

Hunters Creek Homes Association



Community Handbook

May 2014

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Chapter 1. Introduction

The Hunters Creek Homes Association (HCHA) Board of Directors and Architectural Review Committee (ARC) have developed this edition of the Hunters Creek Community Handbook, published and effective as of March 19, 2011.

Each property owner in Hunters Creek and Windyn is a member of the Hunters Creek Homes Association. All homeowners and tenant should be aware of their rights and responsibilities set forth in the Covenants and Restriction of the Hunters Creek Deed of Declaration, the amended By-Laws, the Articles of Incorporation, and the Rules and Regulations of the current version of the Community Handbook.

The Town of Herndon regulates structures, additions, storage/utility buildings, fences, satellite dishes, and other pertinent exterior items through the Department of Public Works (DPW). The DPW issues building permits and performs inspections (for instance for additions, decks, storage/utility buildings, and satellite dishes). The Department of Community Development (DCD) is the Zoning Ordinance compliance body for the Town of Herndon. The DCD formulates and enforces regulations for fences, storage shed placement, locations of decks, and other exterior structures.

Whenever any homeowner or tenant is uncertain if a proposed change to the property or structure may need approval, it is suggested that both the DPW and DCD at the Town of Herndon be contacted, as well as the ARC, for guidance.

The Board of Directors of the Hunters Creek Homes Association hopes that this handbook will be helpful in informing each homeowner and tenant of the rules and regulations that affect our community. The overall goal of the handbook is to keep our community well maintained and attractive to better protect all of our property values.

For New Residents – Welcome to Hunters Creek

To all new residents...welcome to Hunters Creek. As a way to help you adjust to your new home, we would like to provide you with some helpful information. If you have any questions, please feel free to contact any member of the board, or your neighbors. We look forward to getting to know you better!

History

Hunters Creek was built starting in 1973 by the developers Miller and Smith and Ryan on what used to be the Bicksler Farm property. There are still many residents living here who are original owners. There are 273 single-family homes in the neighborhood.

Community Newsletter

Every month (with the exception of January, July and August) you will receive a neighborhood newsletter, The Communicator that provides you with information about issues of importance to Hunters Creek. It includes a listing of new neighbors, new babies, a crime update, a letter from the Board of Directors, etc. If you would like to submit an article or letter to the editor, you are welcome to do so by sending it to Kit O'Connor, Editor, 1129 Bicksler Drive.

Garbage and Recycling

Garbage is picked up at the curb every Monday, unless there is a holiday, in which case it is picked up on Tuesday. Garbage MUST be in covered plastic cans (NOT just plastic bags) as the crows will get into anything unprotected. Please do not put your garbage out before Sunday afternoon, and keep your cans out of sight in the back of your house during the week. Recycling is picked up on Wednesday. Separate out newspapers and put them in a paper bag or tie them with string. All #1 and #2 plastic containers, glass, and cans can be mixed together in the blue tub provided by the Town.

Newspapers

The Town of Herndon has three free weekly newspapers: the Herndon Observer, the Herndon Times, and the Loudon Easterner. The Observer and Easterner arrive in the mail; the Times is delivered to your driveway. Please make sure you pick them up. If you do not want them delivered, call each paper and ask to have delivery stopped.

Dogs

All dogs in Herndon must be leashed and you must pick up after them. Anyone not abiding by this law is subject to fines.

Yard Maintenance and Home Improvement

All property in Hunters Creek must be maintained in a neat, safe manner. Branches hanging over the sidewalk, and bushes protruding into the sidewalk must be cut back to allow people to walk by freely; grass must be cut regularly in the spring and summer and cannot be longer than 8"; any broken shutters, windows, doors, etc. must be repaired in a timely fashion. Before you make any major change, such as a new deck, new siding, etc., you must contact the neighborhood Architectural Review Committee (ARC) and the Town of Herndon (435-6804), to make sure it meets neighborhood and Town requirements. Once a year, the ARC will conduct an inspection of all the homes in Hunters Creek to make sure they are being maintained properly. If there is a problem with your property, you will receive a letter with required changes that need to be made. For additional information, go to Architectural Review.

Neighborhood Events

Twice a year, in the fall and spring, Hunters Creek holds a yard sale. The Homes Association pays for ads in the local paper and residents put out items for sale in their yards and driveways. During December, the Homes Association offers prizes for the most beautifully decorated houses. Also in December, Santa is available to visit your home at your request.

Swim and Racquet Club

The Hunters Creek Swim and Racquet Club is open to Hunters Creek residents and others who buy a membership and pay an annual fee. It is located across Herndon Parkway in Windyn. For more information, go to About Hunters Creek, Hunters Creek Swim and Racquet Club, Inc.

Board of Directors

Hunters Creek is managed by neighborhood volunteers who are elected on a rotating basis every year. These people develop the budget and help with any problems that arise in the neighborhood. If you need assistance, please call the Board member assigned to your street listed in the Communicator. Once a year in October, there is an annual meeting for all Hunters Creek residents. We encourage you to attend and vote on issues of importance to our development.

Property Sale in Hunters Creek and Windyn

Since all properties in Hunters Creek and Windyn are individually owned detached single family dwellings, home sales are arranged in the customary manner between the seller and purchaser. However, since each property includes an automatic membership in Hunters Creek Homes Association, the association is involved during each property transfer. Two types of information need to be provided by the association:

- The Association Disclosure Packet
- Assessment and Lien Status

The Association Disclosure Packet

Legal Obligation

The seller is obligated by the Virginia Property Owners' Association Act (POAA) to provide the purchaser with an association disclosure packet. Anyone buying or selling a Hunters Creek/Windyn property needs to be aware of Virginia law's requirements for association disclosure packets. The Virginia POAA requires that the seller request a disclosure packet from the association and provide it to the purchaser.

Content

The information in the packet must disclose two kinds of information about the property: Whether or not all assessments and other charges have been paid to the association. Whether the property is in compliance with all architectural or other regulations or covenants of the association.

The packet must also disclose fourteen different kinds of information about the association, including its financial condition and the information in the covenants and other documents recorded among the land records of Fairfax County, the association's articles of incorporation and by-laws, and any rules and regulations or architectural guidelines adopted by the association. Although some of this information is contained in the current Hunters Creek Homes Association Community Handbook, other information about the association's current condition is not contained in the handbook. Thus, the Community Handbook alone cannot substitute for the disclosure packet. Neither can the disclosure packet created for a previous purchase of the property, since the status of assessments, liens, and the association and the requirements of state law may have changed.

The Intent of the Legal Requirement

The intent of the legislation is to protect the purchasers by informing them that the property is located in a development that is subject to the Virginia POAA and by providing them official certification from the association of the status of assessments and architectural compliance or violations. The disclosure packet also protects the sellers, since it can provide official certification that the property is in compliance. The packet includes a form that the purchasers sign and return to the sellers. This gives the sellers documentation that they have provided the required information to the purchasers. If the sellers do not provide a disclosure packet, the POAA permits the purchasers to cancel the contract at any time prior to settlement. Thus, it is very important that the sellers provide a disclosure packet to the purchasers.

The Process

Considering the speed with which sales often occur in Northern Virginia, our association makes a substantial effort to move through packet preparation and certification quickly. If there are no violations or other complications, the association can often complete this process within several days. The POAA permits the association to charge a fee to the seller for the packet, the current fee being \$100. In order to request a disclosure packet, contact any member of HCHA board as listed in The Communicator or on the Hunters Creek web site:

<http://www.hunterscreek.org>

Assessment and Lien Status of the Property

The settlement agent or title company will need to confirm the status of the property's annual assessment payment and any other assessments or liens against the property by the association. This information can be obtained by requesting it from any member of the board or from the treasurer of the association. Any lien against the property would be filed with Fairfax County and would be evident during the title search prior to settlement.

Chapter 2. Hunters Creek Homes Association Authorizing Documents and Enabling Legislation

The existence, authority and governing procedures for Hunters Creek Homes Association are based upon three types of documents and the Code of Virginia.

1. The Covenants and Restrictions are the foundation for the Association's authority for controlling the exterior appearance of private property, are incorporated in every deed and are the basis for the Association's rules and regulations governing the external appearance of private property.
2. The amended By-laws are the basis (a) for common area control via rules and regulations and (b) for governing the Association.
3. The amended Articles of Incorporation establish the Hunters Creek Homes Association as a non-stock non-profit corporation in the Commonwealth of Virginia.
4. Enabling Legislation - the Virginia Property Owners Association Act (Code of Virginia, Title 55, Chapter 26) is the enabling legislation that grants specific authority to the Association, its Board of Directors, its legal documents and its rules and regulations.

Copies of the content of the documents and some of the relevant enabling legislation appear in the following sections of this handbook.

Certified copies of the documents themselves can be inspected at the offices of the Association's agent. The official Deed of Dedication and Subdivision and amended By-Laws are on file at the Fairfax County Land Office. The official Articles of Incorporation are on file at the Office of the Clerk of the State Corporation Commission in Richmond.

The Code of Virginia is available online on the Virginia Legislative Information System at the <http://lis.virginia.gov/000/src.htm> Internet web site. The enabling legislation, Title 55, Chapter 26 can be viewed directly on this web site from the Code of Virginia Table of Contents. Searching or clicking on "Table of Contents" or "Popular Names" will help locate this chapter.

The Town of Herndon Municipal Code, including zoning ordinances, is available from the web site at <http://library.municode.com/index.aspx?clientId=10218>. The town's Municipal Code does not have any direct role in the authority and procedures of the Association. However, enforcement by the town of its various ordinances can have an important impact on appearance, safety and living conditions in Hunters Creek. Any individual or the Hunters Creek Board of Directors may seek enforcement by the Town of Herndon of any of its ordinances. For some enforcement areas such as animal control, the Town of Herndon incorporates some provisions of the Fairfax County Code that can be found at <http://library.municode.com/index.aspx?clientId=10051>.

Chapter 3. Covenants and Restrictions of Hunters Creek Homes Association

This chapter of the handbook is a copy of the Covenants and Restrictions that are part of the Deed of each lot in Hunters Creek. They were originally made part of the Deed of Dedication and Subdivision, made August 29, 1973 and shall run with the land and be binding thereto. Therefore, they are incorporated into the Deed of each Hunters Creek and Windyn property.

1. No portion of a lot created by this instrument shall be used for any professional, industrial, mining or commercial activities except as can be and are in fact conducted from a single family residence as provided in Section 28-3-1, Article II, Chapter 28, Code of the Town of Herndon, Virginia.
2. No clothing, laundry or wash shall be aired or dried on any portion of the lots in any area other than in the rear yards of the lots.
3. No tree, hedge or shrub planting shall be maintained in such a manner as to obstruct sight lines for vehicular traffic.
4. No noxious or offensive activity shall be carried on upon any portion of the residential property, nor shall anything be done thereon or permitted to remain on any lot which may be or become a nuisance or annoyance to the neighborhood.
5. No sign of any kind that is illuminated and/or larger than 2 square feet shall be displayed to the public view of any lot, except for temporary real estate signs no more than four square feet in an area advertising the property for sale or rent and except for temporary signs erected in connection with the development, construction, lease or sale of improved lots.
6. No horse, pony, cow, chicken, pig, hog, sheep, goat or other domestic or wild animal shall be kept or maintained on any lot other than common household pets, provided that they are not kept, bred or maintained for commercial purposes.
7. Trash and garbage containers shall not be permitted to remain in public view except on days of trash collection. No accumulation or storage of litter, new or used building materials or trash of any kind shall be permitted on any lot.
8. No person shall paint the exterior of any building a color different than the original color of said building without the proposed color having been approved by the Board of Directors of the Association, or by the Architectural Control Committee¹ appointed by the Board.
9. No structure or addition to a structure shall be erected, placed or altered on any lot until the specifications, including elevation, material, color and texture and a site plan showing location of improvement with grading modifications shall be approved in writing by the Board of Directors of the Association or an Architectural Control Committee appointed by the Board. Structure shall be defined to include any building or portion thereof, fence, pavement, driveway or appurtenances to any of the aforementioned.

¹ The current term used is the Architectural Review Committee (ARC), which reports to the HCHA Board of Directors.

10. No junk vehicle or house trailer shall be kept on any lot. No storage or boats, boating equipment, travel trailers or camping equipment shall be visible from the street. The location and design of enclosures for boating, camping, traveling (other than automobiles) and related equipment shall be approved by the Architectural Control Committee, as required under Paragraph 9 therein.
11. The Association, or any Owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Deed of Dedication and Subdivision. Failure by the Association or by an Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.
12. Invalidation of any one of these covenants or restrictions by judgement or court order shall in no way affect any other provisions which shall remain in full force and effect.
13. The covenants and restrictions of this Deed of Dedication and Subdivision shall run with and bind the land, and shall inure to the benefit of and be enforceable by the Association or the Owner of any lot subject to this Deed of Dedication and Subdivision, their respective legal representatives, heirs, successors and assigns, for a term of twenty (20) years from the date of this Deed of Dedication and Subdivision is recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years. The covenants and restrictions of this Deed of Dedication and Subdivision may be amended during the first twenty (20) years by an instrument signed by not less than ninety percent (90%) of the Lot Owners, and thereafter by an instrument signed by no less than seventy-five percent (75%) of the Lot Owners, provided that in either case the amendment shall also be approved by the Town Manager of the Town of Herndon, Virginia. Any amendment must be properly executed.

Chapter 4. Amended By-Laws of Hunters Creek Homes Association

This chapter of the handbook is a copy of the By-laws of Hunters Creek Homes Association, as amended and filed with the Fairfax County Land Office December 16, 1976 and as amended August 23, 2001 and March 13, 2014.

Article I (Name and Location)

NAME AND LOCATION. The name of the corporation is HUNTERS CREEK HOMES ASSOCIATION, hereinafter referred to as the "Association". The principal office of the corporation shall be located at 4084 University Drive, Fairfax, Virginia, but meeting of members and directors may be held at such places within the State of Virginia, County of Fairfax, as may be designated by the Board of Directors.

Article II Definitions

Section 1. "Association" shall mean and refer to Hunters Creek Homes Association, its successors and assigns.

Section 2. "Properties" shall mean and refer to all real property which, from time to time, may be brought within the jurisdiction of the Association.

Section 3. "Recreation Area" shall mean all real property owned by the Association for the common use and enjoyment of the members of the Association.

Section 4. "Member" shall mean and refer to every person or entity who is a record owner of a fee or undivided fee interest in any residential lot which is subject to the Covenants and Restrictions for Hunters Creek in Sections One, Two and Three, Hunters Creek, as the same may from time to time be dedicated, platted and recorded among the Fairfax County, Virginia, land records.

Section 5. "Dedication" shall mean and refer to the Deed of Dedication and Subdivision applicable to the Properties recorded in the Office of the Clerk of the Circuit Court of Fairfax County, Virginia.

Article III Membership

Section 1. Membership. Every person or entity who is a record owner of a fee or undivided fee interest in any residential lot which is subject to the Covenants and Restrictions for Hunters Creek as the same may from time to time be dedicated, platted and recorded among the Fairfax County, Virginia, land records, shall be a Class A member of the Association. The foregoing is not intended to include persons who hold an interest merely as security for the performance of an obligation. No owner, whether one or more persons, shall have more than one membership per lot. Membership shall be appurtenant to and may not be separated from ownership of any lot. Ownership of such lot shall be the sole qualification for membership.

Section 2. Suspension of Membership. During any period in which a member shall be in default in the payment of any annual or special assessment levied by the Association, the voting rights and right to use of the Recreational Area and recreational facilities of such member may be suspended by the Board of Directors until such assessment has been paid. Such rights of a member may also be suspended, after notice and hearing, for a period not to exceed ninety (90) days, for violation of any rules and regulations

established by the Board of Directors governing the use of the Recreational Area and facilities.

Article IV Property Rights: Rights of Enjoyment

Every member shall be entitled to the use and enjoyment of the Recreational Area and facilities as provided in the Dedication, subject to the following provisions:

- A. The right of the Association to limit the number of guests of members;
- B. The right of the Association to charge reasonable admission and other fees for the use of the Recreational Area or facilities situated upon the Recreational Area;
- C. The right of the Association, in accordance with its Articles and By-Laws, to borrow money for the purpose of improving the Recreational Area and facilities and in aid thereof to mortgage said property and to acquire property encumbered by deed or deeds of trust securing improvements on said property;
- D. The right of the Association to suspend the voting rights and right to use of the Recreational Area and recreational facilities by a member for any period during which any assessment remains unpaid; and, for a period not to exceed ninety (90) days for any infraction of its published rules and regulations;
- E. The right of the Association at any time or upon dissolution to dedicate or transfer, subject to approval of the appropriate authorities of the Town of Herndon, Virginia, all or any part of the Recreational Area to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the members. No such dedication or transfer shall be effective unless an instrument signed by members entitled to cast two-thirds (2/3) of the votes of the Class A and Class B membership, respectively, has been recorded, agreeing to such dedication or transfer, and unless written notice of the proposed action is sent to every member not less than thirty (30) days nor more than sixty (60) days in advance.
- F. The right of the Association at any time to lease all or any part of the Recreational Area upon whatever terms and conditions it deems appropriate.
- G. Any member may delegate his rights of enjoyment of the Recreational Area and facilities to the members of his family, his tenants or contract purchasers, who reside on the property. Such member shall notify the secretary in writing of the name of any such delegee. The rights and privileges of such delegee, are subject to suspension to the same extent as those of the member.

Article V Board of Directors: Selection: Term of Office

Section 1. Number. The affairs of this Association shall be managed by a Board of five (5) directors, who need not be members of the Association.

Section 2. Election. At the first annual meeting the members shall elect one director for a term of one year, two directors for a term of two years and two directors for a term of three years; and as the term of such directors expire new directors shall be elected for terms of three years.

Section 3. Removal. Any directors may be removed from the Board, with or without cause, by a majority vote of the members of the Association. In the event of death,

resignation or removal of a director, his successor shall be selected by the remaining members of the Board and shall serve for the unexpired term of his predecessor.

Section 4. Compensation. No director shall receive compensation for any service he may render to the Association. However, any director may be reimbursed for his actual expenses incurred in the performance of his duties.

Section 5. Action Taken Without a Meeting. The directors shall have the right to take any action in the absence of a meeting which they could take at a meeting by obtaining the written approval of all the directors. Any action so approved shall have the same effect as though taken at a meeting of the directors.

Article VI Meetings of Directors

Section 1. Regular Meetings. Regular meetings of the Board of Directors shall be held monthly without notice, at such place and hour as may be fixed from time to time by resolution of the Board. Should said meeting fall upon a legal holiday, then that meeting shall be held at the same time on the next day which is not a legal holiday.

Section 2. Special Meetings. Special meetings of the Board of Directors shall be held when called by the president of the Association, or by any two directors, after not less than three (3) days notice to each director.

Section 3. Quorum. A majority of the number of directors shall constitute a quorum for the transaction of business. Every act or decision done or made by a majority of the directors present at a duly held meeting at which a quorum is present shall be regarded as the act of the Board.

Article VII Nomination and Election of Directors

Section 1. Nomination. Nomination for election to the Board of Directors shall be made by a Nominating Committee. Nominations may also be made from the floor at the annual meeting. The Nominating Committee shall consist of a Chairman, who shall be a member of the Board of Directors, and two or more members of the Association. The Nominating Committee shall be appointed by the Board of Directors prior to each annual meeting of the members, to serve from the close of such annual meeting until the close of the next annual meeting. The Nominating Committee shall make as many nominations for election to the Board of Directors as it shall in its discretion determine, but not less than the number of vacancies that are to be filled. Such nominations may be made from among members or non-members.

Section 2. Election. Election of the Board of Directors shall be by secret written ballot. At such election the members or their proxies may cast, in respect to each vacancy, as many votes as they are entitled to exercise under the provisions of the Declaration. The persons receiving the largest number of votes shall be elected. Cumulative voting is not permitted.

Article VIII Powers and Duties of the Board of Directors

Section 1. The Board of Directors shall have power:

- (a) To adopt and publish rules and regulations governing the use of the Recreation Area, Facilities, and Lots, and the personal conduct of the Members and their guests thereon, and to establish penalties for the infraction thereof, including the imposition of monetary charges and suspension of privileges in accordance with Section 55-513 of the Virginia Property Owners' Association Act;
- (b) To exercise for the Association all powers, duties and authority vested in or delegated to this Association not reserved to the membership by other provisions of these By-Laws, the Articles of Incorporation, or the Deed of Dedication and Subdivision, Deed of Conveyance, and Deed of Release dated August 29, 1973, and recorded in Deed Book 3911, at page 53, among the land records of Fairfax County, Virginia, and by Deed of Resubdivision, Dedication and Subdivision, Deed of Conveyance and Deed of Release dated September 23, 1976.
- (c) To declare the office of a member of the Board of Directors to be vacant in the event such member shall be absent from three (3) consecutive regular meetings of the Board of Directors; and
- (d) To employ a manager, an independent contractor, or such other employees as they deem necessary, and to prescribe their duties.

Section 2. Duties. It shall be the duty of the Board of Directors:

- (a) To cause to be kept a complete record of all its acts and corporate affairs and to present a statement thereof to the members at the annual meeting of the members or at any special meeting, when such statement is requested in writing by one-fourth (1/4) of the members who are entitled to vote;
- (b) To supervise all officers, agents and employees of this Association, and to see that their duties are properly performed;
- (c) To fix the amount of the annual assessments against each member at least thirty (30) days in advance of annual assessment period, as hereinafter provided in Article XII;
- (d) To send written notice of each assessment to every Owner subject thereto at least thirty (30) days in advance of each annual assessment period;
- (e) To issue, or to cause an appropriate officer to issue, upon demand by any person, a certificate setting forth whether any assessment has been paid. A reasonable charge may be made by the Board for the issuance of these certificates. Such certificate shall be conclusive evidence of any assessment therein stated to have been paid;
- (f) To procure and maintain adequate liability insurance, and to procure adequate hazard insurance on property owned by the Association;
- (g) To cause all officers or employees having fiscal responsibilities to be bonded, as it may deem appropriate; and
- (h) To cause the Recreational Area and facilities to be maintained.

Article IX Committees

Section 1. The Association shall appoint an Architectural Control Committee for Class A members only as provided in the Dedication; and shall appoint a Nominating Committee as provided in these By-Laws. In addition, the Board of Directors may appoint other committees as deemed appropriate in carrying out its purposes, such as:

- (a) A Recreation Committee which shall advise the Board of Directors on all matters pertaining to the recreational program and activities of the Association and shall perform such other functions as the Board, in its discretion, determines;
- (b) A Maintenance Committee which shall advise the Board of Directors on all matters pertaining to the maintenance, repair or improvement of the Properties and shall perform such other functions as the Board, in its discretion, determines;
- (c) A Publicity Committee which shall inform the members of all activities and functions of the Association and shall, after consulting with the Board of Directors, make such public releases and announcements as are in the best interests of the Association; and
- (d) An Audit Committee which shall supervise the annual audit of the Association's books and approve the annual budget and statement of income and expenditures to be presented to the membership at its regular annual meeting as provided in Article XI, Section 8(d). The Treasurer shall be an ex officio member of the Committee.

Section 2. It shall be the duty of each committee to receive complaints from members on any matter involving Association functions, duties, and activities within its field of responsibility. It shall dispose of such complaints as it deems appropriate or refer them to such other committee, director or officer of the Association as is further concerned with the matter presented.

Article X Voting Rights

The Association shall have two classes of voting membership:

Class A. Class A members shall be all those Owners as defined in Article III with the exception of the Class B members. Class A members shall be entitled to one vote for each lot in which they hold the interest required for membership by Article III. When more than one person holds such interest in any lot, all such persons shall be members. The vote for such lot shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any lot.

Class B. The Class B member shall be Otis D. Coston, Jr. and Gordon V. Smith, Trustees, or their successors or assigns, who shall be entitled to three (3) votes for each lot in which they hold the interest required for membership by Article III, provided that the Class B membership shall cease and a Class A membership with one (1) vote for each lot in which it holds an interest shall be issued on the happening of either of the following events², whichever occurs earlier:

² Both events having occurred, only one class of membership exists in the Association.

1. When the total votes outstanding in the Class A memberships equal the total votes outstanding in the Class B membership; or
2. On January 1, 1981.

Article XI Meetings of Members

Section 1. Annual Meetings. The first annual meeting of the members shall be held within one (1) year from the date of incorporation of the Association. Each subsequent regular annual meeting of the members shall be held in the month of October at the hour of 8:00 P.M. If the day for the annual meeting of the members is a legal holiday, the meeting will be held at the same hour on the first day following which is not a legal holiday.

Section 2. Special Meetings. Special meetings of the members may be called at any time by the president or by the Board of Directors, or upon written request of the members who are entitled to vote one-fourth (1/4) of all of the votes of the entire membership.

Section 3. Notice of Meetings. Written notice of each meeting of the members shall be given by, or at the direction of, the secretary or person authorized to call the meeting, by mailing a copy of such notice, postage prepaid, at least 15 days before such meeting to each member entitled to vote thereat, addressed to the member's address last appearing on the books of the Association, or supplied by such member to the Association for the purpose of notice. Such notice shall specify the place, day and hour of the meeting and, in the case of a special meeting, the purpose of the meeting.

Section 4. Quorum. The presence at the meeting of members entitled to cast, or of proxies entitled to cast, twenty percent (20%) of the votes entitled to be cast shall constitute a quorum for any action except as otherwise provided in the Articles of Incorporation, the Dedication, or these By-Laws. If, however, such quorum shall not be present or represented at such meeting, the members entitled to vote thereat shall have power to adjourn the meeting and call another meeting to be held no less than two days nor more than thirty days after the scheduled meeting, and the required quorum at any such subsequent meeting shall be one-half (1/2) of the required quorum at the preceding meeting.

Section 5. Proxies. At all meetings of members, each member may vote in person or by proxy. All proxies shall be in writing and filed with the secretary. Every proxy shall be revocable and shall automatically cease upon conveyance by the member of his Lot.

Article XII Officers and Their Duties

Section 1. Enumeration of Officers. The officers of this Association shall be a president and vice-president, who shall at all times be members of the Board of Directors, a secretary, and a treasurer, and such other officers as the Board may from time to time by resolution create.

Section 2. Election of Officers. The election of officers shall take place at the first meeting of the Board of Directors following each annual meeting of the members.

Section 3. Term. The officers of this Association shall be elected annually by the Board and each shall hold office for one (1) year unless he shall sooner resign, or shall be removed, or otherwise disqualified to serve.

Section 4. Special Appointments. The Board may elect such other officers as the affairs of the Association may require, each of whom shall hold office for such period, have such authority, and perform such duties as the Board may, from time to time, determine.

Section 5. Resignation and Removal. Any officer may be removed from office with or without cause by the Board. Any officer may resign at any time by giving written notice to the Board, the president or the secretary. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Section 6. Vacancies. A vacancy in any office may be filled in the manner prescribed for regular election. The office elected to such vacancy shall serve for the remainder of the term of the officer he replaces.

Section 7. Multiple Offices. The offices of secretary and treasurer may be held by the same person. No person shall simultaneously hold more than one of any of the other offices except in the case of special offices created pursuant to Section 4 of this Article.

Section 8. Duties. The duties of the officers are as follows:

President

- (a) The president shall preside at all meetings of the Board of Directors; shall see that orders and resolutions of the Board are carried out; shall sign all leases, mortgages, deeds and other written instruments and shall co-sign all promissory notes.

Vice-President

- (b) The vice-president shall act in the place and stead of the president in the event of his absence, inability or refusal to act, and shall exercise and discharge such other duties as may be required of him by the Board.

Secretary

- (c) The secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board and of the members; keep the corporate seal of the Association and affix it on all papers requiring said seal serve notice of meetings of the Board and of the members; keep appropriate current records showing the members of the Association together with their addresses, and shall perform such other duties as required by the Board.

Treasurer

- (d) The treasurer shall receive and deposit in appropriate bank accounts all monies of the Association and shall disburse such funds as directed by resolution of the Board of Directors; shall sign all promissory notes of the Association; keep proper books of account; cause an annual audit of the Association books to be made by a public accountant at the completion of each fiscal year; and shall prepare an annual

budget and a statement of income and expenditures to be presented to the membership at its regular annual meeting, and deliver a copy of each to the members.

Article XIII Assessments

Section 1. Purpose of Assessments. The assessments levied by the Association shall be used exclusively for the purpose of promoting the recreation, health, safety and welfare of the residents of Lots, and in particular, for the improvement, maintenance and services relating to the Recreational Area and facilities, including trash service, snow removal and maintenance of all Properties not conveyed to the Town of Herndon; it being understood that the Town of Herndon does not provide such services to these properties.

Section 2. Creation of the Lien and Personal Obligation.

- (a) Each member, by acceptance of a deed to a Lot, whether or not it shall be so expressed in such deed or other conveyance, is deemed to covenant and agree to pay to the Association, (1) annual assessments or charges, and (2) special assessments for capital improvements. The annual and special assessments, together with such interest thereon, any late fees, and costs of collection thereof, as hereinafter provided, shall be a charge on the Lot and shall be a continuing lien, upon the property against which each such assessment is made. Each such assessment, together with such interest, costs, and reasonable attorney's fees shall also be the personal obligation of the person who was the Owner of such property at the time when the assessment fell due and shall not pass to his successors in title unless expressly assumed by them.
- (b) By the voting consent of Class A members, further assessments may be levied against Class A members for improvements, maintenance and services related to the use and enjoyment of lots of Hunters Creek in accord with the terms and provisions as set forth in this Article.

Section 3. Basis and Maximum of Annual Assessments.

Until January 1 of the year immediately following the conveyance of the first Lot, the maximum annual assessment for the Recreational Area and facilities shall be ONE HUNDRED FIFTY DOLLARS (\$150.00) for Class A members. The Class B member shall pay FIVE DOLLARS (\$5.00) per year assessment on each recorded Lot until such time as the dwellings or improvements have been occupied, at which time the Class B member shall pay One Hundred Percent (100%) of the regular monthly assessments until the Lot is conveyed.

- (a) From and after January 1 of the year immediately following the conveyance of the first Lot, the maximum annual assessment may be increased effective January 1 of each year without a vote of the membership in conformance with the rise, if any, of the Consumer Price Index (published by the Department of Labor, Washington, D. C.) for the year ending the preceding July 1.
- (b) From and after January 1 of the year immediately following the conveyance of the first Lot, the maximum annual assessment may be increased above that established by the Consumer Price Index formula by a vote of the members for the next

succeeding three (3) years and at the end of each such period of three (3) years, for each succeeding period of three (3) years, provided that any such change shall have the assent of two-thirds (2/3) of the votes of each class of members who are voting in person or by proxy, at a meeting duly called for this purpose, written notice of which shall be sent to all members not less than thirty (30) days nor more than sixty (60) days in advance of the meeting setting forth the purpose of the meeting.

- (c) After consideration of current maintenance cost and future needs of the Association, the Board of Directors may fix the annual assessment at an amount not in excess of the maximum.

Section 4. Special Assessments for Capital Improvements.

In addition to the annual assessments authorized above, the Association may levy in any assessment year, a special assessment applicable to that year only, for the purpose of defraying, in whole or in part, the cost of any construction or reconstruction, unexpected repair or replacement of a capital improvement upon the Recreational Area, including the necessary fixtures and personal property related thereto, provided that any such assessment shall have the assent of two-thirds (2/3) of the votes of each class of members who are voting in person or by proxy at a meeting duly called for this purpose, written notice of which shall be sent to all members not less than thirty (30) days nor more than sixty (60) days in advance of the meeting setting forth the purpose of the meeting.

Section 5. Uniform Rate of Assessment. Both annual and special assessments must be fixed at a uniform rate for Class A members.

Section 6. Quorum for Any Action Authorized Under Sections 3 and 4. At the first meeting called, as provided in Sections 3 and 4 hereof, the presence at the meeting of members or of proxies entitled to cast fifty percent (50%) of all the votes of the membership shall constitute a quorum. If the required quorum is not forthcoming at any meeting, another meeting may be called subject to the notice requirement set forth in Sections 3 and 4, and the required quorum at any such subsequent meeting shall be one-half (1/2) of the required quorum at the preceding meeting. No such subsequent meeting shall be held more than sixty (60) day following the preceding meeting.

Section 7. Date of Commencement of Annual Assessments Due Dates. The annual assessments provided for herein shall commence as to all Lots, except as provided in Section 3, on the first day of the month following the conveyance of the first Lot to an owner. The first annual assessment shall be adjusted according to the number of months remaining in the calendar year. The Board of Directors shall fix the amount of the annual assessment against each lot at least thirty (30) days in advance of each annual assessment period. Written notice of the annual assessment shall be sent to every member subject thereto. The monthly due dates shall be established by the Board of Directors. The Association shall upon demand at any time furnish a certificate in writing signed by an officer of the Association setting forth whether the assessments on a specified Lot have been paid. A reasonable charge may be made by the Board for the issuance of these certificates. Such certificates shall be conclusive evidence of payment of any assessment therein stated to have been paid.

Section 8. Effect of Nonpayment of Assessments: Remedies of the Association. If any assessment is not paid within thirty (30) days after the due date, the assessment shall bear interest from the date of delinquency at the rate of six (6) percent per annum, and the Association may bring an action at law against the member personally obligated to pay the same and any late fees as described in this section, or foreclose the lien against the property, and interest, costs, and reasonable attorney's fees if any such action shall be added to the amount of such assessment. If an assessment is not paid within 60 days after the due date, a late fee of THIRTY DOLLARS (\$30.00) shall be added to the unpaid assessment as an additional required payment. If the assessment is not paid within 90 days after the due date, the late fee shall increase to a total of FIFTY DOLLARS (\$50.00) as an additional required payment. The late fee shall bear interest from thirty (30) days after the late fee is levied at the rate of six (6) percent per annum. No member may waive or otherwise escape liability for the assessments or late fees provided for herein by nonuse of the Common Area or abandonment of his Lot.

Section 9. Subordination of the Lien to Mortgages. The lien of the assessments provided for herein shall be subordinate to the lien of any first mortgage or mortgages. Sale or transfer of any Lot shall not affect the assessment lien. However, the sale or transfer of any lot pursuant to a decree of foreclosure under any mortgage or deed of trust or any proceeding in lieu thereof, shall extinguish the lien of such assessments as to payments which become due prior to such sale or transfer. No sale or transfer shall relieve such Lot from liability for any assessments thereafter become due or from the lien thereof.

Section 10. Exempt Property. The following property shall be exempt from the assessments created herein: (a) all Properties dedicated to and accepted by a local public authority; (b) all Properties owned by a charitable or nonprofit organization exempt from taxation by the laws of the State of Virginia; however, no Lot utilized for dwelling purposes shall be exempt from payments of assessments.

Article XIV Annexation

Additional residential property, recreational areas or common areas may be annexed to the Properties by OTIS D. COSTON, JR. and GORDON V. SMITH, TRUSTEES, or their successors or assigns without the consent of the other members until September 1, 1979; provided, however, that the right to annexation of additional property to the Properties shall be limited to that certain tract or parcel of land being more particularly described in a certain Deed of Conveyance dated March 12, 1970 to James B. Lockwood, Jr. and Phillip B. Shalloway, and recorded in Deed Book 3280, at page 547, in the land records of Fairfax County, Virginia and containing 10.1129 acres, more or less; and thereafter, with the consent of TWO-THIRDS (2/3) of the votes, in person or by proxy, entitled to be cast by the entire membership.

Article XV Books and Records

The books, records and papers of the Association shall at all times, during reasonable business hours, be subject to inspection by any member. The Dedication, the Articles of Incorporation and the By-Laws of the Association shall be available for inspection by any member at the principal office of the Association, where copies may be purchased at a reasonable cost.

Article XVI Corporate Seal

The Association shall have a seal in circular form having within its circumference the words: Hunters Creek Homes Association, a Virginia Corporation.

Article XVII Amendments

Section 1. These By-Laws may be amended, at a regular or special meeting of the members, by a vote of a majority of a quorum of members present in person or by proxy.

Section 2. In the case of any conflict between the Articles of Incorporation and these By-Laws, the Articles shall control; and in the case of any conflict between the Dedication and these By-Laws, the Dedication shall control.

Article XVIII FHA/VA Approval

As long as there is a Class B membership, the following actions will require the prior approval of the Federal Housing Administration or the Veterans Administration: Annexation of additional properties, dedication of Common Area, and amendment of these By-Laws.

Article XIX Miscellaneous

The fiscal year of the Association shall begin on the first day of January and end on the 31st day of December of every year, except that the first fiscal year shall begin on the date of incorporation.

This Instrument with certificate annexed,
admitted to record-office of Circuit Court
Fairfax County, Va. DEC 16 1976 at 4:03 pm with plat attached
Teste: (Signed by) Clerk

Chapter 5. Amended Articles of Incorporation of Hunters Creek Homes Association

This chapter of the handbook is a copy of the amended Articles of Incorporation of Hunters Creek Homes Association, executed August 23, 1973 and amended October 1, 1977. The official documents are on file at the Office of the State Corporation Commission.

In compliance with the requirements of Chapter 2 of Title 13.1 of the Code of Virginia, the undersigned have this day voluntarily associated themselves together for the purpose of forming a non-stock non-profit corporation and do hereby certify:

Article I (Name of the Corporation)

The name of the corporation is HUNTERS CREEK HOMES ASSOCIATION, hereinafter called the "Association".

Article II (Initial Registered Office)

The initial registered office of the Association is located at P.O. Box 547, 10409 Main Street in the City of Fairfax, Virginia.

Article III (Initial Registered Agent)

Daniel H. Shaner, who is a resident of Virginia, a member of the Virginia State Bar, and a Director of the Corporation, and whose business address is P. O. Box 547, 10409 Main Street, Fairfax, Virginia, 22030, is hereby appointed the initial registered agent of this Association.

Article IV Purpose and Powers of the Association

This Association does not contemplate pecuniary gain or profit to the members thereof, and the specific purposes for which it is formed are to provide (i) recreational facilities for the benefit of its members, their guests and invitees, (ii) maintenance, preservation and architectural control of residential lots, and (iii) to own, improve, maintain and preserve Recreational Areas as may be acquired by the Association, and (iv) to promote the health, safety and welfare of members of the Association, and for this purpose:

1. To exercise all of the powers and privileges and to perform all of the duties and obligations of the Association as set forth in the By-Laws of Hunters Creek Homes Association;
2. To fix, levy, collect and enforce payment by any lawful means, all charges or assessments pursuant to the terms of the By-Laws; to pay all expenses in connection therewith and all office and other expenses incident to the conduct, of the business of the Association, including all licenses, taxes or governmental charges levied or imposed against the Property of the Association;
3. To acquire (by gift, purchase or otherwise), own, hold, improve, build upon, operate, maintain, convey, sell, lease, transfer, dedicate for public use or otherwise dispose of real or personal property in connection with the affairs of the Association;
4. To borrow money, to mortgage, pledge, deed in trust, or hypothecate any and all of its real or personal property as security for money borrowed or debts incurred; and

5. To have and to exercise any and all powers, rights and privileges which a corporation organized under the Non-Stock Corporation Law of the Commonwealth of Virginia by law may now or hereafter have or exercise.

Article V Membership

Every person or entity who is a record owner of a fee or undivided fee interest in any residential lot which is subject to the Covenants and Restrictions for Hunters Creek shall be a member of the Association; and every person or entity who is the record owner of a fee or undivided fee interest in any Townhouse which is a part of Hunters Creek Condominium and which is, or may become, subject to the Master Deed for Hunters Creek Condominium, or any amendments thereto, shall be a member of the Association. The foregoing is not intended to include persons who hold an interest merely as security for the performance of an obligation. No owner, whether one or more persons, shall have more than one membership per lot or Townhouse. Membership shall be appurtenant to and may not be separated from ownership of any lot or Townhouse. Ownership of such lot or Townhouse shall be the sole qualification for membership.

Article VI Voting Rights

The Association shall have three classes of voting memberships:

Class A. Class A members shall be all those Owners as defined in Article V with the exception of the Class B and Class C members. Class A members shall be entitled to one vote for each lot in which they hold the interest required for membership by Article V. When more than one person holds such interest in any lot, all such persons shall be members. The vote for such lot shall be exercised as they among them-selves determine, but in no event shall more than one vote be cast with respect to any lot.

Class B. Class B members shall be all those owners of any Townhouse which is a part of Hunters Creek Condominium and which is, or may become, subject to the Master Deed for Hunters Creek Condominium, or any amendments thereto. This class shall as to voting rights vote as Class A members.

Class C. The Class C member shall be Otis D. Coston, Jr. and Gordon V. Smith, Trustees, or their successors or assigns, who shall be entitled to three (3) votes for each lot or Townhouse in which they hold the interest required for membership by Article V, provided that the Class C membership shall cease and a Class A or Class B membership as the case may be with one (1) vote for each lot or Townhouse in which it holds an interest shall be issued on the happening of either of the following events, whichever occurs earlier:

1. When the total votes outstanding in the Class A and Class B memberships equal the total votes outstanding in the Class C membership; or
2. On January 1, 1981.

Article VII Board of Directors

The affairs of this Association shall be managed by a Board of five (5) Directors, who need not be members of the Association and such number can be changed only by Amendment of the Articles of Incorporation. The names and addresses of the persons

who are to act in the capacity of the initial Board of Directors until the selection of their successors are:

Otis D. Coston, Jr.	7104 Benjamin. Street McLean, Virginia 22101
Gordon V. Smith	7621 Carteret Road Bethesda, Maryland 20034
William T. Klevan	3312 Wessynton Way Alexandria, Virginia
Kenneth F. Murphy	4163 Elizabeth Lane Annandale, Virginia 22030
Daniel H. Shaner	5405 Quincy Marr Drive Fairfax, Virginia 22030

At the first annual meeting the members shall elect one director for a term of one year, two directors for a term of two years and two directors for a term of three years; and, as the terms of such directors expire new directors shall be elected for terms of three years.

Article VIII Liabilities

The total amount of indebtedness or liability which this Association may incur at anyone time shall not exceed 150 percent of its income for the previous fiscal year, provided that additional amounts may be authorized at a duly held meeting at which a quorum is present by the assent of two-thirds (2/3) of the votes, in person or by proxy, entitled to be cast by the entire membership, and provided further that this Article shall not be construed to prohibit the Association from acquiring real property subject to encumbrances for the purpose of financing facilities located on the real property so acquired.

Article IX Authority to Mortgage or Encumber

Any mortgage or deed of trust by the Association of Common Area or Recreational Area as defined in the Declaration shall have the assent at a duly held meeting at which a quorum is present of more than two-thirds (2/3) of the votes, in person or by proxy, entitled to be cast by the entire membership.

Article X Authority to Dedicate

The Association shall have the power to dedicate, grant easements, sell or transfer all or any part of the Common Area or Recreational Area to any public agency, authority or utility for such purposes and subject to such conditions as may be agreed to by the members and approved by Statute, providing such dedication, grant, sale or transfer shall be approved by an affirmative vote at a duly held meeting at which a quorum is present of more than two-thirds (2/3) of the votes, in person or by proxy, entitled to be cast by the entire membership.

Article XI Dissolution

The Association may be dissolved with the assent at a duly held meeting at which a quorum is present of more than two-thirds (2/3) of the votes, in person or by proxy, entitled to be cast by the entire membership. Upon dissolution of the Association, the assets, both real and personal of the Association shall be dedicated to an appropriate public agency to be devoted to purposes and uses that would most nearly reflect the purposes and uses to which they were required to be devoted by the Association.

Article XII Duration

The corporation shall exist perpetually.

Article XIII Amendments

Amendment of these Articles shall require the assent at a duly held meeting at which a quorum is present of seventy-five percent (75%) of the votes, in person or by proxy, entitled to be cast by the entire membership.

IN WITNESS WHEREOF, for the purpose of forming this corporation under the laws of the Commonwealth of Virginia, we, the undersigned, constituting the incorporators of this Association, have executed these Articles of Incorporation this 23 day of August, 1973.

Otis D. Coston, Jr.
Kenneth F. Murphy
William T. Klevan

Articles of Amendment of the Articles of Incorporation of Hunters Creek Homes Association

1. The name of the Corporation is Hunters Creek Homes Association.
2. The following amendments to the Articles of Incorporation were adopted on October 1, 1977:

Amend Article V Membership

Every person or entity who is a record owner of a fee or undivided fee interest in any residential lot which is subject to the Covenants and Restrictions for Hunters Creek, as the same may from time to time be dedicated, platted and recorded among the Fairfax County, Virginia land records, shall be a Class A member of the Association. The foregoing is not intended to include persons who hold an interest merely as security for the performance of an obligation. No owner, whether one or more persons, shall have more than one membership per lot. Membership shall be appurtenant to and may not be separated from ownership of any lot. Ownership of such lot shall be the sole qualification for membership.

Amend Article VI Voting Rights

The Association shall have two classes of voting membership:

Class A. Class A members shall be all those owners of a fee or undivided fee interest in any residential lot which is subject to the Covenants and Restrictions for Hunters Creek

and the same may from time to time be dedicated, platted and recorded among the Fairfax County, Virginia land records, with the exception of the Class B members. Class A members shall be entitled to one vote for each lot in which they hold the interest required for membership by Article V. When more than one person holds such interest in any lot, all such persons shall be members. The vote for such lot shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any lot.

Class B. The Class B members shall be Otis D. Coston, Jr. and Gordon V. Smith, Trustees, or their successors or assigns, who shall be entitled to three (3) votes for each lot in which they hold the interest required for membership by Article V, provided that the Class B membership shall cease and a Class A membership with one (1) vote for each lot in which it holds an interest shall be issued on the happening of either of the following events, whichever occurs earlier:

1. When the total votes outstanding in the Class A membership equals the total votes outstanding in the Class B membership or
2. On January 1, 1981.
3. At the Board of Directors Meeting held on August 17, 1977, the aforesaid amendments were found to be in the best interests of the corporation and directed to be submitted to a vote at a meeting of the Members; such notice was given by mail, addressed to the Members at their addresses as they appeared on the records of the corporation, with postage thereon prepaid, on August 25, 1977, and a copy of the amendment accompanied such mailing; that a quorum was present at such meeting on September 22, 1977; and that the amendment received more than seventy-five percent (75%) of the votes, in person or by proxy, entitled to be cast by the entire membership.

Executed this 1st day of March, 1978 in the name of the corporation by its President and Secretary.

HUNTERS CREEK HOMES ASSOCIATION
ATTEST: By Thomas K. Brown
President
Donald R. Redrup
Secretary

Chapter 6. Enabling Legislation in the Code of Virginia

The Virginia Property Owners Association Act (Code of Virginia, Title 55, Chapter 26) is the enabling legislation for the rules and regulations of the Association. In addition to other provisions, this act grants the Association the following (§ 55-513.A):

The board of directors of the association shall have the power to establish, adopt, and enforce rules and regulations with respect to use of the common areas and with respect to such other areas of responsibility assigned to the association by the declaration, except where expressly reserved by the declaration to the members. Rules and regulations may be adopted by resolution and shall be reasonably published or distributed throughout the development. A majority of votes cast, in person or by proxy, at a meeting convened in accordance with the provisions of the association's bylaws and called for that purpose, shall repeal or amend any rule or regulation adopted by the board of directors. Rules and regulations may be enforced by any method normally available to the owner of private property in Virginia, including, but not limited to, application for injunctive relief or damages, during which the court may award to the association court costs and reasonable attorneys' fees.

Chapter 7 through Chapter 8. Section C.1 of this handbook contain the rules and regulations of the Hunters Creek Homes Association as authorized by the Virginia Property Owners Act and the Association's Covenants and Restrictions, amended By-laws and amended Articles of Incorporation.

Chapter 7. Violations and Charges for Violations

The Board of Directors of the Hunters Creek Homes Association (HCHA) has the legal authority to impose charges under the following circumstances:

Section A. Non-Payment of Assessments

Full details concerning assessments are contained in Article XIII, "Assessments" of the amended By-laws. The annual assessment is due January 1 of each year, and must be received not later than January 31.

Every homeowner in Hunters Creek and Windyn is a member of the Hunters Creek Homes Association and is required to pay this annual assessment and any special assessment voted by the members. As Article XIII, Sections 8 and 9, of the amended By-laws state, if any assessment is not paid within thirty (30) days of the due date, the assessment will bear interest at six (6) percent per year and may be turned over to our attorneys for collection of the assessment, costs, and legal fees. The By-laws also authorize that if an assessment is not paid within 60 days after the due date, a late fee of THIRTY DOLLARS (\$30.00) shall be added to the unpaid assessment as an additional required payment. If the assessment is not paid within 90 days after the due date, the late fee shall increase to a total of FIFTY DOLLARS (\$50.00) as an additional required payment. The Association would prefer for all owners to avoid this added expense. If left unpaid, this assessment is a lien against the property and could ultimately lead to foreclosure.

Section B. General Upkeep, Maintenance and Violations

Those charges associated with non-compliance with the Hunters Creek Covenants, amended By-laws, or Rules and Regulations in the Community Handbook are as follows³.

Pursuant to Article VIII Section 1 (a) of the amended By-Laws and Section 55-513 B of the Virginia Property Owners Association Act (1950) as amended, the HCHA Board of Directors, as the governing body of the HCHA, may levy charges of \$50.00 for a single offense violation or \$10.00 per day for any offense of a continuing nature up to 90 days.

Homeowners / Property Owners / Tenants shall be notified at least 14 days prior to the hearing as to the nature of the offense and possible charge or penalty to be imposed. Homeowners / Property Owners / Tenants shall have the opportunity to be heard and represented by counsel at the hearing. If the Homeowners / Property Owners / Tenants fail to appear at the hearing, the Board may conduct a hearing and determine the imposition of any charge or penalty without further input from the Homeowners / Property Owners / Tenants. Hearing results shall be hand delivered or sent by registered or certified mail, return, receipt, requested, to Homeowners / Property

³ Hunters Creek Homes Association has no police powers to enforce violations of the municipal code of the Town of Herndon. However, every resident in Hunters Creek and Windyn, the Association membership and its Board of Directors has the right to request that the Town of Herndon provide enforcement for any such violations.

Owners / Tenants at the address on record within seven days' of the date of the Hearing.

Items subject to charges are:

1. Grass higher than 8 inches. This regulation is more restrictive than the one in the Town requirements that are summarized in Chapter 10 below.
2. Lack of maintenance of home, accessory buildings, including but not limited to the following:

Siding	Decks	Driveways and pipe stems
Roofs	Patios	Any other attachment to a dwelling or accessory building
Trim and fascia boards	Firewood piles	
Shutters	Accessory buildings	
Front doors	Mailboxes	
Front storm doors	Gutters and Downspouts	
Windows	Fences	

3. Junk vehicles. See Section C, "Junk Vehicle Regulations, Penalties and Removal" below.
4. The following additional items may result in an Association assessment charge or Town penalty⁴:
 - (a) It is unlawful to permit dogs to run loose or foul neighbors' yards or public areas according to Town ordinance.
 - (b) Storage of trash, garbage, rubbish or debris on any lot at a time other than the designated collection day.
 - (c) Storage of trash or garbage containers in such a manner as to be visible from the public right-of-way, except on designated collection days.
 - (d) Implementing any exterior change or alteration that requires HCHA approval without obtaining HCHA approval prior to starting.

Section C. Junk Vehicle Regulations, Penalties and Removal

The Town of Herndon defines an inoperative vehicle as "any motor vehicle, trailer or semitrailer which is not in operating condition; or does not display valid licenses plates; or does not display an inspection decal that is valid or does display an inspection decal that has been expired for more than 60 days⁵". Storage of inoperable vehicles outside of a building not screened from view constitutes a Town misdemeanor⁶. The Hunters

⁴ Town policies are summarized in Chapter 10.

⁵ Herndon Code of Ordinances, Part II, Chapter 26, Article 7, Division 2 (Section 26-306) Inoperable Vehicles.

⁶ Any resident or the Board of Directors has the right to request that the town enforce its inoperative vehicles ordinance.

Hunters Creek Homes Association Handbook

Creek Homes Association has adopted this same definition for what constitutes a junk vehicle. Our Covenants in Hunters Creek are specific that no junk vehicles are allowed to be stored on any lot in the community.

Enforcement by Hunters Creek Homes Association of junk vehicle conditions is handled in accordance with Section B, "General Upkeep, Maintenance and Violations" above. Also, at this time the Town of Herndon will be notified of the vehicle, so that Town ordinances can be enforced.

A homeowner may have a vehicle stored temporarily on their property for restoration, provided that this is on a short term basis, and the vehicle is properly licensed, that it is covered with a commercial type of vehicle cover of a neutral color, so that only the wheels are visible, and that there is no evidence of any vehicle parts or supplies visible on the premises. For such a restoration project, the owner of the property requires the approval of the Hunters Creek Board of Directors, who will monitor the restoration to maintain the community's interest.

Chapter 8. Hunters Creek Architectural Review Processes

This chapter describes the HCHA architectural review criteria and the Architectural Review Committee (ARC⁷) application and approval procedures (Section A). It also describes approval requirements for various maintenance and construction procedures. Section B is a summary and Section C contains details.

If a homeowner or tenant desires to make a change to the exterior of their home or property they should first check to see if the change is covered under Section C below, “Regulations for Maintenance and Exterior Alterations — Approval Requirements”. If the proposed change appears in one of the maintenance or exterior alteration categories not requiring approval, then application and approval is not needed. Otherwise, an application must be submitted to the ARC using the application procedures described in Section A and approval obtained prior to making the change.

Three general categories of exterior maintenance and alteration are addressed by the HCHA Covenants and Restrictions in each property deed and the Rules and Regulations in the following two sections:

1. *Maintenance not requiring ARC approval.* Maintenance that makes no change to the color, material, shape or size of an existing structure is permitted without ARC approval except for two special categories that are currently out of conformance: wire fences and multi-surface driveways.
2. *Alterations not requiring ARC approval.* Several types of alterations such as mailboxes and satellite dishes are controlled by Federal regulation and are not subject to HCHA regulation. Several other types of alterations either do not change the appearance substantially from beyond the property boundaries or are controlled adequately by Town ordinance.
3. *Alterations requiring ARC approval.* Building additions, changes in driveway size, siding, trim or roof color are examples of exterior alterations that require ARC approval. *The authority for requiring such approval arises largely from Covenants 8 and 9 (See Chapter 3 above).*

The categories cited above are only a summary of the detailed regulations that are described in the next two sections. They are included here to help provide an overall understanding of the regulations. The detailed regulations should always be reviewed and a member of the ARC or the Board of Directors consulted if questions arise. The detailed regulations in the next two sections focus on the distinction between requiring ARC approval and not requiring it, but each regulation arises from one of the three categories above.

Section A. HCHA Architectural Criteria and Application Procedures

1. HCHA Application Review Criteria

Application decisions are based upon the following criteria:

⁷ Described in the Covenants and By-laws as the “Architectural Control Committee”.

- Conformance with Covenants and Restrictions, Amended By-laws, and Rules and Regulation in this handbook.
- Timing - Projects which remain uncompleted for protracted periods of time are visually objectionable and can be both a nuisance and a safety hazard for neighbors and the community. To encourage expeditious completion of projects, all applications must include an estimated completion schedule. If unforeseeable or uncontrollable delays occur, please advise the ARC or the Board of Directors so that complaints of others may be properly handled.

Homeowners are responsible for adhering to all appropriate Town of Herndon zoning, safety and building code requirements.

2. The Architectural Review Committee

The Hunters Creek Architectural Review Committee (ARC) is comprised of residents from the community appointed by and reporting to the Hunters Creek Board of Directors on matters concerning architectural review and architectural compliance with Covenants and Restriction, amended By-Laws and Rules and Regulations in this handbook. The ARC recommendations to the Board must be in agreement with existing Town of Herndon regulations, ordinances and policies, and the Covenants and Restrictions of the Hunters Creek deeds, the amended By-Laws of the Association, and the Rules and Regulations contained in this handbook. The Board of Directors has delegated the application and recommendation process to the ARC. However, in accordance with its obligations under the By-laws and Virginia Code, the Board retains final authority to approve applications and respond to any appeal.

3. Application and Approval Procedure

The application should then be sent to: HCHA ARC, P.O. Box 138, Herndon, Virginia 20172-0138. All correspondence and applications must be sent to this address for consideration. For urgent situations a member of the Board of Directors or the ARC (listed in the Hunters Creek Communicator newsletter) may be contacted.

An application form which can be found in Appendix A at the end of this handbook and on the Hunters Creek web site (<http://www.hunterscreek.org>) and may optionally be copied when making an application to the ARC. A copy of the property plat must be submitted with the application if the proposed changes will alter the plat. The property plat should depict before and after illustrations for the proposed change.

When the application is for a change of exterior color/stain, change of existing siding, roof, shutters, trim, doors, etc., samples and/or color chips must be included along with a description of the existing color(s). Color photographs would be helpful in these situations but are not required.

Once the application form with accompanying documents has been completed, it must be mailed to the ARC.

If you think your project or application would be best explained in person, this should be noted on the application form so that a date and time can be scheduled to meet with the ARC and the Board of Directors. The ARC meets with the Board or Directors at the beginning of each regular Board meeting.

Section B. Architectural Approval Summary

The following table provides a brief summary of the types of maintenance and construction that do and do not require ARC approval. Section C below contains more details about this.

Exterior Maintenance and Construction	ARC Approval Required?	
Install Storm Door to Match Trim, Shutter, or Door Color (see note 2)		No
Repaint Exterior Trim, Shutters, Doors, Same as Existing Color (see note 2)		No
Replace Roof with Same Color and Style Shingles as Existing Roof.		No
Replace Shed with Same Style, Color, and Square Feet as Existing		No
Replace Siding with Same Color and Style as Existing.		No
Replace Walkways or Stoop with Same Size and Material as Existing		No
Replace Windows with Permanent Surface White . (see note 1)		No
Resurface Driveway with Same Material and Same Area as Existing (see note 3)		No
Satellite dish installation ⁸		No
Construction of in-ground swimming pool		No
Install Storm Windows	Yes	
Replace Shed and Change Style, Color, or Square Feet	Yes	
Replace Walkways or Stoop and Change to Brick, Flag Stone, etc.	Yes	
Replace Windows with other than Permanent Surface	Yes	
Resurface Driveway and Increase Length, Width, Add a Car Park Pad, or Change Surface Material	Yes	
Construction of above-ground swimming pool with height greater than 36 inches	Yes	
Any other Maintenance or Exterior Construction	Yes	

Before undertaking any maintenance or improvement project, please consult the Hunters Creek Covenants and Restrictions, amended By-laws and Rules and Regulations which can be found in this handbook.

Note 1: Aluminum, Vinyl Clad, and PVC constitute a “permanent surface”.

Note 2: No more than two trim colors and one major (siding) color are permitted. Natural finished wood doors are allowed and are not considered a third color.

Note 3: Driveways and car park pads must be of the same type material. Existing multi-material driveways must be brought into compliance when any section of the driveway requires resurfacing.

Section C. Regulations for Maintenance and Exterior Alterations — Approval Requirements

This section discusses those exterior alterations which will require ARC approval and normal maintenance and other alterations that do not require approval. Each topic indicates those changes requiring ARC or Board of Directors approval and those that do not.

⁸ FCC Rules (Title 47, Section 25.104) specifically preempts local regulations.

If ARC approval is required, it must be obtained before any construction changes, additions or alterations begin. If there are any questions about the application process they should be put in writing and sent to the ARC for resolution. See Section A above, “HCHA Architectural Criteria and Application Procedures”, in this chapter pertaining to the application and approval process. Several types of structural modifications receive automatic approval if the construction meets all Town zoning ordinances and all Town building permit and inspection requirements. These are specified in more detail below. Copies of several of the relevant Town zoning ordinances appear in Chapter 10. Since the Town may change its zoning ordinances, Chapter 10 should be used only as a guide. Before planning any construction or alteration, you should obtain current zoning and permit requirements from the Town.

Routine maintenance on the exterior of a house or property that does not alter the appearance does not require approval of the ARC or Board of Directors. Owners and tenants are required to limit any maintenance and exterior alterations performed without ARC approval to the items below that are described as “Actions Not Requiring Approval”. If you are not sure about the need for approval, then submit one to the ARC. Refer to the procedures in “HCHA Architectural Criteria and Application Procedures”, in this chapter for information on how to submit an application to the ARC.

1. Repainting and Residing

1a. Repainting and Residing - No ARC Approval Required

Replace Siding with similar existing style and color or approved colors by the HCHA. No more than two trim colors and one major (siding) color are permitted. Natural finished wood doors are allowed and not considered a 3rd color. HCHA approved colors are listed below in 1c.

Repaint exterior stain color for contemporary wood-sided homes with similar earth-tone color or approved colors by the HCHA. No more than two trim colors and one major (siding) color are permitted. Natural finished wood doors are allowed and not considered a 3rd color. HCHA approved colors are listed below in 1c.

Repaint Exterior shutters, trim, and/or doors with similar existing color or approved colors by the HCHA. No more than two trim colors and one major (siding) color are permitted. Natural finished wood doors are allowed and not considered a 3rd color.

1b. Repainting and Residing - ARC Approval Required

Replace siding with a different style and color not approved by HCHA. HCHA approved colors are listed below in 1c.

Repaint exterior stain color for contemporary wood-sided homes or exterior shutters, trim, and/or doors with a different color not approved by HCHA. HCHA approved colors are listed below in 1c.

1c. HCHA Approved Colors

Approved colors for aluminum or vinyl siding homes: White, Almond, Cameo, Classic Cream, Champaigne, Desert Sand, Linen, Sage,

Sandstone, Pebblestone Clay, Silver Grey, Victorian Grey, Brookstone, Everest.

Approved colors for wood-sided homes:
Rich Earth (Brown), Spring Fawn (Med
Brown), Mayfair Tan (Beige-Tan),

Sandstone (Tan), Flint (Grey-Beige),
Cape Cod Grey, Bronze Green (Olive).

2. Roof Replacement

2a. No ARC Approval Required

Replace roof with similar existing style and color shingles.

2b. ARC Approval Required

Replace roof with a different style or color.

3. Window Replacement

3a. No ARC Approval Required

Replace existing windows with “energy efficient” permanent surface white or same color windows. Permanent surface is aluminum, vinyl clad, or PVC.

4. Sheds, Decks Patios and Accessory Buildings

4a. No ARC Approval Required

Repair, repaint or stain existing decks, patios, sheds, greenhouses, or gazebos if color is not changed. New ground level patio, without footers, constructed of concrete, block, stone, brick, etc., and entirely in the rear of the house.

4b. ARC Approval Required

All new decks and accessory structures, including storage sheds, greenhouses, and gazebos. Sheds may be up to 150 square feet, with a wall height of 8’6”. All accessory buildings must be placed at least 15 feet from the house, 1 foot from the rear and side property lines. All decks, greenhouses and gazebos require a Town building permit from DPW⁹. Any change of size, shape or location for an existing deck or accessory structure may require a DPW building permit. *If construction is natural wood or same color as the main dwelling and conforms to all zoning ordinances and any required town permits and inspections, the structure is HCHA approved without further application.* Any change of color for an existing deck or accessory structure requires ARC approval.

5. Additions or Exterior Modification to the House

5a. ARC Approval Always Required

Building additions or exterior modifications to your house to include room additions, garages, car ports, front or rear porches, attached greenhouses, etc. will require a Town of Herndon building permit from DPW. ARC approval and Town building permit must be received before construction begins.

⁹ Town of Herndon Zoning, Section 78-1420

6. Fences

6a. No ARC Approval Required

Repair or replace a wood fence with the similar color, style and size as the existing wood fence. Special regulations appear below for repairing existing wire fencing.

6b. ARC Approval Required

Add new fence or change style and size of existing fence. All new or replaced fencing used on residential properties within Hunter's Creek must be wood fencing either left in the natural state of the wood or painted with exterior grade paint or stain matching one of the colors on the existing house from the approved colors listed above in 1c. Fences must comply with Town of Herndon Zoning Ordinances¹⁰. Design drawings are available from DCD at the Herndon Town Hall and must accompany the ARC application. If construction is natural wood and conforms to all zoning ordinances, the fence is HCHA approved without further application. An inner layer of "yard guard" wire fencing designed to be camouflaged from normal view for the purpose of helping ensure that children or pets remain in a yard and that the resident is thus permitted full enjoyment of the property is permissible, but must be submitted for ARC approval.

6c. Special Regulations for Wire Fencing

Permissible repair of existing "Wire Mesh" or "Chain Link" fencing is very limited:

- If replacing more than 30% of the length of the wire fence, then the entire wire fence run must be replaced with wooden fence.
- If replacing any wire fence which is visible from the street or sidewalk, then the entire wire fence run must be replaced with wooden fence, regardless of the length of this fence segment.

7. Driveways

7a. No ARC Approval Required

Resurface existing driveway with same material and area. Resurfacing of mixed material, for instance concrete and asphalt, must be change surface to single material.

7b. ARC Approval Required

Driveways and parking pads additions and change in material (for instance, asphalt to concrete or vice versa). All driveways and parking pads must be of the same material, for instance, asphalt or concrete. Only hard stabilized surfaces are permitted.

7c. Special Regulation

Driveways must have no permanent markings, for instance, those intended for basketball or hopscotch.

¹⁰ Town of Herndon Zoning, Sections 78-517. Fencing standards.

8. Sidewalks

8a. No ARC Approval Required

Repair or replace existing private walkways and/or stoop using the same material, size and area as the existing sidewalk.

8b. ARC Approval Required

Repair or replace existing private walkways and/or stoop changing material, size or area. All sidewalks must be of a solid surface.

8c. Special Notice about Public Sidewalks

All public sidewalks are the responsibility of the Town of Herndon. If a resident notices that a public sidewalk needs repair, the town should be notified.

9. Landscaping and Tree Trimming

9a. No ARC Approval Required

Maintained landscaping, such as, dead trees, shrubs, and bushes be removed before they become unsightly or hazards to your neighbor. Maintained lawns no greater than 8 inches high. Trim all trees at least 7ft high above public walkways and driveways. All new trees, shrubs and bushes may be planted at a location not to interfere with your neighbors, safety and line of sight of roadways at corners, etc¹¹.

9b. Special Notice for Trees Not on Owner's Property

Homeowners and tenants may only trim those branches that extend over the homeowner's property or braches of tree growing on that property. HCHA common property is the responsibility of the HCHA Board of Directors. If trees on HCHA common property need to be trimmed, a member of the Board should be contacted.

10. Lawn Ornamentation

10a. No ARC Approval Required

Natural wood or stone appearance ornaments. Ornaments such as flower pots, planters and other accessories are permitted, provided that their appearance is maintained.

10b. Prohibited Ornamentation

Painted or plastic lawn ornaments or decorations in front yards. The only exception to this is during the holidays, when holiday ornamentation is set up for that holiday period.

11. Swimming Pools

11a. No ARC Approval Required

In-ground swimming pools. The Town requires a building permit from DPW. *If pool conforms to all zoning ordinances and any required town permits and inspections,*

¹¹ Town of Herndon Zoning, Sections 78-1419, 78-1422 and 78-1425

it is HCHA approved without further application.

11b. ARC Approval Required

Above-ground swimming pools with height greater than 36 inches.

11c. Governmental Requirements

Swimming pools must meet Town of Herndon and Fairfax County ordinances for construction, maintenance and periodic inspection.

12. Solar Panels

12a. Governmental Requirements

Panels must meet Town of Herndon codes and require a building permit.

13. Mailboxes

13a. No ARC Approval Required

Replace or repair an existing mailbox. Mailboxes must meet U.S. Postal Service regulations, which can be obtained from the Herndon Post Office.

13b. House Numbers

Adding the house number to the side of the mailbox, following Postal Service specifications, will aid emergency vehicles and others.

14. Satellite Dishes and Digital TV Dishes

14a. No ARC Approval Required

Due to FCC regulations¹², HCHA does not require approval for placement of satellite dishes for TV reception. The Town of Herndon requires a building permit from DPW for satellite dishes greater than 24” in diameter.

15. Lighting and Holiday Decorations

15a. ARC Approval Required, with Exception for Holiday Lighting and Decorations

The Architectural Review Committee must approve all exterior lights with the exception of seasonal holiday lights that are subject to the following restrictions. Holiday lights and decorations may be displayed from November 15 through January 31, but may not be illuminated after January 15. The take down date may be extended at the sole discretion of the Board of Directors or Architectural Review Committee in response to weather conditions. Lights and decorations for holiday falling outside the above dates may be displayed from two (2) weeks prior to the holiday to one (1) week after.

¹² FCC Rules, in part, state (Code of Federal Regulations, Title 47, Section 25.104, 47CFR25.104): Any state or local zoning, land-use, building, or similar regulation that materially limits transmission or reception by satellite earth station antennas, or imposes more than minimal costs on users of such antennas is preempted unless the promulgating authority can demonstrate that such regulation is reasonable,...

Chapter 9. Hunters Creek Storage Lot Regulations

The following rules and regulations have been adopted by the Hunters Creek Board of Directors to cover the operation of the HCHA Storage Lot. Each rented space in the storage lot is rented and assigned to an individual Hunters Creek resident or Hunters Creek property owner. Thus each rented space is a reserved space for the use of only that Hunters Creek resident or Hunters Creek property owner. If you as a user find that someone is in your space, please do not park in another space. Contact the HCHA Board of Directors so we can find out who is parked in your space. If you park in an unauthorized space or in a reserved space, you can be fined and/or lose your privilege to use the lot.

Use of the Vehicle Storage lot will be limited to Hunters Creek property Owners or their tenants. The number of spaces will be limited to one space per lot owner (or their tenant), whenever there is a waiting list for spaces. Owners or tenants, who lease more than one space during a calendar year, may be required to surrender the additional space(s) before the end of the year. Anyone required to surrender a space, will be notified by certified letter and given 30 days to surrender the space(s).

Vehicles should be parked only in the space assigned to the lessee by the Association's representative. Vehicles parked in unauthorized spaces may be towed without notification.

The storage lot is only to be used by Hunters Creek residents and Hunters Creek property owners. The storage lot will be governed by rules and regulations approved by the HCHA Board of Directors. These rules and regulations were designed to keep our storage lot attractive, comply with all current Town of Herndon Zoning regulations, keep an up-to-date listing of vehicle owners for legal purposes, improve the overall safety of the parking area, and the protection of the vehicles (etc.), parked within. In view of past problems at the lot, we find that these rules and regulations have become necessary and will, furthermore, benefit our community, and each Hunters Creek property owner or Hunters Creek resident who uses the storage lot.

Due to severe cases of vandalism in the past, the storage lot has been enclosed with a 6 foot wire fence to help protect the property of the Hunters Creek homeowners or Hunters Creek residents who are using the storage lot. Only those persons who have rented a space are authorized access to the storage lot. Any person found in the storage lot, and are not renting a space, will be considered trespassing, and legal action may result due to the trespass.

All vehicles kept in the storage lot must comply with the Town of Herndon Junk Vehicle Ordinance effective January 1, 1991. In addition to this the following rules must be adhered to:

1. Spaces in the storage lot will be provided on a first come basis. In the event that all spaces become occupied, the HCHA Board of Directors has no obligation to provide additional parking space(s); however, consideration will be made on a case by case basis.
2. All vehicles kept in the storage lot will be required to have valid and current state license tags.

3. All vehicles kept in the storage lot must be personal, small commercial, and/or recreational vehicles such as campers and boats on trailers. No large commercial vehicles will be allowed to be kept in the storage lot at any time. The definition of a large commercial vehicle is a vehicle with a capacity in excess of 2 and 1/2 tons, or a manufacturers Gross Vehicle Weight (GVW) in excess of 10,000 pounds. There is the possibility that commercial vehicle parking may be made available, outside the storage lot for vehicles used on a daily basis, and which by law cannot be stored at the residence. For more information contact the HCHA Board of Directors and each case will be reviewed.
4. All vehicles must be maintained in a safe condition while kept in the storage lot. Tires must be kept inflated and vehicles must be stored neatly within their allocated parking spaces. Motor vehicles will be required to be in running condition unless special permission is given by the HCHA Board of Directors for storing a non-running vehicle. All automobiles, campers, (etc.), must be kept locked. Boats and trailers must be securely supported. This lot is not a storage area for resident's "junk" vehicles, nor will vehicles be allowed to remain on the lot that are "junk" or that have obvious safety hazards. Towing/removal will be considered by the HCHA Board of Directors when appropriate to keep "junk" vehicles out of the storage lot.
5. All vehicles stored in the lot will be required to be registered with the HCHA Board of Directors prior to storage in the lot, and must be kept in the same space they are registered and assigned. Only one (1) vehicle per space is allowed. Registration can be accomplished by calling any listed HCHA Board member, who will furnish a registration form. Any changes such as a license tag number etc., should be reported to the HCHA Board of Directors so the records may be kept current. Upon return of completed registration form, the Hunters Creek homeowner or Hunters Creek resident will be provided with the combination to the lock on the gate. It is in the interest of the renter of the space not give this combination to others. The combination will be changed on a periodic basis and users will be notified well in advance of the change with a date for the change. Should an emergency change be required, the new combination will be provided, when possible, to users by phone, or can be had by contacting a HCHA Board member who will provide the combination after verification of the right to lot access.
6. The HCHA, or the Board of Directors are not be responsible for any loss or damage to any vehicle (boat, trailer etc.) kept at the storage lot. Use of the storage lot is at the space renters risk.
7. An annual fee will be assessed for using the storage lot. This money will go into a separate HCHA special account designated for upkeep, maintenance, and improvement (lighting, paving, etc.) of the lot. If a Hunters Creek homeowner or Hunters Creek resident does not pay this fee, they will forfeit the use of the lot until payment is made. The fee will be assessed annually on a per calendar year basis, (1 January to 31 December). Non-payment of the annual fee may cause the item (vehicle, trailer, boat etc.), stored being towed/removed after the owner is notified.
8. If any user of the storage lot violates the above rules, they will be advised of the violation by registered letter, and given a period of fourteen (14) days to correct any violations. If corrections are not made or the vehicle is not removed from the

storage lot, the HCHA Board of Directors reserves the right to have the vehicle towed and removed from the storage lot. Any expense incurred from this towing, or storage of the offending vehicle, or loss suffered by the owner will be at the owners expense, not that of the HCHA, or the Board of Directors. Since towing can incur substantial costs (for instance, \$125 plus \$10 per mile, with a \$600 minimum), users of the storage lot should make every effort to avoid violations. The HCHA, or the Board of Directors has no liability with regard to any items (vehicle, trailer, boat etc.) being towed from the lot after providing a warning as stated above.

9. If any user of the storage lot is found to have given the locks combination to other than members of the immediate family, or other parties having interest in a vehicle, will forfeit their use of the storage lot. This is intended to help protect all property in the storage lot. Note the warning against trespassing within the storage lot found at the beginning of Section V.
10. All vehicles stored in the lot must have a "PAID" sticker, valid for the current year, displayed on the vehicle.
11. Subleasing of spaces in the storage lot is strictly prohibited and will result in immediate revocation of lot privileges and in forfeiture of fees. Vehicles kept in the storage lot must be registered to the person leasing the space. If the vehicle is co-owned, at least one Hunters Creek resident or Hunters Creek property owner's name must appear on the registration. In cases of a boat and trailer, the resident's name need only appear on either the trailer or the boat registration.

Chapter 10. Selected Town of Herndon Zoning Ordinances

The following excerpts from the Herndon Town zoning ordinances are included in this chapter as a convenience to the homeowner. *Before any exterior alterations or additions, current Town zoning ordinances should be reviewed either at the office of the Town Clerk or on the Herndon government Web site. New ordinances may supersede the ones below or other ordinances or building codes may apply.*

Sec. 78-1419. Vision clearance.

On any corner lot in a residential district there shall be no planting, structure, fence, retaining wall, shrubbery or obstruction to vision more than three feet higher than the curb level within the triangle formed by the street right-of-way lines and a line connecting such street lines 25 feet from their intersection. On any corner lot in a commercial or industrial district, no building or obstruction shall be permitted between a height of one foot and a height of ten feet higher than the curb level within the triangle formed by the street right-of-way line and a line connecting such street lines ten feet from their intersection.

Sec. 78-1420. Accessory building; location.

For accessory buildings in a residential district, all such accessory buildings shall be located in the rear yard and shall not be:

- (1) Closer than five feet to any alley line.
- (2) Less than one foot from any side or rear lot line.
- (3) Closer than 15 feet from the main building.

Sec. 78-1421. Two-story accessory buildings in residential districts.

In no case shall a two-story accessory building occupy any part of a required rear yard, nor be located nearer than ten feet to any lot line.

Sec. 78-1422. Permitted extensions into required yards and setback.

No building, structure, fence, wall or any addition thereto maybe located, in whole or in part, in any setback or front, rear or side yard required under the provisions of this chapter, except that:

....

- (3) When attached to a single-family detached dwelling a deck which has no part of its floor higher than the first floor of the dwelling may extend up to ten feet into a required rear yard, provided that the deck is not located closer to the rear lot line than one-half the distance measured from the rear lot line to the closest point of the dwelling, and provided that the deck is not located closer to any side lot line than ten feet.

....

- (5) Fences or walls not more than four feet high may be located within a required setback or yard, except as limited by the provisions of section 78-1419.
- (6) Fences or walls of a height not exceeding seven feet, and elements of required screening, may be located within a required rear or side yard area. With the approval of

the zoning administrator, a fence or wall up to seven feet in height maybe located in any setback area or yard area on a residential lot which has frontage on more than one street, provided that such fence or wall shall be located to the back of the structure.

(7) Open mesh-type fences enclosing any accredited school for children or enclosing any playground may be located within a required setback or yard, except as limited by the provisions of section 78-1419, and provided that such school or playground is not located on a lot with a dwelling on it.

(8) Accessory buildings may be located in rear yards, except as limited by the provisions of sections 78-1420 and 78-1421.

...

Sec. 78-1425. Landscape features.

Landscape features such as trees, shrubs, flowers or plants shall not be permitted or maintained on any required front, side or rear yard, if they produce a hedge effect or interfere with the safe use of the public street or sidewalk. Such landscape features shall be permitted in any required front, side or rear yard, provided that they do not interfere with public safety and do not produce a hedge effect contrary to provisions of sections 78-1419 and 78-1422.

Chapter 11. Overview of Town of Herndon Residential Neighborhood Policies

The Town and residents are committed to maintaining the highest standards for residential communities¹³. Following are overviews of several Town regulations that affect the appearance and harmony of our residential neighborhoods. The descriptions are only summaries. Please consult the Town Code for the actual wording of the regulations. The appropriate department to contact to obtain additional information and complete copies of each regulation or to request enforcement, are also provided. The Town Council adopted these regulations for the benefit of the citizens. Please contact Town officials if you have comments or suggestions concerning these measures.

Section A. Property Maintenance

For more information and to request assistance with any of the following Property Maintenance regulations, call the Department of Public Works.

Trash and Solid Waste

Property owners in the Town must maintain their property free of trash, garbage, refuse, litter and other substances, which may endanger the health or safety of other residents. Owners are responsible for the removal and proper disposal of trash and solid waste from their properties. Call the Dept. of Public Works for a copy of the Citizen's Guide to Trash and Recycling for proper methods of disposal and pick-up schedules.

Grass and Weeds

It is important for every property owner to maintain their property free of high grass and weeds (over 12 inches). High grass

and weeds can become breeding grounds for insects and provide a haven for rodents. Owners of vacant property are required by Town Code to mow their properties no less than twice a year: once before June 1st and again by August 1.

Shrubs and Trees

Property owners are responsible for the maintenance of their shrubs and trees. Shrubs and trees may not grow into the public right of way or block the public sidewalks. Overgrowth of trees onto sidewalks and roadways is dangerous to drivers and pedestrians. Property owners are responsible for trimming trees that obstruct sidewalks and roadways. If you live in a corner lot, please do not plant shrubs or trees that will obstruct a driver's view then turning a corner.

Exterior of Houses

Property owners are responsible for the proper maintenance of their houses including the exterior. Houses are to remain free of holes, cracks, broken doors and windows. Paint should be in good condition on wood and metal surfaces. Peeling, flaking and chipped paint is a violation of Town codes and must be eliminated and repainted.

Section B. Public Nuisances

Inoperable Vehicles

An inoperative vehicle is any motor vehicle, trailer or semi-trailer which is not in operating condition; or does not display valid licenses plates; or does not display an inspection decal that is valid or does display an inspection decal that has been expired for than 60 days. Storage of inoperable vehicles outside of a building not screened from view constitutes a misdemeanor.

¹³ Originally Printed in *The Herndon Observer*, December 1, 2000

Contact: Community Development

Noise

Between the hours of 9:00 p.m. and 6:00 a.m., it is unlawful to: (1) operate construction equipment or perform any outside construction; (2) repair or rebuild any vehicle or other mechanical device within any residential district; (3) operate or permit the operation of powered model vehicles in the outdoors; (4) collect trash or refuse; or (5) load or unload trucks in the outdoors within 100 feet of a residential district.

At any time, and in such a manner as to unreasonably disturb the peace, quiet and comfort of neighboring residents or the public, it is unlawful to (1) operate any radio, stereo, television and the like; (2) yell or shout on public streets or private properties; and (3) keep any animal which by crying or behavior causes annoyance in any residential neighborhood.

Contact: Herndon Police

Animal Waste

Dogs are not permitted to foul the property of another, including public areas. Please clean up after your dog when walking it. Also, it is unlawful to keep or harbor an animal or animals in such a manner as to cause unsanitary conditions.

Contact: Public Works

Leash Requirement

Dogs are not allowed to run loose and it is unlawful for an owner to let an animal onto another's property.

Contact: Herndon Police

Section C. Parking and Street Use

Parking Commercial Vehicles in Residential Districts (Proposed)

The following draft of the commercial vehicle parking ordinance will be considered for adoption by the Town

Council at its public hearing on Jan. 9, 2001.

On private property, commercial vehicles may only be parked in a fully enclosed building with a vehicle door not exceeding 9 feet height over grade.

In addition, one resident per single-family detached or attached, garden court, or two-family dwelling unit may park, outside an enclosed building, one taxicab, limousine or any other motor vehicle used for commercial purposes bearing on its exterior a commercial sign. However, proprietors of home-based businesses may only park on the lot one panel truck with registered gross weight of 12,000 pounds or less or one pick-up truck associated with the home-based business.

On public residential streets, no one shall park a commercial vehicle for more than two hours except one per resident per dwelling unit may park one taxicab or limousine or one vehicle bearing a commercial sign.

Contact: Community Development

Parking Boats and Trailers

Recreational vehicle parking is permitted in residential districts only behind the front setback line of the house or in designated community-parking areas for multi-family complexes. This includes both towed and motorized units. The definition of a recreational vehicle includes travel trailers, tent trailers, pickup campers, motor homes, boats and boat trailers, and the like. For information on the location of your front setback line, call the Department of Community Development.

Contact: Community Development

Signs

Signs are prohibited from being erected in the public right of way without the consent of the Town Manager. Some common signs that are not permitted in the right of

way include yard sale signs, real estate signs, flyers, and advertisements of any kind.

Contact: Community Development

Section D. Residential Occupancy / Overcrowding

Single-Family Dwelling Occupancy

In any dwelling unit in Herndon, there are two basic occupancy requirements. The first requirement is that any person living among others in the dwelling must each have at least 50 square feet per person per shared bedroom. The second requirement is that any single-family dwelling may not contain more than one family.

A family is any persons (regardless of number) who are related by blood or marriage. If everyone in the dwelling is not related by blood or marriage, then only four people may reside there.

Contact: Neighborhood Improvement Specialist

Section E. Building Repair, Remodeling and Additions

When a Building Permit is Required

A building permit is required to construct, alter or remodel a structure. Construction of a detached utility building 150 square feet or less with a wall height no greater than 102 inches does not require a building permit but must comply with the zoning ordinance. Ordinary repairs such as painting and carpet replacement do not require permits. However, ordinary repairs do not include the cutting away of any wall, partition or portion thereof; the removal or cutting away of any structural beam or load bearing support, all of which do require a building permit. Also, any changes to duct systems, plumbing supply, drain, waste and vent piping, electrical circuits, appliance vents and gas

piping other than direct replacement requires a permit.

Contact: Building Inspections Office

Section F. Storm Drains

For more information or to report a problem with any of the following Storm Drain regulations, contact Public Works or the Herndon Police.

Dumping Prohibited

Dumping or discarding of any materials down any storm structures, curb or waterway is prohibited by Town code. This includes the disposal of waste oils.

Obstruction

It is unlawful to obstruct or interfere with the flow of the storm sewer system. Do not place leaves, brush or other objects in front of storm inlets, gutters or ditches.

Maintenance and Working on Ditch Lines

Altering the storm drainage system of the Town may damage the storm drainage systems and cause flooding. The Department of Public Works must first approve any alteration to a ditch line that is part of the storm drainage system of the Town.

Section G. Snow And Ice Removal

Sidewalks

Property owners are asked to remove snow from the sidewalks in front of their property.

Contact: Public Works

During Snowstorms: Operations Center

Parking of Vehicles

The Town requests that vehicles not be parked on streets during major snowstorms, especially in cul-de-sacs. Avoiding such parking will greatly assist in facilitating the removal of snow.

Hunters Creek Homes Association Handbook

Contact: *Public Works or Herndon Police* |

Appendix A. Architectural Review Committee Walk-Through Visual Check

One of the main purposes for which our Hunters Creek Homes Association was founded was to help ensure “maintenance, preservation and architectural control of residential lots.” This can assist in maintaining the overall real estate values in our community. The Association’s Architectural Review Committee (ARC) will do a walk through in Hunters Creek and Windyn for routine maintenance checks on exteriors of homeowners’ houses and property. The ARC will view each homeowner’s property from the public walkways and visually check for the following:

- Homeowner's landscape for dead trees, shrubs, and bushes to be removed. Lawns maintained and grass height no greater than 8 inches. On public walkways all tree branches trimmed to 7 feet high or higher.
- Front yard ornaments, trees, shrubs, and bushes for unsightliness or for being a hazard to neighborhood safety and line of sight of driveways or roadways at corners.
- Homeowner's fence for needed repairs or replacement.
- Homeowner's house siding, trim, windows, front doors, gutters and shutters for needed repairs or replacement if missing.
- Exterior colors, stains, siding, trim, windows, and front doors for needed painting or staining. No more than three different colors allowed on the exterior of the house.
- Private walkways and stoops for needed repairs or replacement.
- Sheds for neatness.
- Mailboxes for neatness.
- Driveways surface all of same material and need for resurfacing.
- Cars parked on grass.
- Cars parked on grass.

Appendix B. Hunters Creek Homes Association ARC Application Form

NAME: _____

ADDRESS: _____

LOT and BLOCK NUMBER: _____

DATE: _____

TELEPHONE NUMBER:

HOME: _____ OFFICE: _____

SUBJECT OF REQUEST: _____

DESCRIPTION OF REQUEST/PROJECT:

Estimated Start Date: _____

Estimated Completion Date: _____

Permission is hereby granted for member of the ARC or the HCHA Board of Directors to enter upon my property, once an appointment has been agreed upon, to make reasonable inspection of the proposed construction location (s).

Homeowner or
Property Owner
signature: _____

____ Check here if you are attaching a Plot Plan, drawing (etc.), or other supportive information.