

CROSS REFERENCE Deed Book 787, Page 647

**AMENDED DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR SIGNING TREE PRESERVE**

The undersigned, being the owners of all of that certain real property shown on a plat of survey for Signing Tree Preserve recorded in Plat Book 59, Page 227, Habersham County, Georgia records, a copy of which is attached hereto as Exhibit "A" (the "Property"), said Property being subject to a Declaration of Covenants, Conditions and Restrictions (the "Declarations") recorded in Deed Book 787, Page 647, aforewritten records, hereby amend and modify the Declarations as follows:

Section IV USE RESTRICTIONS, Developer's Right to Repurchase is hereby amended to remove the language requiring commencement of construction within a certain time and shall be replaced in its entirety with the following:

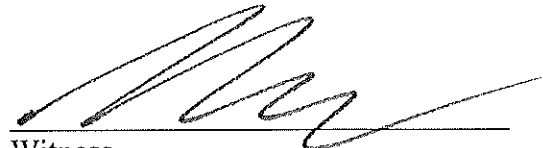
Developer's Right of Repurchase. Each owner shall complete construction of a dwelling on owner's lot no later than eighteen (18) months following commencement of construction. For purposes of this Article, "commencement of construction" shall be deemed to mean the installation of the foundation for the primary residential structure of the Dwelling and "completion of construction" shall be deemed to mean final completion in accordance with the requirements of the DCC and the County (including the installation of all landscaping and other improvements approved by the DCC), and receipt of a Certificate of Occupancy from the County.

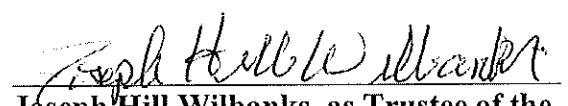
In the event that an Owner fails to complete construction in accordance with the above requirements, the Developer shall have the option to repurchase the Lot from the Owner. The purchase price shall be an amount equal to: the original gross sales price received by the Developer for the Lot. The purchase price shall be paid to the Owner upon the closing of the repurchase. The re-conveyance shall be by Georgia Statutory Warranty Deed, subject only to those matters to which title was subject on the Acquisition Date.

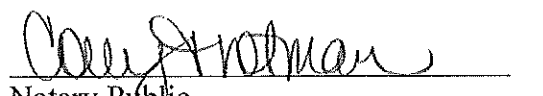
The Developer may, in its discretion, give public notice of its option to repurchase as provided herein, by recording notice thereof in the public records of the County at any time from and after the date upon which the option becomes exercisable. Such notice shall not require the joinder or execution by the affected Owner.

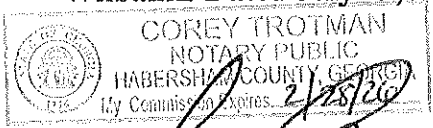
All provisions of the Declaration not modified or amended herein shall remain unchanged and apply to the Property.

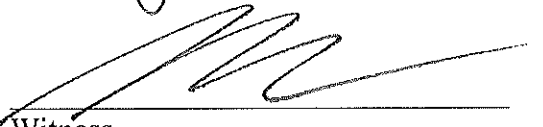
**IN WITNESS WHEREOF**, the undersigned has executed this AMENDED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR SIGNING TREE PRESERVE this 31<sup>st</sup> day of May, 2023.

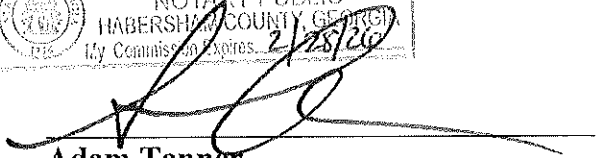
  
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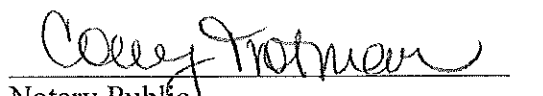
  
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**Joseph Hill Wilbanks, as Trustee of the Revocable Trust of Joseph Hill Wilbanks Dated July 29, 2022**

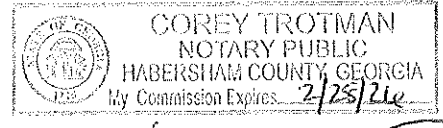
  
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Notary Public

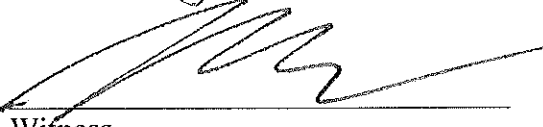


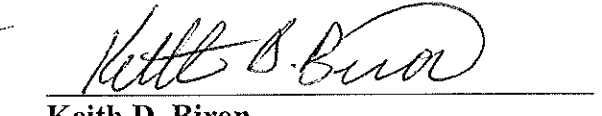
  
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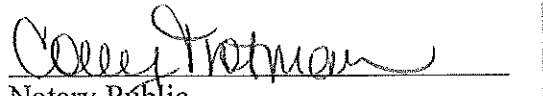
  
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**Adam Tanner**

  
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Notary Public

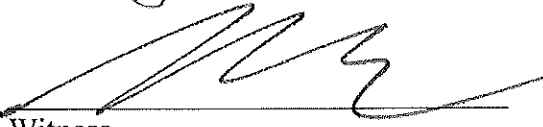


  
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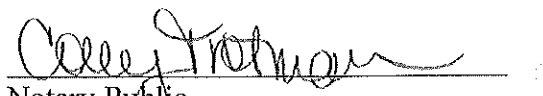
  
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**Keith D. Biron**

  
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Notary Public



  
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Witness

  
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**Judy M. Biron**

  
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Notary Public

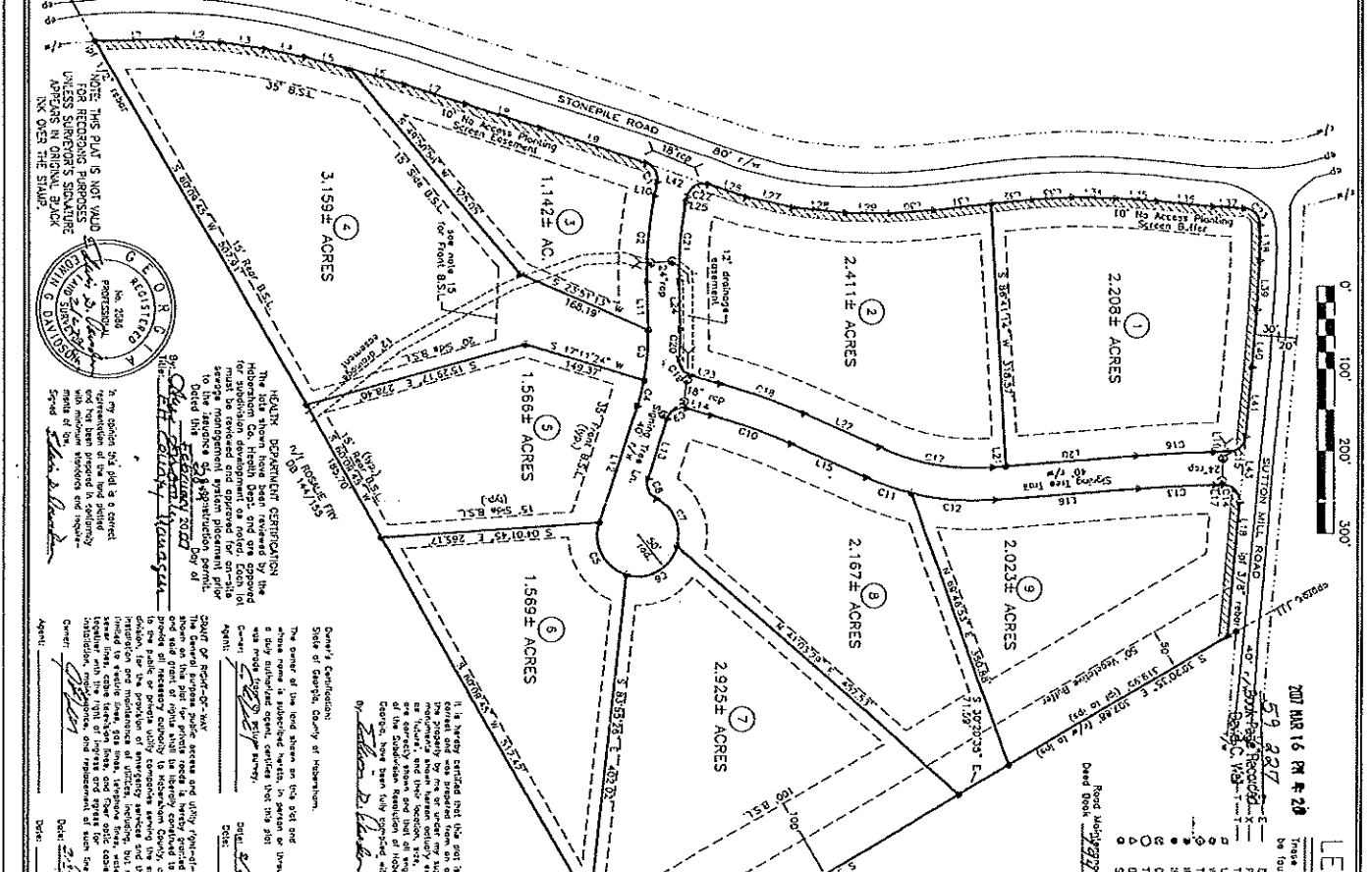


GRADE	ROADS	Avg. ELEVATION	GROUND ELEVATION	CORNER ELEVATION
C1	411.27	104.49	104.27	5.8453329 E
C2	289.09	81.21	81.09	5.8453329 E
C3	289.09	12.76	12.76	5.8453329 E
C4	289.09	78.57	78.57	5.8453329 E
C5	289.09	81.81	81.81	5.8453329 E
C6	289.09	81.81	81.81	5.8453329 E
C7	289.09	32.54	32.54	5.8453329 E
C8	289.09	22.71	22.71	5.8453329 E
C9	289.09	10.81	10.81	5.8453329 E
C10	289.09	80.87	80.87	5.8453329 E
C11	289.09	70.73	70.73	5.8453329 E
C12	289.09	28.33	28.33	5.8453329 E
C13	289.09	12.54	12.54	5.8453329 E
C14	289.09	10.46	10.46	5.8453329 E
C15	289.09	25.53	25.53	5.8453329 E
C16	289.09	24.97	24.97	5.8453329 E
C17	289.09	33.89	33.89	5.8453329 E
C18	289.09	33.89	33.89	5.8453329 E
C19	289.09	27.81	27.81	5.8453329 E
C20	289.09	35.73	35.73	5.8453329 E

- NOTES:
- The land plotted herein is subject to any statements, conditions or restrictions that may exist either in the deed or in any other instrument.
  - The land plotted herein does not lie within a 100 year flood zone or per the FIRM maps for Habersham County and is hereby designated as Community Flood Zone.
  - All corners are set with 1/2" rebar.
  - Drainage easements located in the interior portions of lots 1 through 9 are shown and are owned by the Habersham County Planning Dept. & are shown on the map.
  - All roads to be shown and established by the owner/developer (see Wilson's).
  - This development will have a separate water system and sewerage system and will be tied in when city water & sewer are available.
  - The property line of adjacent to road L.L. is shown.
  - 1/2" of interior & rear property lines.
  - Drainage & Utility easement, each of each side 5' (5' each side of road).
  - 1/2" of driveway & utility easement, each side 5' (5' each side of road).
  - This survey does not extend to the ejection of all easements, utility and land color groupings shown on the map.
  12. A 10' wide easement for a drainage system along the right-of-way.
  13. A 10' wide easement for a drainage system along the right-of-way.
  14. Habersham County has no responsibility to build, maintain, operate, or improve any of the roads shown on this map.
  15. The front B.S.L. for lot 1 shall be 132' at the building line.

Under measurements obtained using Leica Total Station 1103. The date upon which this plot was made is 12/17/2007. This plot has been prepared for change and is found to be accurate within one foot in 12,000 feet. Filed with the County of Habersham, Georgia on 12/17/2007.

Approved to the Land Subdivision Division of Habersham County Planning Department on 12/17/2007. Secretary, Habersham County Planning Commission



**HEALTH DEPARTMENT CERTIFICATION**  
 The lots shown have been reviewed by the Health Department and approved for residential development. This approval is conditional upon the completion of the necessary public sewer and water lines and the installation of the necessary public sewer and water lines. The Health Department is not responsible for the design of the sewer and water lines. The Health Department is not responsible for the design of the sewer and water lines. The Health Department is not responsible for the design of the sewer and water lines.

**DAVIDSON LAND SURVEYING, INC.**  
 E.G. (EDDIE) DAVIDSON, PLS  
 320 BAYVIEW ST.  
 CARROLLVILLE, GEORGIA 30033  
 (706) 754-7989

CA #2564 SS #16127 NC #A-3146 IN # 1897 AL #20050  
 Land Lot: 118 DRIER: 114 503 No.: 127-233  
 Date: 7/23/2007 Scale: 1"=100' Dredge No.: 100-20

**SIGNING TREE PRESERVE**  
 FINAL PLAT  
 THIS PLAT IS FOR THE SOLE AND EXCLUSIVE USE OF THE PARTY NAMED IN THE TITLE BLOCK. ALL OTHERS USE AT THEIR OWN RISK.  
 I, Eddie Davidson, Surveyor No. CA #2564, do hereby certify that this is a true and correct copy of the original plat as shown to me by the owner of the land shown on this plat and that I am a duly licensed surveyor in the State of Georgia.

**ABBREVIATIONS**  
 B.C. = BACKSIGHT  
 B.P. = BENCH POINT  
 I.C. = INTERMEDIATE SIGHT  
 F.S. = FORESIGHT  
 L.P. = LEAST SQUARES  
 L.L. = LINE OF LEVEL  
 L.O. = LINE OF OBSERVATION  
 L.T. = LINE OF TANGENT  
 L.V. = LINE OF VERTICAL CURVE  
 L.W. = LINE OF WATER  
 P. = POINT  
 P.L. = POINT OF LONGITUDE  
 P.S. = POINT OF SIGHT  
 P.T. = POINT OF TANGENT  
 P.V. = POINT OF VERTICAL CURVE  
 P.W. = POINT OF WATER  
 R. = ROAD  
 R.P. = ROAD POINT  
 R.T. = ROAD TANGENT  
 S. = SIGHT  
 S.L. = SIGHT LINE  
 S.P. = SIGHT POINT  
 S.T. = SIGHT TANGENT  
 S.V. = SIGHT OF VERTICAL CURVE  
 S.W. = SIGHT OF WATER  
 T. = TANGENT  
 T.P. = TANGENT POINT  
 T.V. = TANGENT OF VERTICAL CURVE  
 T.W. = TANGENT OF WATER  
 V. = VERTICAL CURVE  
 V.P. = VERTICAL POINT  
 V.T. = VERTICAL TANGENT  
 V.W. = VERTICAL OF WATER  
 W. = WATER  
 W.P. = WATER POINT  
 W.T. = WATER TANGENT  
 W.V. = WATER OF VERTICAL CURVE  
 W.W. = WATER OF WATER

**LEGEND**  
 These standard symbols will be found in the drawing:  
 ELECTRIC  
 TELEPHONE  
 TELEPHONE POLE  
 WELL  
 TELEPHONE BOX  
 IRON PIN SET  
 CONCRETE MONUMENT FOUND  
 IRON PIN IN 2/1"  
 STEAKWATER SAMPLE

**VICINITY MAP** (NOT TO SCALE)  
 Shows the location of the site relative to Stonepile Road and S. Bertie W. Sims St. The site is located at the intersection of Stonepile Road and S. Bertie W. Sims St.

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**EXHIBIT "A"**

Return to:  
WilCorp Inc  
P.O. Box 1261  
Clarkeville, GA 30523

2007 JAN 10 AM 9:01

Book Page Recorded  
David C. Wal

Received: 01/09/2007 4:00  
David C. Wal, C.S.C.  
Habersham County, Ga  
Cell: 707 Post 647-605

THE DECLARATION OF COVENANTS, CONDITIONS  
AND RESTRICTIONS FOR:

**SIGNING TREE PRESERVE**  
Habersham County, Georgia

By: Joseph H. Wilbanks, Sr., President

**SIGNING TREE PRESERVE**  
Habersham County, Georgia

**I. INTENT AND USE OF GUIDELINES**

**A. INTENT OF GUIDELINES:** Signing Tree Preserve has been designed as a place where residents and their guests can enjoy an upscale neighborhood in a rural setting. These Design Guidelines have been adopted to guide the design and construction of new buildings and landscapes that will support the vision of a new community well integrated within its natural setting, while also helping owners to realize their own objectives.

**B. DESIGN CONTROL COMMITTEE RESPONSIBILITIES:** The Covenants recorded with the deed for each lot requires that all improvements or changes on a lot must be reviewed and approved by the Design Control Committee (DCC). Along with those Covenants, these Guidelines, which have been designed to facilitate an efficient, effective approval process, will serve as a basis for reviewing and judging designs submitted to the DCC. They describe and illustrate the characteristics of buildings and landscapes that will help to realize the Signing Tree Preserve vision. Recognizing that each lot has unique characteristics and each owner has distinct individual needs, the DCC reserves the right to waive, in its reasonable discretion, any of the requirements or guidelines within the area allocated for development of single-family homes so long as the DCC deems that the proposed improvement:

- (a) Will not be detrimental to the appearance of the surrounding areas;
- (b) Will be in harmony with the surrounding areas;
- (c) Will not detract from the beauty, wholesomeness or attractiveness of Signing Tree Preserve or the enjoyment of it by its homeowners;
- (d) Is in compliance with the intent of these Design Guidelines and all applicable restrictive covenants.

For elements of landscapes and buildings that have "off-lot" impacts (i.e., outside the areas scheduled for development with single-family homes), the Guidelines will be interpreted strictly. Recognizing that any waiver granted must be a result of unique conditions, it is understood that such waivers will not be treated as a precedent.

**C. OTHER REGULATIONS.** Landowners are responsible for compliance with other regulations governing the design of improvements on a lot, such as the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS and all applicable laws, codes, ordinances, regulations and official plans of Habersham County and the State of Georgia. Landowners are responsible for obtaining permits, and are encouraged to contact the relevant government agencies.

**II. DESIGN REVIEW PROCESS**

**A. THE DESIGN REVIEW PROCESS.** The process described below is intended to be collaborative and constructive, with the DCC working with Signing Tree Preserve's new homeowners, architects, engineers and builders to bring insight to design solutions that meet the special and unique conditions at each lot. The review process consists of five

steps, beginning with an on-site meeting to discuss site plan objectives and concepts. That meeting will be followed by a submittal of a "Diagrammatic Site Plan" and more detailed submittals and reviews throughout design and construction when the Guidelines' overall intent and their specific rules will be applied. Five (5) copies of each submittal are required to facilitate timely reviews. It is the intent of the DCC and the Homeowners Association to vigorously enforce all design standards and guidelines to the fullest extent allowed.

**STEP 1 - ON-SITE MEETING:** DCC representatives will meet on the site with a team selected by the lot owners. Typically, this would include the owners themselves, their architect or residential designer and/or their landscape architect. Together they will: 1) discuss the owners' objectives, 2) review the designer's documentation and initial thoughts about how the special or noteworthy features of the lot may be preserved while providing for the owner's building needs, and 3) discuss optional concepts for the siting of structures and landscaping of the site. Specific factors that are to guide the layout of the site include:

- Maintaining existing drainage patterns
- Minimizing grading and removal of vegetation
- Optimizing views from the home
- Protecting view corridors from other lots and/or common use areas
- Protecting sensitive environments such as intermittent and perpetual streams, wetlands, floodplains, trees, planted understory
- Protecting and utilizing distinctive natural features such as rock outcroppings and other geologic formations, plant communities, topography, trees of significant size and species
- Blending human-constructed improvements into the topography and forests
- Avoiding highly prominent sites and ridge lines
- Overall, preserving the dominance of the natural setting by fitting building to the existing landscape

At the meeting, concepts will be discussed for placement of buildings, driveways, and other major structures in response to the factors listed above.

**STEP 2 - DIAGRAMMATIC SITE PLAN:** At the completion of Step 1, the owners' design team shall prepare and submit copies of a Diagrammatic Site Plan identifying: 1) property lines, adjoining streets, other existing features; 2) features of the lot discussed at the on-site meeting that should influence the site plan and home design, and the "Building Envelope" defining the limits within which all land disturbance will take place (i.e., clearing, grubbing, grading, house, other structures, pool, terraces, parking, driveway, utility connections, septic system, well, etc.). The Building Envelope may not exceed one (1.0) acre, except in cases where difficult physical conditions require inefficient-shaped envelopes, such as steep slopes, as approved by the DCC.

Landowners are strongly encouraged to meet with the county health department prior to submitting this diagrammatic plan, to ascertain requirements for locating, designing and constructing an acceptable septic system and well. It shall be the owner's responsibility to obtain required approvals and permits from the health department. The diagrammatic plan should indicate possible locations for the septic tank and well.

Upon its review, the DCC will return one copy of the Diagrammatic Plan submitted by the owner, either marked approved or approved with changes. If the DCC determines that significant changes or more information is needed, the DCC will require a re-submission.

**STEP 3 - PRELIMINARY DESIGN PLANS:** The submittal is to include the following:

1. **Survey** by registered surveyor, indicating property line, topography with 2 ft contour intervals, landscape features discussed at the on-site meeting in Step 1, Building Envelope, approximate location of septic system facilities including duplication area, approximate location of well, and existing tree canopy, trees greater than 8 inches callper within the Building Envelope.
2. The approved **Diagrammatic Site Plan**, adjusted to meet review comments.
3. **Proposed Site Plan**, indicating footprint(s) of buildings relative to the Building Envelope, and adjacent streets, driveway access, existing and proposed grades, limits of grading and construction, trees, topography, calculated percentage of site disturbance, the percentage covered by impervious surfaces, structures on adjacent lots, scale and north direction.
4. **Building Plans**, including floor plans for each level of building(s); foundation and roof plans; exterior elevations indicating materials and colors; and a section drawing indicating ceiling heights, roof pitch, and elevation for the highest roof ridge. Overall building dimensions should be indicated.
5. **Conceptual Landscape Plan**, at a minimum scale of 1"=20', including locations and type of existing vegetation, existing rock outcroppings, limits of site disturbance, proposed areas of new landscaping, re-vegetation proposals for reseeding and mulching, and preliminary concepts for exterior lighting, grading, drainage, and erosion control measures.

The package is to be submitted to the DCC no less than 10 days prior to a scheduled meeting in order to expedite the approval process. The DCC may approve, approve with changes, or require a re-submission.

**STEP 4 - FINAL DESIGN PLANS:** The submittal is to include the following:

1. **Site Plan**, at a minimum scale of 1"=20'. In addition to information earlier presented and/or requested, the site plan is to show the information required for the Preliminary Design Plan in its final form plus components of the septic system, well, utilities and communications service, cut and fill areas, and all improvements, dimensioned.
2. **Building Plans**, at a scale of 1/8"=1'-0". This includes a complete set of plans for the house and all other structures including foundation plans, floor plans, elevations for all sides, and building sections. Overall dimensions should be indicated on all drawings. Plans should clearly indicate the exterior appearance, size, materials, colors, finishes and details for all walls, roofs, trim, chimneys, windows, doors, etc. Indicate all material textures and proposed stone wall patterns. Indicate all roof-mounted equipment such as mechanical and communications equipment. Indicate all exterior lighting fixtures.
3. **Landscape Plans**, at a minimum scale of 1"=20', including clearing and grubbing plans, grading plans with 2' contour intervals, drainage plans, planting plans with material legend, fences, existing tree protection plan, irrigation plan for use until native plant materials no longer require supplemental watering, outdoor lighting with manufacturers' cut sheets and lighting control strategy, mailbox design.

4. Erosion and Sedimentation Control Plan for preventing erosion and stream sedimentation during and after construction, with methods for re-vegetating disturbed lands.

5. Outline specifications, samples and color boards for the following items, as appropriate:

- Roof material
- Exterior wall material
- Materials covering exposed foundation walls
- Chimney material
- Windows and exterior doors with colors
- Exterior trim materials and colors
- Exterior lighting fixture cut sheets
- Fences
- Driveway and parking area materials

**STEP 5 - CONSTRUCTION DOCUMENTS, STAKE-OUT AND SITE MEETING:**

Upon approval of Final Design Plans, owners will prepare and submit construction drawings for review by the DCC. These plans should be substantially consistent with the approved Design Plans, adjusted to meet any conditions or revisions imposed by the DCC in the earlier review.

In addition to the information required in the Final Design Plan submittal, this package is to include the following:

- Initial and Permanent Erosion Control Plan
- Construction Vehicle Parking, Delivery Truck Access, and Materials Storage Plan, describing how and where construction vehicles will be parked, and equipment and materials will be unloaded and stored so as to not disturb land outside the approved Building Envelope
- An on-site stake-out and distinctive flagging of the limits of the approved land disturbance area, footprints of all structures, parking areas, construction laydown and storage areas.
- Tree removal and protection procedures
- Written Specifications
- Updated samples and color boards

A representative of the DCC may, at its option, meet with the owner and/or owner's representative on-site to review the stake-out and other information.

The DCC may approve the Step 5 submittal with conditions, or return it with questions or suggestions requiring a resubmittal and restaking prior to approval.

**B. FINAL APPROVAL TO COMMENCE CONSTRUCTION.** When all requirements are met, the DCC will provide a letter approving the start of construction, and will return one set of the submittal with the DCC approval clearly shown on each document or material. **Only upon this formal written approval is any disturbance of the lot or any construction activity permitted to commence.**



C. **CHANGES.** Changes to approved drawings, specifications, samples, materials, color boards, or other submittal information can only be made by resubmitting and obtaining DCC approval of revised drawings showing the intended changes BEFORE the changes are constructed.

D. **NOTE:** It may be possible to obtain a building permit from Habersham County without having followed these DCC procedures. This does not relieve anyone of the need to comply with the DCC and these procedures. The DCC will enforce compliance.

### III. SITE DESIGN GUIDELINES

#### A. BUILDING ENVELOPE AND SETBACKS

The DCC and each landowner will jointly designate the portion of a lot within which all land disturbances will take place. This "Building Envelope" will encompass all areas of clearing, grading, structures, driveways, parking areas, utility lines, swimming pools or spas, terraces, septic system, well or other improvements.

The boundaries of the Building Envelope may not exceed one (1.0) acre, except in cases where difficult physical conditions, such as steep slopes, require inefficient-shaped envelopes, as approved by the DCC.

The Building Envelope is to be shaped by the setback requirements and the criteria listed in STEP 1 above.

Minimum setbacks from property lines:

- Front Yard: 30 feet
- Side and Rear Yards: 20 feet
- RDA Boundary: 30 feet

#### B. GRADING

Grading is to be designed to minimize impacts on the lot, protect stands of trees and to blend into existing land forms. Except for a driveway and utility lines as noted below, grading is not permitted within the minimum setbacks.

- Maximum slope is 2:1 unless it can be demonstrated that a steeper slope will not erode.
- Disturbed areas are to be revegetated with native plant material to blend naturally into the surrounding environment.
- A Landscape Architect or a licensed professional engineer is to prepare full plans for grading, drainage, and sedimentation and erosion control.

#### C. DRAINAGE

- Maintain existing drainage patterns both during and after construction.
- Impervious surfaces are to be minimized and shall not exceed 40 percent of the lot area. Consider the use of porous materials such as gravel, crushed rock, pervious concrete, unit pavers, and pervious asphalt. Elevated decks and sand set stone patios shall be calculated using a 1:3 ratio of pervious to impervious surface area.

- New drainage ways are to appear and function like natural drainage ways, with broad, shallow swales and native grasses.
- Drainage resulting from developments (for example, from roofs and paved parking areas) is to be dispersed on-site and not directed onto other lots, using ponds, or French Drains, or densely planted disposal areas with water-tolerant vegetation.
- Trenching is not to encroach within the drip lines of major trees.

#### D. DRIVEWAYS AND PARKING

- Maximum driveway width is 12 feet.
- Parking and turn-arounds may not be located within the minimum setbacks.
- Driveway access points are limited to one per lot. Consider shared driveway easements to minimize pavement and disruption of the natural landscape.
- Alignments are to minimize grading, tree cutting or other major site disruption.
- Driveways/parking/garage layouts shall minimize the visibility of garage doors and cars from the street and from adjoining properties.
- Provide two enclosed parking spaces as well as outdoor parking spaces for two guest cars and one outdoor space for every two bedrooms.
- Driveways and parking areas must be paved with an acceptable surface material, including masonry pavers, natural or integrally colored concrete, exposed aggregate concrete, patterned or stamped concrete if integrally colored, or asphalt. Uses of pervious paving materials are strongly encouraged to reduce storm runoff, such as pervious concrete and asphalt, and masonry pavers.

#### E. RETAINING WALLS

- Walls of approved boulders or laid stone, designed with a batter of about 2:12, backed by concrete where necessary, are to be used to reduce grading impacts and disturbance of land and trees. Alternate wall materials may be approved by the DCC where such walls are not visible from adjacent or nearby home sites, roads or common areas.
- Wall height is limited to 6 feet. Beyond that, walls are to be stepped back or terraced, providing ample planting pockets.
- Tops and ends of walls are to be shaped to blend with the adjoining natural contours.
- All walls over 6 feet in height are to be designed by a licensed structural engineer or architect.

#### F. DECKS, TERRACES, PATHS AND STAIRS

- Paths, decks, terraces and stairs are to be designed to blend with the natural topography and vegetation and with retaining walls, fences and building foundation walls. Acceptable materials include stone, crushed stone, gravel, wood, recycled materials, natural or integrally colored concrete, and exposed aggregate concrete, as approved by the DCC.
- Decks and terraces elevated more than 12" above grade may not be constructed within the minimum setbacks.

- No deck may be longer than 50 ft long without a change in level.

#### G. FENCES AND GATES

- Materials are to be wood or stone. All wall and fence materials must be submitted to the DCC for approval.
- Fence designs must be architecturally compatible with the residence design.
- All fencing facing the street or front of the lot must be wood, in a split rail or other open rail style, with at least 30 percent open and with no part exceeding five (5) feet above the surrounding grade. A fence should not end abruptly without turning corners and extending the fence at least 25 feet into the site.
- Fences may not be built outside the Building Envelope except as approved by the DCC or as shown on the approved Diagrammatic Site Plan.
- No chain link is permitted except that dark green or black vinyl coated fencing may be used in some areas, such as pools or dog runs, in conjunction with dense hedge planting, subject to DCC approval.
- Locations, heights and materials of all fences are to be expressly approved by the DCC.

#### H. SERVICE AREAS

- Delivery areas, outdoor work areas, and electrical and mechanical equipment are to be completely screened from off-lot views by integrating their design into the residence design and/or the design of site improvements.

#### I. SATELLITE DISHES, COMMUNICATIONS ANTENNAE

- The proposed location for all satellite dishes, communications equipment or television antennae must be submitted to the DCC for review and approval prior to installation. They should not be visible from off-lot.

#### J. SITE UTILITIES

- Use underground utilities and communications lines in alignments that minimize grading, tree cutting and other disruption of the site. Trenching is not to encroach within the drip lines of existing trees.
- Locate utility boxes, including meters, and/or screen them to be not visible from off-lot.
- Site utility lines, septic tanks, drain fields and duplication fields are not allowed within the minimum setbacks except to cross into the Building Envelope on the least disruptive alignment.
- All propane tanks and other such tanks shall be buried.

#### K. TREE REMOVAL

- No tree shall be removed (larger than 8 inch caliper) anywhere on any lot, within or outside of the Building Envelope, until approved by the DCC.
- In certain limited instances, the DCC may approve tree removal and/or thinning outside the designated Building Envelope for view corridors or solar exposure, provided it does not increase the visual impacts on adjacent lots or off-site visibility of the house. Unauthorized removal or cutting of trees is subject to fines of up to \$5,000 per tree.

- Do not remove deep-rooted trees from septic absorption fields. Deep-rooted trees are desirable to prevent erosion and help remove storm water through transpiration.

#### I. PLANTING

- The preservation of existing vegetation and, for new plants, the use of indigenous plant species are strongly encouraged in order to cut down on the use of fertilizer, pesticides and irrigation.
- New plantings are to be used to integrate buildings into the landscape, protect important view corridors, and screen outdoor service areas and other improvements from adjacent lots and off-lot views. Climatic conditions dictate that all disturbed areas are restored, using a native ground cover.
- Employ simple plant massing for new planting compositions, and a limited palette of plant types in order to build unity and cohesiveness in the design.
- Tree wells are to be used when adding fill under the drip line of major trees to be saved.
- Riparian and wetland areas are to be protected from disturbance during and after construction.
- Plant materials used for erosion control are to establish rapid surface stabilization. The DCC may also require the use of other stabilization measures, such as jute matting.
- New trees and shrub plantings are to be a mix of sizes that will blend seamlessly into the surrounding vegetation and survive with little maintenance.
- Manicured or groomed yards, terraces and pools are to be minimized and located within the Building Envelope only.
- Grass is permissible within the Building Envelope except where slope is greater than 3:1. In these areas, a ground cover must be used.

#### M. EXTERIOR LIGHTING

- Lighting is to be minimized, and used only for safety and easy identification of entrances, driveways and walkways.
- All exterior lighting is to be indirect, and the light source may not be visible from off the lot. However, exterior ornamental light fixtures or lanterns may be used at key arrival or entry points provided they have a translucent lens, the bulb does not exceed 25 watts, and the fixture is approved by the DRC.
- Motion-operated security lights may be used if designed and located so as to cast all light within the Building Envelope and if approved by the DCC.
- Lights along the driveway or any path at regular spacing are not permitted. If needed for safety, the DCC could approve some low-wattage lights at key places along a driveway, stair or walk. Maximum height is 24 inches.
- Lamp colors must be white. Sodium vapor or colored lights are not allowed.
- Seasonal holiday lighting during the period Thanksgiving through January 2 is exempt from these requirements.

#### N. SWIMMING POOLS AND SPAS

- Pools or spas may not be constructed within the minimum setbacks.

- No above-ground swimming pools or spas will be permitted. Pools shall be part of a design concept integrating landscaping and hard surfaces, and must be fenced. Pools between the street and front of the house are not permitted.

**O. MAILBOXES AND HOUSE NUMBERS**

- Mailbox structures will be a material and style compatible with the residence. The intent is for the mailbox structure to be discreet and blend as much as possible with the landscape. No large or overly ornate structures will be allowed. These structures must be designed and submitted for DCC review same as the residence.

**P. BUFFER PLANTING AND SCREENING**

- All hard surfaces, excluding walks and drives, in the front and side yards must be visually screened from adjacent lots. Screening can be accomplished using hedge rows, fences, stone walls, or combinations of these. Screening shall blend with the overall landscaping and architecture of the residence.
- All equipment areas such as pool equipment, air conditioning equipment, water treatment equipment, propane gas tanks, etc., must be screened from view from street rights-of-way and adjoining lots in a manner consistent with the design of buildings and/or appropriate plantings.

**Q. BOATS, RV'S AND UTILITY TRAILERS**

- No boat, boat trailer or other trailer, camper, motor home or other recreational vehicle, or truck (other than pick-up trucks or sport utility trucks) shall be permitted to be stored upon any portion of property within the subdivision unless entirely confined within a garage and the door of such garage is kept in a closed position. No parking of trailers or trucks will be permitted on streets, roads, rights-of-ways or lots, except during construction.

**IV. USE RESTRICTIONS**

**The following use restrictions shall apply to Lots located within the Initial Property:**

**Restrictions on Use of Lots and Common Property.**

**Residential Use.** The use of all Lots shall be limited to single family, private, residential Dwellings and for no other purpose. No business or commercial building may be erected on any Lot and no business may be conducted on any part thereof.

**Commercial Activities.** No drilling, mining, manufacturing, trade, business, commerce, industry, profession or other occupation whatsoever shall be conducted or carried on upon any Lot or any part thereof.

**Pets.** Lot Owners may keep as pets, dogs and cats; provided that no such pets are kept, bred or maintained for any commercial purpose. All pets shall be under control of a responsible person at all times when the pet is outside of a Dwelling.

Passenger Automobiles. Automobiles of Owners may be parked, placed or stored only in the garage or driveway of the Owner's Dwelling. Guests and invitees of Owners may park their automobiles, on a temporary basis, in the garage or driveway of the Owner's Dwelling or on the edge of Streets. No vehicle of any kind shall be placed, parked, or stored on the lawn of any Lots, or on any portion of the Common Property other than the Streets.

Enforcement of Violations. The DCC shall have the right to levy reasonable fines against Owners for parking violations by the Owners or their family members, guests, invitees, licensees, employees or agents and such fines shall be treated as Individual Assessments shall have all rights as set forth in Article D: Driveways and Parking; of this Declaration, including, without limitation, lien rights against the Lot. In addition, the DCC will have the right to have any vehicle which is in violation of a parking regulation towed at the Owners expense.

Temporary Structures. No Structure or object of a temporary character such as, but not limited to, House trailers, vans, tents, shacks, sheds, or temporary or accessory buildings or structures, shall be erected, kept or maintained on the Property, or any part thereof. This restriction shall not apply to temporary structures used by Developer for development, construction or sale of property.

Insurance. No Owner shall permit or suffer anything to be done or kept within his Lot, or make any use of the Common Property which will increase the rate of insurance on any portion of the Property.

Nuisances. No use or practice which is either an annoyance to owners or an interference with the peaceful possession and proper use of the Property by the Owners shall be allowed. No Owner shall commit or permit any nuisance or any immoral or illegal activity in or about the Property, including, but not limited to knowingly or willfully making or creating any unnecessary, excessive or offensive noise or disturbance which destroys the peace, quiet or comfort of the Owners, or allowing any such noise or disturbance to be made on his Lot.

Outside Displays. No Owner shall cause anything to be affixed or attached to, hung, displayed or placed on the exterior walls, doors, balconies or windows of his Dwelling, nor shall he place any furniture or equipment including, but not limited to, any swing sets, basketball hoops or lawn ornaments outside his Dwelling, without the prior written consent of the DCC., except that consent of the DCC shall not be required with respect to the use of lawn furniture or portable barbecue grills in the back yard of a Lot, nor shall it be required with respect to the Developer. Furniture or equipment including, but not limited to, lawn furniture and portable grills, placed outside a Dwelling shall be removed after use so as not to interfere with the maintenance obligations of the DCC.

Subdivision of Lots. No Lot shall be re-subdivided by an Owner to form a lot smaller than a platted Lot; provided, however, that two or more entire Lots may be combined to form a larger Lot, or Lots with the prior written approval of the DCC.; such larger Lot (s) shall then be denied as the "Lot" for purpose of this Declaration. Notwithstanding the foregoing prohibition, the DCC shall have the right to approve minor adjustments in the Lots lines.

**Access to Lots.** Whenever the DCC is permitted or required by this Declaration to enter any Lot for the purpose of correction, repair, cleaning, clearing, mowing, or in the event of an emergency, or any other required or permitted activity, such entrance shall not be deemed a trespass.

**Signs.** Except in connection with development or sales of property throughout. No signs, advertisements or notices of any kind, including without limitation "For Sale" or "For Rent" signs, shall be displayed to the public view on any Lot or on Common Property, without the prior written approval of the DCC.

**Maintenance of Lots.** All Lots shall be kept in a clean and sanitary condition and no rubbish, refuse or garbage shall be allowed to accumulate or any fire hazard allowed to exist. In event an Owner fails to maintain his Lot as aforesaid for a period of five (5) days, the DCC shall have the right, exercisable in its sole discretion, to remove any rubbish, refuse or unsightly debris and /or growths from any Lot deemed by the DCC to be a health menace, fire hazard or a detraction from the aesthetic appearance; provided, however, that at least ten (10) days prior notice shall be given by the DCC to the Owner of such Lot before such work is done by the DCC. In event the DCC, after such notice, causes the subject work to be done, then and in that event, the cost of such work, together with interest thereon at the maximum rate allowed by the civil usury laws of the State of Georgia or eighteen percent (18%) per annum, whichever is less, shall be charged to the Owner as an Individual Assessment and shall become a lien on the subject Lot.

**Lot owner Responsibility.** The Owner of each Lot shall be responsible for maintenance of his Lot, exterior areas of his Dwelling, and all other improvements located on his Lot including, without limitation, any landscaping, patio, terrace, garden or similar area adjacent to such Dwelling.

**Refuse Containers.** No Lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage and other waste shall be kept in sanitary refuse containers, which shall be placed in a walled-in area, so they are not visible from the street, from adjoining Lots, from the Common Property.

**Independent Septic Systems.** Each Owner shall be required to construct and maintain a septic tank to service the Dwelling on his Lot. Each Lot must have a septic tank installed whose size, dimensions, specifications and location are shown on plans and specifications submitted to the DCC and approved by the DCC.

**Streets.** No title to any land in any Street is intended to be conveyed or shall be conveyed to the grantee of a Lot under a deed, or to the purchaser of a Lot under any contract, unless expressly so provided in such deed or contract of purchase from Developer.

**Laundry.** No portion of a Lot shall be used for drying of laundry, unless such laundry is adequately screen from public view, so that the laundry is not visible from the street, from adjoining Lots.

**Air Conditioners.** All window or wall air conditioning units are prohibited. All air conditioners compressors shall be screened from view from the Street, from adjacent

Lots, and shall be insulated by a fence, wall or shrubbery so as to minimize the transmittal of noise.

Emergencies. Dwellings may be boarded up only when there is an imminent threat of a storm. In no event shall any Dwelling be boarded up for any period of time after the imminent threat of a storm has passed. No hurricane or storm shutters shall be installed or maintained unless they are first approved, in writing, by the DCC.

Wheeled Vehicles. Bicycles, tricycles, scooters, baby carriages skateboards, or other similar vehicles or toys shall be stored only with the Dwellings. In the event such vehicles are left on the Common Property, they may be impounded by the DCC, and shall be released to the Owner only upon payment of an administrative fee established by the DCC.

Additions, Improvements and Painting. The exterior surfaces of all dwellings, including all colors, materials and finishes on all exterior areas of Dwelling shall not be altered or changed in any manner whatsoever by an Owner. No Owner shall have the right to construct any improvements of any type or nature whatsoever on his Lot, including without limitation, any fences, hedges, pools, patios, spas, Jacuzzi's or landscaping, without the prior written consent of the DCC.

Solar Heating. The location and size of all solar heating apparatus and equipment must be approved by the DCC. No solar panels, vents or any other roof-mounted, mechanical equipment shall project more than 1.5 feet above the surface of the roof of a Dwelling; further, all such equipment shall be painted consistent with the color scheme of the roof of the Dwelling as constructed.

Approval of Draperies, Curtains and Shades. All draperies, curtains, shades or similar window coverings installed in a Dwelling and which are visible from the street, from other Dwellings shall have a white backing, unless otherwise approved, in writing by the DCC. In addition, the color of all draperies, curtains, shades or other similar window coverings installed inside a screened porch or glass-enclosed porch must be approved, in writing by the DCC.

Installation or Use of Machinery. No machinery or equipment other than the original installations may be installed or used unless the advance written consent of the DCC is obtained in each and every instance.

Developer's Right of Repurchase. Each Owner must commence construction of a Dwelling upon his Lot no later than twenty-four (24) months following the date of closing of the sale of the Lot by the Developer to the initial purchaser of the Lot (the "Acquisition Date"), and shall complete construction of the Dwelling no later than thirty-six (36) months following the Acquisition date. For purposes of this Article, "commencement of construction" shall be deemed to mean the installation of the foundation for the primary residential structure of the Dwelling and "completion of construction" shall be deemed to mean final completion in accordance with the requirements of the DCC and the County (including the installation of all landscaping and



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other Improvements approved by the DCC), and receipt of a Certificate of Occupancy from the County.

In event that an Owner fails to commence construction, or complete construction, in accordance with the above requirements, the Developer shall have the option to repurchase the Lot from the Owner. The purchase price shall be an amount equal to: the original gross sales price received by the Developer from the Lot. The purchase price shall be paid to the Owner upon the closing of the repurchase. The re-conveyance shall be by Georgia Statutory Warranty Deed, subject only to those matters to which title was subject on the Acquisition Date.

The Developer may, in its discretion, give public notice of its option to repurchase as provided herein, by recording notice thereof in the public records of the County at any time from and after the date upon which the option becomes exercisable. Such notice shall not require the joinder or execution by the affected Owner.

Notice. Any notice required or permitted to be given by this Declaration shall be given or made in writing by personal delivery or by certified mail addressed:

To the Developer at:	Signing Tree Preserve
	278 East Doyle
Street	Toccoa,
Georgia 30577	Attention:
Joseph Willbanks	
Or to Owner at:	the last known
address of Owner	As appears on
	DCC at the time
the records of the	Or mailing.
of such delivery	

Any Notice given in accordance with the provisions of this subsection shall be deemed to be effective, if personally delivered, on the date of such delivery, or if mailed by registered or certified mail, on the date upon which the return receipt is signed or delivery is refused or the notice is designated by the postal authorities as not deliverable, as the case may be. Each party may give notice to each of the other parties of a change of its address for the purposes of giving notice under this subsection, which thereafter, until change by like notice, shall be the address of such party for all purposes of this Declaration.

Plats. In addition to this Declaration, the Property shall be subject to the additional covenants, restrictions, reservations and other terms and provisions set forth in the plats of the Property, which plats are recorded in the public records of County.

Gender and Number. The use of the singular herein shall include the plural, and the use of any gender shall include all genders.

Severability. Invalidation of any one of the covenants or restrictions contained herein by judgment or court order shall no way affect any other provision hereof, which shall remain in full force and effect.

Captions. The captions used in this Declaration and exhibits annexed hereto are inserted solely as a matter of convenience and shall not be relied upon or used in construing the text of this Declaration or exhibits hereto or amendments thereof.

Effective Date. This Declaration shall become effective upon its recordation in the public records of the County.

## V. BUILDING EXTERIOR DESIGN

### A. MINIMUM SIZE

- The total minimum finished heated and cooled area of the main residence shall be 2,000 square feet. Garages, open porches, outdoor storage areas, and accessory structures shall not be considered when calculating the finished floor area. Two story residences shall have a minimum of 1,800 square feet on the first floor.

### B. ADDITIONS AND OUTBUILDINGS

- The design of additions and outbuildings such as pool cabanas, arbors, gazebos, trellises, storage buildings, workshops, play structures and freestanding garages are to follow the intent and detail of these Guidelines and to match or blend with the forms, materials and colors of the principal structures on the lot, and shall be reviewed by the DCC.

### C. BUILDING MASSING AND SILHOUETTE

- Building masses are to be clusters of building forms fitted into the topography and tree masses.
- Buildings on steeply sloping sites are to be designed with split or multiple levels to reduce site grading and conform to the natural topography.
- The building's silhouette, or skyline, should consist of several forms, massed together in a symmetrical or otherwise visually balanced composition. No horizontal roof ridgeline or eave should be more than 45 ft long between breaks in plane of 3 feet or more.
- Shadow lines and breaks in plane are to be introduced to express structures, to clearly separate different materials, and to subdivide materials or building elements into traditional and residential-scaled dimensions.

### D. ROOFS

- Large sheltering roofs with large overhangs, 3 feet or more, are to be the dominant element on all sides of the buildings. Roofs are to be pitched, no less than 6:12 and no more than 14:12, with gables, hips, and/or chipped gables. Roof gables of 4:12 minimum will be allowed on minor roofs.
- Shed or eyebrow dormers up to 10 ft wide are permitted, and gable or hipped roof dormers up to 7 ft wide are permitted, but not on the same face of a building.
- Mansard, domed, A-frame, shed and other non-conventional roof forms are not allowed.
- Cross gables, entry porches and dormers are encouraged but are to be clearly subordinate visually to a principal dominant roof area.

- Roofing may be Class A architectural shingles or fire-retardant wood shakes. A limited amount of non-reflective metal roofing may be used at 4:12 pitch or greater.
- Roof beams and purlins, wherever possible, should be exposed at exterior overhangs, instead of boxing in the overhangs.
- Chimneys are to be finished in stone or pre-approved faux stone. A rectangular architectural chimney termination cap in stone is allowed.
- Rooftop equipment and vents larger than 6 inches if any are to be grouped and concealed in a chimney-like structure or similar architectural form.
- Stacks, vents, excluding chimneys, shall be painted to match the dominant roof color and located to minimize their visual impact from off-lot.
- Gutters, downspouts and flashing are to be constructed of copper, lead coated copper, or acid-washed galvanized steel that will weather to blend with walls and roofs. Long, angled returns from gutter to wall are to be avoided.

#### E. BUILDING HEIGHT

- The maximum height of any building is 30 ft, measured from any point on the existing grade to the mid-point of the sloping roof.

#### F. EXTERIOR WALLS

- Exterior wall materials are to be rough textured, and detailed so as to create multiple shadows on the surfaces. Use natural materials whenever possible.
- Acceptable materials for exterior walls include wood siding (rough sawn preferred) with protective stain or paint coating, hand hewn timber using a naturally weather-resistant wood species, brick, stucco, fiber cement, wood shingles, natural stone, precast concrete, and DCC pre-approved faux stone. "Synthetic stucco" (exterior insulated finishing systems) is not allowed.
- Changes in wall materials must be made at offsets in wall plane only, not at outside corners.
- Walls are not to exceed two stories in height.
- Stone walls are encouraged. Solid rubble walls are preferred over stone veneer. When a stone veneer is used, the stonework must be constructed to give the appearance of a solid, homogeneous, integrally bonded, load bearing stone wall.

#### G. WINDOWS AND DOORS

- The vertical dimension of individual windows and frames is to exceed the horizontal.
- Window and door openings should be designed with visible lintels, arches or trusses.
- Recess windows deeply in walls beneath broad overhangs or balconies, etc., to minimize reflections. For mullions and muntins, use true divided lites that project beyond the glass. Glass may be tinted but not mirrored.
- Single glass panes that are visible from off-lot and are greater than 50 sq ft in area must be deeply shaded (6' to 8' projections overhead), must be designed with a vertical expression, and must use divided lites.
- Contemporary or retro window designs such as corner windows or butted glass, or glass block, will be considered by the DCC on a case-by-case basis.

- Window shutters, if used, are to be operable and sized to completely cover the opening.
- Skylights are permitted if not visible from off-lot.
- The composition of windows and doors on all walls visible from off-lot will be evaluated by the DCC in terms of balance, order, shade, shelter, and structural expression.

#### H. FOUNDATION WALLS

- Preferred materials are natural stone, DCC pre-approved faux stone, and concrete with sealer. Concrete block may be acceptable if covered with a cement parge and if approved by the DCC.

#### I. PORCHES

- Porches, decks and balconies are to be supported on masonry or heavy timber structures of no more than 1½ stories. The underside is to be fully finished architecturally or hidden from view. Roofs over porches or entries are to be limited to one story in height.

#### J. COLORS AND TEXTURES

- Roofs are to be weathered gray, gray brown, dark green, or black. Roof colors should blend harmoniously with surroundings.
- Stones in exterior walls are to be varied in size and should gradually decrease in size from lower to upper courses.
- Window trim, shutters and accents are to be natural colors found on or near the property, selected to add vibrancy or warmth, or may include reds, greens and whites as approved by the DCC.
- Use bronze, copper, and wrought iron for railings, details, fastenings, and ornament.
- Colors of finish paving materials are to be selected to blend the new construction into the surrounding earth colors.

### VI. CONSTRUCTION PROCEDURES

#### A. CONSTRUCTION INSPECTIONS AND CERTIFICATES OF COMPLIANCE

- The DCC may enter a construction site at any reasonable time to inspect the progress of construction activities to ensure compliance with approved construction documents and these regulations.
- "Certificates of Compliance" are issued by the DCC, and owners may not occupy or otherwise use any constructed improvement until they have received a Certificate of Compliance from the DCC and a temporary or final Certificate of Occupancy from the relevant government agency.
- Following a final inspection, if all construction activity is in compliance with its approved plans and these regulations, the DCC will issue a Certificate of Compliance to the owner. If not, the owner shall promptly perform such remedial work as the DCC requires.

- The DCC shall use its best efforts to conduct the required inspection described above within 72 hours after receiving written request.

#### **B. OTHER CONSTRUCTION RESPONSIBILITIES**

Each owner shall ensure that all construction activity that is performed on its construction site is performed in accordance with the following requirements:

- The owner shall meet all requirements of the Five-Step Design Review Process and the approved construction plans. The owner is responsible for preparing and submitting requests, and receiving re-approvals, for changes during construction, if any.
- Once the DCC has approved plans for a construction site, the owner shall ensure that all construction is performed in compliance with these plans, and that trees not authorized for removal are not damaged, that debris is promptly removed from the construction site, that dust is controlled, and that erosion and soil stabilization protection is properly functioning.
- The owner shall ascertain and abide by other requirements of the DCC concerning such items as restrictions on hours of construction; protection of property and repair of damage to adjacent lots or public streets caused by construction activity; noise; dust prevention; location and use of temporary structures and trash dumpsters; removal of trash; location of chemical toilets; blasting restrictions; signs; access and parking of construction vehicles; construction lighting; animals; time limits on completion of construction; time limits on completion of landscaping after occupancy; rights and remedies of the DCC.

#### **VII. VARIANCES**

The DCC may authorize reasonable variance from strict compliance with any of the provisions of these Design Guidelines when circumstances such as topography, natural obstructions, aesthetic or environmental conditions may require, or when strict application would be unreasonable or unduly harsh under the circumstances; provided, however, that no such variance shall materially adversely affect the value of any portion of Signing Tree Preserve. Such variances must be in writing and shall become effective when approved by a majority of the members of the DCC. The granting of a variance shall not operate to waive any of the provisions of these Design Guidelines for any purpose except as to the particular provision of these Design Guidelines covered by the variance.

END OF DESIGN GUIDELINES