

EXHIBIT E

**ARCHITECTURAL AND LANDSCAPING
DESIGN GUIDELINES**

**THE VILLAGE AT HILTON
PHASE I**

EXHIBIT E

ARCHITECTURAL DESIGN GUIDELINES

THE VILLAGE AT HILTON PHASE I

TABLE OF CONTENTS

Effective as of April 11, 2002

INDEX

- 1. Overview**
 - 1.1. The Guidelines
 - 1.2. Authority
 - 1.3. Applicability to Lots
 - 1.4. Advisory Design Professionals
 - 1.5. Definition of "Improvements"
 - 1.6. Philosophy
- 2. Design Guidelines**
 - 2.1 Buildings
 - 2.1.1. Dwelling Types
 - 2.1.2. Dwelling Size
 - 2.1.3. Maximun Height
 - 2.1.4. Garages
 - 2.1.5. Roadways, Curbs and Gutters
 - 2.1.6. Roofs
 - 2.1.7. Exterior Materials and Colors
 - 2.1.8. Porches and Decks
 - 2.1.9. Chimneys
 - 2.1.10.HVAC Equipment
 - 2.1.11.Attachments, Satellite Dishes and Antennas
 - 2.1.12.Windows and Shutters
 - 2.1.13.Mailboxes and House Identification
 - 2.1.14.Electric Transformers and Refuse Containers
 - 2.1.15.Pools, Therapy Pools and Spas
 - 2.1.16.Play Equipment
 - 2.1.17.Remodeling and Additions
 - 2.2. Building Envelopes and Driveways.
 - 2.2.1. Building Envelopes.
 - 2.2.2. Driveways, Sidewalks and Utilities
 - 2.3. Fences and Walls.

- 2.3.1. Location and Design
- 2.3.2. Front Yard
- 2.3.3. Maximum Height
- 2.3.4. Retaining Walls
- 2.4. Grading and Drainage.
 - 2.4.1. Grading and Excavating
 - 2.4.2. Drainage
- 2.5. Erosion and Sediment Controls.
- 2.6. Protection of Vegetation
 - 2.6.1. Inside Building Envelope
 - 2.6.2. Outside Building Envelope
- 2.7. Maintenance of Natural and Introduced Vegetation or Landscaping
- 2.8. Exterior Lighting
- 2.9. Tennis Courts
- 2.10. Landscape Design
 - 2.10.1. Design Criteria
 - 2.10.2. Landscape Submittal Requirement
 - 2.10.3. ARB Responsibility
- 3. Design Review Procedure**
 - 3.1. Approval Process and Procedures
 - 3.1.1. Process Steps
 - 3.2. Reserved
 - 3.3. Final Plan Approval
 - 3.4. Plan Rejection
 - 3.5. Reserved
 - 3.6. Failure of the ARB to Act
 - 3.7. Address of ARB
- 4. Diligent Construction**
- 5. Zoning and Other Governmental Regulations**
- 6. Signs**
- 7. Final Survey**

**ARCHITECTURAL DESIGN GUIDELINES
THE VILLAGE AT HILTON
PHASE I**

1. Overview

1.1. The Guidelines The Village at Hilton Phase I is a residential brick neighborhood near Chapin, South Carolina.

The following Architectural and Landscaping Design Guidelines (the “Guidelines”) have been developed to aid homeowners, architects, builders, design professionals, landscape architects and designers in the understanding of what The Village at Hilton Phase I neighborhood is to be, and how to accomplish the goals of the development as a whole. The residents of The Village at Hilton Phase I can respond to the natural environment by encouraging quality, respect for the land and attention to detail, by creating a traditional theme and consistency in improvements. By so doing, the serenity and beauty can be preserved and the property values can be protected and enhanced. In this regard, these Guidelines are intended to provide direction to lot owners, architects, builders and the design team in the planning, design and construction of their residences.

Further, these Guidelines are established to be used in harmony with the covenants, restrictions and codes that are noted on deeds, plats, and the Declaration of Covenants and Restrictions for The Village at Hilton Phase I. The provisions of these Guidelines shall not be construed as absolute rules or binding on The Village at Hilton Phase I Architectural Review Board (ARB), as they may not contain all building uses, materials, easements, setbacks, deed restrictions, etc. which may apply to each individual lot. Therefore, each homeowner and builder should familiarize themselves with the various applicable codes and building regulations.

1.2. Authority These Guidelines are established by Green Earth Development, LLC, (the “Declarant”) pursuant to The Village at Hilton, Declaration of Covenants, Conditions and Restrictions.

These Guidelines shall be administered by an Architectural Review Board (“ARB”) established by the Declarant and consisting of a minimum of two persons appointed by the Declarant, neither of which need, but may be employees of the Declarant. Prior to commencing the preparation of Final Plans, it shall be the responsibility of each Lot Owner to obtain from the ARB the most current version of these Guidelines (and all amendments hereto). All Final Plans shall be prepared in compliance with the most current version of these Guidelines (and all amendments hereto) that have been promulgated by the ARB as of the date Final Plans are submitted to the ARB. All plan submittals to the ARB will be retained.

1.3. Applicability to Lots. As to any platted Lot in Phase I (hereinafter referred to as "Lot") sold to builders or consumers, no Improvements may be commenced, erected or maintained until the ARB has given its written approval of Final Plans under Paragraph 3.3 below, and given its written Approval to Commence construction under Paragraph 3.5 below, pursuant to these Guidelines, including any amendments or revisions hereto in effect on the date such Final Plans are submitted to the ARB.

These Guidelines shall apply to all such Lot Owners and builders at The Village at Hilton Phase I, and any reference herein to an "Owner" shall also apply to the Owner's builder and subcontractors.

1.4. Advisory Design Professionals. The ARB may retain an architect and/or other design, landscaping and construction professionals to advise it in the plan review and approval process. Lot Owners and builders may wish to consult with these professionals on a preliminary, informal basis with questions about the design intent of these Guidelines and their application to the overall design or design features of individual houses and landscaping. Since these professionals will be advisors only, their views and opinions will be considered by, but will not be binding on, the ARB. The ARB will make the names and telephone numbers of these professionals available on request.

1.5. Definition of "Improvements". The term "Improvements" shall mean and include any and all man-made changes or additions to a Lot, connecting to or appurtenant to a Lot, including but not limited to the location, materials, size and design of all buildings (including any exterior devices attached to or separate from buildings, such as heating and air conditioning equipment, solar heating devices, antennae, satellite dishes, clothes lines, etc.), storage sheds or areas, roofed structures, parking areas, fences, "invisible" pet fencing, pet "runs", lines and similar tethers or enclosures, walls, landscaping (including cutting of trees), hedges, mass plantings, poles, driveways, ponds, lakes, changes in grade or slope, site preparation, swimming pools, hot tubs, Jacuzzis, tree houses, basketball goals, skate ramps and other sports or play apparatus, signs, exterior illumination and changes in any exterior color or shape. The definition of Improvements includes both original Improvements and all later changes to Improvements. However, the definition of Improvements does not include the replacement or repair of Improvements previously approved by the ARB, provided that such replacement or repair does not change exterior colors, materials, designs or appearances from that which were previously approved by the ARB.

1.6. Philosophy. These Guidelines have been developed to implement the design philosophy of The Village at Hilton Phase I. Specifically, to blend structures and resident lifestyles into a harmonious and aesthetically pleasing residential community while placing a strong emphasis upon the preservation and enhancement of the natural beauty of The Village at Hilton Phase I. These Guidelines are intended to provide direction to Lot Owners and builders in the planning, design, and construction of their

residences. The purpose of these Guidelines is to create a theme and consistency in Improvements with an emphasis upon quality of design and compatibility among all Improvements. No one residence, structure, or other Improvement should stand apart in its siting, design, or construction so as to detract from the overall environment or appearance of The Village at Hilton Phase I.

2. Design Guidelines. The statements and guidelines in these Guidelines shall be explanatory and illustrative of the general intent of the development of the Lots and are intended as a guide to assist the ARB in reviewing preliminary plans, the Final Plans and other submittals; the provisions of these Guidelines shall not be construed as absolute rules binding on the ARB. The ARB may issue changes to these Guidelines from time to time due to changing requirements of governmental agencies and financial institutions; due to the evolution of the state of the art of community planning and development; due to changes in technology including changes in materials; and due to other considerations as determined by the ARB.

2.1. Buildings.

2.1.1. Dwelling Types. Each Lot may contain only one detached single-family private dwelling and only such other accessory structures as approved by the ARB.

2.1.2. Dwelling Size. The square footage requirements as set forth below are for enclosed heated floor area and are exclusive of the areas in unheated basements, bonus rooms, vaulted ceiling areas and attics, unheated porches of any type, attached or detached garages, and unheated storage areas, decks and patios.

Any dwelling erected upon any Lot shall contain not less than the following heated floor areas (unless provided otherwise in the Phase Declaration applicable to the Lot):

Lot Number	Minimum Square Footage
47-63, 72	1,500 Square Feet
30-46, 64-71, 73-83	1,800 Square Feet
1-29	2,000 Square Feet
84-86	2,500 Square Feet

2.1.3. Maximum Height. The maximum height for a house is two and one-half (2 1/2) stories above ground; provided, that the ARB shall have the right, because of steep topography or similar reasons, to allow greater heights on rear and side elevations, i.e., a walkout basement configuration. Notwithstanding the above, the house may not exceed the currently adopted Richland County and Lexington County building height restrictions.

2.1.4. Garages. Side loading garages are preferred, but not mandatory. Single bay garage doors are preferred over double width doors. All insulated interior walls to be hung, bedded and taped. Ceilings of garages must be finished. Carports are not

allowed. All ducts, pipes and wiring in garages shall be concealed from view above the level of the finished ceiling. Unless the ARB otherwise allows in its sole discretion, the garage turnaround area must provide for a minimum of twenty-six foot (26') back up distance, with an additional three foot (3') buffer between the edge of the driveway and the property line (total minimum of 29').

2.1.5. Roadways, Curbs and Gutters. Roadway, curbs and gutters have been designed and construed to meet county standards. Any changes to the original design is strictly prohibited, i.e., curb ramps, etc.

2.1.6 Roofs. The main structure pitch or slope should not be less than 8:12 unless otherwise approved by the ARB. Porches, breezeways, and other secondary structures may be less.

Roofs and roof pitches should be in proportion to the overall size and shape of the house. All specific roof materials to be used must be approved in writing prior to commencement of construction. Roof vents, roof power vents, plumbing vent pipes and skylights are discouraged on roofs visible from any street. Roof vents, roof power vents, rain diverters, skylight housings, plumbing vent pipes and non-copper flashing shall be painted to blend with the roof shingles, except that flashing applied to vertical surfaces may be painted to blend with the vertical materials where more appropriate. Any other roof treatments or features (i.e., ridge vents) shall be so noted on the architectural plans and approved by the ARB.

2.1.7. Exterior Materials and Colors. Exterior wall material shall be brick. Vinyl siding is permitted on soffits and eaves only. Stucco trim and accents may be used as approved by the ARB. Exterior Insulation Finish Systems (EIFS) materials will not be permitted. Imitation brick-like materials are not approved.

The exterior colors and materials used on a house should blend together to create a harmonious whole and color schemes are subject to the approval of the ARB. To this end, samples of proposed exterior materials and colors must be submitted as part of the Final Plans. Exposed concrete foundations are not approved.

2.1.8. Porches and Decks. Porches and decks should be designed with substantial, well-proportioned railings, flooring and support posts meeting building code requirements. The size and design of porches and decks should be architecturally compatible with the house.

2.1.9. Chimneys. Chimneys should be full foundation based and made of brick. Metal flues are not recommended for use in The Village at Hilton Phase I

2.1.10. HVAC Equipment. No air conditioning or heating apparatus shall be installed on the ground in front of, or attached to any front wall of, any residence on a Lot. Air conditioning or heating apparatus shall be screened from view from the street by landscaping and/or approved fencing.

2.1.11. Attachments, Satellite Dishes and Antennas. No permanent attachments of any kind or character whatsoever (including, but not limited to, television and radio antennas, solar energy-related systems, satellite or microwave dishes or similar improvements) shall be made to the roof or exterior walls of any building or otherwise placed or maintained on any Lot unless such attachments or devices are approved in advance in writing by the ARB. An owner generally may have one freestanding receiving satellite dish or disc not to exceed twenty-four inches (24”) in diameter. Any such devices approved by the ARB shall be located in the rear of the house as approved by the ARB and shall not be visible from the street.

2.1.12. Windows and Shutters. Thermal pane windows are preferred, and exterior storm windows generally will not be permitted. If shutters are used, each should be one half (1/2) the window width. No shutters are allowed on triple window units.

2.1.13. Mailboxes and House Identification. All mailboxes and newspaper boxes must be of a standard color, size and design as approved by the ARB. House numbers may be displayed on buildings or mailboxes only as approved by the ARB. Each home shall be identified by numerals to coincide with the 911 numerical listing. Review applicable ordinances requiring posting and location prior to selecting location on the residence.

2.1.14. Electric Transformers and Refuse Containers. All electric transformers and all refuse containers stored outdoors must be screened from view by methods, and with materials, approved by the ARB. Builders must consult with applicable service or utility provider prior to planting near or around the transformers.

2.1.15. Pools, Therapy Pools and Spas.

Swimming pools must be inground and located to the rear of the residence. Pools will not be allowed outside of the Building Envelope area, except in limited circumstances as approved by the ARB. Pool decks may encroach outside the Building Envelope area if at or within two (2) feet of natural grade and no closer than ten (10) feet to any property line and the location complies with Richland or Lexington County regulations. Pool and pool equipment enclosures must be architecturally related to the residence and other structures in their placement mass and detail. Such structures shall be screened or treated so as to avoid distracting noise and views. Screened enclosures of tubular design will not be approved over pools. Pool slides are not allowed unless low in vertical profile. Pump houses and filter rooms will be integrated into the landscape and compliment the home’s detailing.

2.1.16. Play Equipment. Elements of a planned park or playground, swing sets and similar outdoor play areas, structures and equipment will be constructed out of wood and located where they will have a minimum impact on adjacent Lots and where they will be best screened from general public view. Unless otherwise approved by the ARB, such play equipment must be located in the middle third of the rear of the Lot.

The types of materials allowed are subject to the approval of the ARB. Basketball goals by type, construction and location must be approved by the ARB. Generally, the requirement will be a look-through glass backboard supported by a black metal pole and movable base if approved for locations other than the rear of the lot.

2.1.17. Remodeling and Additions. Lot Owners desiring to remodel existing Improvements and/or to construct additions to existing Improvements shall follow these Guidelines as if such remodeling or additions were new construction. All criteria governing site location, grading and excavating, structures, roofs, landscaping and aesthetics will apply to remodeling and additions to the same extent as to new construction. Possible future Improvements or additions that will be of particular concern to the ARB are skylights and solar collectors, recreational features, lighting, antennas and satellite television equipment. ARB approval is required for remodeling and additions just as it is for new construction. Renovation and addition plans must be submitted to the ARB for approval in accordance with this section of these Guidelines, accompanied by an Additions/Renovations Review Fee of \$150.00. Plans and fee should be sent directly to **George McConnell, Jr., Architect, 108 Quiet Cove Dr., The Peninsula at Timberlake, Chapin, SC 29036.**

2.2. Building Envelopes and Driveways.

2.2.1. Building Envelopes. Lots are located within the zoning jurisdiction of Richland County or Lexington County and the County's zoning setback requirements will be shown on the recorded plat.

2.2.2. Driveways, Sidewalks and Utilities. In general, a distance equal to at least one-half (1/2) the Lot frontage should separate driveways on the same side of the street. This will not be possible in all situations, particularly on cul-de-sac lots, corner lots, fan lots, or flag lots, but should be applied wherever practical. Driveways should be constructed of brick, lightly brushed concrete or stamped concrete.

2.3. Fences and Walls.

2.3. Location and Design. The ARB, prior to any fence installation, must approve the location, materials, size and design of all fences and walls in advance and in writing. Examples of preferred fence and wall designs will be provided by the ARB. Wood and vinyl fence material will not be allowed.

2.3.1 Patio Lots 47-57 and 58-63. Patio Homes on Hilton Commons Court shall have a common brick fence between and at the rear of each home. The brick style and color shall match that of the main entry brick sign.

Once one (1) approved fence or wall has been erected on a side or rear lot line, that approved fence or wall generally will be the only approved fence or wall to be erected on that lot line. In other words, double fencing by adjoining Lot Owners will not be allowed on side or rear lot lines.

2.3.2. Front Yard. No fence or wall shall be erected in a front yard.

2.3.3. Maximum Height. Fences and walls shall not exceed six (6) feet in height unless the ARB in its sole discretion permits in writing a higher fence.

2.3.4. Retaining Walls. The use of retaining walls on Lots will generally be permitted where their omission would result in excessive slopes, erosion, excessive maintenance or extensive clearing. Retaining walls visible from streets, from The Village at Hilton Phase I, from adjoining Lots must be constructed of, or faced with, material of a type approved by the ARB. All such walls must be designed to be structurally sound and property drained.

2.4. Grading and Drainage.

2.4.1. Grading and Excavating. The design and development philosophy for The Village at Hilton Phase I calls for the utilization and enhancement of the existing natural environment. The ARB is particularly conscious of site design and seeks to ensure that each residence blends aesthetically with the natural site features and existing terrain of the Lot and neighboring Lots. To help ensure compliance with this philosophy, as part of the Final Plans a Lot Owner must submit a site plan. No grading shall be permitted on a Lot without first obtaining such authorization from the ARB.

The creation of fill sections to artificially elevate residences will generally be disallowed. In the event of a low-lying home site or in areas where such artificial elevation will not adversely affect views from surrounding Lots, filling to provide elevation may be acceptable.

2.4.2. Drainage. Generally, each Lot should be graded such that water drainage onto adjoining Lots is avoided; slopes should be created to direct runoff to the nearest natural drainage areas or storm drainage facilities. Water runoff and control is the responsibility of each Lot Owner relative to such Owner's Lot. The water runoff shall be handled in such a manner as not to adversely affect any neighboring Lot. (silt screens may be required). Particular care must be taken on Lots fronting the lake and other amenities to protect those areas (silt screens **will** be required). The drainage for each lot must comply with the master drainage plan for Phase I and each lot must be graded to so comply.

2.5. Erosion and Sediment Controls. During any clearing, grading and construction activities on a Lot, all run-off, erosion, and sediment beyond that which occurs in the natural, undisturbed condition of the Lot must be contained within the Building Envelope. In addition, individual trees or tree groups within the Building Envelope, which are designated for preservation, must also be protected from run-off, erosion or sediment damage.

2.6. Protection of Vegetation. The existing trees at The Village at Hilton

Phase I are a prized natural amenity, which add value to the community in a multitude of ways. The Village at Hilton Phase I exercised care to retain much of the existing vegetation in the design of the land plan for The Village at Hilton Phase I; and Lot Owners, their builders and contractors are expected to continue to preserve this valuable resource during the course of construction. Owners are encouraged to save as many trees as possible on each lot and especially trees at the front, sides and rear. Also, owners and builders need to be aware that covering of tree roots with large amounts of fill/soil can cause trees to die within two or three years.

2.6.1. Inside Building Envelope. In the site planning and placement of a residence, consideration shall be given to preserving mature trees (as defined below) located within the Building Envelope. Equipment used for the removal of trees inside the Building Envelope shall be operated in a manner to avoid damage to vegetation outside the designated clearing area.

2.6.2. Outside Building Envelope. No trees may be removed from any Lot in violation of County ordinances and regulations. All builders and owners shall take all reasonable steps necessary to protect mature trees during construction including fencing and other types of barricades. All trees deemed significant by the ARB must be barricaded for protection as determined by the ARB.

2.7. Maintenance of Natural and Introduced Vegetation or Landscaping. Each Owner is responsible for maintaining in a healthy condition all natural and introduced vegetation on its Lot. Removal of dead or diseased plant material must be done on a regular basis in accordance with the best practices for the plant material involved. This is typically prior to, or at the end of, the growing season for that vegetation type. Maintenance of plant materials and landscaping required of the Owner includes all planting beds, trees, shrubs, flowers, ground cover and lawn areas, including any pine straw covered areas. The ARB shall have the authority to visit and inspect Lots on a regular basis or at times that, in its opinion, are appropriate for such inspections to determine if proper care and healthy condition of all plant materials and landscaping is being maintained. If an Owner fails to maintain all plant materials within a Lot in the manner described herein, the ARB may remedy such failure by whatever methods it deems necessary and appropriate. The Owner shall reimburse the ARB for all expenses incurred by it in performing its duties under this Paragraph.

2.8. Exterior Lighting. Exterior lighting, other than lampposts, must be limited to areas within the Building Envelope. Exterior lighting cannot result in excessive glare and must not interfere with the privacy of nearby dwellings, all as determined by the ARB in its sole discretion. Exterior lights such as lampposts, etc., that may be generic to the community shall be maintained in working order by the Owner. If an Owner fails to maintain such lights within a Lot in the manner described herein, the ARB may remedy such failure by whatever methods it deems necessary and appropriate. The Owner shall reimburse the ARB for all expenses incurred by it in performing its duties under this paragraph.

2.9. Tennis Courts. Tennis courts and practice backboards will not be allowed on Lots. Lighting for similar recreational improvements is prohibited.

2.10. Landscape Design. The Village at Hilton Phase I has been planned utilizing the natural elements as much as possible. Various hardwoods, dogwoods and pine trees are plentiful within the community, and it is the ARB's intent to maintain this landscape integrity. When reviewing specific landscape plans, the ARB will consider the various relationships of house to site, house to house, views, prevailing breeze, solar orientation, the lake and other amenities. When reviewing specific landscape plans, decisions regarding specific landscape plans to ensure that the overall beauty of the community is preserved and enhanced, the ARB has the authority to approve or disapprove landscape plans for individual residences.

2.10.1. Design Criteria. A fundamental design criterion is the need for gardens and lawns to harmonize with the native vegetation, terrain and natural beauty of the community. Throughout The Village at Hilton Phase I, many fine native, mature, specimen trees exist. Many are in prominent view from the streets, giving them special significance. In order to recognize and protect as many of these trees as practically possible, an Owner must obtain from the ARB prior written approval before any tree is removed from any Lot. Owners will be encouraged to landscape their lots with plant material which is indigenous to the area and leave untouched as much as possible the existing vegetation and natural amenities. A minimum of two 2-inch (base) mature trees will be required in the front yard of each lot.

2.10.2. Landscape Submittal Requirement. Landscaping of front and side yards, including sod, must be completed within 90 days of occupancy; otherwise the ARB shall have the discretion and authority to fine Owners up to \$100.00 per day from date of occupancy until the landscaping is completed. However, depending on the season, conditions, and heat, the ARB may agree, by written variance, to permit plants not tolerant of existing conditions for planting at the time of occupancy to be planted on a schedule as set out in such written variance. The landscape plan must show all proposed site structures and features including drives and turnarounds, walks, patios, decks, fences, pools, spas, mailboxes, utility boxes and any other site features. Utility, trash, air conditioning and other visual screens should also be noted. Existing vegetation to remain should be specifically located and labeled.

The location and type of all proposed planting must be accurately described on the plan. Areas to be mulched or planted as a lawn should also be shown. Mulching, preferably with pine straw, is required for all planted areas and within areas ten (10) feet from any structure, lawn, or plantings. Irrigation systems are strongly encouraged for the entire yard. All irrigation systems must be on the City of Columbia water system or other system approved in writing by the ARB. No wells will be permitted in The Village at Hilton Phase I unless approved in writing by the ARB. No irrigation system which draws water from Lake Hilton will be permitted.

2.10.3. ARB Responsibility. On its review, the ARB will take into consideration all elements of the individual landscape plan and plant materials selected. In addition to

the already established natural vegetation, many other plant types will be acceptable for use within the community.

3. Design Review Procedure for New Home Construction, Additions and Renovations.

3.1 Approval Process and Procedures.

3.1.1. Process Steps. The following sequence has been established to provide a systematic and uniform review process of all proposed addition and renovation designs, plans and construction at The Village at Hilton Phase I. Any deviation from the procedures could cause unnecessary delay or additional costs.

3.2. Reserved.

3.3. Plan Approval. Final plans and specifications for all new home design or home improvements proposed to be constructed on any Lot shall be submitted in duplicate to the ARB for approval or disapproval. Specific graphic presentation requirements are listed in **Appendix D**. Final Plans submitted for approval must be accompanied by the Architectural Review Fee of \$150 for improvement projects or \$300 for new home design. Each building lot is considered a "new home design" and subject to a complete architectural review process. Checks should be made payable to George McConnell, Jr., Architect, and both plans and fee mailed or delivered to 108 Quiet Cove Drive, The Peninsula at Timberlake, Chapin, SC 29036. The necessary submittal forms and checklists to accompany the plans and specifications are outlined in **Appendix D**.

3.4. Plan Rejection. If found not to be in compliance with these Guidelines or if found to be otherwise unacceptable to the ARB, one set of Final Plans shall be returned to the Owner marked "Disapproved", accompanied by a written statement of items found not to be in compliance with these Guidelines or otherwise unacceptable. Mr. McConnell will work closely with owners and builders to modify/correct any design deficiencies.

At such time as the Final Plans meet the approval of the ARB, an approval letter will be sent to the owner or builder as appropriate. All submittals will be retained by Mr. McConnell. Once the ARB has approved the Final Plans, construction must be promptly commenced and diligently pursued to completion. If such construction is not commenced within six (6) months following the date of approval, such approval shall be deemed rescinded. Before construction can thereafter be commenced on the portion of the Property in question, the Plans must again be approved by the ARB pursuant to Paragraph 3.3.

Any modification or change to the "Approved" set of Final Plans must again be submitted in duplicate to the ARB for its review and written approval, and an additional review fee may be required.

3.5. **Reserved.**

3.6. **Failure of the ARB to Act.** If the ARB fails to approve or disapprove any Final Plans or other submittals which conform (and which relate to Improvements which will conform) with the requirements hereof or to reject them as being inadequate or unacceptable within thirty (30) business days after receipt thereof, and provided such submittal was a full and complete submittal, in accordance with these Guidelines, of all items that were to have been submitted to the ARB, and provided the ARB shall again fail to approve or disapprove of such Final Plans or other submittals within ten (10) business days after additional written request to act on such items is delivered to the ARB following the passage of the above described thirty (30) business day period, it shall be conclusively presumed that the ARB has approved such conforming Final Plans and other submittals, EXCEPT that the ARB has no right or power, either by action or failure to act, to waive or grant any variances relating to any mandatory requirements specified in the Declaration of Covenants, Conditions and Restrictions, except where variances shall be expressly permitted therein and EXCEPT FURTHER, that the ARB shall not be deemed to have waived any of the requirements set forth in Paragraphs 3.1.1, 3.2, 3.3, 4 or 5 of these Guidelines. If Final Plans or other submittals are not sufficiently complete or are otherwise inadequate, the ARB may reject them as being inadequate or may approve or disapprove a portion of the Final Plans, conditionally or unconditionally, and reject the balance.

3.7. **Address of ARB.** The address of the ARB for delivery of plans and all notices shall be as follows:

**George McConnell, Jr., Architect
108 Quiet Cove Drive
The Peninsula at Timberlake
Chapin, SC 29036**

4. **Diligent Construction.** All Improvements to be constructed on a Lot must be completed within one (1) year following commencement of construction of the first of such Improvements, unless a longer time is approved in writing by the ARB.

5. **Zoning and Other Governmental Regulations.** In addition to complying with the requirements imposed by this Association, the Owner of any Lot must comply with all zoning and other applicable governmental laws, rules and regulations. Approvals by the ARB pursuant to these Guidelines shall in no event be construed as representations or warranties that the Owner's plans, Final Plans or Improvements comply with any such governmental requirements.

6. **Signs.** No signs may be placed on a Lot except for signs approved in writing by The Village at Hilton Phase I, or its authorized agents or otherwise approved of in writing by the ARB. The only other signs or documentation that may be posted at a

residence or on a Lot during construction are grading and building permits. Business signs or other forms of advertisement not approved in writing by ARB are not permitted. Grading and building permits must be attached to a post in a manner protected from the elements; in no event may building permits or any other signage or documentation be attached to trees.

7. Final Review. Upon substantial completion of a residence or other improvements on a Lot, the ARB will inspect the “as-built” project to assure that the project complies with the Final Plans approved by the ARB.