

**THE OAKS HOMEOWNER'S ASSOCIATION
REQUEST FOR MODIFICATION APPROVAL**

NAME: _____

PROPERTY ADDRESS: _____

LOT: _____

NAME/ADDRESS OF CONTRACTOR:

CONTRACTOR'S LICENSE NUMBER: _____

Major Projects

For purposes of this form, any renovation work that requires the issuance of a Building Permit shall be considered a **MAJOR** project.

The following items are required to be submitted with the application for Modification of **MAJOR** construction.

- Two (2) sets of construction plans (1/4" = 1' scale)
- Two (2) sets of site plans (1" to 20' scale)
- Two (2) sets of Landscape plans (1" to 20' scale)

Describe in detail the proposed alterations and additions and indicate on a plat exact location of the proposed change or addition, the distance to the property lines from the proposed change or addition and relevant surrounding features:

Minor Projects

The following shall be required if the alteration or modification is **NOT** to be considered a major project:

- Plot plan of your property, which would include the exact location if the proposed change or addition, the distance to the property line for the proposed change or addition and all relevant surrounding features.

- Sketch or drawing containing the style, dimensions, materials, color of proposed change or addition and the proposed construction time schedule. Requests for re-painting, other than the original color, must include color sample. Landscaping, including vegetable or flower gardens or lawn ornaments, will be considered an exterior modification and must receive prior Board approval. Vegetation supports, such as poles, strings or other structures less than twenty-four (24") in height will not need Board approval, but higher supports must be approved.

Describe, in detail, the type of modification or alteration requested: _____

Notes:

Requests from owner with a delinquent assessment account will be denied based on the basis of the account delinquency. Once assessment account is in current status, the Board will promptly review and act on the applicant's request, provided the applicant submits a letter to the Board informing them of the current status.

The undersigned applicant understands and agrees that no work, as called for under this application, shall commence until the applicant has received written approval of the Board.

Once approved, construction must be completed within the approved construction timeline and must be done in a way that does not reasonably interfere with neighboring properties.

Applicant has the responsibility for the removal, in a timely manner, of any debris resulting from construction.

Construction must meet all zoning and building codes and any other Municipal or County rules and regulations.

Further, nothing herein contained shall be construed as a waiver or modification of any such Code or law.

Where applicable, utility easements are to be marked before excavation is started.

Misrepresentation of any items in this request, either oral or written, may void any approval granted by the Board.

If there is any deviation from the proposed plans submitted by the applicant, such deviation or modification must be approved by the Board after proper submittal. In the event the modification or deviation is made from the approved plans and approval for such modification or deviation is not requested by the applicant, then the Association shall have the power to fine and/or require removal of such further modification.

The undersigned, having read and reviewed the Design Review Guidelines and this application, certifies that the proposed change or addition referenced herein meets the requirements and standards specified in the Guidelines and in the Declaration of Covenants, Conditions and Restrictions for The Oaks.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

First Owner

Date

Second Owner

Date

The Oaks

AT EASTPORT

LITTLE RIVER, SC 29566-1281

ARCHITECTURAL REQUIREMENTS FOR RESIDENCES AT THE OAKS AT EASTPORT COMMUNITY

July 2008

INTRODUCTION

The Oaks Architectural Control Committee (hereafter referred to as ACC) is appointed by the Board of Directors of The Oaks at Eastport Community (hereafter referred to as The Oaks BOD) for the purpose of Section 5.02 in accordance with the "Declaration of Covenants, Restrictions, and Easements" (hereafter referred to as DRC), a copy of which, each Property Owner should receive at the time of purchase of their property at The Oaks at Eastport Community (hereafter referred to as The Oaks).

The ACC believes that each of you share our goal to maintain The Oaks in an attractive manner to protect our property values. We ask your cooperation as we serve to ensure compliance with the DRC. It is our desire to work with you while we strive to maintain the requirements established.

Upon the sale of your property, each Property Owner is requested to present the enclosed requirements to the new owner. Your sales/rental agent must be advised of these requirements when listing your property for sale/rent. A copy of these guidelines shall be included in the lease agreement presented to the lessee of your property.

All correspondence pertaining to the ACC, including Applications for changes to your property should be directed to: The Oaks Architectural Control Committee.

PURPOSE

To ensure an aesthetically pleasing and compatible residential community, the ACC shall strive to ensure that any future modifications or alterations to homes located within *The Oaks* will continue to use the traditional architecture that exists throughout the Eastport Community (hereafter referred to as Community).

A second area of general concern from a design philosophy pertains to landscaping to enhance the design of individual residences and *The Oaks* as a whole. It is strongly recommended that as many existing trees as possible be retained on each home site, and pursuant to the terms of these requirements, no tree may be removed within *The Oaks* without approval, except as defined in section "TREE REMOVAL". By retaining trees, the Community will maintain its wooded character, as well as reducing the Property Owner's cost for new landscaping. Foundation type landscaping (trees and shrubs) is encouraged.

AUTHORITY

The ACC, The Oaks BOD, and the Eastport Community Association Board of Directors (hereafter referred to as Eastport BOD) shall have exclusive jurisdiction over the modifications, additions, or alterations made on or to existing units and the open space pertinent thereto.

MEMBERS

The ACC shall include at least three, but not more than five, Members appointed by The Oaks BOD. Members shall serve for a period of one (1) year and may be replaced by a majority vote of The Oaks BOD.

The Members of the ACC shall appoint a Chairman from among their number and may appoint from among their number such other officers and subcommittees of Members of the ACC as they shall from time to time determine necessary. No two (2) family members shall serve on the ACC at the same time.

Each Member of the ACC shall have an equal vote and the majority of the Members of the ACC shall constitute a quorum for decision-making purposes.

APPLICATIONS

Property Owners shall submit Applications to the ACC.

The ACC shall forward recommendation for approval or disapproval of Applications to The Oaks BOD for review. Within thirty (30) days of receipt of the Application by the ACC, either

- a) The Property Owner shall be notified in writing by the ACC for any disapproved Application or
- b) The Oaks BOD shall forward any Application recommended for approval to The Eastport BOD for review.

The Property Owner shall be notified in writing of approval or disapproval of Applications by the Eastport BOD within forty-five (45) days of receipt of Applications by the Eastport BOD from The Oaks BOD.

For any approved Application, the Property Owner, his successors and assigns, shall be bound by and shall comply with all other provisions of this Declaration.

The ACC is not liable for any Property Owner not complying with all that is set out herein or submittal of said plans for review.

ACC FUNCTIONS

1. To establish requirements for the protection of property values and to provide the best possible safeguards for continuing appreciation;
2. To review all Applications for compliance with established requirements and with the DRC;
3. To assure compatible architectural designs and harmonious relationships with neighboring lots;
4. To require high standards of design and quality construction;
5. To monitor violations of and direct actions to prevent violations from continuing;
6. To amend requirements, as may be required from time to time; and
7. To contact Applicants whose plans and specifications have been disapproved and to provide reasonable assistance and recommendations for adjustments to bring Applications into compliance.

DESIGN GUIDELINES FOR THE ARCHITECTURAL CONTROL COMMITTEE

THE OAKS AT EASTPORT NEIGHBORHOOD ASSOCIATION

Pursuant to Section 5.04(b) of the Declaration of Covenants, Restrictions, and Easements for the Oaks at Eastport Neighborhood Association (the "Declarations"), the Architectural Control Committee (the "ACC") shall, among other things, adopt and enforce guidelines ("Design Standards") for establishing guidelines with respect to the approval or disapproval of design features, architectural styles, exterior colors and materials, details of construction, location and size of Structures and other matters that require approval by the ACC pursuant to the Declarations.

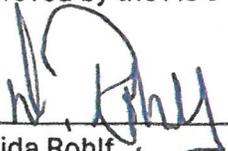
Since 6.09 of the Declarations provides in part that no fence or wall of any kind shall be erected, maintained, or altered on any Lot without the prior written approval of the ACC. Guidelines relating to the design, location, and uses of fences and walls may be included in the Design Standards of the ACC. In addition, Section 6.08 of the Declarations recognizes that setbacks may be included in the Design Standards of the ACC.

The following shall be the design guidelines or Standards for fences that may be installed on any Lot in the Oaks:

1. All fence designs must be approved by the ACC, for design (unless it is the same design as Exhibit 1), layout and installation.
2. All fences will be no taller than a 4-foot-high and the material shall be black wrought iron or aluminum. (see exhibit for specifications).
3. All fences must have picket spacing of 4" to ensure that a 4" sphere cannot fit (3.875" air gap in between pickets).
4. Landscaping approved by the ACC or existing landscaping must minimize the view of the fence.
5. The fence must be setback from the golf course so that it is not contiguous to the golf course, with a setback of at least 5 feet from the golf course.
6. The fence must be installed with footers in cement or other similar materials.

These Design Standards for fences shall be effective on November 23, 2024.

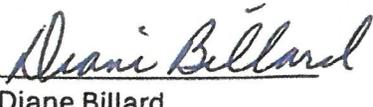
Approved by the ACC and Board:



Davida Rohlf
Dated: 11/23/24



Kenny Rogers
Dated: 11/23/24



Diane Billard
Dated: 11/23/24

APPLICANT'S RESPONSIBILITIES

Plans and specifications showing the nature, kind, shape, color, size, materials and location of such modifications, additions or alterations shall be submitted to the ACC for approval as to the harmony of external design with existing structures, location in relation to surrounding structures, topography and finished grade elevation.

The ACC assumes no liability for Applicant's responsibilities, which include, but are not limited to, the following:

1. Performance or quality of work of any contractor or subcontractor;
2. Compliance with all laws, codes and ordinances of any governmental agency or body;
3. Determination of environmental restrictions, drainage and grading requirements and all surface and subsurface soil conditions; and
4. Determination of structural, mechanical, electrical and all other technical aspects of a proposed design that can only be determined by competent architects, engineers, contractors and other similar professionals.

DESIGN REVIEW & DOCUMENTS

SUBMISSION OF PLANS

No Structure shall be commenced, erected, placed, moved onto, or permitted to remain on any Lot nor shall any existing Structure upon any Lot be altered in any way which materially changes the exterior appearance of the Structure or Lot, unless plans and specifications therefore shall have been submitted to the ACC and approved in writing by the Eastport BOD. Such plans and specifications shall be in such form and shall contain such information as may be reasonably required by the ACC in these requirements, including, without being limited to:

- (a) A site plan showing the location of all proposed and existing Structures on the Lot including building setbacks, open space, and driveways;
- (b) A foundation plan;

(c) Exterior elevations of all proposed Structures and alterations to existing Structures;
and

(d) Specifications of materials, color scheme, and other details affecting the exterior appearance of all proposed Structures and alterations to existing Structures

APPROVAL OF PLANS AND SPECIFICATIONS

Upon Application approval of any plans and specifications submitted pursuant to these requirements, one (1) copy of such plans and specifications, as approved, shall be deposited for permanent record with the ACC and a copy of such plans and specifications bearing such approval, in writing, shall be returned to the Applicant submitting the same. Approval for use in connection with any Lot or Structure of any plans and specifications shall not be deemed a waiver of the ACC's right, in its discretion, to disapprove similar plans and specifications or any of the features or elements included therein if such plans, specifications, features or elements are subsequently submitted for use in connection with any other Lot or Structure.

Approval of any such plans and specifications relating to any Lot or Structure, however, shall be final as to that Lot or Structure and such approval may not be revoked or rescinded thereafter, provided that there has been adherence to, and compliance with, such plans and specifications, as approved, and any conditions attached to any such approval.

DISAPPROVAL OF PLANS AND SPECIFICATIONS

The ACC shall have the right to disapprove any plans and specifications submitted pursuant to these requirements because of any of the following:

- (a) The failure to include information in such plans and specifications as may have been reasonably requested;
- (b) The failure of such plans or specifications to comply with these requirements; or
- (c) Any other matter which, in the judgment of the ACC, would be likely to cause the proposed installation, construction or alteration of a Structure (i) to fail to be in conformity and harmony of external design and general quality with the standards for the Community as set forth in these requirements or (ii) as to location to be incompatible with topography, finished ground elevation, or surrounding Structures. In any case in which the ACC shall disapprove any plans and specifications submitted hereunder, or

shall approve the same only as modified or upon specified conditions, such disapproval or qualified approval shall be accompanied by a statement of the grounds upon which such action was based. In any such case the ACC shall make reasonable efforts to assist and advise the applicant in order that an acceptable proposal may be prepared and submitted for approval. An appeal to a decision of refusal by the ACC may be submitted by writing to The Eastport BOD. The Eastport BOD 's decision is final and binding.

DISCLAIMER AS TO ACC APPROVAL

Plans and specification are not reviewed for engineering or structural design or quality of materials, and by approving such plans and specifications neither the ACC, the Members thereof, nor any HOA assumes liability or responsibility therefore, nor for any defect in any Structure constructed from such plans and specifications. Neither the HOAs, the ACC, the Board or Directors, nor the Officers, Directors, members, employees, and agents of any of them shall be liable in damages to anyone submitting plans and specifications to any of them for approval, or to any Owner of property affected by these Restrictions by reason of mistake in judgment, negligence, or non-feasance arising out of or in connection with the approval or disapproval or failure to approve or disapprove any such plans or specifications. Every person who submits plans and specifications and every Owner agrees that he will not bring any action or suit against the HOAs, the ACC, the Board, or the Officers, Directors, members, employees, and agents or any of them to recover any such damages and hereby releases, remise, quitclaims, and covenants not use for all claims, demands, and causes of action arising out of or in connection with any judgment, negligence, or non-feasance and hereby waive the provisions of any law which provides that a general release does not extend to claims, demands, and causes of action not known at the time the release is given.

VARIANCES

The ACC may authorize variances from compliance with any of the requirements included herein when hardship, aesthetic or environmental considerations require, but only in accordance with duly adopted rules and regulations. Such variances may only be granted, however, when unique circumstances dictate and no variance shall (a) be effective unless in writing, (b) be contrary to the restrictions set forth in the DRC, or (c) estop the ACC from denying a variance in other circumstances. For purposes of this Section, the inability to obtain approval of any governmental agency, the issuance of any permit or the terms of any financing shall not be considered a hardship warranting a variance.

All variance requests must be submitted in writing, and any variance granted shall not set any precedent for future decisions.

APPROVAL EXPIRATION

Applicants must begin construction within forty-five (45) days of receipt of approval. Failure to do so will automatically revoke approval without prior notice from the ACC. Time extensions may be granted by the ACC if written requests are received prior to expiration.

CONSTRUCTION CHANGES

All construction must be completed in accordance with the Application and plans and specifications as approved. If the owner desires to make modifications to the approved plans, they are required to submit revised plans to the ACC prior to the modifications being made.

CONSTRUCTION INSPECTIONS

Inspection Rights: Any member of the ACC may, after reasonable notice, at reasonable time or times enter upon any Lot and Structure thereon for the purpose of ascertaining whether the installation, construction, alteration or maintenance of any Structure or the use of any Lot or Structure is in compliance with the provisions of these requirements; and neither the BOD's nor the ACC shall be deemed to have committed a trespass or other wrongful act solely by reason of such entry or inspection, provided such inspection is carried out in accordance with the terms as stated herein.

Violations: If any Structure shall be erected, placed, maintained or altered upon any Lot, otherwise than in accordance with the plans and specifications approved by the ACC pursuant to the provisions herein, such erection, placement, maintenance or alteration shall be deemed to have been undertaken in violation and without the approval required herein. If in the opinion of the ACC such violation shall have occurred, the ACC shall notify The Oaks BOD who shall then take appropriate measures to correct the violation; provide written notice to the Owner setting forth in reasonable detail the nature of the violation and the specific action or actions required to remedy the violation. If the Owner shall not have taken reasonable steps toward the required remedial action within thirty (30) days after the mailing of the aforesaid notice of violation, the HOA shall have the Right of Abatement as provided in the DRC.