

Lakeside Owners Handbook



Oaks Lakeside Owners Five Handbook

2/5/2018

Version 1

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GENERAL INFORMATION

A. Introduction

The Five Oaks Lakeside Community is one of four diverse neighborhoods within the Five Oaks Subdivision. Living in a community governed by a Homeowners Association (HOA), with legal deeded covenants and restrictions, is different from living in an apartment, a condominium, or an individual home. This community is governed by the Five Oaks Lakeside HOA, through its elected Board of Directors, in accordance with the legal documents outlined in Section B2 below. To help our residents understand and comply with our complex legal framework and to clarify owners' rights and responsibilities, the HOA Board of Directors has compiled this handbook. **NOTE: As changes are made to this handbook, updated versions will be posted online. Contact the HOA for the most recent version to ensure that you have the most accurate information.**

More specifically, this handbook attempts to “translate” the legal language of the documents outlined in Section B2 into the policies, procedures and rules homeowners agree to when buying a townhouse in Five Oaks Lakeside. Non-owner residents are also bound to comply with these documents. This document supersedes all prior Five Oaks Lakeside Owners handbooks/manuals/guidelines.

B. Home Owners Association Information

Since 1987, the property owners within the Five Oaks Lakeside Community have constituted the membership of The Five Oaks Lakeside Homeowners Association Inc. The purpose of the HOA is to maintain, enhance and protect the quality of life, value, desirability, and safety of the buildings and grounds of our community. To perform its functions, the HOA sets the annual assessment, generally referred to as dues, which is collected monthly from each homeowner. The dues pay the cost of doing business including, but not limited to: routine maintenance and repair, capital repair and improvements (siding and roofing replacement, street repairs), and management costs, including insurance. NOTE: All properties within the Five Oaks Lakeside HOA are also subject to the mandatory fees related to the Five Oaks Recreational Association Inc (FORA), which offers a Pool, Tennis Courts, Fitness Facility & Clubhouse. Contact FORA at (919) 493-1495 for more information.

- 1. Membership:** Every owner is a member of the HOA and is subject to assessment by the HOA. At the Annual Meeting of the Membership each spring, the HOA reviews the annual budget and operations of the association. Election to the Board of Directors also takes place at this meeting. Note: Each property in Five Oaks Lakeside represents one (1) vote for all matters coming before the Membership.
- 2. Governance:** The legal framework within which FOLHOA operates is outlined below. The documents are listed in order of authority. The amendment process is detailed in each of the Five Oaks-specific documents.
 - State / Municipal Laws that regulate the administrative requirements of not-for-profit corporations and planned unit developments are the highest authority.
 - Articles of Incorporation created the legal entity that is the Five Oaks Lakeside Homeowners Association, Inc. It is on file in the Office of the North Carolina Secretary of State.
 - The Declaration of Covenants and Restrictions and its amendments are on file in the Durham County Register of Deeds Office and bind each individual lot to the HOA. Amendments require the approval of 2/3 of the owners to do so.
 - Bylaws of the Five Oaks Lakeside HOA provide for the operation of the HOA. Amendment require the approval of 2/3 of owners at a meeting.
 - The Five Oaks Lakeside Homeowners Manual, developed by the Board and based on the above documents, translates the “legalese” of the above documents into the policies, procedures, responsibilities, and rules the community members live by. This can be updated at any time by the Board of Directors.
 - LINKS to the Articles of Incorporation, Covenants, and Bylaws are located on the Management Company website. Homeowners receive a copy of the Covenants and Bylaws at Closing on their home. Copies can also be obtained from the Management Company for a fee or can be printed from the website.

3. **Board of Directors:** The HOA is governed by a Board of Directors (BOD) comprised of five homeowners who are elected by the HOA membership at the annual meeting to serve three-year terms. Board members are volunteers who contribute their personal talents, expertise and time as well as illustrate a commitment to a quality standard of living in our community. The BOD meets monthly. Members wishing to address the Board may do so in the Homeowners Forum at the beginning of each meeting. If a Homeowner is interested in becoming a Board Member, they may contact the Management Company.

Committees: The BOD may appoint homeowner volunteers to serve on standing committees or on special committees as needed. All committees rely on community participation to manage ongoing tasks and to address specific issues. The Standing Committees, stipulated by the Bylaws, are:

- a) The Aesthetics Committee works with the Board of Directors on exterior alteration requests from the owners, and reports violations of rules. (See Appendix Two)
- b) The Maintenance Committee advises the Board of Directors and Management Company on matters pertaining to the maintenance, repair and/or improvement needs of the common properties and buildings, as well as inspects the quality of work performed on the exterior of the building by Board contractors.
- c) The Nominating Committee is appointed prior to the annual meeting, to make as many nominations for election to the Board of Directors as is necessary to fill the number of vacancies on the Board of Directors at the upcoming annual meeting.

4. **The Management Company** collects the monthly assessments (hereafter referred to as dues), handles questions about account balances, pays bills, oversees contractors used by the HOA, and facilitates correspondence, among other things. All suggestions, comments, complaints, or other business of the HOA is communicated directly to the Management Company. Communication from them is made to individual owners, the Board of Directors, contractors, etc., as needed. If for some reason the homeowner is dissatisfied with any action of the Management Company, the homeowner should express the concern in writing, addressed to the Board of Directors in care of the Management Company, or in person at the monthly Board Meeting. A member of the Board will acknowledge receipt in a reasonable amount of time.

The Covenants allow for the day-to-day management of the FOLHOA to be delegated to a management company. Currently, the FOLHOA Board of Directors has contracted for management services with:

Community Focus Of NC, Inc.
PO Box 52395
Durham, NC 27717

Josh Lindgren, Community Manager, CMCA®
Phone: 919-564-9134
Email: info@communityfocusnc.com
Web: www.communityfocusnc.com

C. MONTHLY ASSOCIATION DUES/ASSESSMENTS

Each owner is responsible for paying monthly HOA dues. The Board sets the dues annually within parameters stipulated in the Covenants. Notice of dues for the next calendar year will be mailed to each owner in December by the property manager.

1. Forms of Payment:

- a. **Automatic bank draft** is available at no additional charge and will be taken directly from your bank account on the first business day of the month. A bank draft can take up to 5 days to settle so expect payment will be removed from your account somewhere between the 1st and the 5th of each month. Contact the property manager for the necessary forms.
- b. Unless using automatic bank draft, a **Payment Booklet** is mailed to each Owner at the beginning of the calendar year with instructions for payment and with address labels. Checks must be made payable directly to the Five Oaks Lakeside Homeowners Association at the management company payment address.
- c. Payment Online, via **E check** or **credit card**, is available from the management company website. Credit card payments are subject to processing fees.
- d. With prior approval of the management company, owners can **drop off** payment at the management company office location.

- e. NOTE: Owners are required to make timely payments regardless of receipt of invoices, statements, coupons or related documents. Notice of overdue payments will be delivered to the last known legal address on file with the HOA.
- 2. **Delinquency:** Dues are delinquent if not received within thirty days. Failure to pay dues in a timely manner can result in the following actions:
 - a. Any account more than 30 days late can be charged a late fee of up to \$20.00. This charge will be added to the account each month until the account is brought current or a payment plan is approved by the HOA Board.
 - b. Once an account is 60 days late, as called for under North Carolina law, a legal demand letter will be sent from the association lawyers informing the owner that the HOA can place a lien on the property to collect the unpaid dues if the account is not brought current within 15 days.
 - c. Once a lien is placed on the property, the HOA can begin foreclosure proceedings in as soon as 10 days.
 - d. Any legal fees charged by the HOA lawyers to collect owner dues will be added to the owner's account and must be paid before the account will be considered up to date.
- 3. **Special Assessment:** There are times when the Board of Directors may ask the Five Oaks Lakeside HOA membership to vote for a Special Assessment. A special assessment vote can only be called by the HOA Board and requires approval of a 2/3 majority vote of owners to pass. If such a vote is called, notice of not less than 10 days will be sent to each owner. Under HOA covenants, special assessments can only be used for:
 - a. Capital improvements of association common properties (i.e. roads).
 - b. Maintenance, repair, or improvements of buildings.

D. Maintenance

Common Areas: Common Areas, refer specifically to those areas fully deeded and owned by the HOA. These areas include the roads and select green spaces adjacent to the property lines of individual owners. While the HOA maintains much of the landscaping/lawns on property owned by individuals, that area is not considered "Common Area" as it is not meant for the use and enjoyment of all owners. The HOA is responsible for the maintenance of all Common Areas.

HOA Exterior Surfaces Responsibility: Maintenance is provided by the HOA for the replacements of roofs, siding, fascia, flashing, front and storage doors, garage doors (not the motorized opener), and originally constructed decks/concrete patios, as well as gutter maintenance, and repairs. Leaves and debris are blown from sidewalks, parking pads and driveways regularly by the contracted landscaping service. Roofs and Gutters are cleared of debris seasonally by a separately contracted vendor.

Note: In 2010, the HOA started to replace the exterior siding on the buildings with Hardieplank Siding, a cement-composite product, which has a 30-year warranty **if maintained properly**. For information on which buildings have been sided with HardiePlank, contact the Property Manager. To protect the siding:

Do not nail or screw into it.

When power washing, the nozzle should be at least 6 feet from the siding and use of water pressure of less than 1500 psi.

No mulch or dirt may rest against siding.

Lightweight objects (i.e. house numbers) may be mounted using removable stick-on type of hanger or Velcro which may be removed without damaging the siding.

Any damage to the townhome that is determined to be due to owner action will be the financial responsibility of the owners, or future owner(s).

Homeowners Exterior Responsibility: The individual unit owner is responsible for maintenance and/or replacement of:

- modified and owner added back decks, fences, porches, and other approved structures
- all parts of the windows, including frames, glass, mechanics, screens, sill, casing, & brick mold
- storm doors, sliding glass doors
- dryer vents, heating units, air conditioning units and lines
- plumbing, condensation pipes and drains, and electrical lines, drain lines on or under property
- outside spigots, electrical outlets, and light fixtures
- chimney cap, crown, and stacks
- electric garage door opener and associated mechanics
- installation of new gutters (HOA maintains the gutters once installed)
- components in or under the living unit, including the foundation and moisture in crawl spaces.
- All yard maintenance inside of a fenced area,
- Exterior damage from pests (See Carpenter Bees & Woodpecker information in Appendix 4).

Procedure to Request Repair or Maintenance: The owner is to notify the Manager of repair or maintenance concerns in writing including the owners name, contact information, property address and specific areas of concern. The Manager will inform the owner(s) whether it is HOA or owner responsibility and will coordinate an investigation of the areas of concern, as presented by the owner. (See Chart in Appendix 1) If it is not HOA responsibility, the Manager may be able to suggest contractors for the owner to contact.

Interior Maintenance: All interior maintenance is the responsibility of the owners. This includes all interior walls, ceilings, floors, doors, plumbing, electrical, cable, lights, doorbell systems, door knobs etc. It also includes all components in or under the living unit. Sewer overflows inside or under the living unit, and any subsequent damage that falls within the owners property lines, are the responsibility of the owners.

Unapproved Exterior Changes and Damage: Changes or additions made to the living unit by the current or previous owner without the permission of the HOA are the responsibility of the current owner(s). If deemed by the board to be in violation of HOA rules, the homeowner can be compelled to remove or modify the structure and return the property to its original condition. Repair of any component of the living unit damaged by neglect or willful misconduct of the owner or the family, guests, agents, invitees or assigns of the owner, is the responsibility of the owner(s).

E. Pest Control

Termite Protection: The HOA provides an annual termite inspection and treatment. Owners will receive advanced notice of the inspection date and must provide access to exterior storage closets and any crawlspace. If the owner neglects to allow access, a repeat inspection may be requested at a cost of \$50 to the owners. All termite damage is the responsibility of the owner.

Other Indoor/Outdoor Pest Control are homeowner responsibility, as is any resultant damage -See Appendix 4.

Mailboxes: are the property of and maintained by the Postal Service. If you need assistance with mailbox keys, contact the Postal Service located at 3710 Shannon Road, Durham, NC 27707. If you have questions regarding maintenance of the postal boxes, contact the Management Company.

Street Lights: Street lights are the property of and are maintained by Duke Energy. If you see a street light out report it to Duke Energy.

Keys: Neither the HOA nor the Association's Management Company maintain keys to individual units.

F. Grounds Maintenance

Lawns: The HOA provides basic lawn care to the common areas and the front and back lawns of the townhomes (unless the yard is fenced in). Homeowners are encouraged to water lawns during dry spells unless the City/County is on water restriction.

The schedule of contracted lawn care is:

- Grass mowing/edging/debris blowing - once a week
- Pruning: shrubs/bushes/trees - twice a year
- Weed removal & spraying - once a month
- Ground aeration & seeding - once a year in the Fall
- Fertilizing - once a year in the Spring
- Stump Removal - as determined by the Board

Any Maintenance beyond that provided for in the landscape contract is the home owner's responsibility.

Trees and Shrubs: Original trees and shrubs are maintained by the HOA. The HOA does not remove living trees or shrubs unless they are hazardous. Notify the manager if one appears dead or may be hazardous, and a tree expert will assess it. Homeowners may request to plant a tree using the form "Homeowner Request for Exterior Alterations" in Appendix 3. All homeowner planted trees are homeowner maintained by the owner of the property and any subsequent owner in perpetuity.

Landscaped Areas: Homeowners are encouraged to enhance the landscaped areas on their property by using the form "Homeowner Request for Exterior Alterations" Form in Appendix 3 with the plans of the proposed changes to the exterior landscaping. Approved landscaping enhancements are the responsibility of the owners to maintain going forward.

Non-Participation: Owners who wish to perform their own yard/landscaping maintenance may be able to opt out of select services by notifying the manager. The manager will maintain a list of non-participants and provide the list of addresses to the maintenance contractor. This method will only work if home owners contact the manager of any problems with the workers spraying/trimming/cutting where they should not. While the HOA will attempt to inform the contractor, there is no "guarantee" that the related work will not be performed on an owner's lot and the HOA assumes no responsibility for areas that are affected by the regularly scheduled maintenance.

Yard Waste: A small pile (an armful or less) of yard waste (trimmings, weeds, twigs, etc.) may be placed in a pile next to the street for pick-up by the grounds crew on their regular day. For larger amounts, apply to the city for a yard waste can. Notify the property manager if the debris has not been picked up.

Storage: Bicycles, toys, lawn chairs, hoses and other such items are not to be stored on front porches, lawns, walkways, or parking pads. NOTE: Grounds maintenance workers will not provide care for cluttered lawns, porches, or walkways.

Damage by Grounds Maintenance: Any damage to HOA-maintained property caused by grounds maintenance workers is to be reported to the property manager. Owners are expected to secure personal property/items that may be affected by the routine mowing and blowing performed by the contractor.

G. Architectural & Aesthetic Changes

Any change or addition to the exterior of the building or grounds, requires prior approval of the Board (per Covenant Article VIII). The Architectural and Aesthetics regulations as well as approved colors and style samples are detailed in Appendix 2 of this document. The application, "Homeowner Request for Exterior Alterations Form", is found in Appendix 3 and on the management website.

Aesthetics Committee: This is a standing committee appointed by and accountable to the Board. In accord with our Covenants, the Board delegates two important tasks to this committee:

- to review all proposed changes to the exterior of a building, the building footprint, or grounds. The committee also guides homeowners through the application procedure. Most changes are approved, are welcomed, and are improvements to the neighborhood.
- To assess the neighborhood for aesthetic violations and to develop a monthly list of violations. The Board reviews the list and requests the Manager notify homeowners of significant violations and the ways they can be remedied. If the violation involves safety issues or is not remedied, the Board has the authority to address non-compliance (See violation procedure in Section Q of this document).

Project Progress and Completion: Projects must be completed a reasonable amount of time following approval but in no case more than 60 days, unless an exception is granted in writing by the Board.

Inspection: During construction and upon completion, the work may be inspected by the Management Company, the Board of Directors and/or the Aesthetics Committee and/or the Maintenance Committee to determine compliance with the approved application.

Approval: While the HOA formally has thirty (30) days to review any application, those applications that provide the full details of the scope of work to be performed tend to be approved much more quickly.

Permits/Licenses/Insurance: Homeowners are required to insure all appropriate permits, licenses, and insurance that may be required by the HOA or by local, state, or federal government agencies are obtained.

Enforcements: The Management Company will notify a homeowner of any unapproved alterations. An Exterior Alterations Form must be submitted to the Management Company at that time. Upon review by the Board of Directors, any unapproved alterations must be removed or altered as determined by the Board of Directors. If any owner fails to comply with the decision of the Board of Directors, the HOA may take legal action and/or remove the alteration at owner's expense. The Board can remove alterations on the Common Property without notification and at owner expense.

H. Insurance

Homeowner: Each homeowner is required to have, at a minimum, "homeowner hazard insurance" that enables rebuilding of the structure to 100% of the replacement value in the event of damage or destruction.

Homeowners Association:

- Public Liability Insurance covers injuries on the Common Property as a direct result of negligence of the HOA or its agents.
- Property Insurance covers damage caused to property owned by the HOA. It does not cover damage to the buildings.
- HOA Directors and Officers Insurance protects the Board of Directors and Committee Members in the case of an error or omission on their part while performing in their capacity as a Director or Committee Member.

I. Leasing

The HOA has no special restrictions for leases, however homeowners are to have a lease which includes a provision that the tenant(s) & their guests follow ALL rules of the HOA. Homeowners are also to provide their tenants with the Homeowners Handbook. All formal communications from the Board of Directors, the HOA or the Management Company will be made to the Homeowner(s) of record.

J. Vehicles & Roads

Speed Limit: The speed limit is 15 mph on the private roads in the Five Oaks developments. The speed limit on Five Oaks Drive and Pine Cone Drive is 25 mph.

Automotive Maintenance: All maintenance or vehicle repair work that produces a greasy or oily residue or waste materials is prohibited. This includes work done on parking pads, driveways, and streets.

Parking Areas: Parking is allowed in these areas:

- Parking Pads – All four tires of any vehicle must be on the pad. If there are three vehicles, two may be parked within the pad and the third on the street behind them.
- Driveways – two vehicles per pad.
- Paved streets – all four wheels on the street.

No Parking Areas: Parking is not allowed on:

- Any grassy areas or any other non-paved surface
- In front of mailboxes
- In front of fire hydrants
- “No Parking” zones
- Places that block another resident from entering/leaving their parking pad/driveway
- Places that block access to the road or prevent other vehicles from safely passing through.

Visitors: There are no specified visitor parking spaces. Lakeside visitors are expected to follow the same parking rules as residents.

Vehicles: Any vehicle parked on Five Oaks Lakeside property must be operational, properly licensed, inspected, and insured. Any vehicle determined to be abandoned will be towed. No vehicle is to be stored on Lakeside private streets for more than one (1) week, without express written permission from the HOA.

Damage to Property Caused by Vehicles: Homeowners will be held responsible for damage to property including all grassy areas, trees, shrubbery, underground pipes, etc. caused by illegally parked vehicles cars whether homeowner’s, their tenant(s), or guest(s). This includes damage caused by leaking automotive oil.

Trailers, Boats, and other Recreational Vehicles: Parking of boats, trailers, campers, PODS, certain commercial equipment, and recreational type vehicles are not permitted to be stored temporarily or permanently within Five Oaks.

Enforcement: Owners of vehicles in violation of these rules can be fined and the vehicle towed at the expense of the owner. If your vehicle has been towed contact the Management Company.

Road Maintenance Disclaimer: The HOA will address any major safety concerns promptly and will perform on-going maintenance to avoid further deterioration of the roads as the budget allows.

Snow/Ice Disclaimer: The Five Oaks Lakeside HOA will address snow/ice events based on the advice of snow-removal experts and the anticipated outcome of preventive and removal efforts. Owners should prepare accordingly for winter weather events to ensure that ingress and egress to the home and property are accessible during ice and snow events. The HOA will make reasonable efforts to aid with these preparations, but they make no guarantee as to the safety of walkways and roadways during the unpredictable winter weather season.

K. Pets

Residents are only allowed to have indoor-type pets. All laws, ordinances, rules, and regulations pertaining to dogs, cats, and other domestic animals adopted by local officials are hereby adopted as rules and regulations of the Five Oaks Lakeside HOA. Any damage to property caused by pets is the financial responsibility of the pet owner and not the HOA.

Leashes: The City/County leash ordinance is to be followed at all times. Pets must always remain under an owners control.

Restricting Pets: Chaining, tying or restricting pets on unattended leashes or leads is not permitted. Animals are not to be left unattended in the common areas, patios, decks, or yards. This is a Durham County law. For more information contact Durham County Animal Control at 919-560-0630. Pet cages and pet runs are not permitted on Five Oaks Lakeside properties.

Disturbances: File a complaint to the Management Company about an animal that often creates a disturbance. A letter will be sent to the owner(s) and tenant(s) documenting the disturbance. After the first notification, the HOA can initiate violation procedures (see Section Q Infractions and Fines).

Pet Waste: Owners walking their dogs must have a waste bag available for the collection of pet waste. It is a Durham County law that all waste is to be removed immediately after being deposited by the animal & a fine from \$50 to \$150 may be given to owners who neglect to follow this law. Do not put your animal's waste in another Homeowner's trash.

Enforcement: Leash laws and other animal ordinances will be enforced by local officials. Please contact the animal control office with questions.

Contact:

- Disturbances – Management Company and Durham Police Non-Emergency Number.
- People endangered by an animal – Durham Police (919) 560-4600
- Endangered Animal – Durham Sheriff (919) 560-0897
- Vaccinations or licensing – Durham Sheriff (919) 560-0897

L. Trash, Recycling, and Yard Waste

Trash and Recycling Collection Days: The trash is picked up every Tuesday. The Recycling is picked up every other Tuesday. Place trash and recycle carts at the curb no earlier than the afternoon prior to collection & no later than 6:00 a.m. on the day of collection. Remove emptied carts from the curb within 24 hours after pickup. Homeowners are responsible for trash left by their tenants or visitors.

Trash & Recycling Cans: Each unit should have its own green garbage cart and blue cart provided by Solid Waste Management of Durham. If you do not have one of each, or your cart is not in working order, contact Durham One Call at 919-560-1200.

- Household Garbage: One bag of overflow garbage is allowed.
- Cart Placement:
 - at least 3 feet from other objects such as mail boxes, hydrants, trees, or utility poles.
 - at least 3 feet apart & no more than 3 feet from the edge of the road.
- Missed Pick-ups: If your can was not serviced before 5 p.m. on collection day: verify that it was a collection day. (CONTINUED...)

If it was, check to see if your cart was tagged for violations. (For a list of violations and prohibited items visit the city of Durham website).

If it was a collection day and it wasn't tagged, call 919-560-1200 to report the missed collection.

- Bulky Items (items that will not fit in the provided cart) are collected every week. A maximum of 3 bulky items can be placed at the curb on normal household collection days. The crews will note bulky items at the curb and a "bulky crew" will pick it up the next day.

Recycling: There is no need to sort recyclables. Check <http://durhamnc.gov/862/Recycling> and read "Your Guide to Recyclables". Do not place recyclables (including shredded paper) in plastic bags. Note: Pizza boxes are not recyclable.

Yard Waste: Up to an armful of yard waste can be left in a pile on the side of the road to be picked up by grounds maintenance workers. For larger amounts, there is an optional Yard Waste Collection Program available through Durham County. Contact Durham One Call at 919-560-1200 to sign up for yard waste collection. Remove cans from the street/curb within 24 hours of collection.

Cart Storage: Carts are to be stored as reasonably close to the unit as possible, or if not possible take it to the side of or behind the unit. Carts may NOT be stored on streets, driveways or sidewalks

M. Storage

Grills, Lawn Furniture, Bicycles, Tools, Supplies, etc.: are to be stored out of view on the rear deck/patio, in storage area(s) or inside the home. Storage may not be on the front of the residence, including the yard, porch, sidewalks, and parking area. Please see Section 17 Infractions and Fines regarding violations.

N. Signs

Signs may not be posted on the mailboxes, light posts, trees, electrical poles, buildings, or common property.

Sale or Rent Signs: One standard "For Sale" or "For Rent" sign may be posted at the front of the home. Open house signs may be posted no more than 2 days before the open house & must be removed at the end.

Political Signs: One political sign may be posted on a homeowner's property. The sign may not be larger than twenty-four by twenty-four inches. It may be displayed up to sixty days before the election and must be removed within forty-eight hours after the election.

Other Signs: The only allowed other signs are:

Small signs for an alarm system may be posted on the homeowner's property.

Signs for FORA events that are open to the Five Oaks Community may be posted on common property up to 7 days before the event and must be removed within 48 hours after it.

Contractor signs while doing work, to be removed within 1 week after work is finished.

Enforcement: Signs in violation of this section will be removed and any cost associated with the removal will be assessed to the property owner.

O. Soliciting

Soliciting is not allowed. Please advise solicitors that the parking areas, sidewalks, and common property are private property and ask them to leave. If they do not leave, contact the police, and notify the Management Company of the problem and of the action taken. Soliciting includes the distribution of any information or the collection of money for any purpose. Religious organizations are not exempt from this section.

P. Objectionable Activity

It is stated in the Covenants, Article XI, that “no noxious or offensive trade or activity shall be carried on, upon, or in any Lot or Living Unit, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood”. Homeowners are held legally responsible for any disturbance created by themselves, their guests, or tenants and will be held legally and financially responsible for any property damage caused by themselves, renters, guests, or pets, including subsequent trash pickup.

Noise: The Durham County local noise ordinance, NC Code of Ordinances, Chapter 14, Article 2, Sec. 14-26) applies to the following: Any resident disturbed by excessive or persistent noise at any time can report violations to the police. Such disturbances include (but are not limited to) loud music, voices, cars, and animals.

It is strongly recommended that owners do not address the problem directly but contact the police to deal with noise complaints.

- If you contact the police about a noise problem, also notify the Management Company. The HOA will take action against an owner if noise is a repeated problem.

Q. Infractions and Fines

All homeowners are held responsible for their own actions as well as the actions of their pet(s), their visitor(s), and their tenant(s), and can be fined for violations. Fines of up to \$100/day may also be levied against any property that remains non-compliant after receiving proper notice.

The fine policy is as follows:

- Rules are listed in the Homeowners Handbook.
- Violated rules will be documented via photographs, video or written description and may be noted by the community manager, HOA Board member or any community homeowner.
- Homeowners found to be in violation of the rules will be notified of the violation in writing and will be granted an opportunity to remedy the non-compliant issue within a specified time period. In the event of a non-compliance issue that requires action by a homeowner, they must:
 - Correct the violation, or
 - Provide a detailed plan with benchmarks for violation remediation, or
 - Appeal the violation by submitting a letter stating their intentions to appeal. The homeowner must schedule an appearance at the next HOA Board Meeting to appeal the violation in person.
- If it is a safety violation, it must be corrected upon receipt of the notice or the HOA Board will remedy the issue at the homeowner’s expense.
- Owners who take no action to correct a violation within the specified time of notification may receive a formal “Notice of Hearing” from the HOA. Once an owner has had an opportunity to be heard, the HOA may levy fines of up to \$100 per day for any infractions that are still deemed to be in violation.
- A lien may be placed against the unit if the fines/fees are not paid and further legal action may be taken against an owner to remedy the violation and recoup any outstanding fines/fees.
- Owners with outstanding fine balances or liens on their units stemming from a rules violation may be denied voting status within the association.
- Copies of all notices, correspondence, corresponding meeting minutes regarding a rules violation shall be maintained by the HOA secretary OR placed in the unit’s archive file.
- The HOA Board shall have sole discretion on a case-by-case basis as to how fines, fine waivers, and remediation benchmarks shall be processed.
- HOA Board decisions related to violations shall carry by a simple majority.

FREQUENTLY ASKED QUESTIONS

Is everyone in Five Oaks a member of Lakeside?

No. Five Oaks has four Homeowners Association based neighborhoods which include 4100, Hickory Downs, Farrington, and Lakeside. Hickory Downs is the only condominium development in Five Oaks. There are also a few single-family homes in the middle of Five Oaks which do not belong to any HOA.

What does the HOA own?

The HOA owns approximately one mile of the private roads (the Lakeside sections of Beechnut, Butternut, Pinyon, and Pin Oak) and 23.6 acres of Common land between and around the buildings. All owners have access to use these areas. Appropriate respect for all homeowner's property and privacy should be observed when using the Common Areas.

What is a Plat Map and where can I find it?

A property plat is a map, drawn to scale that shows the divisions of a piece of land. A plat will identify boundaries, easements, flood zones, roadways, and access rights of way. When you bought your house, you may have been given a plat map with the deed. If not, you can find the plat for your property online:

1. Go to Durham County Tax Administration Website Record Search (<http://property.spatalest.com/nc/durham/>) and enter the address of your home in the search box. When you see the photo of your home, click the "View Property" button under the photo. Note the Plat Book & Page.
2. Then go to Durham County Register of Deeds website (<http://rodweb.co.durham.nc.us/>). Click the "Real Estate" button for a drop-down menu. Click the Search Map/Plat Index. Leave the "Grantor Name" box blank. Enter the Plat Book and Page (leaving out all lead zeros) in the appropriate boxes. Click the Search button.
3. The "Results Screen" has a row of buttons. Find and click on your "Instrument #". The next window shows the Plat Map of your building in respect to neighboring buildings along with lot dimensions, common area, and utility easements. Print this window. Identify your specific address by its shape. Find and click the magnify button. Then center the map over your property and increase the magnification until you can read numbers. Print this window.

How can I get a key to my mailbox?

If you weren't given a mailbox key by the previous owner, or you lost your key you will need to fill out paperwork and pay a fee at the local Post Office. Mailboxes are the property of and maintained by the Postal Service. If you need assistance with mailbox keys, contact the Postal Service located at 3710 Shannon Road, Durham, NC 27707.

What is FORA?

The Five Oaks Recreational Association, also known as FORA, is comprised of the clubhouse, pool, tennis courts, fitness facility, dog park, lake and surrounding land and amenities. FORA has its own Board of Directors, comprised of owners from the four HOA neighborhoods. All owners in the Five Oaks HOA neighborhoods are required by our Covenants to be members of FORA and pay dues directly to the Recreational Association.

What is the history of Five Oaks Lakeside HOA?

In December 1975 the Five Oaks, Inc. community was formed with the building of the 4100 townhomes and the Recreational Association. In 1984 the first of the, what are now the Lakeside, townhomes were built on Pine Cone Drive. When built in 1984, those units were part of the original Five Oaks, Inc Association. In 1987 the buildings and land along Pine Cone, Butternut and Beechnut were released from the Five Oak, Inc Association and a new association called Lakeside Five Oaks, Inc was formed under what is referred to as the 1410 covenants. Due to an oversight in the 1410 covenants not encumbering Five Oaks Lakeside homes to the Recreational Association, an amendment was filed in 1988 under 1553 that resolved that oversight. In 1991, prior to the building of the Garden/Patio Homes on upper Pin Oak, 1675 was filed that bound the future garden homes to the Lakeside Five Oaks HOA Inc. and encumbered them to the Recreational Association.

Appendix 1

Homeowner vs HOA Responsibilities

Home Owner vs HOA Responsibilities for maintenance and repair are not always clear. This table is to help clarify who does what. Feel free to bring any questions to board meetings or to the property manager.

BUILDINGS	Maintenance, repair, or replacement of:		
Siding	Exterior siding & trim: repair/replace and paint		HOA
	Pressure washing of siding, roofs, concrete walks & patios (use low pressure on Hardee siding); window washing	Owner	
	Dryer Vents, skylights, & any other tubes or pipes, or owner-added alterations in, under or through the buildings, including damage to building's siding by alterations.	Owner	
	Replace exterior house numbers	Owner	
Doors	Front entry and outside storage closet doors (repair/replace)		HOA
	Painting exterior door and window frames (when building is painted)		HOA
	Sliding glass doors; screens and storm doors (including Brick molding)	Owner	
	Door bells, knobs, locks, fixtures	Owner	
Windows	Maintain, repair/replace all parts of windows, including window frames, glass, screens, cranks, latches, screens, window sills, casing and brick mold (for example: wash, calk, replace window glazing, touch-up paint as needed)	Owner	
Other	Additions/alterations to buildings (plans to be submitted for approval)	Owner	
	Decks (original construction)		HOA
	Decks (added or altered by current or previous owner)	Owner	
	Original front and rear patios, porches, and steps, including handrails		HOA
	Any of the above added or altered by current or previous owner.	Owner	
PESTS	Pest Inspection and Control:		
	Exterior Termite inspection - including access to storage closets: control if needed		HOA
	Fee for re-inspection of storage closets/garages if contractor is locked out	Owner	
	Interior pest inspection, control & damage repair	Owner	

	Interior & exterior pest control (e.g. ants, carpenter bees, roaches, woodpeckers, mice, or any other critter that wander into, onto, or under your unit) & repair of damage.	Owner	
ROOFS	Leaking roof & scheduled roof replacement (exterior repairs/maintenance only)		HOA
	Roof damage or leaks caused by owner-installed attachments (i.e. tv dish)	Owner	
	Chimney cap, crown & stack (including cleaning)	Owner	
	Roof damage such as tree falling, storms, fire, etc. (covered by homeowner's insurance as a loss) & interior damages from any leak	Owner	

GUTTERS	Gutter and downspout installation	Owner	
	Gutter and downspout maintenance, repair and scheduled cleanings		HOA
GARAGES	Repair of Exterior and door surfaces		HOA
	Mechanical/electric garage door opener	Owner	
FOUNDATION	Maintenance and repairs	Owner	
CRAWL SPACES	Drainage, moisture, mold & odor issues (including access doors, vents, etc)	Owner	
INTERIORS	All interior maintenance and repair	Owner	
UTILITIES	Exterior Commercial Lights & Light Posts (Common Areas)		HOA
	Exterior Lighting or Electrical Fixtures (personal use)	Owner	
	Heat & Air Conditioning Units	Owner	
	Exterior Storm Sewer lines (common areas)		HOA
	Exterior water/sewer lines (within HOA-owned property)		HOA
	Interior water/sewer lines (including sewage backup into unit)	Owner	
	Exterior water/sewer Lines (within owner property lines)	Owner	
	Exterior water/sewer lines to main line, under neighboring property - shared	Owner	
	Exterior Water Faucets & Hose Bibs	Owner	
GROUNDS	Maintenance: Mowing, blowing, seeding common area and lawns.		HOA

	Maintenance of Original trees & shrubs in common areas and yards, as well as on owner property (except inside fences)		HOA
	Maintenance of owner planted trees, shrubs, gardens Pruning &, yard ornaments	Owner	
	Drainage - storm drains (Common Areas)		HOA
	Outside drainage issues: determined case/by/case: Owner, neighbor or HOA		
	Mailboxes -		HOA
	Mailbox keys -	Owner	
TRASH +	Recycling, + yard waste + large item removal — arranged through City	Owner	
	Return cans to side, back or front of buildings	Owner	
ROADS	Maintenance, & repair of paved private streets & parking pads; Snow removal as recommended		HOA
	Maintenance, repair & snow removal of paved public streets & gutters		CITY
	Snow removal on living unit walkways	Owner	

Appendix 2

ARCHITECTURAL and AESTHETIC RULES & PROCEDURES

All exterior modifications to the home or to the yard must conform to neighborhood aesthetics and be approved by the Aesthetics Committee and the Board of Directors. Approved exterior modifications to the home or yard become the responsibility of the owner and of all future owners. Failure to maintain the alteration may result in removal or repair at the owner's expense.

All requests must be accompanied by a HOMEOWNER REQUEST FOR EXTERIOR ALTERATIONS form. The form can be downloaded from the Management Company's website under Our Communities, Five Oaks Lakeside or obtained from an Aesthetics Committee contact person. It is also included in this document as Appendix 3.

All requests must be accompanied with a survey or plat map of the property.

PROCEDURE FOR INITIATING AN EXTERNAL CHANGE

- Obtain a Homeowner Request for "Exterior Alterations Form". (Appendix 3)
- The Owner of the property is to complete and sign the form. It must also be signed by a minimum of three homeowners who are in contiguous buildings or in a direct line of sight of the alteration.
- Submit the form and any supporting documents or information to the chair of the Aesthetics Committee or the Manager. The homeowner will be notified of the date of receipt of the completed application.
- As required by the Covenants (Article VIII, Section 1, page 336), the homeowner will be notified within 30 days of the receipt of the completed application of the need for more information or of the committee's decision or of the referral of the application to the Board. Should more information be requested, the 30-day period begins again after all requested information is received.
 - Reasons for referral to the Board of Directors are:
 - Failure of the Committee to meet the 30-day deadline resulting in automatic approval of the application by the committee and *subsequent submittal to the Board*.
 - Committee members disagree or have questions
 - The request is complex or non-routine.
 - Referrals to the Board will require consideration during the Executive Session at the first Board meeting following the receipt of the complete application.
- The property owner will be notified in writing by the Aesthetics Committee of the decision of the Committee to either:
 - Approve the application,
 - Process the application to the Board of Directors if it is outside the range of authority of the Committee. The property owner will be informed that the request will be presented to the Board at the first Board meeting following the receipt of the completed application.
 - Deny the application. Alternative proposals or additional information may then be submitted to the Manager for the Board to consider. Note that re-submission of a disapproved application restarts the deadline stated above.

FENCES

The owner must present to the Board of Directors, through the Aesthetics Committee, plans for erecting the requested fence and gate, including which of the following style options were selected.

A survey or plat map showing the homeowner's property lines, location of home and proposed location of the fence must be provided.

Note: Once a fence is installed, the homeowner is responsible for yard maintenance inside fenced area.

Structural Requirements

1. Acceptable materials are pressure treated lumber or composite lumber (e.g., Trex). No other materials, including chain link, vinyl, wire, etc., are allowed.
2. Fences must have gate for access by utilities and/or maintenance.
3. Width of boards should be 6" - 8".
4. Fence posts must be placed in concrete.
5. Fences on lake front property are not allowed to block the view of any other owners. Fences on these properties cannot be higher than 3 feet and cannot be any larger than a home's already existing patio or deck, or the deepest section of the home, whichever has more depth.

Style

1. Color: Pressure treated lumber should have a natural wood stained finish or clear sealant. Composite lumber should have a natural-looking or neutral wood-like finish. Submit a color sample with your Exterior Alterations Form using one of the HOA approved colors. Redwood stain is not acceptable.
2. Fences and gates should be of uniform height to a maximum of 6 feet.
3. Only alternating board or solid board patterns are acceptable. Acceptable styles are capped, dog eared, or picket (see pictures below). The solid board patterns must have boards spaced a minimum of 1/2" apart to allow for drainage.
4. Fences must be a minimum of 2 inches off the ground to insure water drainage.
5. Changing the paint or stain color of existing fences requires an Exterior alterations Form

Allowed Fences:



Capped, alternating boards



Dog eared, solid board



Picket

ENCLOSURES

HVAC systems and Trash Cans enclosures are the only ones approved.

1. Structural Requirements:
 - a. Lattice or wood paneling
 - b. No higher than 1 foot (12 inches) above the top of the HVAC unit or trash cans.
 - c. Three feet (36 inches) maximum distance from the HVAC unit to allow for circulation.
 - d. Style: color — natural wood finish (i.e. walnut, maple, etc.) or clear sealant.
2. Corner or end of sections of enclosure must be anchored to the ground.
3. Once a trash can enclosure is constructed it must be used for its intended purpose and not for additional outdoor storage.

DECKS

Small front and back decks are part of the original exterior structure on some of the units in Five Oaks Lakeside. The HOA has responsibility for repair of these decks. Any changes to the original decks or additions to/of the decks MUST have the prior approval of the Aesthetics Committee and the Board of Directors using the Exterior Alterations Form. In addition, owners must follow the following requirements when adding to an existing deck or adding a new deck. New decks must conform to the Durham County building code including a building permit.

NOTE: Any change to the original deck makes the entire deck the responsibility of the owners for future maintenance and repair.

Structural Requirements & Style:

1. Material — pressure-treated lumber or composite wood
2. Color — natural stained or painted wood finish (i.e. walnut, maple, etc.) or clear sealant. Neutral non-white colors, including matching the siding of the buildings, are also allowed. See approved colors.

STORM DOORS

Structural Requirements:

1. 1 and ¼ inch by 2 and ½ inch framing minimum.
2. Frame construction should be aluminum. No wooden or vinyl screen doors are allowed. Other frame construction materials may be submitted on the Exterior Alterations Form for review.
3. Color must be white.
4. Only full-light storm doors, with or without screens, are allowed.
5. Cross-buck style doors are prohibited.



Without Screen



With Screen

DOORS

The approved colors for front doors and storage doors are Sherwin Williams “Seaworthy – SW7620”, “Mineral Deposit – SW7652”, “Hunt Club – SW6468”, “Stolen Kiss – SW7586”, “Tricorn Black – SW6358”.

Front doors and front storage doors must have the same color. Some original doors were painted with oil-based paint, please use the appropriate primer if you choose to repaint with latex paint.

WINDOWS AND SLIDING GLASS DOORS

Windows

1. Replacement windows must be white.
2. Windows must be of the casement style (crank), awning casement or side-to-side sliding variety.
3. Windows with horizontal lines such as slats, frame, or sash windows are NOT allowed.
4. Full-pane windows are acceptable if in compliance with North Carolina safety and fire codes.
5. ALL windows must comply with North Carolina safety/fire codes.

NOTE: Exterior Alterations Form submission and approval for replacement windows is not required if the above restrictions are met. However, it is strongly recommended that you submit an Exterior Alterations Form for approval, as windows that do not meet the requirements will be replaced at the owner's expense.

Allowed Windows:



Casement



Awning casement



Side-by-side sliding

Allowed Sliding Glass Doors

1. Color white. As close to Sherwin Williams "Extra White" as possible.
2. Side-by-side sliding glass doors. French door with full lite.



Sliding Door



French Door with full lite

GUTTERS AND DOWNSPOUTS

1. Materials - seamless metal with baked-on enamel finish
2. Gauge and style: gutters .027 inch and 5 inches
3. Style: Color — white
4. Design:
 - a. Entire length of fascia board on front of individual unit must be covered
 - b. Water diverted must not drain onto neighboring property

SATELLITE DISHES

1. Style: OTARD Rules
2. It is recommended that the dish be installed by a licensed contractor.
3. It is recommended that the Dish be installed at the rear of the unit, although this is not required.
4. The dish should not be attached to the roof shingles or siding.
5. All wiring on the exterior must be concealed and not visible.

NOTE: Any damage to the outside of the unit during the installation, or at a future time, related to the satellite dish is at the owner's expense and not Five Oak's Lakeside HOA

AWNINGS & HOT TUBS

Requirements:

1. Must be installed by a professional.
2. Style, size, and color determination approved on a case by case basis.
3. Specific diagrams and plans must be submitted to the Aesthetics Committee for approval. These diagrams should have as much detail as possible. Once approved, the requesting party must obtain the signed approval of the property owners on both sides and in direct line of sight of the proposed awning or hot tub. All documentation will be submitted to the Board of Directors for a vote.

LANDSCAPING

The HOA is responsible for almost all landscaping and the maintenance of the Five Oaks Lakeside common area. The HOA contracts with a landscape company to accomplish these services. If an owner prefers to maintain the garden area and beds on his/her property, See Section F – “non-participating”.

1. All major changes to the existing landscaping that an owner wants to make must be requested with an Exterior Alterations Form and a detailed diagram of the requested garden.
2. Poisonous, noxious, and plants with long barbs cannot be planted.
3. Plants that naturally spread or creep should be planted in removable planters.
4. Tree should not be planted within 5 feet of the home, as they may cause future damage to siding and to roofs as they grow.
5. Homeowner's, and future owner's, accept responsibility and liability for anything that they plant.
6. Hardscape, hard landscape materials, additions should include a detailed diagrams and samples with the Exterior Alterations Form.

These guidelines represent architectural and aesthetic changes that have been approved by the Lakeside HOA Boards in the past and present. They are not meant to cover all changes that may be made to your exterior.

Appendix 3



FIVE OAKS LAKESIDE HOMEOWNERS' ASSOCIATION

Homeowner Request for Exterior Alterations Form

Please fill in all items and supply all supporting documentation required to the Aesthetics Committee or Management Company.

Incomplete forms (including required supporting data) may cause delays in review of your application.

HOMEOWNER MAY NOT BEGIN WORK PRIOR TO WRITTEN APPROVAL.

Please read the Five Oaks Lakeside Aesthetics Regulations before completing application.

Name: _____

Address: _____

Telephone: _____ Email Address: _____

Date Request Submitted: _____ Planned Start Date: _____ Planned Completion Date: _____

Date Approved: _____ Notice to Homeowner _____ More Info Required: _____ Rejected: _____

All work must be started within sixty (60) days of approval and completed within sixty (60) days of start.

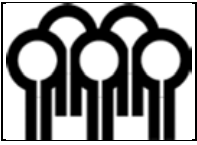
Describe Exterior Alteration (include location):

***** Please attach a detailed diagram of exterior alteration and a copy of the property survey map. *****

Materials to be used:

Color: _____

Height (if fence or enclosure): _____



FIVE OAKS LAKESIDE HOMEOWNERS' ASSOCIATION

In support of this application, the following items must be submitted:

One set of plans: The plans will show the following: plat map, floor plan, exterior elevations, roof design, exterior materials and finished, plant selections, (roof design, floor plan, landscaping plan where applicable), and such other items as may be needed to reflect the character and dimensions of the modification. Photos and brochures are great additions.

Summary: Include a written statement summarizing nature, style, setback, height, and square footage of proposed modification, if applicable, as well as how the dimensions and nature of the proposed modification compare with the site specifications and other requirements set forth in the documents. Include whether any variance requests are necessary.

If the application is incomplete, the Aesthetics Committee will notify the applicant. The approval process will not begin until the Aesthetics Committee receives all documents.

Your neighbors have the right to know of your plans. Please obtain signatures from all property owners having common lot lines with your property along with property owners who reasonably view the improvement from their property.

Signature of Owner: _____ Date: _____

Signature of Agent: _____ Date: _____

Signature of Immediate Neighbor:	Address:	Date:
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Use the back of form for additional neighbor signatures & addresses.

Please check the following: (circle answer)

- | | | |
|--|-----|----|
| Is your plat map included? | YES | NO |
| Is your fence or floor plan included? | YES | NO |
| Is the elevation plan included? | YES | NO |
| Are the exterior finish samples included? | YES | NO |
| Other: Roofing plan, Landscaping Plans, etc. | YES | NO |

Appendix 4

Carpenter Bee & Other Animal/Pest Damage Information and Policy

Information

Every spring, homeowners contact management because they have seen large bees hovering around their homes and/or noticed small holes in fascia or decks. These are Carpenter Bees, not bumble bees.

According to the Durham County Extension publication on Carpenter Bees:

Typically, carpenter bees do not cause serious structural damage to wood unless large numbers of bees are allowed to drill many tunnels over successive years. . . . Woodpeckers may damage infested wood in search of bee larvae in the tunnels.

The article also notes that carpenter bees overwinter as adults, often inside old nest tunnels. They emerge in April and May. The males do not have stingers. Females can sting, but rarely do. They feed on plant nectar, then females begin constructing new tunnels, and each one lays only a few eggs and only once each spring. (They do not swarm and they do not form colonies.) Newly emerging bees in the spring do tend to use existing tunnels, so summer and fall are good times to hire a professional or to pursue do-it-yourself measures to prevent more damage.

Do-it-yourself measures include blocking tunnels with caulk and/or installing traps (search the internet for “carpenter bee trap”). Some people have found that a piece of untreated pine serves as a preferred target for the bees. Search the internet for more information about these pesky but important pollinators.

Policy

The Board policy for carpenter bees is the same as for other pests: pest control (other than for termites), as well as any resultant damage, is a homeowner responsibility.

Except in unusual situations, external carpenter bee damage will be repaired the next time a unit is repaired/repainted, based on the FOLHOA repair schedule and ongoing assessments and prioritization.

Appendix 5

Emergency & Services Numbers

Emergency Numbers:

Police/Medical/Fire Emergency:	911
Police – non-emergency	919-560-4600
Sheriff – non-emergency	919-560-0897
Fire – non-emergency	919-560-4242

Other Numbers:

This information is provided to assist owners/residents in locating essential services. It is not a complete listing of all service providers in the area.

US Post Office at Shannon Road	919-420-5230	Durham One Call	919-560-1200
Drivers Licenses (DMV)	919-715-7000	DMV License Plate Agency	919-544-3662
Duke Energy	800-777-9898	Duke - Report a power outage	800-769-3766
PSNC Energy	877-776-2427	Durham Water and Sewer	919-560-1200
Animal Control Officer (for pets/animals in danger)	919-560-0630		