

ARTICLE IV

PLANS SPECIFICATIONS, TYPES, AND LOCATION OF BUILDINGS

In order to assure that buildings are constructed in accordance with community standards and these restrictions, a complete set of plans (or working drawings) and specifications, including a plot plan (survey), prepared by a licensed surveyor, showing finished floor elevations, the location of the principal building and other structures additions, e.g., swimming pool, spa, hot tub, fountains, waterfalls, terraces, patios, decks, walls, fences, walkways, driveways, property lines, poles, setbacks, etc., must be approved by the Board of Directors ~~as meeting to assure compliance with established restrictions~~ criteria before construction begins.

All residential homes, whether single family (RSF) or multi-family (RMF) in PGI Section 23 are to be constructed on site. Modular, manufactured, mobile or other descriptive language used to classify or describe homes having the principal components manufactured in a production line environment and/ or pre-assembled in large sections or modules in a factory located elsewhere and then transported to the building site for the joining of said sections or modules, are not to be erected or assembled in PGI Section 23. The aforementioned does not apply to pre-engineered roof trusses that are to be used in the construction of a home built to community standards on the building site. The issuance of a building permit or license in ~~contravention~~ inconsistent with these restrictions shall not prevent the Board of Directors from enforcing these provisions.

Construction plans and specifications must include a full reinforced, concrete foundation under the entire structure. Perimeter walls shall be directly attached to the foundation footings. Foundations (pads) for pool filtering and heating systems, air conditioners, water purifiers and other such ancillary equipment, as well as ~~driveways~~ entrance landings, etc., must be of concrete. A terra cotta tile or a metal tile that simulates terra cotta tile or asphalt tile in appearance or an asphalt shingle roof is required. A minimum pitch of three to one is standard for all roofs. Flat sheet metal roofs made of tin, aluminum, galvanized metal or other material, not specifically identified here, require approval of the Board of Directors before construction begins. Florida State and Charlotte County building codes, including plumbing and electrical codes, in effect at the time of construction, apply.

No alteration or change in the exterior appearance of the building, driveway or structures, or in the specifications, or in the plot plan initially approved, shall be made without the expressed approval of the Board of Directors in writing. Further, any alteration, waiver, deviation, variance, or other change, issued by the County Building Department(s) after the initial approval, must be resubmitted to the Board of Directors by the contractor for consideration by that Board. Plans, specifications and plot plans may be disapproved by the Board of Directors on the basis of these restrictions and/ or on strictly aesthetic grounds as the Board sees fit. Moreover, exterior building colors ~~and driveways~~ that are ~~painted~~ repainted a different color than that initially approved are subject to approval by the Board of Directors in advance. Driveways may be sealed, painted or repainted, but must not be permitted to become unattractive as reasoned by the Board of Directors.

The building must be completed and ready for occupancy within a six (6) month period commencing the day after the lot is cleared. The Board of Directors reserves the right to inspect the property from time to time, as construction of the building proceeds, in order to assure that the building is being constructed in accordance with the approved plans and specifications and in compliance with these restrictions. In the event inspection reveals that approved plans and specifications have not been followed, both the contractor and the owner shall be notified in writing of the

discrepancies and construction shall stop until compliance or until an agreement is reached. Any legal expenses incurred by the Association to enforce these restrictions shall be paid by the ~~property~~ owner or owners of the property. This action shall not influence the time limit set for the completion of construction.

The selection of a builder is a matter left to the purchaser of the home. Thus, the purchaser is responsible for determining the credibility of the builder. Governmental agencies and/ or financial institutions may inspect the home periodically and take measures to insure compliance with building codes or other areas of specific interest, but, whether the builder or the subcontractors honor their agreements or contractual obligations to the satisfaction of the purchaser, is not a matter in which the Association becomes involved. Clearly, these responsibilities must be borne by the buyer. Therefore, the Association cannot guarantee that the builder will not default on any contract that he may have with the buyer. Accordingly, the Association does not bond any builder, contractor, subcontractor, manufacturer or other person(s) engaged by or on the part of the ~~purchaser(s)~~ property owner(s) to perform services or provide products.

Note: Article IV -PLANS, SPECIFICATIONS AND LOCATION OF BUILDINGS, of the Declaration of Restrictions, as recorded with the Clerk of the Circuit Court, Charlotte County, Florida, in OR Book 1515 pages 1909 through 1927 on February 26, 1997, is hereby amended as approved by the membership of Section 23 Property Owner's Association. Inc., on the 13th day of October 1998.

William G. Cone, President