

# **Forest Oaks Homeowners Association**

## **Rules and Regulations**

**Adopted: December, 1989**

**Last Amended: August 2016**

## **FOREST OAKS RULES AND REGULATIONS**

Pursuant to Article VII, Section 1, Paragraph (a) of the Forest Oaks Homeowners Association (FOHA) Bylaws, adopted June 27, 1988, the FOHA Board of Directors has formulated the following Rules and Regulations, for the protection and general welfare of the development. These rules supplement the provisions of the Declaration of Covenants, Conditions, and Restrictions of the Association.

The Board of Directors may amend any rule. Failure by the Association or any Owner to enforce any of the rules and regulations herein contained shall in no event be deemed a waiver of the right to do so thereafter. Invalidation of any one of these rules or regulations by judgment or court order shall in no way affect any of the other rules, which shall remain in force and effect.

Owners are responsible for reporting any damage to the outside of their townhome, land, or adjacent common area to the Board or the Management Company.

These rules became effective in December, 1989 and were last amended in August, 2016.

### **GENERAL:**

1. Any suspicious activity should be reported immediately to the Durham Police Department by calling 911.
2. All personnel hired by the Board or Allenton Management shall be the responsibility of the Board or Allenton Management. Any related concerns should be directed to the Board or the Allenton Management for action.
3. While the North Carolina Fire Codes do not apply to townhomes when regulating charcoal or gas grills, Owners and Residents are urged to keep these as far from the homes as possible. The NC Fire Code recommends at least 10 feet from any living area.
4. Any Owner or Resident found in violation of any of these rules and regulations will be notified in writing prior to any fines or remedies by the FOHA Board, except for emergencies.

### **COMMON AREAS/TRASH/RECYCLING:**

1. A trash compactor is provided on Forest Oaks Drive near the Clubhouse for disposal of household trash. All trash should be bagged and securely tied before placing in the compactor. Operation instructions are clearly printed on the compactor. Should you find the compactor inoperable, please report it immediately to Allenton Management at 490-9050. Large items such as furniture may not be left at the compactor. If you need help hauling off large items, call Allenton Management at 919-490-9050 and they can arrange to have the item removed for a fee.

2. Bulk co-mingled recycling bin is provided in an area adjacent to the trash compactor. This area is clearly marked as **RECYCLING ONLY. THE ONLY ITEMS YOU CAN RECYCLE IN FOREST OAKS ARE: NEWSPAPERS, MAGAZINES, GLASS AND PLASTIC BOTTLES, ALUMINUM AND METAL CANS AND CORRUGATED CARDBOARD.** Cardboard boxes must be flattened before placing in the recycle bin. If you have a large amount of cardboard when moving in, make sure the contractor removes it and does not use the bin in Forest Oaks. Also remember that any item that has had prepared foods in it (pizza boxes, fast food containers), is not recyclable and should be placed in the trash and not the recycle bin. **ALSO, IF YOU FIND EITHER OF THE BINS FULL, DO NOT LEAVE BAGS AROUND THE OUTSIDE, PLEASE HOLD THEM AT YOUR HOME UNTIL THE BIN IS EMPTY.**
3. Owners and residents must respect areas adjacent to all units.
4. No sports equipment shall be displayed or erected in a permanent or temporary way. Toys or other personal items used in the common areas must be removed after use and not left overnight.

**MONTHLY MAINTENANCE FEE:**

Our main source of operating income is from our monthly maintenance fees. It is the obligation of every Owner to pay the monthly maintenance fee on time. Direct draft service is available. Fees are due on the first day of the month without notice **and are considered late if not paid by the end of the month. Late payments will be assessed a \$20 late fee each month the dues are not paid.** Fees should be made payable to the Forest Oaks HOA as follows:

**By Mail**

Allenton Management  
P.O. Box 3250  
Durham, NC 27715

**In Person**

Allenton Management  
3500 Westgate Drive, Suite 800  
Durham, NC 27707

**ARCHITECTURAL CONTROL - BUILDING AND LANDSCAPE CHANGES:**

1. Owners are not permitted to make any additions or changes to any part of the exterior of the building unless submitted to the Board and approved in writing as per Article V of the FOHA Declaration of Covenants, Conditions, and Restrictions. Under no circumstance will a verbal request be considered.
2. All landscaping is to be left undisturbed unless approved in writing by the Board. All requests for additions or changes to the landscaping must be submitted to the Board in writing. No verbal request will be considered.
3. No antennas shall be permitted. Satellite Dishes consistent with the Telecommunications Act as amended in 1999, i.e., 21" or less, are acceptable, PROVIDED THEY ARE NOT VISIBLE FROM THE FRONT OF THE TOWNHOME, AND THE BOARD OF DIRECTORS OR PROPERTY MANAGER HAS APPROVED THE PLACEMENT PRIOR TO INSTALLATION.

### **LANDSCAPE MAINTENANCE:**

1. The Association intends to preserve and enhance the appearance of the grounds by providing maintenance of the grounds and assuming responsibility for all plantings, unless otherwise noted.
2. The Owners may plant bulbs, annuals, perennials and shrubs in the area directly in front of, beside, or behind their home. Flowers may also be planted in containers. Owners assume responsibility for anything they plant.
3. No statuary, fences or other objects are to be placed in the common area or in any green space, where they interfere with lawn mower access.
4. The Board has the right to remove and/or repair any unauthorized changes to the grounds that an Owner refuses to correct after being notified of such. The cost of the removal and/or repair will be billed to the Owner.
5. Owners' concerns regarding the grounds should be directed to the Management Company. Special requests should be made through the Management Company, not to the landscaping contractor.

### **ABSENTEE OWNERS AND RENTERS:**

Owners may delegate their rights of enjoyment of our common properties to any tenant with whom they have negotiated a written lease provided these conditions are met:

- 1. THE OWNERS MUST INFORM THE BOARD OR MANAGEMENT COMPANY IN WRITING IMMEDIATELY, BUT NOT MORE THAN THIRTY (30) DAYS, OF THE NAME AND TELEPHONE NUMBER OF ANY NEW TENANT.**
2. The Lease must be for a period of at least three months.
3. The Owner must provide the tenant with a copy of the FOHA rules and regulations and to mandate compliance of these in the lease.
4. Provides that failure of the Lessee to comply constitutes default under the lease.
5. Leasing shall not relieve Owners from their obligations of ownership hereunder.

## **BUILDING EXTERIORS:**

### 1. **Signs:**

- No sign shall be placed on the common grounds, including either Forest Oaks entrance, without written permission of the Board.
- An owner may place one for sale or for lease sign directly in front of his/her home **only**.
- One open house sign may be placed at the entrance of Forest Oaks 24 hours in advance of the open house and must be removed immediately after the open house is complete.
- One political sign may be placed directly in front of your home three (3) week prior to an election or primary and must be removed immediately after the election.
- All signs must be six (6) square feet or less.

2. Wood for fireplaces shall be neatly stacked at least five (5') feet away from the rear of your home to avoid problems with termite infestation.

3. All residents' barbecue grills, bicycles, mopeds, or other personal items shall not be easily visible from the front of the home.

4. **Patios: Patios should be used for grills, bicycles, planters and furniture design for patio use only. Patios may not be used as storage for other personal items and must be kept free of all trash and debris at all times.**

5. Exterior decorations shall be limited, modest, and unobtrusive and must be placed on the Owner's property only but may not be attached to the building as it is a fire hazard. This includes holiday decorations, which must be removed after the holiday season.

## **VEHICLES AND PARKING:**

1. All motor vehicle laws of the State of North Carolina shall be observed on all roads at Forest Oaks. Parking is permitted only in areas marked for that purpose. **No on-street parking is permitted at any time.** All roads are considered "fire lanes" and must not be obstructed by parked vehicles at any time.

2. No unlicensed and/or inoperable vehicle, or truck weighing more than one and one-half (1½) tons, or boat, RV, trailer, etc., is to be operated or stored in Forest Oaks.

3. **PARKING SPACE RIGHTS:** Ownership of each townhome shall entitle the Owner or Resident thereof to the use of **not more than two parking spaces** for approved vehicles. One of these is marked and shall be as near and convenient to home as is reasonably possible. An approved vehicle shall include any conventional passenger automobile, motorcycle, or truck of less than one and one-half (1½) tons in gross weight. Temporary overflow parking is available at the Clubhouse.

4. Temporary storage containers (PODS) that are used when moving or for repairs and renovations are permitted for not more than thirty (30) days, without special permission from the Board of Directors. The container must be placed and fit on the Owners personal

parking pad. Reimbursement for any damages to landscaping, parking pad, roadway or pavement, caused by the placement of the container in Forest Oaks will be the responsibility of the unit Owner.

**5. The SPEED LIMIT shall be 20 MPH throughout Forest Oaks.**

6. Visitor parking is provided at the Clubhouse.
7. Motorcycle Owners shall provide metal plates for kickstands to prevent pavement damage.
8. Automotive repairs, including but not limited to oil changes, are prohibited in Forest Oaks.
9. Car washing is permitted in the homeowner's assigned space.
10. The Board of Directors reserves the right to enforce towing, at the expense of the Owner or Residents, for any parking violation.

**PETS:**

**KEEPING OF DOMESTIC PETS IS PERMITTED WHEN THE FOLLOWING RULES ARE OBSERVED:**

1. All animals must be vaccinated and properly licensed with the City of Durham.
- 2. All animals are to be walked on leashes (including cats). The curbing of pets is prohibited in all grassy and landscaped areas. Owners MUST clean up immediately after their pets in ALL areas. A "poop station" is located across from #21.**
3. The areas along both sides of Forest Oaks and Forest Green Drives are the front and side yards of your neighbors. Curbing pets in these areas is strictly prohibited.
4. Animals may not be tied or staked outside or left on patios/porches unless in direct view of the Owner. Barking or other noises made by pets must not interfere with others' rights to reasonable enjoyment of their homes. Such noises constitute a nuisance under the Durham County Animal Control Ordinance
- 5. Any pet running loose shall be considered a stray and may be reported to the Durham County Animal Control Services Office of the Durham County Sheriff's office at 560-0360 from 8am – 10pm, Monday – Friday and to the Emergency Communication Center at 919-560-0900 at all other times. A pet is considered a stray when it is off the property of its owner and not under restraint by means of a chain, leash, or other device. Please note this provision also applies to cats.**
6. The breeding of animals for commercial purposes is not permitted.
- 7. The Board of Directors shall have the right to order any person whose pet is a nuisance and who does not comply with the above rules to remove such pet from the premises.**

## **CLUBHOUSE:**

The Forest Oaks Clubhouse is available to all the residents of Forest Oaks for hosting private parties and gatherings up to 50 persons (maximum fire law capacity). In order to maintain the Clubhouse for this purpose, it is necessary for everyone to adhere to the following guidelines:

1. **The Clubhouse can be reserved ONLY for functions at which the principal resident will be in attendance for the duration of the activities.** All functions for which the Clubhouse is reserved must be stopped in time to have **the Clubhouse cleaned and vacated by 12:00 midnight.**
2. Residents should note that they may reserve for exclusive use only the Clubhouse. No resident may be guaranteed the exclusive use of the swimming pool. Residents desiring to have "pool parties" at which guest will be using the Clubhouse and/or pool may do so only on weekdays (Monday-Friday) or after 5:00 PM on Saturdays, Sundays, or holidays.
3. The maximum number of guests for a pool party will be 10.
4. **THE USE OF AN OPEN FLAME GRILL IN THE POOL OR THE CLUBHOUSE AREA IS PROHIBITED.**
5. A Clubhouse Reservation Form must be completed and a reservation deposit of \$100 (made payable to Allenton Management) must be deposited with Allenton Management along with a \$40 User Fee prior to pick-up of the key to the Clubhouse. An inspection of the Clubhouse will be made after each function to determine the disposition of the deposit. Any damages or the need for excessive cleaning will cause an appropriate amount to be withheld from the deposit and/or additional moneys to be paid if necessary.
6. **Pets are prohibited in the Clubhouse or pool area.**
7. The reserving Resident assumes full responsibility for conduct of guests using clubhouse facilities and full responsibility for return of the Clubhouse to the same condition as upon arrival for a function.
8. All keys to the Clubhouse will remain in the sole possession of the reserving Resident and WILL NOT be relinquished to other invited guests.
9. Residents are expected to use discretion in using the Clubhouse and Pool, and are urged to inform the Board concerning any doubts about a proposed use of the Clubhouse. No "advertising" (posters, public announcements, or ticket sales) should be conducted in connection with use of these recreation areas.
10. Use of tape, tacks, nails etc. on the walls, doors or any surface of the Clubhouse is prohibited.

- 11. Consumption of alcohol at Clubhouse functions is discouraged. However, if reserving Resident permits consumption of alcohol, they assume full responsibility for the actions of their guests and for any liability. Consumption of alcohol must be confined to the interior of the Clubhouse ONLY.**
  12. Stereos and other musical equipment for private functions must be kept inside the Clubhouse; sound may not be of such level that it disturbs nearby residents.
  13. Smoking is prohibited in the Clubhouse and Pool Area.
  - 14. Parking:** All guests for private functions are required to park in the Forest Green parking lot. Invitations should direct guests to this lot and inform them of parking regulations. There are signs in the Clubhouse indicating that no parking is permitted in the residential areas. These signs must be placed out by the curbs on Forest Oaks Drive and Forest Green Drive prior to the function, and removed after the function. **The reserving Resident is responsible for insuring that guests observe parking regulations. During the event, the reserving Resident should make regular checks of parking. A \$50 penalty may be withheld from the reservation deposit for any parking infraction occurring during a Clubhouse function.**
  15. The reserving Resident shall check the following items at the end of his/her function:
    - **PARKING SIGNS:** Return to storage in Clubhouse
    - **FURNITURE:** If moved, return to original locations.
    - **HEAT/AIR CONDITIONING:** Return the Clubhouse thermostat to 55 degrees (during heating) or 80 degrees (during cooling) before leaving.
    - **REFRIGERATOR:** Remove ALL food/drinks. Do not overcrowd freezer with bags of ice.
    - **FIREPLACE:** The fireplace is for looks only and must not be used for a fire.
      - **CLEANUP:**
        - Vacuum Carpet (Vacuum Cleaner in storage room)
        - Damp Mop Vinyl Floors (Kitchen and Baths)
        - Sweep and/or damp mop wood floors
        - Wash off countertops, range, etc. in kitchen.
        - Wipe off all tabletops.
        - Remove all decorations, inside and outside (Balloons, banners, etc.)
        - Return folding tables to storage, if used.
        - Flush all toilets (plunge if necessary).
        - Consolidate ALL trash and deposit in trash compactor and consolidate all recyclables and deposit in appropriate recycling bins
        - Turn out all LIGHTS (including porch) before closing Clubhouse
        - LOCK ALL DOORS to Clubhouse before leaving, including sliding glass patio doors and door leading to inner hall near kitchen.
- RETURN CLUBHOUSE KEY to Allenton promptly after function.**

**POOL:**

1. The pool is for the exclusive use of Forest Oaks Owners and Residents and their invited guests (no more than 2). The Owner or Resident must accompany invited guests, other than overnight houseguests.
2. Lifeguards are not provided at the pool. Extreme caution is recommended at all times. Parents are responsible for the safety and conduct of their children.
3. A pool key is provided for access to the pool. There will be a \$50 charge for replacement keys.
4. Parents or a responsible adult must accompany children under 13 years old.
5. **Pets are prohibited in the pool area.**
6. No horseplay is allowed in or around the pool area.
7. **No glass containers of any kind or bottles are permitted in pool area.**
8. **Alcoholic beverages and/or smoking in or around the pool area is prohibited.**
9. Radios or music should be kept at a low volume so as not to disturb others.
10. Showers are to be taken before using the pool.
11. Team or group activities (volleyball, etc.) in or around the pool are prohibited.
12. The pool hours shall be from Sunrise until 10:00 PM, seven days a week.
13. Swimming attire must be worn at all times.
14. Residents and their guests shall abide by any additional rules posted in the pool area.

Any Owner or resident found in violation of any of these rules and regulations will be notified in writing prior to any fines or remedies imposed by the Forest Oaks Board of Directors.

**OWNERS HAVE THE RIGHT BY NC State Statute 47F-3-107.1 TO AN APPEAL to a panel appointed by the Forest Oaks Board of Directors, who are members of the Association but not members of the Forest Oaks Board of Directors. If it is decided that a fine should be imposed, a fine not to exceed one hundred dollars (\$100.00) may be imposed for the violation and without further hearing, for each day more than five days after the decision that the violation occurs. Such fines shall be assessments secured by liens.**

**Forest Oaks Homeowners Association**  
**EXTERIOR MAINTENANCE RESPONSIBILITIES**

The purpose of this document is to clarify the Forest Oaks governing documents concerning exterior maintenance responsibilities and to insure compliance, as applicable, to changes you may make to the exterior of your townhome. As an example, while the Owner is responsible for replacement of doors, windows and exterior light fixtures, you must have approval from the Homeowners Association in writing prior to having the work done. In fact, it is a good idea to submit any change or modification to the exterior of your townhome and get approval prior to starting any work and may prevent you having to remove it unnecessarily.

**The Forest Oaks Homeowners Association is responsible for:**

1. Repair and/or replace roofs, flashing, ridge vents, dryer vents and plumbing vent boots.
2. Repair and/or replace flashing around skylights.
3. Pressure washing and painting of exterior building surfaces every five (5) years.
4. Repair and/or replace rotted siding, trim, fascia, patio privacy dividers.
5. Repair and/or replace screened porches and all hand rails and railings that were originally installed by the builder.
6. Clean, repair and/or replace gutters, downspouts and exterior foundation drains.
7. Repair and/or replace water, sewer and storm drain lines between the meter and the exterior of the townhome or on any Forest Oaks common property.
8. Exterior drainage – french drains, natural swells, etc.
9. Repair and/or replace all street and entrance lighting.
10. Repair all streets, parking areas and sidewalks.
11. Repair and/or replace mailbox and mailbox locks.
12. Perform annual termite inspection.
13. Snow/Ice:
  - When we receive 5” of snow or greater, road and entrance will be plowed.
  - When we have 3” of ice or greater, the roads and entrance will be sanded.
14. Lawn Care:
  - Grass will be mowed, edged, seeded, fertilized and aerated.
  - Natural areas visible from the street will be weeded and mulched as needed.
  - Shrubbery will be pruned and sprayed for disease when necessary.
  - Trees will be pruned away from buildings, walkways and other surfaces. Dead, diseased and dying trees will be removed as needed.

**The Forest Oaks Unit Owner is responsible for:**

1. Repair and/or replace skylights and solar tubes. (Association will repair flashing only)
2. Repair and/or replace attic fans.
3. Repair and/or replace all exterior doors, including storm and storage room doors.
4. Repair and/or replace windows and screens.
5. Repair and/or replace porches, patios and steps.
6. Repair and/or replace exterior water faucets, whether attached to the unit or otherwise.
7. Repair and/or replace exterior light bulbs and fixtures.
8. Lawn: Shrubbery and plant material replacement. (Association will remove dead shrubbery)
9. All pest control (Termite contract furnished by Association).
10. All structural, foundation and brick repairs, including but not limited to damages caused by settlement.