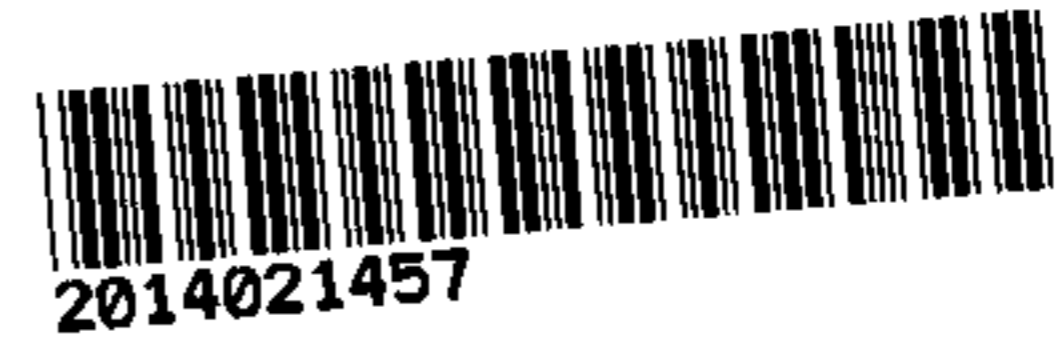


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FOR REGISTRATION REGISTER OF DEEDS
TAMMY THEUSCH BEASLEY
NEW HANOVER COUNTY, NC
2014 AUG 15 11 28 38 AM
BK 5832 PG 2395-2400 FEE \$26 00

INSTRUMENT # 2014021457

Prepared by and return to:
Charles D. Meier
Marshall, Williams & Gorham, LLP

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

**MAINTENANCE, REPAIR AND
REPLACEMENT POLICY REGARDING
DRIVEWAYS AT PEPPER TREE AT
COVIL ESTATES**

THIS MAINTENANCE, REPAIR AND REPLACEMENT POLICY REGARDING DRIVEWAYS AT PEPPER TREE AT COVIL ESTATES ("Policy") was adopted by the Members of Pepper Tree at Covil Estates HOA, Inc ("Association") at a special meeting held on June 28, 2014.

WITNESSETH;

1. The original Declaration for Pepper Tree at Covil Estates was recorded September 4, 1994 in Book 1809, Page 550, New Hanover County Register of Deeds;

2. The Fourth Amendment to said Declaration was recorded May 10, 2004 in Book 4313, Page 90, New Hanover County Register of Deeds;

3. That in pertinent part the Fourth Amendment to the said Declaration provided that the Association shall be responsible for the maintenance and repair of the driveways, fences and limited common areas;

4. In order to clarify the maintenance and repair responsibilities of the Association regarding the driveways, the Membership hereby adopts the policy attached hereto.

This the 11 day of August, 2014.

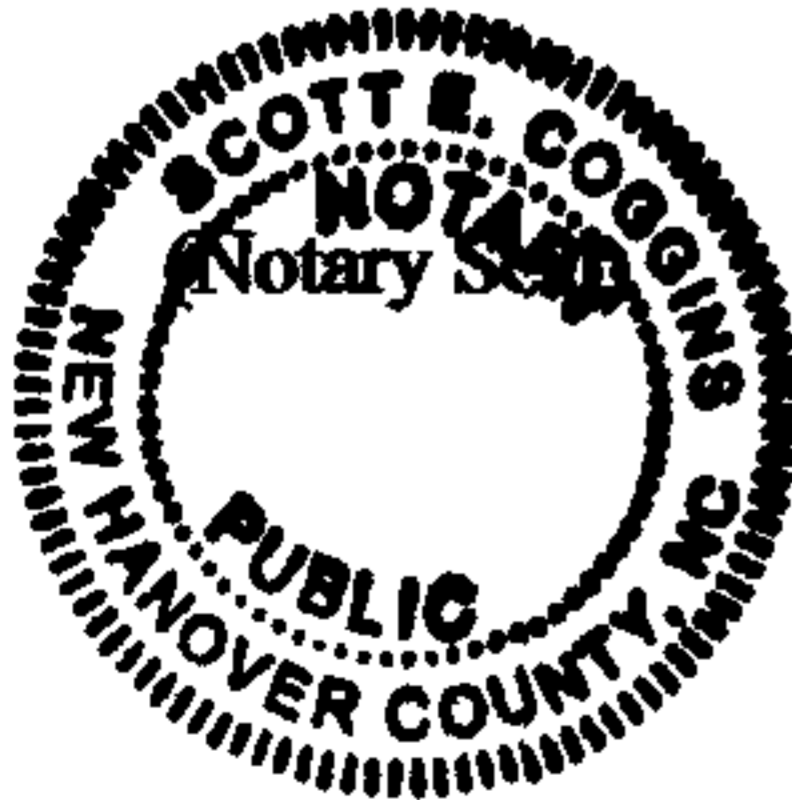
PEPPER TREE AT COVIL ESTATES HOA, INC.

By: Eileen Sablin
President

STATE OF NORTH CAROLINA
COUNTY OF New Hanover

I, Scott E. Coggins, notary public, do hereby certify that Eileen Sablin (name of officer), personally appeared before me this day and acknowledged that he/she is President (title of officer) of the Association and that he/she, being authorized to do so, executed the foregoing on behalf of the Association.

Witness my hand and official seal this the 11th day of August, 2014.



Scott E. C.
Notary Public
My Commission Expires: February 3, 2018

**Definition of "Maintenance & Repair" of Driveways
Amendment IV of the Pepper Tree HOA Covenant**

On June 28, 2014, a special membership meeting of Pepper Tree at Covil Estates was held to determine by either Amendment, Assessment Increase, or Current Identified Policy what definition the membership would agree to for maintenance and repair responsibility by funding under Amendment IV of the HOA Covenant via outlined definition and funding options. A quorum of 67 members (of 81) were present in person or by proxy.

The vote was in favor of following the Current Identified Policy for HOA driveway maintenance and repair. Therefore this was and continues to be defined as:

Maintenance:

- periodic power washing of driveways at the good faith discretion of the Board of Directors and,

Repair:

- repair of driveways using the criteria of the Architecture Driveway Repair Policy dated April 2014 as it pertains to: sinking, heaving, crumbling of the paving and the failure of expansion joints to be performed by the HOA.

All other requirements and terms of the Architecture Driveway Repair Policy and Association Documents for maintenance and repair of the driveways are the responsibility of the homeowner.

Vote: Assessment Increase to provide for HOA repair as to cracks: 12 in favor
Amendment to remove all responsibility from the HOA for driveway repair: 15 in favor
Neither Assessment Increase nor Amendment but rather to continue existing policy: 40 in favor

Submitted by:

Heidi Woodman, Secretary

Eileen Silva, President 7/31/14

July 2014

Architecture Driveway Repair Policy

Criteria and Work Requirements

The purpose of this policy is to identify the criteria the HOA uses in requiring the repair or replacement, in whole or in part, of an individual driveway. A homeowner may choose to repair or replace their driveway but must first obtain approval from the Architecture Committee (via the Architecture Driveway Request Form) and must follow the requirements provided in the policy

Criteria for Repair:

1. One or more of the following situations has occurred:

a) Cracks

- 1) Crack that is $\frac{3}{4}$ inch in width and approximately two feet in length.
- 2) Crack of any width when one side of the crack has either risen or fallen approximately one inch over more than 50% of the section.

b) Heaving or Sinking

- 1) Any adjoining section of driveway has heaved at least $\frac{3}{4}$ inch at its highest point
- 2) Any adjoining section of driveway has sunk at least $\frac{3}{4}$ inch at its lowest point.

c) Crumbling or Disintegration

The surface of a driveway crumbles (falls apart) to form a recess or hole.

d) Rotting Expansion Joints

Any expansion joint that has deteriorated to the point that it is no longer performing its intended purpose of keeping the section separated.

e) Foreign Substance

A driveway surface is defaced by the presence of paint, oil, rust or other substance.

Specifications/Requirements for Work:

- 1 Specs as provided by McKim and Creed are to be followed by the contractor hired.
2. Contractor hired must be licensed and insured.
3. Match as closely as possible the color of the concrete and stone that currently exist in driveway. (Sidewalks are NOT part of driveways)
 - a) The same number, type and placement of expansion joints will be used.
 - b) Only aggregate is allowed.
4. Homeowner or their representative should make every effort to be present during reconstruction.
5. The current HOA landscape company will be hired by the contracting party to replace damaged lawns with sod as needed.
6. Streets, curbs, ditches and drains will be cleaned to the same condition as before construction.

7. There will be no dumping of excess concrete or other construction material in Pepper Tree common areas or along/under the adjacent utility lines.
8. The contracting party is liable for any damage occurring to Pepper Tree common areas or private property.
9. Street(s) will not be blocked during construction.
10. Commercial/construction vehicles will not be stored within Pepper Tree without prior approval of the BOD (no overnight parking along utility lines).

April 2014



TAMMY THEUSCH BEASLEY
REGISTER OF DEEDS, NEW HANOVER
216 NORTH SECOND STREET

WILMINGTON, NC 28401

Filed For Registration: 08/15/2014 11:28:38 AM

Book: RE 5832 Page: 2395-2400

Document No.: 2014021457

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Recorder: CRESWELL, ANDREA

State of North Carolina, County of New Hanover

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