

RESOLUTION 2004-02
OF
GAYTON GLEN HOMEOWNERS ASSOCIATION

**Fence Criteria for Class I, Class II, Class III and Class IV Association Maintained Fences
and Homeowner Installed Fences**

This RESOLUTION is made this 22nd day of June, 2004, by Gayton Glen Homeowners Association, hereinafter called "the Association."

W I T N E S S E T H

WHEREAS, New Life-Raintree Corporation, a Virginia corporation (the "Declarant") submitted to record various restrictive covenants by Declaration of Covenants, Conditions and Restrictions (the "Declaration"), recorded in the Clerk's Office of the Circuit Court of the County of Henrico, Virginia, in Deed Book 1951, Page 453, on April 17, 1985, which Declaration has been amended from time to time; and

WHEREAS, on or about the date the Declarant submitted the Declaration to record, the the Association adopted Bylaws, which Bylaws have been amended from time to time; and

WHEREAS, pursuant to Article VIII of the Bylaws, the Board of Directors (the "Board") is authorized to adopt rules and regulations governing the use of the Common Area and facilities and maintenance of the Common Areas and Lots; and

WHEREAS, it is in the best interests of the Association for the Board to adopt a Rule regarding Class I, Class II, Class III and Class IV Association Maintained Fences and Homeowner Installed Fences; and

WHEREAS, the effective date of this Rule is June 22, 2004; and

WHEREAS, notice of this Rule shall be given to current Owners by mailing or hand delivering a copy of the Rule to each current Owner of a Lot in the Association and to future Owners by including this Rule in the Rules and Regulations of the Association, provided to the Owner in the disclosure packet forwarded to the Owner in accordance with Section 55-512 of Virginia's Property Owners' Association Act.

NOW, THEREFORE, the Board of Directors does hereby adopt the following Rule and Regulation of the Association:

Fences throughout Gayton Glen are in various states of repair. Many fences have never been cleaned or powerwashed and many have never been treated with a wood preservative. In 2004, maintenance will be required on homeowner installed as well as Association portions of fences.

Beginning in March 2004, the builder installed, sections of privacy fences for **Class IV** will be replaced as the budget permits by the Association, for homeowners who are installing **new fencing or replacing old fencing**. The Association is also evaluating all other privacy fences in Class IV for needed repairs or replacement. A full review of the replacement status of builder-installed sections of privacy fence in Class IV will be made upon receipt of the results of the Reserve Study that is scheduled for 2005. In the meantime, the Association is committed to replacement of builder-installed sections between units, up to twelve feet, for homeowners who are installing new fencing or replacing old fencing.

Fence Replacement/Removal Criteria for Class IV:

Fences are to be removed or replaced if two or more sections have any of the following deficiencies (a section is considered a panel or area of fence between two posts; the gate will be considered one section). :

1. Missing Boards or Posts
2. Warped Boards or Posts
3. Rotten, Broken, Insect Damaged Wood
4. Deteriorated Wood – cracked, split, holes
5. Deteriorated Fasteners – failing, rusted, broken nails/screws/staples or other structural fasteners
6. Malfunctioning Gate – broken lock; gate does not swing freely; gate not level and/or straight, gate is defective in one or more areas as described in items 1 through 5
7. Bowed Fence Panels – bowed panels, panels pulling away from support boards; panels not structurally secure, level, or straight
8. Lack of Maintenance – powerwashing, staining, or structural integrity not maintained

Prior 2004 Fence Maintenance Criteria for Class IV in conjunction with above fence replacement/removal criteria and general maintenance:

Some notices have been sent to homeowners to powerwash, seal and repair fences.

New Criteria as of June 2004:

1. A complete inspection and evaluation of all fences in Class IV of Gayton Glen will be conducted.
2. Based on fence *replacement/removal criteria*, notices will be sent for appropriate action by homeowners for fence repair, maintenance, replacements or removals.
3. Homeowners are required to submit an *Architectural Review Form (ARC form)* for replacement and use.
4. Deadline for completion will be November 30, 2004.

General Overview of Fences in the Community and new rules adopted:

Class I: Smithers Court and Townhomes on 1700 Block of Timberly Way --

Builder-installed privacy fence sections – Association maintains structure; homeowners are required to keep privacy fences clean and sealed with clear wood sealer. Homeowner installed fencing is required to be maintained in good repair and cleaned and sealed with clear wood sealer.

Class II: Timberly Way Patio Homes – 1700 Block – Association maintains front yard fences; gates are homeowner responsibility. Homeowners are required to keep privacy fences as well as homeowner installed fencing clean and sealed with clear wood sealer.

Homeowners may choose to remove the front yard fence. This could save the Association money and also give the homeowner the option to have a yard without a fence.

Any homeowner who wishes to remove a fence must submit an *ARC form* requesting the Association remove the fence. The entire fence will be removed, including posts and cement footings; holes created by removal will be filled with top soil, leveled, and grass seed planted. Once removed the Association will not replace the fence.

Class III: Stanton Way – Homeowners are responsible for all maintenance including fences which are required to be maintained in good repair and cleaned and/or painted white or sealed with clear wood sealer. All front yard fences are required to be painted white.

Homeowners may choose to remove the front yard fence.

Any homeowner in Class III, who wishes to remove a fence must submit an *ARC form* request prior to removing the fence. The entire fence must be removed, including posts in the ground, cement footings. Homeowner will be required to fill in holes with top soil, level the area, and plant grass seed.

Class IV: Ryan Homes – Builder-installed privacy fence sections – Association maintains structure; Homeowners required to keep privacy fences clean and sealed with clear wood sealer. Homeowner installed fencing is required to be maintained in good repair and cleaned and sealed with clear wood sealer.

All Gayton Glen Classes -

The Association reserves the right to require removal or repair of a fence at the Homeowner's expense if:

1. The fence is not constructed or installed as per adopted fence specifications,
2. An *ARC form* is not submitted and approved in advance of work commencement,
3. The fence is not maintained in safe condition,
4. The fence is not maintained in keeping with the surrounding structures and is not satisfactory to the Board of Directors.

ADOPTED on the date first written above by at least a majority vote of the Board of Directors of the Association.

GAYTON GLEN HOMEOWNERS ASSOCIATION,
A Virginia Nonstock Corporation

By: _____
Gayle Hunter, President

ATTEST:

Kay Smith, Secretary