

BYLAWS OF THE TAMARACK FAIRWAYS HOMEOWNERS' ASSOCIATION  
ARCHITECTURAL BEAUTIFICATION COMPLIANCE COMMITTEE

*Adopted May 5, 2003  
Reviewed May 19, 2008*

1. Purposes and Powers. The Board of Directions of the Association (the "Board") will establish an Architectural Beautification Compliance Committee (the "Committee") in order to insure development, promote architectural compatibility and to protect the value, livability and aesthetic quality of the Property, pursuant to the Amended Declaration of Restrictions and the Committee's Bylaws (the "Bylaws"). The Committee shall have, generally, the powers to approve or reject new plans, modifications of existing properties, and any other such powers delegated to it by the Board.
2. Membership. Membership shall consist of three or five homeowners in good standing appointed by the Board. Members may be removed by a majority vote of the Board at a special meeting called for that purpose or by a vote of a majority vote eligible to be cast by all members of the Association at a special meeting called for that purpose. The Board shall also designate from among its appointed members a chairman.
3. Meetings. Upon receipt of a valid and complete request for plan review, the chairman shall convene a Committee meeting as soon as reasonably practicable but, in no event, longer than seven days. Two or more members present shall constitute a quorum. Notice shall be by telephone or other means.
4. Duties and Responsibilities. The Committee shall be responsible for reviewing any and all plans for new developments, modifications to existing developments, and either approving or rejecting those plans. The Committee shall discharge its duties consistent with the Amended Declarations of Restrictions, these Bylaws, as well as any other guidelines or rules established for them by the Board.
5. Method of Operation. (a) No building (including incidental out building), structure, improvement, obstruction, ornament, fence, wall or hedge shall be erected, placed or altered on the Property. Until two sets of construction plans, specifications and plans showing location of structures have been submitted to and approved by the Committee as being in compliance with the Declaration and the Bylaws including, without limitation, consideration of the quality of construction and material, harmony of external design with existing structures, and location with respect to topography and finished grade elevation and view obstruction and conformance to the approved grading and drainage plan. The building plans to be submitted by the Petitioner shall consist of two complete sets of plans and specifications in the usual form showing insofar as appropriate, (i) the size and dimensions of the improvements, including interior floor plan and improvements, (ii) the

exterior design, (iii) approximate exterior color schemes and (iv) location of improvements on the Lot, including driveway, parking areas, walkways and decks. For the purposes of repainting an existing home, approval by the Committee is necessary only if the color is to be substantially altered from the original color of the home. (b) One set of the plans and specifications shall be left with the Committee until 60 days after notice of completion has been received by the Committee so that the Committee can determine that the improvements comply substantially with the plans and specifications submitted. After completion of construction of a house, the Owner or its builder will promptly notify the committee of the Association that the work is completed. If the plans and specifications have been changed during the course of construction of the house, or if the house otherwise has not been built in accordance with the plans and specifications provided to the Committee pursuant to subsection (a) above, the Owner or builder will specify in writing all such material changes or deviations from the previously approved plans and specifications. In the event of such changes or deviations, or if the Committee otherwise determines that such improvements do not comply with such plans and specifications in all material respects, it shall notify the Owner in writing within the 60 day period as to any changes necessary to comply with this declaration, whereupon the Owner shall within a reasonable time, either remove such improvements or make alterations so as to comply with this Declaration.

The Owner, its contractor, subcontractors, agents, employees, guests and invitees shall comply with any and all governmental regulations, codes and ordinances concerning such work and hereby indemnifies and holds the Association, the Board and the Committee harmless from any claim, loss or liability, including without limitations, attorney's fees arising from or relating to such work.

(c) The Committee or its authorized designees may, after reasonable notice and during normal business hours or at any other reasonable time, enter into and examine any and all construction activity or maintenance work to determine compliance with this Declaration. Persons conducting such examination shall not be deemed to be guilty of trespass in the course of performing such duties or other activities related thereto. If, after examination, the Committee believes any construction does not conform to the approved plans, it may halt construction without court order, and may require, without court order, that corrective action be taken before construction can continue. The Committee shall not be liable for any damages, delays or inconveniences caused by its examination, whether or not the examination results in the discovery and correction of any unapproved work, and neither the Committee nor the Association will have any liability for any failure to discover any noncompliance with this Declaration or any defect in the work. The Committee may cause any construction or maintenance work or activity not specifically authorized by the Article or not being performed in strict compliance with the terms or conditions of prior authorization or approval to be terminated immediately or

changes or corrections made as to make such construction or maintenance work comply with the terms or conditions of such prior authorization or approval. Before any work is performed, each Owner shall be obligated to obtain from Owner's contractors, subcontractors, agents and employees written acknowledgement of the authority of the Committee pursuant to this Declaration. An Owner's failure to obtain such written acknowledgements shall not relieve any Owner or such Owner's contractors, subcontractors, agents or employees from responsibility of complying with instructions and decisions of the committee.

(d) Approvals of the Committee require the affirmative vote of at least two members and the majority of all votes cast, notwithstanding the right of the Petitioner to appeal as set forth in Section 6 below. Decisions will be final and binding on both the party requesting approval of the plans ~ all other Owners of Lots. Decisions of the Committee shall be communicated to the Petitioner by either signing the Petitioner's copies of the approved plans and specifications or by delivering a rejection letter to the Petitioner.

(e) Any other action required to be taken by the Committee for which no time is herein specified shall be taken within 15 days following written request to the Committee. If the Committee fails to approve or disapprove such request within 15 days, it shall be presumed that approval has been given. Any disapproval shall include a brief written statement of the reasons for disapproval, the time period and appeal process.

6. Petitioners Right to Appeal Rejections. The petitioner shall have the right to appeal any rejection by the Committee directly to the Board within 30 days of notice of rejection. The Petitioner shall file his appeal in writing with the President of the Association who will be responsible for convening a special meeting of the Board within 15 days of written notification other Petitioner. Both the Petitioner and/or its designees and all Committee members shall be invited to attend the special meeting. If the Board fails to approve or disapprove such request within 15 days, it shall be presumed that approval has been given. Appeal decisions will be final and binding on both the party requesting such appeal and all other Owner of Lots.

7. Liability of Members. No member of the Committee shall be liable to any Owner on account of any action or failure to act in performing its duties or rights hereunder, provided that such person has, in accordance with actual knowledge possessed by such person, acted in good faith. Such members will be ex officio assistant vice presidents of the Association and entitled to indemnification as an officer in accordance with the Bylaws and applicable law.

8. Amendments. These bylaws may be amended from time to time by a majority vote of the Board.