may not be blocked. Parking shall only occur on paved streets. There shall be no parking in alleys whether paved or graveled. The Association reserves the right to tow any vehicle which violates any of the aforementioned restrictions.

PORT-A-JOHN

Each builder is responsible for their own Port-A-John or for making arrangements with nearby builders to share a unit between several construction sites.

**HARBOR TOWN
CHECK-LIST FOR
DESIGN REVIEW SUBMITTALS**

(NOTE: To be prepared by applicant and submitted with each submittal)

DATE: _____ LOT NUMBER: _____

SALES PERSON: _____

OWNERS NAME: _____

ADDRESS: _____

TELEPHONE: _____

ARCHITECT: _____ TELEPHONE: _____

BUILDER: _____ TELEPHONE: _____

PLANS DATED _____ NUMBER OF SHEETS: _____

Plans may be submitted during any of the following phases: final, preliminary, design development or construction documents, but, in no case shall submittals with less than the data listed below be accepted. Should a lot owner submit final construction documents, he does so at his own risk of possibly having to make design adjustments after receiving the design review comments. All submittals must be professionally prepared by an Architect licensed to practice in Tennessee or an approved designer (see preceding list). All submittals must be drawn to scale using industry standard practices and nomenclature.

_____ Site Plan: Locating the house and all improvements, setbacks, utilities, driveway, walk and initial landscape ideas.

_____ Floor Plans: Illustrating indoor/outdoor relationships with all typical data included: dimensions, doors, windows, balconies, room names, etc.

_____ Four Exterior Elevations: Illustrating doors, windows, materials, finish floor height above grade, ceiling heights, roof lines, details, etc.

_____ Materials and Exterior Color Choices: May be either called out and labeled on plans or a complete listing is required. (Foundation treatment, wall color, trim color, any accent colors, roof color, fence color, paving materials, etc.)

_____ Site and Misc. Data: Any proposed construction or landscape element which will be viewed from a public street or space shall be submitted for review.

Plans received by Design Review Coordinator: _____ Date: _____

Copy to: HTHOA Office: _____ Architect _____ Builder _____

HARBOR TOWN
DESIGN REVIEW REPORT

DATE: _____ LOT NUMBER: _____

SALES PERSON: _____

OWNERSNAME: _____

ADDRESS: _____

TELEPHONE: _____

ARCHITECT: _____ TELEPHONE: _____

BUILDER: _____ TELEPHONE: _____

PLANS DATED _____ NUMBER OF SHEETS: _____

COMPLETE AS REQUIRED: _____ INCOMPLETE: _____

RESUBMITTED WITH THE FOLLOWING: _____

- _____ APPROVED AS SUBMITTED
- _____ APPROVED AS NOTED HEREIN AND/OR ON PLAN.
- _____ NOT-APPROVED, SEE COMMENTS HEREIN AND/OR ON PLANS
- _____ RE-SUBMITTAL REQUIRED

COMMENTS: _____

ADDITIONAL DATA REQUIRED: _____

BY: _____

Copy to: HTHOA Office: _____ Architect _____ Builder _____

BUILDING PERMIT
HARBOR TOWN
PLANNED DEVELOPMENT August 1, 1995

PERMIT

LOT NUMBER: _____

ADDRESS: _____

OWNER: _____
 ADDRESS: _____

BUS. PHONE: _____
 RES. PHONE: _____

BUILDER: _____
 ADDRESS: _____

BUS. PHONE: _____
 PAGER: _____
 MOBILE: _____

DATE: _____

BUILDER TO INITIAL: _____

INITIAL: _____

INITIAL: _____

BUILDER TO INITIAL: _____

INITIAL: _____

INITIAL: _____

BUILDER TO INITIAL: _____

INITIAL: _____

INITIAL: _____

BUILDER TO INITIAL: _____

PLANS APPROVED BY DESIGN REVIEW CHIEF: _____

ACKNOWLEDGEMENTS: _____

RECEIPT OF UTILITY EASEMENT LETTER
 RECEIPT OF CONSTRUCTION RULES & RECS.

INSPECTIONS:

SITE CONDITIONS HAVE BEEN INSPECTED
 LAKE CONDITIONS HAVE BEEN INSPECTED
 STREET TREES HAVE BEEN INSPECTED
 ADJACENT SPRINKLER SYSTEM HAS BEEN IDENTIFIED

CONSTRUCTION FACILITIES REQUIRED:

DUMPSTER
 PORT-A-JOHN
 BLACK SILT FENCE ADJACENT TO COMPLETED HOUSES

1.) All plans must be submitted to design review committee. Any modification from the final approved design (including elevation, floorplan, landscaping etc...) must be resubmitted for review.

2.) An Engineers Certification is required for foundation survey.

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PERMIT ISSUED BY: _____

SIGNATURE OF ISSUOR _____

DATE _____

BUILDER / OWNER CERTIFICATION

BY APPLYING FOR AND ACCEPTING THIS PERMIT THE BUILDER / OWNER ACKNOWLEDGES THAT CERTAIN IMPROVEMENTS ARE IN PLACE SUCH AS CURBS, STREETS, LANES, LANDSCAPING, STREET TREES, IRRIGATION SYSTEM, BRIDGES, SIDEWALKS IN SELECTED AREAS, STREET LIGHTS, STREET FURNITURE, BIKE RACKS, PONDS, POND LIGHTING, WALKING PATHS, PARKS, PAVILIONS, TRASH CONTAINERS AS WELL AS OTHER IMPROVEMENTS NOT NECESSARILY ENUMERATED ABOVE.

GAS, ELECTRIC, TELEPHONE AND CATV UTILITIES ARE LOCATED IN EASEMENTS ALONG THE FRONT OF EACH LOT BEHIND THE FRONT PROPERTY LINE AND IN CERTAIN SIDE YARD EASEMENTS. BUILDER / OWNER MUST CALL 1-800-351-1111 TO HAVE THESE LOCATED PRIOR TO COMMENCING ANY DIGGING IN THESE AREAS.

THE BUILDER / OWNER FURTHER ACKNOWLEDGES THAT IT IS THEIR SOLE RESPONSIBILITY TO PROTECT ANY SUCH IMPROVEMENTS ADJACENT TO OR IN THE IMMEDIATE VICINITY OF THEIR LOT AS WELL AS ANY OTHER INFRASTRUCTURE IMPROVEMENTS WITH WHICH THEY COME IN CONTACT.

THE BUILDER / OWNER CERTIFIES THAT THEY WILL COMPLY WITH ALL ASPECTS OF THE CONSTRUCTION RULES & REGULATIONS FOR HARBOR TOWN.

THE BUILDER / OWNER AGREES TO CORRECT ANY PROBLEMS THAT ARE CALLED TO THEIR ATTENTION BY THE REPRESENTATIVES OF THE DEVELOPMENT.

FEE COLLECTED:
 Design Review Fee \$125.00
 Construction Compliance Review \$100.00
 Certificate of Construction \$ 25.00
 Damage Deposit Fee (Fully Refundable if all conditions met) \$200.00

SIGNATURE - BUILDER / OWNER _____

HARBOR TOWN COMMUNITY ASSOCIATION, INC.
ADMINISTRATIVE RESOLUTION NO. 3

CERTIFICATE OF CONSTRUCTION
ADMINISTRATIVE FEE & DAMAGE DEPOSIT

GIVEN THAT Section 3-102 of the Charter (New Construction) provides for the issuance of a "Certificate of Construction" by the Town Architect, and

GIVEN THAT Section 3-104 of the Charter (Environmental Protection Measures) provides for the adoption of Town Codes designed to protect the environment and further provides for the adoption of punitive measures including reasonable fines for willful degradation of the natural environment

NOW THEREFORE, the Board of Trustees resolves that the following procedure, administrative fee and damage deposit shall apply to all "Certificates of Construction" issued after July 01, 1995:

I. PROCEDURES

- A. Following satisfactory completion of the design review process and the issuance of a completed Design Review Report, the Town Architect shall authorize the Town Manager to issue a "Certificate of Construction" to the Titleholder of the property reviewed or his/her agent (Builder).

II. ADMINISTRATIVE FEE

- A. A non-refundable "Administrative Fee" of twenty-five dollars (\$ 25.00) shall be charged the Titleholder or his/her agent for each "Certificate of Construction" issued.

III. DAMAGE DEPOSIT

- A. A "Damage Deposit" in the amount of two hundred dollars (\$ 200.00) shall be posted by the Titleholder or his/her agent prior to issuance of each "Certificate of Construction".
- B. The full amount of the "Damage Deposit" shall be refunded to the Titleholder or his/her agent if the following conditions have been met by the builder following the completion of construction of the improvements on the lot:
 - (1) The adjacent lots and common area are clear of all construction related materials and debris and returned to their natural grade.

- (2) Street trees, street lights, street signs, mailboxes, fire hydrants, CATV bollards, telephone bollards, electrical transformers or pull boxes in the vicinity of the lot have not been damaged.
- (3) Streets, alleys, curbs, brick pavers, sidewalks, alley curbcuts, etc. have not been damaged.
- (4) Common area landscaping and trees have not been damaged.

IV. CORRECTION OF DAMAGE RESULTING FROM CONSTRUCTION

- A. The Town Manager shall utilize all or part of the \$ 200.00 "Damage Deposit" to correct any of the damage noted in III-B-(1) thru (4) above resulting from construction of improvements permitted by the issuance of a "Certificate of Construction".

V. COST IN EXCESS OF AMOUNT DEPOSITED

- A. Should the cost to the Association required to correct any damage exceed the amount of the deposit and should the Titleholder refuse to voluntarily correct the problem or pay the additional cost, the Association shall correct the problems and levy a special assessment against the property in question and Titleholder of record.
- B. The Association shall empower the Town Manager to seek recovery of any excess cost attributable to the construction of improvements on any such lot in accordance with current policies and procedures established by the Association.

SALES CONTRACT MODIFICATIONS

EFFECTIVE 01 AUGUST 1995

THE FOLLOWING FEES SHALL BE INCLUDED IN ALL SALES CONTRACTS ENTERED INTO AFTER 01 AUGUST 1995 AND SHALL BE COLLECTED AT CLOSING AND HELD IN ESCROW BY THE HARBOR TOWN COMMUNITY ASSOCIATION UNTIL THE SERVICE COVERED BY THE FEE IS RENDERED:

INITIAL DESIGN REVIEW FEE Includes initial and one follow-up review	\$	125.00
CONSTRUCTION COMPLIANCE REVIEW FEE Includes tow (2) reviews during construction	\$	100.00
CERTIFICATE OF CONSTRUCTION FEE	\$	25.00
DAMAGE DEPOSIT Fully refundable if all conditions met	\$	200.00
(*) SIDEWALK FEE @ \$ 2.25 per square foot (e.g. A 50'lot = 50' X 4' X 2.25)	\$	450.00
(*) ALLEY FEE @ \$ 6.50 per linear foot (e.g. A 50'lot = 50' X 6.50)	\$	325.00
(*) MAILBOX FEE @ \$ 200.00/ea.	\$	200.00

(*) These represent current fees and will be adjusted periodically as required to keep up with construction and/or fabrication cost.

HARBOR TOWN COMMUNITY ASSOCIATION, INC.
SPECIAL RESOLUTION NO. TWO (2)

...relating to allowable signage erected on Titleholder's property.

GIVEN THAT Paragraph 3-101(e) of the Harbor Town Community Charter provides that the governance of signage be subject to the provisions of Town Codes: and

GIVEN THAT un-necessary clutter of signage not only diminishes the value and overall general impression of Harbor Town, but also diminishes the general intent of the signage;

NOW, THEREFORE, the Board of Trustees resolves that the following resolution be, and hereby is, adopted:

1. The existing signage of Multifamily Titleholder is hereby approved and shall remain intact.
2. Sales and Information Center signage is hereby approved and shall remain intact.
3. One (1) "For Sale" or "For Lease" sign (maximum size of one and one half (1-1/2) square feet) per lot is permitted attached to the mailbox column with an approved bracket. Sign shall be 1'-0" wide X 1'-6" long with white background and dark green lettering containing the following language only:

FOR SALE/LEASE
PHONE #
AGENT, OWNER AND/OR COMPANY

4. One project sign (maximum size of five (5) square feet) per lot is permitted. Sign shall be 2'-0" high X 2'-6" wide containing the following mandatory data:

Lot #
Street Address
Builder's Name
Builder's Phone #

The following optional data may also be included:

Owner's Name
Architect's Name
Lender's Name
Etc.

5. Special signs shall include: Event signs, Directional signs and Open House signs. Special event signs, directional signs and open house signs will be displayed only during the event and must be removed immediately following the event.

6. One (1) political sign (maximum size of four (4) square feet) per lot is permitted for any Harbor Town, city, county, state or national election. This sign may not be displayed earlier than fourteen (14) days prior to the election and must be removed the day after the election.

No other signage of any kind is permitted.

HARBOR TOWN COMMUNITY ASSOCIATION, INC.
ADMINISTRATIVE RESOLUTION NO. 2

DESIGN REVIEW FEES
COMPENSATION OF TOWN ARCHITECT

GIVEN THAT Section 3-102 of the Charter (New Construction) requires that new construction shall be exclusively subject to the approval and scrutiny of the Town Architect, and

GIVEN THAT Section 4-105 (c) of the Bylaws (Town Architect) provides for reasonable compensation of the Town Architect

NOW THEREFORE, the Board of Trustees resolves that the following fee schedule shall be placed into effect for the services provided by the Town Architect and shall be collected from the titleholder prior to the request for such design review services of the Town Architect, and

FURTHER, resolves that the Town Architect shall be compensated for each service performed in accordance with the schedule so stated:

I. INITIAL DESIGN REVIEW FEE

- A. The fee for an initial design review of a proposed new residence or for a major alteration or addition of an existing residence shall be one hundred and twenty-five dollars (\$ 125.00).
- B. This fee shall include the initial design review and a single follow-up review should the plans require modifications and resubmittal to the Town Architect.

II. ADDITIONAL DESIGN REVIEW FEES

- A. In the event a proposed design fails to be approved in the initial design review process, an additional fee of one hundred dollars (\$ 100.00) shall be imposed for each subsequent review required.

III. COMPLIANCE INSPECTION FEE

- A. In addition to the design review views noted above, the Association shall collect a fee of one hundred dollars (\$ 100.00) to cover the cost of two (2) compliance reviews by the Town Architect during construction.
- B. The compliance reviews by the Town Architect are for the sole purpose of determining that all issues identified during the design review process have been adequately addressed during construction.

- C. One construction review will be carried out between the time foundations have been laid and the completion of framing. The second construction review will be carried out following the completion of window and exterior finish installation.

IV. REPORTS BY THE TOWN ARCHITECT

- A. Upon satisfactory completion of the design review process, the Town Architect shall issue a Design Review Report to both the Titleholder and the Town Manager for processing of a Certificate of Construction.
- B. Upon completion of each construction review, the Town Architect shall issue a report to the Titleholder and the Town Manager containing the date and time the on-site review was conducted and a statement as to whether or not the construction has met the requirements of the design review process and the design guidelines.

V. RESPONSIBILITY OF THE TITLEHOLDER AND BUILDER (AGENT)

- A. The design review and construction reviews are for the sole purpose of determining compliance with the visual aspects of the design ONLY. The Titleholder and his/her builder are responsible for compliance with all building, health, energy, fire and zoning codes and ordinances of the City of Memphis, Shelby County and the State of Tennessee.
- B. The Titleholder or his/her builder shall be responsible for making application to and obtaining a building permit from the Memphis and Shelby County Office of Construction Code Enforcement prior to commencing construction on any lot within the boundaries of the Harbor Town Planned Development.

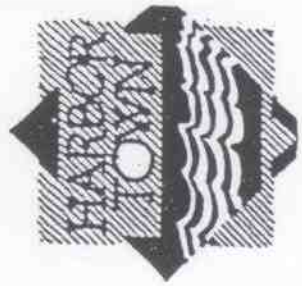
UTILITY EASEMENTS

To avoid harm to yourself or your contractors and damage to underground utilities, the law requires that you call 72 hours prior to digging in the vicinity of any utilities or known utility easements in order for the existing utilities to be properly located by the locator services paid by the utility companies. This requirement relates to any construction, including foundations, landscaping, fences, etc.

BEFORE YOU DIG - CALL 1-800-351-1111

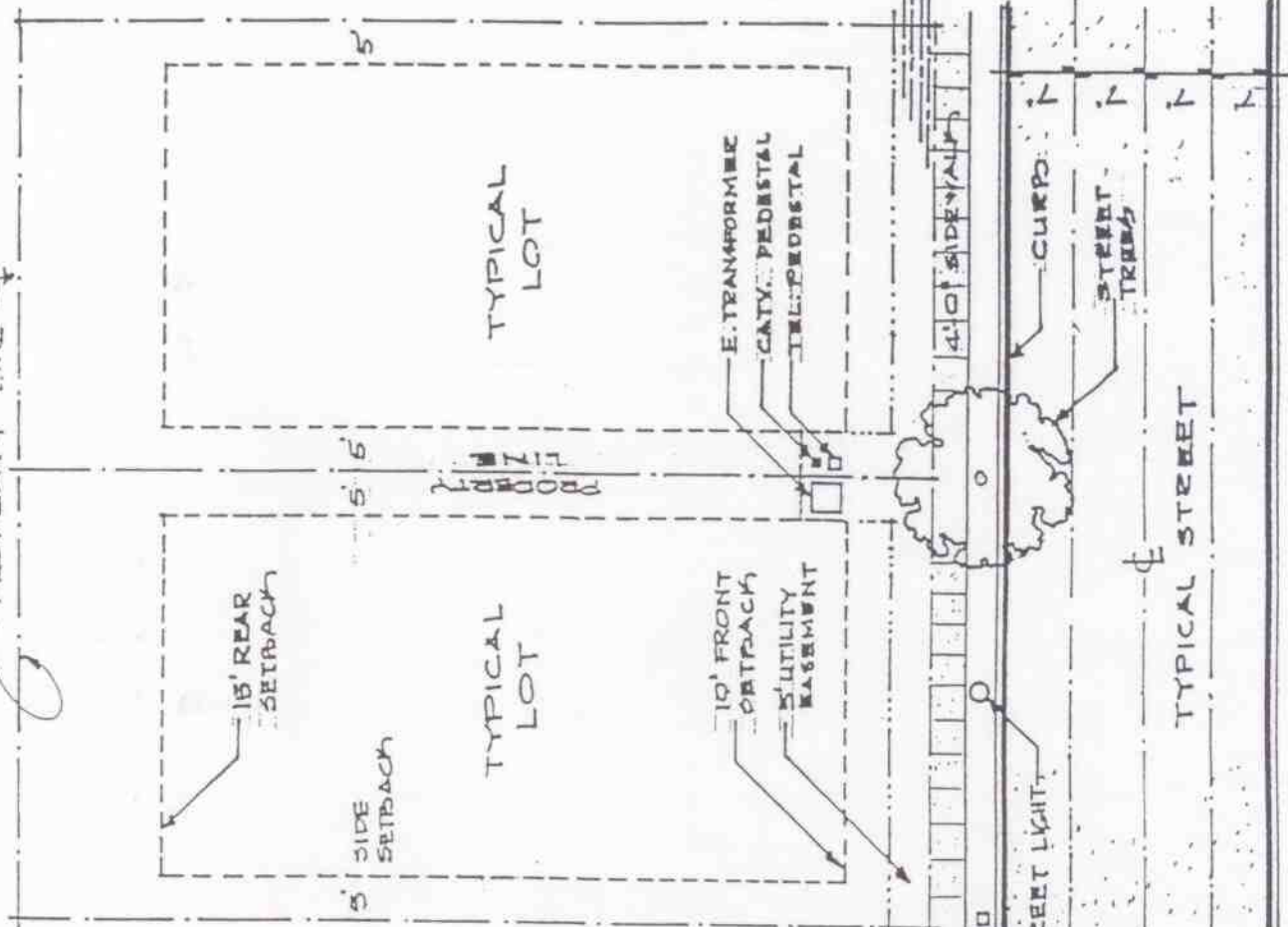
YOU CAN BE LIABLE FOR ANY DAMAGE TO UNDERGROUND UTILITIES WHICH MAY OCCUR AS A RESULT OF A FAILURE TO FOLLOW THESE PROCEDURES!!!

Actual physical locations of electrical transformers, pull boxes, as well as CATV and telephone service pedestals, may vary from the generalized drawing on the following page and should be field verified by the locator services prior to commencing any construction on your lot.



ALLEY

PROPERTY LINE



HARBOR TOWN
MEMPHIS, TN.

TYPICAL
SITE LAYOUT

SCALE 1" = 20'-0"

DBL. MAILBOX

STREET LIGHT
CURBS
STREET TREES
TYPICAL STREET

6AN. OVERHEAD STORM DRAIN WATER

CATV. -16"
TEL. -210"
GAS -540"
ELEC -410"