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WILLIE L. BOVINGTON  
REGISTER OF DEEDS  
DURHAM COUNTY, N.C.

STATE OF NORTH CAROLINA )  
)  
COUNTY OF DURHAM )

ELEVENTH AMENDMENT  
TO  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR TREYBURN RESIDENTIAL OWNERS ASSOCIATION FOR  
THE PURPOSE OF AMENDING AND RESTATING THE  
TREYBURN DESIGN GUIDELINES:

THIS ELEVENTH AMENDMENT TO DECLARATION OF COVENANTS,  
CONDITIONS, AND RESTRICTIONS FOR TREYBURN RESIDENTIAL OWNERS  
ASSOCIATION dated as of JANUARY 1, 1998

RECITALS:

1. Research Properties Associates, a North Carolina limited partnership, made a certain Declaration of Covenants, Conditions and Restrictions for Treyburn Residential Owners Association, dated the 10th day of November, 1987 and caused the same to be recorded in Book 1457, Page 891, Durham County Registry (as from time to time heretofore and hereafter supplemented and amended hereinafter referred to as the "Declaration").

2. There is appended to and made a part of the Declaration an Exhibit C designated Treyburn Design Guidelines, which Treyburn Design Guidelines have been recorded in Book 1457, Pages 925-939, Durham County Registry (the "Original Guidelines").

3. Pursuant to that certain Assignment of Declarant's rights dated the 23d day of September, 1993 and recorded in Book 1897, Page 1007, Durham County Registry, Research Properties Associates transferred and assigned to Treyburn I Limited Partnership (formerly known as Treyburn Limited Partnership) all of Research Properties Associates' rights, interests and obligations as Declarant and Treyburn I Limited Partnership subsequently assigned all of its rights, interests and obligations as Declarant to Treyburn Limited Liability Company pursuant to an Assignment of Declarant's Rights dated as of the 10th day of June, 1997 and recorded in Book 2328, Page 568, Durham County Registry.

4. Pursuant to Article XI of the Declaration, the Declarant has caused to be appointed a New Construction Committee, as provided for in the Declaration, consisting of

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Elizabeth S. Kapil, Terry Sanford, Jr., Haden-Stanziale, Inc., Clarence Lupton and Architectural Design and Planning Group of Wilmington, Inc., which New Construction Committee is vested under the Declaration with sole and full authority to amend the Design Guidelines.

5. Pursuant to the authority vested in the New Construction Committee under Article XI of the Declaration, the New Construction Committee does hereby determine that the Original Guidelines shall be and hereby are amended and restated in their entirety as follows:

TREYBURN DESIGN GUIDELINES

(Amended and Restated)

Dated as of JANUARY 1, 1998

Community Development Code and Land Use Standards for Residential Communities

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## I. INTRODUCTION

### A. The Project

Treyburn is a planned, mixed-use development located in Durham, North Carolina which will eventually incorporate over approximately 4,050 contiguous acres. It is intended to be a significant development of high quality. Treyburn includes numerous historically significant sites, including portions of the Stagville, Snow Hill and Fairtosh Plantations, and a section of the Trading Path to the Catawba, an early highway for the colonial exploration and settlement of the North Carolina Piedmont.

Treyburn is a community that will be developed as a part of the City of Durham; its development will create jobs for the city, county and region. Treyburn will depend on the City of Durham for many of its basic services. Treyburn is not designed as a new town and is not intended to supply all of the housing or commercial requirements for the jobs it will create. Much of the necessary housing and commercial facilities will be within the existing county and city limits of Durham.

### B. The Master Plan

The Treyburn Master Plan (the "Master Plan") has been developed over an extended period of time and has had the valuable input of not only the design team, but of many public and private concerns. In developing the Master Plan, the Declarant and the design team have been sensitive to both environmental issues and the rich history of the area. Extensive environmental and archaeological studies have been conducted to identify and protect these features and to achieve a pleasing balance between the historical and natural features of Treyburn and the requirements of Declarant and Treyburn homeowners.

Three primary concerns are addressed in the Master Plan: 1) the protection of natural resources; 2) the enhancement of the area's character; and 3) the design of a transportation system that will accommodate growth. The overall transportation plan was influenced by the strong link between Durham and Treyburn. The residential development plan includes a range of housing types supported by a variety of amenities, as well as commercial areas and recreation facilities. Treyburn's land uses include housing around the Little River Reservoir and the historic Fairtosh Farm. Treyburn Corporate Park, located in the southeast quadrant of the property includes predominantly industrial and research application land uses. Various commercial sites are located throughout Treyburn. Finally, the Treyburn Master Plan includes extensive recreational and open space areas, including a private country club, to maintain a balance among the many historical and natural features of Treyburn and the needs of residents and businesses and the Declarant.

## II. THE DESIGN GUIDELINES

The Community Development Code and Land Use Standards (the "Design Guidelines") are part of the restrictions governing the development and use of the residential portions of Treyburn. The primary objective of the Design Guidelines is to aid in unifying the Master Plan concepts within the Treyburn development. The Design Guidelines will serve as the framework of design concepts, and will provide flexibility to permit a wide range of architectural styles. These Design Guidelines afford the Treyburn Association and the Treyburn Residential Owners Association quality control over the design and development of the residential portions of Treyburn. These Design Guidelines contain procedures to insure adherence and performance and implement Treyburn's quality standards. The Design Guidelines apply to existing and future phases of Treyburn. These guidelines may be reevaluated and updated as necessary.

To insure compliance with the concepts and standards outlined in these Design Guidelines, a review process has been formulated to guide the development of each parcel. The design and construction review procedures and standards which may vary from neighborhood to neighborhood, will be strictly adhered to unless a variance is granted in writing by the New Construction Committee (defined herein). Modifications to these Design Guidelines applicable to various neighborhoods are set forth as numbered Supplements hereto. Future amendments or modifications may be adopted pursuant to Section IX hereof and Article XI, Section 4 of the Declaration of Covenants, Conditions and Restrictions for Treyburn Residential Owners Association and Design Guidelines. References herein to the Design Guidelines include all supplements and amendments thereto.

The Design Guidelines do not create rights in any third party or bind the Declarant, the Treyburn Association, or the Treyburn Residential Owners Association except to the extent set forth herein. The Treyburn Association and the Treyburn Residential Owners Association expressly reserve the right to modify or amend these Design Guidelines or to waive the application of any particular provision hereof in the manner set out in the Declaration.

These Design Guidelines also contain use restrictions in addition to those contained in the Declaration of Covenants, Conditions and Restrictions for Treyburn Residential Owners Association. In the case of a conflict between the terms hereof and the terms of the Declaration, the terms of the Declaration shall control.

## III. TREYBURN DESIGN REVIEW PROCESS

### A. Formation of the New Construction Committee

The New Construction Committee (the "NCC") shall have not less than 2 nor more than 5 members, which may include as members professional and technical consultants. The

NCC will assure conformance with these Design Guidelines by all owners, builders and developers for all original construction in any part of the residential portions of Treyburn.

#### **B. Functions of the New Construction Committee**

1. The NCC will evaluate all Site and Architectural Plans for adherence to aesthetic and performance quality standards (the "Standards") defined in these Design Guidelines.
2. The NCC will interpret the Standards at the request of property owners, builders and developers. If conflicts arise in determining compliance with these Standards, the NCC shall review, evaluate and make a ruling on the meaning and application of the Standards. The NCC may, in its discretion, grant variances from the Standards. Granting of a variance in a particular case does not obligate the NCC to grant the same or a similar variance in the same or similar situation in the future.
3. The NCC will coordinate all designs to maintain a unified character of common spaces such as storm water management lakes, park areas, development cores, lighting, signage and landscaping.
4. The NCC is empowered to enforce the design criteria during construction periods pursuant to Section III, C.2. hereof.
5. The NCC is authorized as set out in Article XI, Section 1 to modify and amend the design and development standards as may be required in the future to achieve the Treyburn development goals.

#### **C. Design and Construction Review Process**

This section outlines the NCC process of the design review and construction review.

##### *1. Design Review Process*

The following is an outline of the design review process, including conferences, approvals and submittal requirements. The sequence of submittals may be altered subject to approval by the NCC. If necessary, intermediate reviews and meetings may be requested at the discretion of the NCC. All conferences, approvals and submittal requirements set out below shall be complied with before any clearing, grading, cutting, landscaping, or cutting of trees, underbrush and understory takes place, unless waived in writing by the NCC in its sole discretion. After the selection of an architect or designer, the owner (or his representative) shall meet with the NCC to discuss the owner's development schedule and the design review process. A design review fee shall be paid to the NCC at the time final plans are submitted for approval. The NCC shall maintain a fee schedule and shall provide copies on request to builders and lot owners.

a) Pre-Design Conference

Prior to commencing design, work but after the selection of an architect, builder or designer, the owner and/or his representative shall meet with the NCC to discuss the project proposal. At this time the owner shall deliver the following:

- i. A description of the proposed project.
- ii. The names of the architect and other consultants and, if known, the contractor or builder.
- iii. A topographical survey of the parcel at a scale of 1" = 30' (or larger) and a contour interval of 2 feet for preliminary design. (A one foot contour interval will be necessary within the area to be disturbed, as well as a tree survey, showing all trees over 8" in diameter for the final design conference.) Base data pertaining to lot lines, topography, easements, existing vegetation, and other relevant information is to be shown on the survey.
- iv. Site analysis, including map(s) identifying vegetation lines, soils, slopes, hydrological/drainage conditions and other natural or man-made elements which provide opportunities or constraints to the development of the site. This requirement may be waived for individual lot owners, subject to NCC approval.

At the pre-design conference, the owner shall be prepared to discuss special needs, if any, as well as unusual functional and environmental aspects of the project proposal. If unique planning and architectural concepts or design elements are contemplated, they should be presented at this conference.

b) Schematic Design Review

When schematic plans have been prepared, the owner shall submit to the NCC the following items and any other requirements specified by the NCC:

- i. Site plan at a scale of 1" = 30' (or larger), showing layout, lot metes and bounds, building locations, main house and accessory decks, terraces, walkways, parking and driveway, proposed plantings and other features of the development.
- ii. Grading plan at a scale of 1" = 30' (or larger) showing general grading and site drainage. If revegetation and/or erosion control is necessary the submittal shall include a proposed solution.

- iii. Utility plan at a scale of 1" = 30' (or larger) to include; water, sanitary sewer, storm sewer, power, telephone and cable TV routing. It shall include storm water management concepts which may be included in site plan.
- iv. Schematic house plans, sections and elevations, at a scale of 1/16" = 1' to 1/4" = 1' when applicable. Information on building materials, colors and finishes shall be furnished.
- v. Sections through the site showing typical character of the development, the site profile and proposed grading plan (required on some lots).
- vi. Outline specifications for construction.
- vii. Proposed construction schedule.

The NCC may request a conference with the owner and/or his representatives to review these submittals. It may request additional reasonable information or it may approve or disapprove such submittals without a schematic design conference. In the event it disapproves the submittals, the owner may request a schematic design conference to review such submittals.

c) Final Design Review and Final Project Approval

A complete set of construction documents is required for the final design review. The owner shall submit to the NCC the following items and, any other requirements specified by the NCC:

- i. Site plan at a minimum scale of 1" = 30' (or larger) showing the survey boundary and final road layout, lot, building locations and all site improvements.
- ii. Final grading plan at a minimum scale of 1" = 30' (or larger) showing all existing contours (dashed lines) and proposed contours (solid lines). The final grading plan shall indicate all high and low points as well as the top and bottom of walls.
- iii. Final utility plans indicating the location of water, sanitary sewer, storm water and power. Every effort should be made to consolidate as many utilities as possible to minimize tree and root disturbance. Plans may include the following:
  1. Sanitary sewer, sizes and materials.

2. Grading Plan to show the movement of storm water and how storm water is diverted from running onto an adjacent lot.
3. Location and dimensions for all catch basins and manholes.
4. Water lines, valves, hydrants, meter pit details.

But shall include:

1. Relocation of existing utilities ( if applicable).
  2. Finished floor elevations.
  3. Design documentation for storm drainage calculations.
  4. Impervious calculations for lots within the Water Quality Critical Area (WQCA) as required by Durham County or City of Durham.
- iv. Landscape plan showing all proposed and existing planting and preservation methods of existing vegetation. The species, quantities, spacing, and sizes of all new plant materials shall be noted. Planting bed lines shall be delineated in areas of turf and seed shall be described. Irrigation plans showing areas to irrigate shall also be included.
- v. Architectural plans, to include: floor plans, elevations and sections of buildings at scale of 1/4 inch = 1 foot or = 1/8 inch = foot. All building materials and color samples shall be included.
- vi. Technical specifications for all construction.
- vii. Final construction schedule.

The owner shall submit four (4) complete sets of working drawings, showing on each sheet the seal and signature of a registered architect, engineer or landscape architect and specifications for final review to insure adherence to the approved preliminary design. Any changes in code compliance criteria must be resubmitted. The NCC will review the documents and submittals and respond within ten (10) days. Documents required by county, city or state agencies are in addition to and not in lieu of the submittals required herein.

The NCC may request a conference with the owner and/or its representatives to review such submittals or it may approve or disapprove such submittal without a final design conference. In the event the NCC disapproves the submittals, the owner may request a final design conference to review such submittals.

After final approval , the NCC will return one set of approved documents to the owner. This set will become part of the agreement among the owner Treyburn Association and the Treyburn Residential Owners Association.

2. *Construction Review Process*

The NCC shall have the right, but not be obligated, to monitor the construction process in order to insure compliance with the approved construction documents and the Standards. The NCC will notify the builder/owner of any discrepancies between the approved submittals and actual construction. The NCC may cause construction to be stopped if it is deemed necessary to bring a project into compliance with the approved submittals.

**D. The Modifications Committee**

The Board of Directors of the Treyburn Residential Owners Association may appoint a Modifications Committee (the "MC") as referred to in Article XI Section 2 of the Declaration. The MC, if appointed, shall have jurisdiction over modifications, additions, or alterations made to existing residential improvements. The MC may establish rules, procedures and standards to govern its area of responsibility and practice. Unless or until such time as the MC is appointed, the NCC shall have jurisdiction over any modifications, additions or alterations made to existing residential improvements and may act as the Modifications Committee. Until such time as the MC or NCC establishes different standards, rules, and procedures to govern such areas, the standards, rules and procedures in these Design Guidelines governing new construction shall, except to the extent waived in writing by the NCC or the MC, be applied to govern modifications.

**IV. FEDERAL, STATE AND LOCAL ORDINANCES AND STANDARDS**

Each parcel owner must comply with all applicable requirements of federal, state and local laws, regulations, rules and ordinances ("Code Requirements"). Each owner must verify such Code Requirements, and neither the NCC nor the MC shall have responsibility to insure compliance with Code Requirements. Approval of designs or construction by the NCC or the MC does not relieve or supersede the necessity to obtain consents, permits and approvals of other authorities having jurisdiction over the project. Where Code Requirements overlap or appear to be in conflict with the requirements of the Design Guidelines, the more stringent provisions shall govern provided that the Code Requirement is met.

**V. SITE DEVELOPMENT STANDARDS**

The following site development standards shall apply, unless a specific set of standards has been prepared and issued for a specific development phase, project or section of the residential portions of Treyburn. A revised set of standards must be

approved by the NCC, the Treyburn Association and the Treyburn Residential Homeowners Association, and must accompany the delivery of the Declaration of Covenants, Conditions, and Restrictions to potential lot purchasers, builders and developers and will become an integral part of such.

#### A. Setback Requirements

Refer to Treyburn Design Guideline Supplements for specific neighborhood setbacks requirements.

#### B. Utilities

All utilities are required to be underground.

#### C. Tree Preservation

One of the goals of the Treyburn Design Guidelines is to ensure that there is minimal disturbance of the ecology through preservation of existing vegetation such as trees, understory and groundcover. Owners and builders shall not remove trees prior to final approval of plans by the NCC or the MC. The cutting of trees eight (8) inches in diameter or greater is discouraged and shall be prohibited in some areas where buffer requirements exist. The NCC will determine the requirements for tree and vegetation protection. The following measures will be undertaken to ensure preservation of existing vegetation:

1. Although major trees should be located prior to schematic design, at the time of the schematic design conference a tree survey covering all areas affected by construction may be required. Tree surveys should identify:
  - a) All individual trees above 8 inch caliper identified by species and size.
  - b) Approximate dripline of all individual specimen trees above the 8 inch caliper.
  - c) All trees with general vegetation associations identified (i.e. Upland Pine Forest, Mixed Pine-hardwood Forest, Hardwood Forest and similar trees) and major species present in each association.
2. If required, the tree survey shall be used as an aid in developing preliminary plans. The NCC will consider tree preservation as a high priority in its review of preliminary plans for siting buildings, parking pads, roads, other site elements. Care should be given to preserve views and vistas.

3. Final plans must clearly delineate trees to be preserved and a disturbance limit line. This should be cross-referenced with all aspects of the development such as utilities, grading, layout and erosion control.
4. The disturbance limit line must be protected with fencing. It must be conspicuous and at a height where it can be seen by equipment operators. Fencing must be installed outside the dripline and be placed at a sufficient distance from the tree to prevent compaction and puddling over the root system. No grading shall take place within the dripline of the trees to be preserved. The disturbance limit line must consider sensitive root systems that fall within this area. The NCC will determine the requirements for tree protection.
5. No clearing or off-site disturbance will be permitted.
6. No equipment storage or parking will be allowed within these preservation areas. Weed debris removal required within these areas shall be done with hand tools.
7. Fencing must be installed prior to any clearing and construction and must be maintained in good condition until construction is completed, as required by the NCC.
8. To enable the NCC to control and monitor the tree protection program, strict construction specifications will be required. Sample specifications can be provided by the NCC, if requested. A penalty clause shall also be included in the construction specifications as follows:

*Any tree within the area delineated to be preserved which is damaged shall be replaced with a tree that is the same or similar species and size. In the event of damage to a large tree which cannot be replaced on an equal basis, trees (2 1/2 inches minimum caliper) must be used as replacements such that the sum of the calipers of the replacement trees equal the caliper of the damaged tree.*

For example, if a 30 inch caliper tree is destroyed within the preservation zone, 10, three inch or 12, two inch trees would be required as replacements. The NCC will determine tree damage and regulate the replacement of trees.

#### D. Site Grading

Site grading must be done in accordance with all plans and specifications as submitted and approved by the NCC. Site grading shall be done in such a way as to

preserve and enhance the existing topographic features and to provide positive drainage. When modifications occur, surface drainage systems such as swales and retention basins are preferable to underground systems.

Retaining walls are acceptable where proposed grades are in excess of a 2:1 slope. Areas with slopes in excess of 3:1 will require slope stabilization treatment such as erosion control planting to protect the slope from adverse run-off. Turf on slopes greater than 3:1 will not be allowed. Where retaining walls are required, they shall be of a material compatible with the building material and the overall community character and approved by the NCC. Railroad tie and timbered wall construction will be discouraged. Berms, channels, swales, and other drainage elements shall be graded in such a way as to be an integral part of the natural areas. Where landscape mounding or earth contouring is required, smooth transitions with soft natural forms are desired. Trees are not to be planted directly on top of mounds.

**E. Grading and Mounding Guidelines**

The NCC shall use the following grading standards as a basis for reviewing site development:

| <u>Condition</u>                         | <u>Max.</u> | <u>Min.</u> |
|--|-------------|-------------|
| <b>Parking Areas</b>                     |             |             |
| Slope along curb.....                    | 5%          | 1%          |
| Cross slope.....                         | 3%          | 1%          |
| <b>Terraces/Courtyards/Sitting Areas</b> |             |             |
| Concrete.....                            | 2%          | .5%         |
| Flagstone, Slate, Brick .....            | 2%          | 1%          |
| <b>Lawn Area</b>                         |             |             |
| Mowed Grass Embankments.....             | 3:1         | ----        |

**Steep Embankments**  
 (require vegetative erosion control, retaining wall)...all slopes steeper than 3:1

|   |     |      |
|---|-----|------|
| Swale Side Slopes.....                    | 10% | 2%   |
| Swale Side Slopes in vegetated areas..... | 2:1 | ---- |
| <b>Longitudinal Slope of Swales</b>       |     |      |
| Grass (without stabilization).....        | 8%  | 2%   |
| Driveways Maximum Slope.....              | 10% | 1%   |

**F. Landscape Standards**

Landscaping reflects the personal taste of the owners and their landscape architects, architects and builders. It is, therefore, difficult to establish precise standards for landscape

design. The NCC may exercise its discretion in approving or disapproving landscape plans for individuals, builders and developers. It is recommended that landscape plans be prepared by a landscape architect registered in the State of North Carolina.

Preservation of existing native species is desirable and all plans for improvement should respect existing tree locations. To enhance the existing natural landscape, additional vegetation should complement native species and be compatible with existing environmental and ecological conditions. To the extent possible, areas should be replanted with indigenous grasses, plants and trees to assure harmony with the surroundings.

The cutting and clearing of existing vegetation understory may be done to open views if this is approved as part of a landscape plan, but cutting and clearing shall be kept to a minimum so as to preserve vegetation for buffers, privacy screens and landscape definition. In some areas cutting and clearing may be strictly limited. In cases where understory is not present, the addition of small flowering tree groups and shrubs should be considered.

### *1. Landscape Approach*

The general approach to landscape design may vary based on existing vegetation, slopes, soils and the architectural theme of the home. It is important to establish a landscape theme that reflects and enhances the architectural character and responds to the natural characteristics of the site. The NCC encourages the enhancement and protection of natural vegetation as part of the landscape concept. Landscape materials should be selected and arranged so that they accomplish the following objectives:

- a) Focus and enhance views and view corridors.
- b) Enhance the entrance to the home.
- c) Create outdoor spaces within the lot through the use of landscape beds.
- d) Use landscape beds with smoothly flowing lines and clean edges.
- e) Large masses of similar landscape materials will always be more effective than using many different materials in the same area.
- f) Use of plant materials for privacy will always be encouraged over the use of fences.
- g) Use of color in the landscape year round.
- h) If curvilinear beds are used, smooth flowing large radii should be used.
- i) Visually soften the perception of structures and create scale in the landscape.
- j) Buffer driveways and parking areas.
- k) Screen adjacent properties by including both evergreen and deciduous materials as well as shade and flowering trees.
- l) Screen utility areas, transformers, phone boxes, air conditioning units, trash enclosures, TV dishes, and other ancillary elements.
- m) Plant trees in groupings of one type and a minimum of three (3) trees per group, wherever possible.

- n) Generally, shrubs and groundcovers should be planted in masses of one (1) type per mass and in sufficient numbers to create beds or 'drifts' of plants. Minimum bed width shall be four (4) feet and shall vary for interest. The purpose of planting beds, particularly in the front yard, is to extend planting out and away from the home. A single row of shrubs planted around the foundation is unacceptable.

## 2. Plant Material

A coordinated mix from among the following plant material types is required for each plan.

- a) Shade Trees either a large or medium size at maturity to provide pockets of shade and visual scale to a yard.
- b) Evergreen Trees to provide year-round greenery for screening. Also, their use as a specimen or accent tree is available. A balance of evergreen and deciduous trees (and shrubs) is essential for an attractive landscape year-round.
- c) Ornamental Trees of a small to medium size at maturity to provide interest to the understory landscape through features such as flowers, fall color, form, etc. To be used as single specimens or in groupings of three or more for greater impact.
- d) Deciduous Shrubs to provide seasonal change. There are many varieties which provide outstanding features such as fall color, flowers, interesting winter branching and/or colorful berries.
- e) Evergreen Shrubs to provide a permanent green background for foundation plantings, within hedge planting for screening of unsightly views and to provide a contrast to deciduous shrubs.
- f) Ground Covers, whether deciduous or evergreen, to provide a low growing 'carpet' effect in the foreground of foundation plantings. Their use is required on steep slopes to ease maintenance and control erosion.
- g) Perennials and flowering annuals to provide color and seasonal variety to the landscape. Pockets of color near high impact areas such as front doors, courtyards, and patios are encouraged to call attention to these areas.
- h) Lawn areas are the critical unifying element in the landscape. Sod is recommended in highly visible areas such as the front yard, however, seed is acceptable, but only during proper planting season (spring and fall).
- i) Natural areas provide a visual link between the golf course buffer areas and residential lots, and common areas. The areas include preserved trees, understory plants and grasses.

### *3. Other Requirements*

The cost of landscaping for a new home must be a minimum of \$3,000 or 1.5% of the house and lot value, whichever is greater. The landscape treatment shall be concentrated around the front entrance of the house. The monies applied to the landscaping requirement shall not include moneys spent on seed, sod or irrigation. Landscape plans shall be submitted to the NCC which identify treatment of the entire lot including any portion in the road right-of-way.

- a) Automatic irrigation systems are encouraged, however, all irrigation plans must be submitted to the NCC for review prior to installation. If these plans are not laid out with consideration to existing vegetation, extensive root damage and loss of specimens and trees can occur.
- b) All plans must indicate location and method for enclosing trash cans. Fences or walls to screen trash cans must be architecturally compatible with the home and details must be submitted for review.
- c) All disturbed areas shall be finished graded to provide smooth and even grades.
- d) All construction debris and material shall be contained in a dumpster or similar moveable container during the construction of the house and removed from the site periodically. All debris will be removed prior to the final grading of the site. No on-site burning of debris will be permitted. No fires will be permitted.
- e) All construction activity must be confined to the respective site, never "trespassing" beyond the site boundaries. Any debris (including but not limited to dirt, silt, top soil, mud, construction material, vegetation, or other material) that falls outside of the construction area, including any debris on the roadway or other common areas, will be immediately and completely removed and the area will be cleaned. Any damage to areas outside of the construction site will be repaired immediately. Areas not cleaned, repaired or returned to normal within 24 hours following notification by the NCC will be cleaned, repaired or restored by the NCC and the cost thereof billed to the owner. The NCC may include as part of the bill a 15% overhead fee. Such costs will become an obligation of the owner, and will result in a lien being placed on the property if not paid in a reasonable period.
- f) Selective pruning and cleanup of natural areas with heavy motorized equipment is prohibited to avoid root damage and compaction.
- g) Natural areas adjacent to the golf course and street right-of-ways must be kept free of trash, weeds, debris, dead limbs and trees. Selective pruning of small understory material and "limbing up" of trees is permitted, subject to obtaining written approval of NCC. Silt fences or boundary fences will be required on all lots bordering the golf course during all construction activity. Boundary fences may be utilized only if site grades slope away from the golf course.

## G. Site Details

This section addresses the specific site requirements for the intended improvements.

### 1. Landscape Lighting

Landscape lighting should be used to accent and enhance the natural characteristics of the landscape. Fixture lamps should be either incandescent, metal halide or low voltage and should be shielded by planting or other methods acceptable to the NCC. All fixtures should be concealed in daylight.

Landscape lights may be placed in trees approved by City of Durham. This is done to create ground patterns but fixtures, wire and conduit should be concealed and lenses shielded. All City, County and/or State electrical codes shall apply.

### 2. Fences

- a) Temporary Fences must meet certain criteria. Fences used as temporary barriers and for silt collection during construction around vegetation must be sturdy, at least three (3) feet tall, and easy to maintain. Fences are prohibited in utility easements and road rights-of-way and all temporary fences must be removed prior to issuance of a certificate of occupancy.
- b) Permanent fences and walls are generally discouraged. No fence or wall shall be constructed unless the owner has obtained written approval of the NCC. Although fences and walls are discouraged, fences to be utilized in connection with single family homes shall be used to define specific spaces such as private gardens, patios, pools and play areas, rather than delineating property lines. Privacy fences and walls in all cases shall be limited to small enclosures around the house.
- c) Unless required by a Code Requirement, no fence will exceed a total of five feet in height and only the lower four feet section of any fence can be solid.
- d) Fences and walls shall be architectural extensions of the house or other buildings and shall be composed of materials and/or colors to complement the house or such other buildings.
- e) Chain link fences are strongly discouraged and generally chain link fences will only be permitted within Treyburn in very special circumstances and only after receiving the prior written approval of the NCC. In the event a chain link fence is approved, it must not be visible from any common area, road, golf course or adjacent dwelling and must be black coated and heavily landscaped.
- f) There shall be no property line fences along golf course frontage or lake frontage unless approved by the NCC. All fence plans, designs, colors, materials and locations must be submitted and approved by the

NCC or MC prior to any construction. Fence enclosures around pools should be in conformance with the Durham County Health Department regulations or other applicable local or State regulations.

### *3. Mailboxes*

Location of private individual mailboxes shall be adjacent to the curb for easy access by mail carriers. The mailboxes shall be mounted in a simple and tasteful manner to meet standard official postal regulations and to preserve the visual character of Treyburn. The Treyburn standard mailbox must be used for all houses unless the local postal service requires otherwise. In such case, then NCC must approve the alternative mailboxes from the options available.

### *4. Garages*

Garage openings shall be located and treated so that approaches to individual houses are not negatively, visually impacted or dominated by the garage. Side entry garages are required where lot widths allow. When garages are detached from houses they shall maintain all of the architectural characteristics of the house. Covered walks are also encouraged between garages and houses. Garage doors shall remain closed when not in operation or use.

### *5. Driveways and Vehicles*

Driveways shall be made of a durable concrete material or asphalt with controlled edges. Suggested materials are brick, concrete pavers, scored concrete or a combination. All driveways shall be long enough to comfortably park one car off the street and beyond the right-of-way. When possible a curvilinear driveway form is desirable. No driveways located on steep lots shall have a maximum slope of greater than 10%. Driveway aprons on side loaded garages must extend a minimum of 35 feet from the garage door and the full width of the garage dimension. The parking of cars, trailers or other vehicles overnight on streets, roads or rights-of-way is discouraged. On-street parking at any time is discouraged and may be prohibited in some areas. Vehicles parked overnight in the open rather than in garages shall be screened from roads and common areas.

### *6. Accessory Buildings*

Prefabricated storage sheds are not permitted. Storage buildings that are an integral part of the architecture may be permitted, but will require NCC approval.

### *7. Hot Tubs*

Hot tubs are permitted within Treyburn with the approval of the NCC. The use of above-ground hot tubs is discouraged. If used, they should be incorporated into the deck design or landscape and be buffered or screened with landscape materials and approved screen structures to prevent views by neighbors.

NCC, and must accompany the delivery of the Declaration of Covenants, Conditions and Restrictions to potential lot purchasers, builders and developers and must become an integral part of the existing standards. It is imperative that all owners receive, read and understand all of the contents of the Architectural Guidelines and required design elements.

One of the goals of the Architectural Guidelines is to encourage creative design while maintaining a unified and complementary neighborhood and community. It is expected that all design elements for both the site and building (building massing, materials, detailing, colors and textures) will be consistent with Treyburn overall. In reviewing exterior building construction, the NCC will consider the acceptability of style, color and materials for each neighborhood. Building materials will be considered for acceptability, type, color, texture, and durability. In addition, the NCC shall approve the extent to which any single proposed material may be used as well as its use in combination with other materials within each of the neighborhoods within Treyburn.

Permanence implies that buildings will age without deteriorating, given a reasonable level of maintenance. This shall be achieved by use of quality building materials and methods of construction. For this and visual reasons, certain materials and finishes will not be allowed.

The intent of the Architectural Guidelines is to encourage individual expression and, through an outline of basic and simple design criteria for sound architectural practice and acceptable design, aid individuals in achieving a project character of similar style and quality. All new construction of single-family residences is subject to the review of the NCC. Though the establishment of minimum standards, these guidelines serve to equitably preserve and enhance the continuity of Treyburn quality standards. Unless modified by the Treyburn Design Guidelines Supplements, attached hereto and made a part by reference, the specific architectural guidelines are as follows:

#### **A. Minimum Square Footage**

Minimum home size to be 3,000 square feet of conditioned space. In the event of major site restrictions and/or limitations the NCC may consider a minor variance, however the variance must be fully approved in advance.

#### **B. Exterior Detailing**

Front "facade" homes will not be permitted (i.e., a brick front with all other elevations of siding). Eave details should be uniform around all other elevations of the home. Rustic detailing is not permitted. Foundation vents in all locations must be minimum 16 inch x 16 inch recessed wood louvers unless otherwise stated for specific areas. Thermatically controlled automatic vents (8 inch x 16 inch) may be installed, concealed behind the wood louvers. Pilaster half columns will be discouraged. All portico columns should reflect historically based details and proportions.

Soffits may be constructed of wood, metal or masonite.

### C. Shutters

In general, window shutters should simulate operable "open" hinged shutters by each shutter being one half the width of the window it flanks, unless otherwise approved. Shutters must match the profile of the window (arches, gables). Shutters shall be louvered or raised panel of wood, fiberglass or metal.

### D. Windows

All windows will be energy efficient thermal glass, warranted, factory units. Exterior storm windows will not be permitted. On street elevations and golf course elevations (primary elevations), all window muntin grids will be permanent true divided light and constructed of full profile (minimum  $\frac{3}{4}$ " width minimum  $\frac{3}{8}$ " projection) muntin bars or windows of similar design and approved by the NCC. Muntin grid patterns must remain uniform from window to window. Shifts in grid alignment will not be permitted. Assorted window styles will be discouraged on an individual house or elevation (for example, cathedral fan arches mixed with flat spring arches). Only custom, feature view windows will be allowed to remain muntinless on the primary elevations. The NCC will consider alternate window applications for those homes of unique design.

### E. Roofs

In order to preserve a continuity of quality and visual impression, residential roofs within Treyburn, unless otherwise permitted will be of cedar shingles; No. 1 Blue Label (not shakes) or an approved quality equivalent. "Architectural" fiberglass shingles may be used in certain defined sections of Treyburn. All roofs within Treyburn must have cedar shingles or equal as approved by the NCC, unless otherwise specified in the Supplements. Metal roofs will not be permitted in the residential areas.

### F. Roof Vents

All roof vents must be painted a medium gray or other color to match roof color after shingles age or existing shingle color.

### G. Exterior Materials

The approval of exterior building materials including type, color, texture and durability, and the extent of use of any single material or combination of materials shall be solely at the discretion of the NCC. Most residential brick, "Treyburn" dry stack stonework, full profile wood siding, and historically based stucco finishes are the preferred exterior finishes. Utility brick, concrete block, metal, vinyl, and plywood are not permitted unless

otherwise noted. All siding must be properly and fully finished. Natural weathering of exterior materials is not desired.

Materials prohibited on exterior surfaces are, unless otherwise specified:

1. unfinished or split face concrete block
2. metal (flashing and gutters not included)
3. plywood (subject to application)
4. plastic or vinyl
5. cement asbestos

## H. Garages

All garages should open, facing the side or rear of the homesite whenever possible where lot width allows. A written variance must be obtained from the NCC in advance for sites restricting and/or prohibiting this orientation. All door designs must be approved in advance.

## I. Garage Doors

Raised panels are required on all doors which face the street or doors which are visible from common areas. Raised panel doors are those in which each section is divided into a number of panels which have a frame and a raised panel within each frame. Flush panel garage doors (doors which have no trim which projects beyond the face of the door) are not allowed. Stile and rail doors are acceptable in locations not visible from streets or common areas. Stile and rail doors are similar to raised panel doors but do not have raised panels within the panel frames. Two single garage doors are preferred and encouraged rather than one double size garage door. Metal, fiberglass and masonite doors are discouraged, but permitted with the approval by the NCC. All garages must be equipped with automatic door openers.

## J. Drives

All drives must be fully and properly sloped to provide storm water drainage. Special drives may be required within the Water Quality Critical Areas to reduce impervious surface areas. Driveways constructed of paving such as brick, interlocking concrete pavers or stone pavers are preferred. Colored concrete or light broom finish concrete drives are also acceptable, but proper expansion and joint control must be provided. Asphalt drives will also be considered if properly constructed and stabilized. All driveway locations, materials and details shall be submitted to the NCC for review and approval.

### *8. For Security and Landscaping Lighting*

Pole mounted yard lights and large flood lights mounted to the house are prohibited. Security lighting will be shielded and shall be residential in scale and design. Care should be taken not to direct lights toward streets or adjacent property. Landscape lighting can be used, as outlined in the Section V. G., Site Details must be approved by the NCC or the MC.

### *9. Antennas and Satellite Dishes*

Exterior antennas are not permitted. Satellite dishes not to exceed 18 inches in diameter shall be permitted, but, location must be approved by the MC or NCC prior to installation. In most cases, a ground-mounted location which is screened by landscape materials will be preferred over a roof-mounted location.

### *10. Advertising*

Advertising of specific products, trade names, brands, and materials on individual lots is prohibited. Political posters, temporary advertising, "yard sale" signs, "for sale" and similar signs are prohibited. Garage and yard sales are not permitted. NCC approved "for sale" signs can be obtained from the Treyburn Residential Owners Association for resale of homes and lots.

### *11. Street Address Numbers*

Preferably, street address numbers are to be located on mailboxes, however, they may be located on the face of the house or building. House numbers should be sufficiently large to be seen from the street and reflective in order that may be seen at night. Also, house numbers placed on mailboxes should be reflective at night. Painting numbers on curbs is prohibited.

### *12. Landscape, Walks and Gates within Right-of-Ways*

Plantings in rights-of-way shall be limited to street trees and grass. Generally, walls and gates are not permitted in road rights-of-way without an applicable encroachment agreement. The application for an encroachment agreement or other approval required by the City of Durham shall be submitted to the NCC prior to submission to the City.

### *13. Garbage Cans*

All garbage cans shall be kept in screened areas. In some areas, garbage may be required to be "in-ground" and should be taken out by the owner on trash pick-up days. All trash containers must conform to the City of Durham standards.

## VI. ARCHITECTURAL GUIDELINES

The following Architectural Guidelines are to be used, unless a specific set of architectural standards has been, or shall hereafter be, prepared and adopted as a supplement for a neighborhood, specific development phase, project or section of a residential portion of the Master Plan. Any revisions to these Architectural Guidelines must be approved by the

#### K. Doors

Raised panels are required on all exterior passageway doors. Raised panel doors are those in which each section is divided into a number of panels which have a frame and a raised panel within and frame. "Facade" flat entrance doors are not permitted. Doors constructed of wood are preferred, but insulated metal doors may be used subject to NCC approval.

#### L. Chimneys

All exterior home chimneys must be full foundation based chimneys. Wood siding chimneys will not be permitted except as noted below. All chimneys must be compatibly positioned and proportionately balanced within the elevation(s) of the house.

#### M. Decks

Full architectural details are required for all decks and patios. All deck details must be an architectural match with the respective home. All decks must be architecturally "finished". All deck flooring must be stained (light gray or color approved by NCC). The rails, pickets and underpinning must be painted or stained (colors to match home and approved by NCC). Views beneath decks are not permitted. Architectural underpinning (i.e. lattice) and/or mature landscaping must be provided. If underpinning is not used, evergreen plant materials must effectively block all open views to the underside of decks upon installation. Decks more than 3' above grade must have underpinning and/or plant material screening.

#### N. Walkways and Patios

Front walks, shall be a minimum width of 4 feet. The use of special paving materials such as brick, interlocking concrete pavers or stone is encouraged. All paving material shall be submitted for review and approval. If concrete is used, expansion and control joints should be placed to avoid cracking and settling and create a uniform designed joint pattern.

#### O. Roof Windows

Skylights and/or roof windows will not be permitted on the primary elevation(s) of the home. These roof windows will only be permitted on secondary elevations if they properly align and complement the home elevation. Dormer windows are the preferred alternative. Dormers must also maintain an alignment balance with the home elevation. All roof windows must be flat glass. No plastic bubbles will be allowed.

**P. Front Entrances**

All main entrances will be enhanced by a projecting roofed portico or will be strongly detailed and recessed to provide a protected focused entry. The approach to the main entry must be a gentle walk, with or without steps, adding focus and balance to the entrance and primary elevation.

**Q. Exterior Colors**

The use of natural warm muted earth tone colors for the main body of the home such as beige and grays are encouraged as is white. Traditional color pallets such as the "Williamsburg" series should be used as a basis for color selections and combinations. Bright primary colors as well as pinks, purples, greens and blues are not allowed. Non reflective furnishes should be used on exterior surfaces with exception of hardware items.

**R. Utilities**

All utility feeds, meters and vents must be painted to blend with adjacent surfaces (that is, landscape green, weathered shingle gray, or foundation wall color). All above ground utilities and mechanical equipment (such as transformers, phone boxes, gas meters, electric meters, and air conditioning units) must be screened with evergreen plant material of a height equal to or greater than the height of the equipment. The size and spacing of vegetative screening must provide effective visual screening upon installation.

**S. Downspouts**

All downspouts from gutters must be extended below grade and connected to subsurface drain pipe as specified. Drain pipe shall be routed to outfall into natural areas. Care must be taken to avoid trenching near existing tree roots. Direct discharge into driveways or splash blocks is not allowed. Landscape/Site plans must indicate all downspouts and underground drainage locations. All home plans submitted for review must indicate the full extent of proposed gutters and all downspout locations and the routing of all underground piping.

**VII. MAINTENANCE****A. Lawn Maintenance**

Lawns and other ground cover shall be kept well trimmed at all times. Removal of leaves shall be done within a reasonable time during the fall season. Catch basins and other drainage collection points shall be cleaned regularly. A regular schedule shall be maintained for groundskeeping. Except for single family dwellings, this schedule shall be submitted to the NCC before the completion of construction.

**B. Trees and Other Plants**

Seasonal pruning and cutting dead branches shall be done as required. Extra care shall be taken for new plantings in their initial stage of establishment on the site.

**C. Watering**

Plants may be watered as necessary during the growing season. However, local temporary water use restrictions shall be strictly adhered to.

**D. Building Maintenance and Cleaning**

To insure the quality standards projected for Treyburn, all buildings shall be well maintained and clean at all times. Provision of services shall be made for necessary cleaning of masonry and washing and polishing of metals, particularly at the main entrances. Broken glass, damaged windows, light poles and lamps shall be repaired or replaced promptly.

**E. Equipment Storage**

Storage of all maintenance equipment shall be within garages or well screened. Maintenance equipment shall not be visible from access roads, common areas, open spaces or adjacent lots or developments.

**VIII. WATER QUALITY MONITORING**

A water quality monitoring program has been established for Treyburn in conjunction with local governmental agencies. Through stations set up at outfall points throughout Treyburn compliance with the soil erosion sedimentation plan will be monitored. Copies of the water monitoring program can be obtained from the Treyburn Association. If the water monitoring program discloses non-compliance with the plan or unacceptable levels of silt runoff from a site, the Treyburn Association or the Treyburn Residential Owners Association shall notify the Owner. Immediate corrective measures by the owner will be required upon such notification.

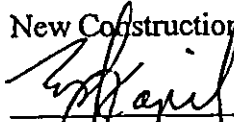
**IX. SUPPLEMENTAL DESIGN GUIDELINES; ADDITIONAL RESTRICTIONS**

From time to time the NCC may alter, amend, modify or revise these Design Guidelines. Such revised and/or additional restrictions shall be designated as Supplemental Design Guidelines, shall be numbered and dated and (except for Supplemental Design Guidelines Nos. 1 through 4 attached hereto) shall be signed by not less than two members of the NCC and shall become a part of the Design Guidelines upon approval by the NCC. Additional Supplemental Design Guidelines shall be recorded as amendments to the Declaration in the office of the Register of Deeds of Durham County, North Carolina. The Supplemental Design Guidelines Nos. 1 through 4 are attached hereto and incorporated herein by this reference.

The above Treyburn Design Guidelines (Amended and Restated) have been approved by the New Construction Committee, whose signed consents are subscribed below.

Consented to and approved this 15<sup>th</sup> day of January, 1998.

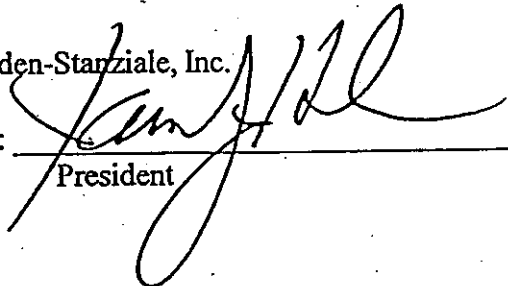
New Construction Committee

  
Elizabeth S. Kapil

  
Terry Sanford, Jr.

  
Clarence Lupton

Haden-Starziale, Inc.

By:   
President

ATTEST:

  
Secretary

(CORPORATE SEAL)

Architectural Design and Planning Group of  
Wilmington, Inc.

By:   
President

ATTEST:

  
Secretary

(CORPORATE SEAL)

The undersigned Declarant does hereby acknowledge the foregoing \_\_\_\_\_  
Amended and Restated Treyburn Design Guidelines and does hereby consent to the same;

This the 1<sup>st</sup> day of January, 1998.

TREYBURN LIMITED LIABILITY COMPANY

By Its Sole Member/Manager  
Royal Hawaiian Shopping Center, Inc., a Hawaii  
corporation

By: *Richard S. Wong*  
Name: Richard S.H. Wong  
Its: President

By: *Scott K. Hayashi*  
Name: Scott K. Hayashi  
Its: Assistant Vice President  
Mainland Properties

ATTEST:

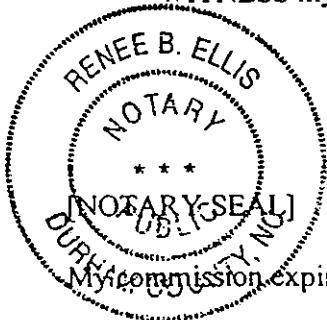
*Phyllis T. Cuskaden*  
Phyllis T. Cuskaden, Secretary  
(CORPORATE SEAL)

NORTH CAROLINA

DURHAM COUNTY

I, Renee B. Ellis, a Notary Public of Durham County,  
North Carolina, do hereby certify that Elizabeth S. Kapil personally appeared before me this day and  
acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this 23 day of February, 1998.

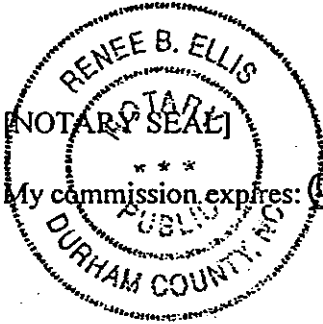


*Renee B. Ellis*  
Notary Public

NORTH CAROLINA  
DURHAM COUNTY

I, Renee B. Ellis, a Notary Public of Durham County, North Carolina, do hereby certify that Terry Sanford, Jr. personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this 23 day of February, 1998.

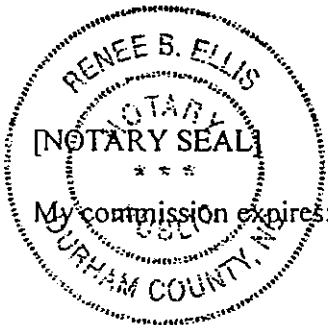


Renee B. Ellis  
Notary Public

NORTH CAROLINA  
DURHAM COUNTY

I, Renee B. Ellis, a Notary Public of Durham County, North Carolina, do hereby certify that Clarence Lupton personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this 23 day of February, 1998.



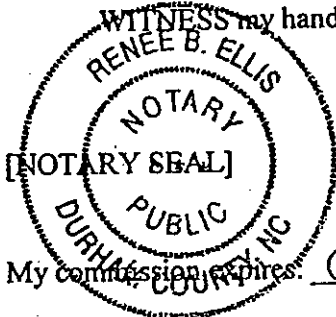
Renee B. Ellis  
Notary Public

NORTH CAROLINA

DURHAM COUNTY

I, Renee B. Ellis, a Notary Public of Durham County, North Carolina, do hereby certify that George E. Stanziale, Jr. before me this day and acknowledged that he is the Secretary of Haden-Stanziale, Inc., a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by himself as its Secretary.

WITNESS my hand and notarial seal, this 9 day of April, 1998.



Renee B. Ellis  
Notary Public

My commission expires: Oct. 29, 2000

FLORIDA

POLK COUNTY

I, \_\_\_\_\_, a Notary Public of Polk County, Florida, do hereby certify that Ellen M. Brickner came before me this day and acknowledged that she is the Secretary of Architectural Design and Planning Group of Wilmington, Inc., a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by herself as its Secretary.

WITNESS my hand and notarial seal, this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

\_\_\_\_\_  
Notary Public

[NOTARY SEAL]

My commission expires: \_\_\_\_\_

NORTH CAROLINA

DURHAM COUNTY

I, \_\_\_\_\_, a Notary Public of Durham County, North Carolina, do hereby certify that George E. Stanziale, Jr. came before me this day and acknowledged that he is the Secretary of Haden-Stanziale, Inc., a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by himself as its Secretary.

WITNESS my hand and notarial seal, this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

\_\_\_\_\_  
Notary Public

[NOTARY SEAL]

My commission expires: \_\_\_\_\_

FLORIDA

POLK COUNTY

I, Kelly A. Olivier, a Notary Public of Polk County, Florida, do hereby certify that Ellen M. Brickner came before me this day and acknowledged that she is the Secretary of Architectural Design and Planning Group of Wilmington, Inc., a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by herself as its Secretary.

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WITNESS my hand and notarial seal, this 13<sup>th</sup> day of April, 1998.

Kelly A Olivier  
Notary Public

[NOTARY SEAL]



Kelly A. Olivier  
MY COMMISSION # 00636290 EXPIRES  
May 21, 2001  
BONDED THRU TROY FARM INSURANCE, INC.

My commission expires: May 21, 2001

STATE OF HAWAII

CITY AND COUNTY OF HONOLULU

I, Dina A. Aea, <sup>City and</sup> a Notary Public of the county and state aforesaid, do hereby certify that Phyllis T. Cuskaden, personally appeared before me this day and acknowledged that, by authority duly given and as the act of the corporation and as the act of said limited liability company, she is secretary of Royal Hawaiian Shopping Center, Inc., a Hawaii corporation and sole member manager of Treyburn Limited Liability Company, and that the foregoing instrument was signed in its name by Richard S. H. Wong, its President and Setti K. Kiyashi its Assistant Vice President sealed with its corporate seal, and attested by her self as its <sup>Maintain the parties</sup> Corporate Secretary.

WITNESS my hand and official stamp or seal, this the 15<sup>th</sup> day of January

1998

Dina A. Aea  
 Notary Public, State of Hawaii

(STAMP-SEAL)

My Commission Expires: 4-13-99

State of North Carolina - Durham County

The foregoing or annexed certificate(s) of Carla A. Aea  
Renee B. Ellis - Kelley A. Oliver  
 A Notary(Notaries) Public for the Designated Governmental  
 units is(are) certified to be correct.

This the 23 day of April AD. 1998  
WILLIE L. COVINGTON Sharon A. Davis  
 Register of Deeds By: Assistant / Deputy  
 Register of Deeds

Treyburn Supplemental Design Guidelines No. 1  
Specific Parcel Architectural And Site Variances Allowed  
Treyburn References: I-5 Phase 1 & 2  
Neighborhood Name: N/A  
Lots 9-23, SEC19, Plat Book 125 Page11  
Lots 1-8, 24-32, SEC 18, Plat Book 125 Page 10  
Lots 1-8, 21 & 22, SEC 24, Book 132 Page 94  
Lots 9-20, SEC 25, Book 133 Page 146  
(Durham County Registry)

Note: This addendum is in addition to and not in lieu of the general requirements of the Design Guidelines. Specific areas where variances are allowed are set forth below. Except as herein amended or modified for the neighborhood identified in the caption, the Design Guidelines shall control.

I. Architectural Standards

A. Minimum Square Footage

Minimum 3,000 Square Feet

B. Exterior Detail

- i) Soffits - No variance.
- ii) Foundations - No variance.

C. Shutters - No variance.

D. Windows - No variance.

E. Roofs - No variance.

F. Roof vents - No variance.

G. Exterior Materials - No variance.

H. Garages - No variance.

I. Garage Doors - No variance.

J. Drives - No variance.

K. Doors - No variance.

Supplement No. 1  
Page 2

L. Chimneys - No variance.

M. Decks - No variance.

II. Site Requirements

A. Impervious Coverage Limits

As per Merged City/County Ordinance

B. Setback Requirements

1. Front Yard - 50 feet
2. Side Yard - 8 feet
3. Rear Yard - 25 feet Treyburn Setback on Golf Course.
4. Special Setbacks Requirements: Lots 15,16,17-fifty (50) feet rear  
Lots 10,11,12 - rear setbacks  
as shown on plans.

Treyburn Supplemental Design Guidelines No. 2  
Specific Architectural And Site Standard Modifications Allowed

Treyburn References: I-7 Phases 1 and 2

Neighborhood Name: N/A

Lots 1-6, & 59-63, SEC 13 Book 125, Page 14

Lots 7-23, 64 & 65, SEC 14 Book 125, Page 15

Lots 56-58 SEC 13A Book 131, Page 133

Lots 36-50 SEC 17 Book 131 Page 136

Lots 24-35, 51, & 66-71 SEC 16 Book 131 Page 135

Lots 52-55 & 73-80 SEC 15 Book 131 Page 134

(Durham County Registry)

Note: This addendum is in addition to and not in lieu of the general requirements of the Design Guidelines. Specific areas where variances are allowed are set forth below. Except as herein amended or modified for the neighborhood identified in the caption, the Design Guidelines shall control.

I. Architectural Standards

A. Minimum Square Footage

Minimum: 2,300 Square Feet

B. Exterior Detail

- i) Soffits - No variance.
- ii) Foundations - No variance.

C. Shutters - No variance.

D. Windows - No variance.

E. Roofs - No variance.

F. Roof vents - No variance.

G. Exterior Materials - No variance.

H. Garages - No variance.

I. Garage Doors - No variance.

J. Drives - No variance.

Supplement No. 2  
Page 2

- K. Doors - No variance.
- L. Chimneys - No variance.
- M. Decks - No variance.

II. Site Requirements

A. Impervious Coverage Limits

As per Merged City/County Ordinance.

B. Setback Requirements

1. Front Yard - 50 feet
2. Side Yard - 8 feet
3. Rear Yard - Per Durham County ordinance
4. Special Setbacks Requirements - none

BOOK 2540 PAGE 891

BOOK 2453 PAGE 368

Treyburn Supplemental Design Guidelines No. 3  
Specific Architectural and Site Standard Variances Allowed  
Treyburn Reference: Phases 1, 2 and 3

Neighborhood Name: Stagville

Lots 1-6, 31-67 & 165-175 SEC 22A, Plat Book 134 Page 120

Lots 68-74, 148-152 & 164 SEC 20, Plat Book 129 Page 10 \*\*

Lots 126-128 SEC 23A, Plat Book 137, Page 64

Lots 96-124 SEC 23, Plat Book 134 Page 121

Note: This addendum is in addition to and not in lieu of the general requirements of the Design Guidelines. Specific areas where variances are allowed are set forth below. Except as herein amended or modified for the neighborhood identified in the caption, the Design Guidelines shall control.

I. Architectural Standards

A. Minimum Square Footage

Minimum: 1,800 Square Feet

B. Exterior Detail

- i) Soffits - No variance.
- ii) Foundations - No variance.

C. Shutters - No variance.

D. Windows - Removable mullions allowed; vinyl clad allowed.

E. Roofs - Standard 30 year fiberglass dimensional/architectural shingle.

F. Roof vents - Painting not required.

G. Exterior Materials - Wood, fiber cement or masonite siding or brick.

H. Garages - No variance.

I. Garage Doors - Metal, wood and fiberglass.

J. Drives - No variance.

Supplement No. 3  
Page 2

K. Doors - Metal, wood and fiberglass.

L. Chimneys - Brick or wood siding.

M. Decks - No variance.

II. Site Requirements

A. Impervious Coverage Limits

As per Merged City/County Ordinance.

B. Setback Requirements

1. Front Yard - 35 feet
2. Side Yard - 8 feet
3. Rear Yard - Per Durham County ordinance
4. Special Setbacks Requirements - none

BOOK 2540 PAGE 893

BOOK 2453 PAGE 370

Treyburn Supplemental Design Guidelines No. 4  
Specific Architectural and Site Standard Variances Allowed

Treyburn Reference: WB-1

Neighborhood Name: The Arbors at Treyburn

Phase I Section 27

Lots 1-48

Plat Book 138 Page 19

Plat Book 138 Page 20

(Durham County Registry)

Note: These addenda are not meant to alter the general requirements of the Design Guidelines but rather identify specific areas where variances are allowable. Please refer to the text of the Design Guidelines for a complete list of guidelines for this neighborhood.

I. Architectural Standards

A. Minimum Square Footage

Minimum: 1,600 Square Feet

B. Exterior Detail

- i) Soffits - No variance.
- ii) Foundations - No variance.

C. Shutters - No variance.

D. Windows - No variance.

E. Roofs - Standard 30 year fiberglass dimensional/architectural shingle.

F. Roof vents - No variance.

G. Exterior Materials - Wood, fiber cement siding or brick.

H. Garages - No variance.

I. Garage Doors - No variance.

Supplement No. 4  
Page 2

- J. Drives - No variance.
  - K. Doors - No variance.
  - L. Chimneys - Chimneys that are totally exposed at the end of rear of the house will be brick venier.
  - M. Decks - No variance.
- II. Site Requirements
- A. Impervious Coverage Limits
    - As per Merged City/County Ordinance.
  - B. Setback Requirements
    - 1. Front Yard - per Z lot configuration
    - 2. Side Yard - zero one side / 10 feet other per Z lot configuration
    - 3. Rear Yard - per Z lot configuration
    - 4. Special Setbacks Requirements - Golf Course minimum 25 feet as specified by Design Guidelines.

Drawn by and mail to: Womble Carlyle Sandridge & Rice, PLLC (PTL)  
Post Office Box 831  
Raleigh, North Carolina 27601

STATE OF NORTH CAROLINA )  
 )  
COUNTY OF DURHAM )

| FILE COPY   |         |         |                    |
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| DATE  | 5/30/02 | TIME    | 2:34 pm            |
| BOOK  | 8459    | PAGE    | <del>163</del> 163 |
| STAMPS  |         | REC FEE | 23.00              |
| <small>WILLIE L. DOWNOTON<br/>REGISTER OF DEEDS<br/>DURHAM COUNTY, NC</small> |         |         |                    |

TWENTY-SIXTH AMENDMENT  
TO  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR TREYBURN RESIDENTIAL OWNERS ASSOCIATION  
AND DESIGN GUIDELINES

TWENTY-SIXTH AMENDMENT TO DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS FOR TREYBURN RESIDENTIAL OWNERS  
ASSOCIATION AND DESIGN GUIDELINES, dated as of April 24, 2002.

RECITALS:

1. Research Properties Associates, a North Carolina limited partnership, made a certain Declaration of Covenants, Conditions and Restrictions for Treyburn Residential Owners Association, dated the 10th day of November, 1987 and caused the same to be recorded in Book 1457, Page 891, Durham County Registry (as from time to time heretofore and hereafter supplemented and amended hereinafter referred to as the "Declaration").

2. There is appended to and made a part of the Declaration an Exhibit C designated Treyburn Design Guidelines, which Treyburn Design Guidelines have been recorded in Book 1457, Pages 925-939, Durham County Registry, as amended and restated by that certain Eleventh Amendment to Declaration of Covenants, Conditions and Restrictions for Treyburn Residential Owners Association for the Purpose of Amending and Restating the Treyburn Design Guidelines, recorded in Book 2453, Page 334, and re-recorded in Book 2540, Page 855, Durham County Registry (the "Design Guidelines").

3. Pursuant to that certain Assignment of Declarant's Rights, dated the 23<sup>rd</sup> day of September, 1993, and recorded in Book 1897, Page 1007, Durham County Registry, Research Properties Associates transferred and assigned to Treyburn I Limited Partnership (formerly known as Treyburn Limited Partnership) all of Research Properties Associates' rights, interests and obligations as Declarant, and Treyburn I Limited Partnership subsequently assigned all of its rights, interests and obligations as Declarant to Treyburn Limited Liability Company pursuant to an Assignment of Declarant's Rights, dated as of the 10th day of June, 1997, and recorded in Book 2328, Page 568, Durham County Registry.

4. Pursuant to Article XI, Section 1 of the Declaration, the Declarant has caused to be appointed a New Construction Committee, as provided for in the Declaration, consisting of George

E. Stanziale, Jr., David R. Barnes, and Michael L. Ramsey, which New Construction Committee is vested under the Declaration with sole and full authority to amend the Design Guidelines.

5. Pursuant to Section IX of the Design Guidelines, from time to time the New Construction Committee may alter, amend, modify or revise the Design Guidelines. Such revised and/or additional restrictions shall be signed by not less than two members of the New Construction Committee and shall become a part of the Design Guidelines upon approval by the New Construction Committee.

6. Pursuant to the authority vested in the New Construction Committee under Section IX of the Design Guidelines, the New Construction Committee does hereby determine that the Design Guidelines shall be and hereby are amended as follows:

The following Section VI.E. of the Design Guidelines entitled "Roofs" is hereby deleted:

VI.E. Roofs. In order to preserve a continuity of quality and visual impression, residential roofs within Treyburn, unless otherwise permitted will be of cedar shingles; No. 1 Blue Label (not shakes) or an approved quality equivalent. "Architectural" fiberglass shingles may be used in certain defined sections of Treyburn. All roofs within Treyburn must have cedar shingles or equal as approved by the NCC, unless otherwise specified in the Supplements. Metal roofs will not be permitted in the residential areas.

The following is inserted in lieu thereof:

VI.E. Roofs. In order to preserve a continuity of quality and visual impression, residential roofs within Treyburn, unless otherwise specified in the Supplements or approved by the New Construction Committee, shall be covered by cedar or asphalt/fiberglass shingles. Cedar shingles shall be No. 1 Blue Label (not shakes) or a quality equivalent approved by the New Construction Committee. Asphalt/fiberglass shingles: (i) shall be of one of the following brands: Certaineed, GAF, Elk, or Owens Corning; (ii) shall have the following characteristics: a forty (40) year warranty, an architectural/dimensional appearance with deep shadow lines, laminated, and UL Class A fire resistant; and (iii) shall be similar to one of the following colors from the Elk Prestique color palette: Weatherwood, Barkwood, Antique Slate or Sablewood. Products that exceed the specifications of the minimum brands and their characteristics will be considered on a case-by-case basis, but exceeding specifications does not preclude the requirement for approval by the New Construction Committee. The NCC will only consider metal roofing for those homes of unique design or where it is used as an accent material.

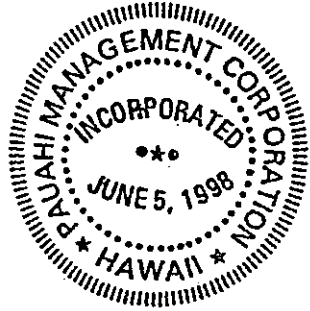
Except as expressly amended herein, the Design Guidelines shall remain unchanged and shall continue in full force and effect.

The undersigned Declarant does hereby acknowledge the foregoing Twenty-Sixth Amendment to Declaration of Covenants, Conditions and Restrictions for Treyburn Residential Owners Association and Design Guidelines and does hereby consent to the same.

This the 24th day of April, 2002.

TREYBURN LIMITED LIABILITY COMPANY,  
a North Carolina limited liability company (SEAL)

By: Pauahi Management Corporation,  
its sole member/manager



By: [Signature]  
Name: Richard S.H. Wong  
Its: President

By: [Signature]  
Name: Glenn H. Hara  
Its: Vice President, Finance

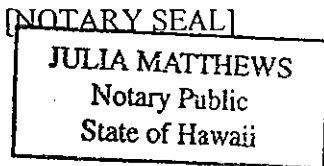
STATE OF HAWAII  
CITY AND COUNTY OF HONOLULU

I, a Notary Public of the city and county aforesaid, certify that Richard S.H. Wong and Glenn H. Hara personally appeared before me this day and acknowledged that they are President and Vice President, Finance, respectively, of Pauahi Management Corporation, a Hawaii corporation (the "Corporation"), and that by authority duly given and as the act of the Corporation and as the act of Treyburn Limited Liability Company, a North Carolina limited liability company (the "LLC") in which the Corporation is the sole member/manager, they, as President and Vice President, Finance, being authorized to do so, executed the foregoing instrument on behalf of the Corporation and the LLC.

WITNESS my hand and notarial seal, this 24th day of April, 2002.

My commission expires: May 20, 2005

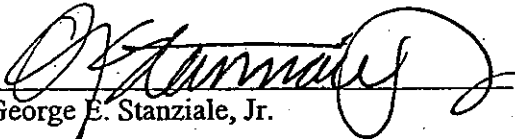
[Signature]  
Notary Public




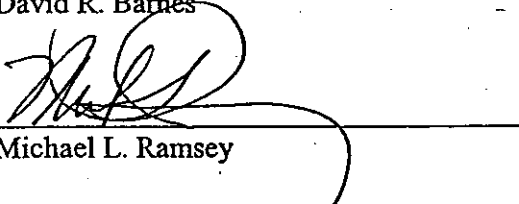
This Amendment to the Design Guidelines has been approved by the New Construction Committee, whose signed consents are subscribed below.

Consented to and approved this 24<sup>th</sup> day of April, 2002.

New Construction Committee

  
George E. Stanziale, Jr.

  
David R. Barnes

  
Michael L. Ramsey