

THE OVERLOOK AT CHERRY CREEK

HOMEOWNER'S RULES AND REGULATIONS

Adopted by

The Overlook at Cherry Creek Homeowners Association

Revised on March 18, 2021

INTRODUCTION

The following Rules and Regulations have been established by The Overlook at Cherry Creek HOA to ensure that all residents enjoy a pleasurable living environment and to enhance residential values. These Rules and Regulations may be adopted, amended, repealed, and enforced as the Board deems to be reasonable and necessary. These Rules and Regulations are enforceable under the authority of The Overlook at Cherry Creek HOA's Declaration and Bylaws and Colorado law.

Any Member may report violations of the Declaration or these Rules and Regulations. Reports of violations by Members should be submitted in writing to The Management Trust at 3091 S Jamaica Ct, Suite 100, Aurora, CO 80014: 303-750-0994 describing the nature of the violation and the date and time of occurrence.

Nuisance or Annoyance

Activities or uses that create an annoyance or nuisance to others are prohibited, particularly those that may potentially detract from residential values and the quality of life within the community. Examples of nuisance or annoying activities would include, but are not limited to, exterior sound systems that create noise beyond property lines such as speakers, horns, whistles, wind chimes or other sound devices; exterior lighting that is not screened to avoid annoyance to neighboring residents; and the accumulation of rubbish or debris of any kind. Offensive language, personal insults and other forms of verbal harassment between Members, or between Members and association vendors, are expressly prohibited.

Business and Occupancy Use Restrictions

The Overlook at Cherry Creek is intended for residential use only and any business or commercial activity is restricted, pursuant to Section 9.3, Amendment 2 of the Declaration. A Resident may use a Residence for a professional or home occupation provided applicable zoning ordinances are not violated, there is no evidence thereof, and it does not materially increase traffic or increase the insurance obligation or premium of the HOA. No Residence shall be used for the creation of a time share or for transient or hotel purposes, or used as a "Day Care" or "Child Care" facility.

Each Residence shall be restricted to use as a single family residence. No more than five unrelated individuals may share a Residence, constituting a single housekeeping unit.

Leasing

Leasing of a Residence is restricted, pursuant to Section 9.7, of the Second Amendment to the Declaration of Covenants, Conditions and Restrictions of Overlook at Cherry Creek. All leases should be presented to the Board in advance to determine their compliance with the Declaration. The Owner of the lease Residence is responsible for providing a redacted copy (financial terms removed) of the lease to the Association. The Owner is also responsible for providing a copy of the Documents, including these Rules and Regulations, to the tenant. The Association shall be informed of the name, phone number, email address, and vehicles of all tenants.

All tenants are subject to the provisions of the Governing Documents, including any sanctions for violations thereof.

All leases must be for an initial term of not less than 12 months, except with written Board approval.

Residences may be leased only in their entirety, and no fraction or portion of a dwelling unit may be leased. There shall be no subleasing or assignment of leases without prior written Board approval.

Pursuant to Section 9.3, of the Second Amendment to the Declaration of Covenants, Conditions and Restrictions of Overlook at Cherry Creek, no more than five unrelated individuals may share a Residence, constituting a single housekeeping unit.

OWNERS ARE IN ALL CASES RESPONSIBLE FOR ANY AND ALL INFRACTIONS OF THESE RULES AND REGULATIONS AND OTHER GOVERNING DOCUMENTS COMMITTED BY THEMSELVES, THEIR TENANTS, FAMILIES, GUESTS, INVITEES, AND LICENSEES. RESIDENTS ARE RESPONSIBLE FOR THEIR BEHAVIOR AND THAT OF ANY CHILDREN LIVING OR VISITING WITH THEM.

Animals

Each Resident may keep no more than two each of dogs, cats, or other domestic animals which are bona fide household pets. Service animals are excluded from this limit.

No livestock, poultry, insects or other non-domesticated animals of any kind shall be raised, bred, kept or boarded in or on any Lot. Also prohibited are kennels for boarding dogs or other animals for commercial purposes.

No animal or pet of any kind shall be permitted which, in the opinion of the Board, might be dangerous or which makes an unreasonable amount of noise or odor, or is otherwise a nuisance. Dogs shall be kept on leashes, except while in a fenced area on the pet owner's property. Dogs may not be leashed in front, back, or side yards for any extended period of time or as a matter of course, nor may they be constrained or staked on the Common Area. Pet containment systems such as underground or invisible wiring are not sufficient constraint.

Each pet owner shall be responsible for cleaning up after their pet on their Lot and upon other parts of the Common Area. Each pet owner shall be responsible for all damage and waste to the Lot of any other

owner or any Common Area caused by any pet in the possession of such pet owner. Pet waste will be cleaned up by owner immediately, and will never be allowed to accumulate.

It is the responsibility of every pet owner to control their pets in such a manner as to ensure they do not interfere with other residents' enjoyment of their property. Owners may be required to remove any animal causing a nuisance or unreasonable disturbance or noise or odor. Noise complaints which cannot be resolved between neighbors should be referred to the city of Aurora at 303-326-8288 or AuroraGov.org/ContactUs.

Vehicles

No recreational vehicle, including but not limited to, trailers of any kind, campers, buses, vans, boats or boat accessories, and trucks larger than ¾ ton, self-contained and other motorized recreational vehicles, all-terrain vehicles, or any other recreational vehicle shall be parked, placed, stored or maintained anywhere within The Overlook at Cherry Creek unless such parking or storage is within an enclosure such that they are not visible from any other Lot or from the Common Elements or from any street in the Community. Commercial vehicles necessary for construction or delivery are not restricted.

No abandoned or inoperable vehicle of any kind shall be stored or parked unless it cannot be seen from any other Lot, the Common Elements or any street within the Community. An "abandoned or inoperable vehicle" is defined as any vehicle that has not been driven under its own propulsion for a period of 72 hours or longer or does not have an operable propulsion system installed. Permitted vehicles parked by owners while on vacation or during a period of illness shall not be deemed abandoned.

All vehicles, including motorcycles and all-terrain vehicles must be properly licensed and may be driven only on driveways and public streets and roadways. The only exception is motorized vehicles used for disability.

No activities such as, but not limited to, maintenance, repair, rebuilding, dismantling, repainting or servicing of any kind of vehicle, trailer or boat, may be performed or conducted unless it is done in a manner and location that screens the sight and sound of the activity from the street and from any other Property. Washing and polishing vehicles are not restricted.

The unposted speed limit within The Overlook at Cherry Creek is 20 mph.

East Saratoga Place is a one way street, westbound only.

Vehicles shall be parked in garages, on driveways, or in the marked overflow parking spaces. Street parking shall be of a temporary nature as an expedience for loading and unloading only and is restricted to daylight hours only. Overnight street parking is prohibited. Marked overflow parking spaces are available to all Members and should not be considered personal spaces.

Landscaping

The overall goal of landscaping within The Overlook at Cherry Creek is to develop a visually pleasing and harmonious neighborhood character. All landscaping shall be consistent with landscaping installed by the Builder or shall be done in compliance with a landscape plan approved by the Board. All planting bed areas are recommended to include some type of mulch or rock for weed control. Recommended mulch types include "Gorilla Hair", Western Red Cedar, Washington Cedar or Idaho Cedar. Only natural color rock may be used, should be in the range of 2" to 4", and must be approved by the Board. Larger decorative rocks can be sparsely placed and limited to 5% of the landscape.

Xeriscape plans should be designed for water conservation, be visually pleasing and harmonious with the neighborhood and must be approved by the Board. Xeriscape plans shall include a combination of rock, mulch, ground cover, plants, shrubs and trees.

Improvements

All improvement to Lots, including residences and landscaping, must first be approved by the Board. Application forms are available from The Management Trust and must contain sufficient detail as to design, height, materials, color, and location as may be required by the Board. All improvements shall conform to and harmonize with the existing surroundings, residences, landscaping and structures.

All awnings and sun or privacy screens, whether temporary or permanent, must be approved by the Board.

All exterior painting or staining shall be in harmony with the existing residences in the neighborhood, or comply with those colors used to paint the house originally. A change in color must be approved by the Board. Surfaces originally unpainted, such as stone or brick shall not be painted or stained. Only those areas initially painted shall be painted, and only those areas initially stained shall be re-stained. Approved colors are available from TMT or the Board.

All interior fences which may be visible from adjacent properties or streets shall be subject to approval by the Board. Fencing shall be installed in such a manner that it does not interfere with established drainage flows. Fencing shall not be permitted in front yards. Fences shall be adequately maintained by the Owner who installed the fence or on whose Lot the Builder placed a fence.

All retaining walls shall be subject to prior approval by the Board. Retaining walls, which adversely affect drainage flow patterns or divert runoff onto other properties, are prohibited.

No changes to final property grades or established drainage patterns shall be permitted unless approved in advance by the Board. No grading may be proposed that diverts water onto adjacent properties or significantly alters existing drainage patterns.

Trash and Refuse

All trash, refuse, garbage, lumber, grass, shrub or tree clippings, plant waste, metal, bulk materials, scrap or debris of any kind shall be kept in a suitable container with attached lid and out of public sight. Suitable container shall be kept in a clean and sanitary condition. Containers may be placed curbside the evening prior to pick-up and should be retrieved within 24 hours and returned to storage out of public sight.

Storage

No unsightly articles may remain on any Lot if visible from adjoining property or public view. Garden and maintenance equipment shall be kept at all times, except when in actual use, out of sight. Hoses will be contained in an appropriate hose caddy or wound onto a hose reel when not in use.

The storage of vehicles and unsightly materials, including, but not limited to, trash, trash cans, building materials, boards, unlicensed vehicles, trucks, RV's, trailers, motorcycles, snowmobiles, garden supplies and shrub or tree clippings shall be prohibited.

No tent, shack or other temporary structures shall be placed on any Lot for the purpose of storage.

Miscellaneous

Antennae Except as allowed by federal statutes and regulation, no exterior antennae, microwave dish, satellite dish, satellite antenna, satellite earth station or similar device of any type shall be erected, installed or maintained on a Lot without Board approval. Each Lot may install one antenna, of no more than one meter in diameter, in the least conspicuous location available on a Lot.

Awnings and Sun Screens All awnings and sun screens, whether temporary or permanent, must be approved by the Board.

Clothesline Clotheslines shall be prohibited unless they are screened from view from adjacent Lots and public streets. Garments, rugs and other such items may not be hung or draped over any exterior area visible to others.

Colors All exterior painting or staining shall be in harmony with the existing residences in the neighborhood, or comply with those colors used to paint the house originally. A change in color must be approved by the Board. Surfaces originally unpainted, such as stone or brick shall not be painted or stained. Only those areas initially painted shall be painted, and only those areas initially stained shall be re-stained. Approved colors are available from TMT or the Board.

Drainage No changes to final property grades or established drainage patterns shall be permitted unless approved in advance by the Board. No grading may be proposed that diverts water onto adjacent properties or significantly alters existing drainage patterns.

Driveways Modifications to driveways shall not be permitted, including the addition of new vehicular access points or widening of driveways to a width greater than the width of the garage door without

prior approval of the Board. Cracking and spalling of concrete in driveways shall be repaired and oil stains removed. Pressed or stamped concrete is not permitted in driveways.

Fencing All interior fences which may be visible from adjacent properties or streets shall be subject to approval by the Board. Fencing shall be installed in such a manner that it does not interfere with established drainage flows. Fencing shall not be permitted in front yards. Fences shall be adequately maintained by the Homeowner who installed the fence or on whose Lot the Builder placed a fence.

Flags One American flag and a service flag bearing a star denoting the service of the owner or occupant of the residence, or of a member of the owner's or occupant's immediate family, in the active or reserve military service of the United States during a time of war or armed conflict may be displayed on the Owner's Lot, subject to the following conditions: (a) the American Flag is displayed in a manner consistent with the U.S. Flag Code; and (b) the service flag is in good condition and is not soiled, tattered or frayed.

Garages Garage doors shall remain closed when not in use. This will present a more orderly appearance and promote visual harmony by screening areas of storage and utility. Doors will be stained in a Board approved color.

Garage Sales No garage, patio, porch, tag or lawn sale shall be held on any Lot without Board approval.

Lighting Exterior lighting which creates an annoyance to adjoining Lots shall not be permitted.

Open Houses No Open House for the purpose of showcasing a Lot offered for sale shall be held without Board approval.

Outdoor Storage The storage of vehicles and unsightly materials, including, but not limited to, trash, trash cans, building materials, boards, unlicensed vehicles, trucks, RV's, trailers, motorcycles, snowmobiles, garden supplies and shrub or tree clippings shall be prohibited.

Parking Vehicles shall be parked in garages, on driveways, or in the marked off-street overflow parking spaces. Street parking shall be of a temporary nature as an expedience for loading and unloading only. Motor vehicles of occasional visitors may be parked on driveways or in designated overflow parking slots. Overnight street parking is prohibited.

Retaining Walls All retaining walls shall be subject to prior approval by the Board. Retaining walls, which adversely affect drainage flow patterns or divert runoff onto other properties, are prohibited.

Seasonal decorations Lighted or unlighted decorations are allowed provided they are temporary in nature, in good taste and repair, and do not create an annoyance to adjoining Lots. Such decorations must be removed from the Lot within 30 days of the expiration of the holiday.

Signage One political sign no larger than 6 square feet per political office or ballot issue that is contested in a pending election is allowed either on a Lot or in a window. Such political signs may be displayed no earlier than 45 days prior to the election and shall be removed no later than 7 days after

the election. One realtor's sign no larger than 3 square feet is allowed advertising that the Lot is for sale or lease. No signs shall be attached to the mailbox kiosk or displayed in the Common Area. Vendor or service provider advertising signs are not permitted.

Spas/Hot Tubs All spas or hot tubs shall be placed in backyards and must be approved by the Board.

Speed Limit The unposted speed limit within The Overlook at Cherry Creek is 20 mph.

Temporary Structures No tent, shack or other temporary structures shall be placed on any Lot for the purpose of storage.

Traffic Flow East Saratoga Place is a one way street, westbound only.

Wind chimes and bells Such devices may be considered a nuisance and owners may be required to remove them if causing an unreasonable disturbance to neighbors.

Wind Turbine No wind turbines or wind mills shall be erected on any Lot or home.

Windows No mirrored glass shall be permitted. No offensive signage shall be placed in any window subject to public view.

Assessment and Fines

In addition to any penalties specified in the Declaration, Bylaws, or other policies adopted by the Association, the Association may levy fines against residents who violate any provision of the governing documents for which no specific penalty is provided.

The assessment and collection of General Assessments, Special Assessments, other charges, costs, interest, fees, fines, or other assessments not specified above are otherwise governed by the Declaration and the Association's Collection Policy.

The voting rights of a Member shall be suspended during any period in which such Member is in default in the payment of any assessment levied by the Association.

In the event that there is any inconsistency between the provisions of these Rules and Regulations and the Declaration, the Declaration shall prevail. The Board may amend, supplement, repeal, replace or modify these Rules and Regulations from time to time as it deems appropriate or convenient. Failure by the Association, the Board or any person to enforce any provision of these Rules shall in no event be deemed to be a waiver of the right to do so thereafter. The provisions of these Rules shall be deemed to be independent and severable, and the invalidity of anyone or more of the provisions hereof, or any portion thereof, by judgment or decree of any court of competent jurisdiction, shall in no way affect the validity or enforceability of the remaining provisions, which shall remain in full force and effect. These rules are intended to be a guide for the enjoyment and safety of residents, for pleasant living conditions, and a means of reminder that each of us has a responsibility to one another and that all residents must be fair to the Association as a whole as well as the individual members.

These rules and regulations are enforceable under the authority of The Overlook at Cherry Creek HOA's Declaration and Bylaws and Colorado law.

The Board of Directors, with the assistance of the management company, shall enforce these Rules and Regulations and the Declaration. Violations of these documents may subject the Owner to fines and/or appropriate legal action.

The Association will make copies of these Rules and Regulations available to all residents.

The Management Company is The Management Trust at 3091 S Jamaica Ct, Suite 100, Aurora, CO 80014, and our manager can be reached at 303-750-0994. Please call this same number to reach a manager on duty outside of regular office hours. IN THE CASE OF EMERGENCY (Risk of loss or limb or property) call 911.

These rules and regulations were duly adopted by The Board of Directors of The Overlook at Cherry Creek Homeowners Association via electronic vote on 3/19/21.

Glen Schlotterbeck



Board President

The Overlook at Cherry Creek Homeowners Association, Inc.