

Trimont Mountain Estates Community Association, Inc.
P.O. Box 16 Franklin, NC 28744-0016

To All Un-improved Lot Owners:

Please find a copy of the rules governing new construction in the Trimont Mountain Estates sub-division. Please review them with your builder to make sure that you will not encounter any problems once you are ready to start construction.

You should have a survey done of the property to find the true center of the road and to make sure of the location of your property lines. When the roads were put in the original the developer did not lay the center of the road out between the two properties. Thus the road may have been put in on one side of the right of way instead of being in the center of two adjoining properties which would give a false sense of where the true center is. Also, over the years, some property stakes may have been moved or knocked down. This could affect where the front of the house may be built and where the septic system can be placed.

The one thing to remember is that septic drain fields (leaching lines) CAN NOT be located in the road right of ways. **NOTHING** can be located in the plated "Road Right of Ways". The plated right of way, is 60' in the entire sub-division except for a small portion of Woodland Heights, at the very top of the mountain, which is 40'. Also, consideration should be given to porches, decks and overhangs when locating the position of houses on lots. All of these **MUST** be inside the "set-back" requirements as stated in the deed restrictions.

The Association allows the combining of two un-improved lots in to one improved lot for assessment purposes. A special declaration, with the following stipulations as listed, is available by contacting the Association.

- The Lots are hereby consolidated into a single parcel of land and may not henceforth be re-subdivided.
- For the purposes of payment of assessments and other sums of money due and owing attributable to Lots, the Lots shall be treated as one single improved lot by the Association.
- It is the intention of the parties that this agreement be appurtenant to the land of the Lots; touch and concern and run with the land; binding the heirs, successors and assigns of the Owners.

If you own two lots and you wish to place the house in the middle of two lots then the lots must be joined together before starting construction. EXTREME caution should be given BEFORE starting any type of foundation as there are numerous water lines that run up the mountain for our water system in these set backs.

Over the past several years there have been numerous complaints, from the members of the Association, concerning homes that appear to or have violated these set backs. It has been the general consensus of the members that the Board should not issue variances concerning deed restrictions. **At the present time the Board is not issuing variances to override any of the "SET BACK" requirements.**

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**Deed Restrictions and By-Laws Governing New Construction in
Trimont Mountain Estates**

To All Un-improved Lot Owners:

Over the past several years the Association has had a few problems with builders in the subdivision. Some builders have built new homes in violation of deed restriction set-back requirements and, in some instances, have built into the road right of ways. So that you know what the deed restrictions and by-laws governing new construction and additions to old residences are, the Board created a Construction Compliance Committee to review plans and placement of new homes on existing un-improved lots. This Committee also reviews additions to existing homes to make sure that they stay in compliance.

Article XVIII, section 2. Construction

Planning Review Board: Before Owners commence construction on exterior construction, new and additions to existing properties, they shall submit to the Association Planning Review Board, for review, a tie-in survey sealed by a Registered Land Surveyor showing the footprint of the proposed construction area. The Planning Review Board shall review the tie-in surveys and building plans for all construction in Trimont Mountain Estates (the Subdivision) to insure that the proposed construction does not encroach on the existing set backs and right of ways created by the Deed Restrictions and Recorded Plat for the Subdivision. **Before commencing any construction** in the Subdivision, all lot owners shall submit to the Planning Review Board a current tie-in survey and building plans showing the proposed location of all buildings in relation to the right of ways and set backs. The Planning Review Board shall provide the lot owner with its written decision within seven (7) days of submission of the tie-in survey and building plans. The lot owner shall have the right to appeal the Planning Board Committee's decision to the Association's Board of Directors at the next regularly scheduled Board meeting. **The Planning Review Board shall not review the building plans as any type of architectural review board, but only for the purposes set forth above.**

You should have a survey done of the property to find the true center of the road and to make sure of the location of your property lines. When the roads were put in the original developer did not lay the center of the road out between the two properties. Thus the road may have been put in on one side of the right of way instead of being in the center of two adjoining properties which would give a false sense of where the true center is. Also, over the years, some property stakes may have been moved or knocked down. This could affect where the front of the house may be built and where the septic system can be placed. We have had some owners install their septic systems before contacting the Committee only to find out that where they planned to build there house would be in violation and they have had to change the location of the house to be in compliance.

ROAD RIGHT OF WAYS are 30' from the center of the road on both sides of the center line (60' Overall).

DEED RESTRICTIONS require that the outside edge of all buildings be 15' feet from the property line and from the Road Right of Way.

You may start manually clear off the lot to try seeing where the best location for your house would be. But once this is done you will change the status of your lot from an un-improved lot to an improved lot;

Article V, section 2, part b, b - "Lot" as used herein refers to each lot, tract or other parcel of land or interest in real property within Trimont Mountain Estates Subdivision as shown on the various plats thereof recorded in the Macon County Public Registry, or which is or becomes subject to the requirement of membership in the Association. "Lot" as used herein includes each portion of each lot shown on the various recorded plats, which has been subdivided into distinct parcels of land, which distinct parcels are owned by different owners. An unimproved lot will be considered to be a lot that is still in its undisturbed natural state. **Any type of development on said lots, that would disturb the natural settings of the lot**, will constitute an improvement to said lots. This would be, but not limited to, the installation of a driveway, house site, and installation of a septic system, installation of water service or the commencement of a foundation for a structure on said lots. For the purpose of assessments for a lot, any type of development as stated above will constitute the lot being considered an improved lot.

At the time you bring any kind of equipment onto the property to either clear off the lot or install a road or septic system a road impact fee is due. At the present time (August 2006) it is \$1,500.00;

Article XVIII Section 1.

- A. **Road Impact Assessment**: An assessment is due the Association before construction is commenced on any Lot. The amount of the Road Impact Assessment is \$1,500.00 and may be increased over time as determined by The Association's Board of Directors. The Road Impact Assessment is nonrefundable. The Association does not have to establish that any damage was caused by the construction process. **The Road Impact Assessment is intended to defray the impact on the infrastructure in general from the traffic of heavy trucks and equipment during construction. Any damage caused to the roads, right of ways or other property of The Association or any other Member; shall be an additional expense to the Member who is having the construction performed on their Lot and shall not be paid from the Road Impact Assessment.**

As the owner of the lot you will be responsible for the actions of your builder. We want to try and have as little impact on our community and continue to keep it as pristine as possible during construction. Please make sure that your contractor is aware of our rules;

Article VII, section 2, - In the event any lot owner, his guest, invitees, employees or contractors should deface the community appearance, damage any road, portion of the water system or other system or amenity during construction, the property owner/s will be held responsible for any damage to the road system or water system during construction. Although it may not be avoidable in all cases, such damage, if any, is usually caused by carelessness on the part of the building contractor and/or sub-contractor/s.

Article XVIII, section 2

B. **Restricted Construction Activity**: All construction activities are restricted in time to between 7:00 AM and dusk, as set by the National Weather Bureau in Asheville daily. **There shall be no construction at all on Sundays.**

C. **Storage of Construction Materials**: All construction materials, equipment and sanitary facilities must be stored on the Member's Lot where the construction is taking place and not within the right of ways.

D. **Fines**: Fines for violations of Article XVIII, Sections 2, Parts B, or C will be \$50.00 for the first offence, \$75.00 for the second offence and \$150.00 for every offence there after. Funds to be deposited in to the General Fund Account and fines may be increased over time as determined by The Association's Board of Directors. Violations of Article XVIII, Section 2, Part A will result in the Association acquiring an injunction against the owner to stop all construction until meeting the requirements set forth. All cost incurred will due the Association for the property owner. Non-Payment of fines could result in a Limitation of Service as stated in Article VI, Section 4 of the by-laws. The invalidation of any provision contained herein by any court with jurisdiction over the matter shall not affect the enforceability of the remaining provisions.

Section 3. Encroachment of Right of Way: Any Member that encroaches in the road right of way with

any type of landscaping obstacle will be responsible for the maintenance of the encroachment area involved. Members may not encroach any closer than five (5) feet with any type of landscaping obstacle, shrub or tree from the edge of the road. This will allow room for cars to pass. The Association will notify any Member that fails to maintain the areas involved. If the areas involved are not maintained, The Association will have the maintenance problem resolved at the Member's expense. This could include, but is not limited to cleaning up of the areas. The Association shall notify Members in writing, by Certified Mail or Hand Delivery, of any encroachment with objects such as buildings, fences, boulders, rocks or any other type of object other than landscaping materials, that the encroachment must be removed. The Member creating the encroachment is solely responsible for any personal injuries or property damage resulting from the installation or placement of such objects.

Your connection to the water system can be done at any time. There can be a two to three week delay in actually making the connection so you should check with your builder to see when they will want this completed. At the present time (August 2006) there is an impact assessment of \$2,000.00.

Article XVIII, section 2

B. **Water System Impact Assessment**: An assessment is due the Association prior to having a water meter connected to the water system to provide water to any Member's Lot. The amount of the Water System Impact Assessment is \$2,000.00 and may be increased over time as determined by The Association's Board of Directors. The Water System Impact Assessment is intended to defray the expense of connecting a new Lot to the water system together with the additional impact to the water system in general. If a subdivision road has to be cut to connect the new Member's Lot to the water system; the new Member shall be responsible for the expense incurred in repairing the section of the road that needed to be cut and shall not be paid from the Water System Impact Assessment. A Member shall notify the Board of Directors of the Association at least 3 weeks in advance of the date the water supply will be needed to insure that the connection will be available at the Lot when it is needed by the Builder. The expense of the provision of the water supply is on a co-op basis. Members will receive invoices for the cost of water after they are actually connected to the meter. The expense is pro-rated on a year to year basis.

Driveways are not to protrude in to existing roads past drainage ditches. Elevation grades of driveways past culverts must be equal to the road.

When starting construction, it is important that the review committee be contacted first to insure that you do not violate these requirements. You can contact a Committee member by going to our web site @trimontmountainstates.org or by contacting a Board Member for their phone number or by mail. These members are elected for a two year term, at our annual meeting and are subject to change.