

DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR
THE WOODLANDS

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("Declaration") is made by Woodlands Community Association, Inc., a Georgia Corporation (the "Declarant").

PART ONE: INTRODUCTION TO THE WOODLANDS COMMUNITY

The Declarant intends to develop the real property described in Exhibit "A" as a community of single family residential lots, homes and related amenities. The Declarant recognizes that one of the keys to a successful community is a mechanism for the long-term maintenance of the appearance and quality of life that attracts the very first homebuyers. By recording this Declaration in the public records of Emanuel County, Georgia, the Declarant intends to establish that mechanism.

Article I Creation of the Community

This Declaration sets forth various rights and duties which will be binding on and benefit each lot and property owner in the Community, now and in the future. The provisions of this Declaration work together to establish a governance structure and a flexible system of standards and procedures for the development, expansion, administration, maintenance, and preservation of the Community.

The Declarant has established Woodlands Community Association, Inc., a Georgia non-profit corporation (the "Association"), to own, operate, and maintain those areas of the Community which benefit all owners and their lots, and to administer and enforce the provisions of this Declaration and the other documents referenced in this Declaration. Each owner of property in the Community will be a member of the Association and, through such membership, will have the opportunity to participate in the governance and administration of The Woodlands.

This document does not, and is not intended to, create a condominium under Georgia law.

Article II Concepts and Definitions

The terms used in this Declaration and the attached exhibits are intended to have their normal, commonly understood definitions, unless otherwise specified. In order to minimize repetition, avoid confusion, and explain key concepts, some terms are capitalized to indicate that they have special definitions. Whenever used in their capitalized form, those terms have the following meanings:

"Architectural Guidelines": The guidelines, standards, and procedures adopted pursuant to Article IV which relate to construction, installation, placement and modification of structures, improvements, landscaping and other items on Units.

"Area of Common Responsibility ": Those areas within or abutting the Community which the Association is authorized or responsible to maintain as a Common Expense, including:

- (a) the Common Area;
- (b) all landscaping, entry features, and signage within or adjacent to public rights-of-way, to the extent that such public rights-of-way run through or abut the Community; and
- (c) such other areas, if any, for which the Association is assigned or assumes responsibility pursuant to this Declaration, any Supplemental Declaration, or any agreement with the owner of the property.

"Articles of Incorporation" or "Articles": The Articles of Incorporation of Woodlands Community Association, Inc., as filed with the Secretary of State of the State of Georgia.

"Assessment": An amount of money which the Owner of a Unit is obligated to pay to the Association and which, until paid, is the personal obligation and may constitute a lien on the title to the Unit which may be foreclosed in the same manner as a Mortgage under Georgia law.

"Association": Woodlands Community Association, Inc., a Georgia non-profit corporation, its successors or assigns.

"Board of Directors" or "Board": The body responsible for administration of the Association, selected as provided in the By-Laws and serving the same role as the board of directors under Georgia corporate law.

"Builder": Any Person who purchases land within the Community for the purpose of improving it with one or more dwellings for sale to consumers in the ordinary course of such Person's business.

"By-Laws": The By-Laws of Woodlands Community Association, Inc., attached as Exhibit "D," as they may be amended.

"Common Area": All real and personal property, including easements, which the Association owns, leases, or otherwise holds possessory or use rights in for the common use and enjoyment of the Owners, including any landscaping, walkways, parking areas, and other

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structures and improvements situated on such real property. The term shall include the Exclusive Common Area, as defined below.

"Common Expenses": The expenses which the Association incurs, or expects to incur, in exercising its authority and performing its responsibilities under the Governing Documents and Georgia law, and reasonable contributions to reserve funds, as the Board may find necessary and appropriate.

"Community" or "The Woodlands": The real property described in Exhibit "A," along with such additional property as is submitted to the terms of this Declaration in accordance with Article XII.

"Community-Wide Standard": The standard of conduct, maintenance, and appearance generally prevailing throughout the Community, or the minimum standards which the Declarant, the Board, and the Architectural Review Committee may establish for the Community as set forth in the Use Restrictions, the Architectural Guidelines, by resolutions and example, whichever is a higher standard. Such standard may contain both objective and subjective elements. The Community-Wide Standard may evolve as development progresses and as needs and demands change.

"Declarant": Anderson Homes, Inc., formerly known as Anderson Building Company, a Georgia corporation, or any successor, successor-in-title, or assign who takes title to any portion of the property in the Community for the purpose of development and/or resale and who is designated as Declarant in a recorded instrument executed by the immediately preceding Declarant. There shall be only one Declarant at any time.

"Developer Control Period": The period of time during which the Declarant, by virtue of its Class "B" membership, is entitled to appoint a majority of the members of the Board of Directors pursuant to the By-Laws.

"General Assessment": Assessments to fund Common Expenses for the general benefit of all Units.

"Governing Documents": The Articles of Incorporation, the By-Laws, this Declaration, any Supplemental Declaration, the Architectural Guidelines, the Use Restrictions, and the Rules and Regulations, or any of the above, as each may be amended from time to time.

"Master Plan": The land use plan for the development of The Woodlands as it may be amended from time to time, which plan includes the property described on Exhibit "A" that Declarant may from time to time anticipate subjecting to this Declaration. Inclusion of property on the Master Plan shall not, under any circumstances, obligate Declarant to subject such property to this Declaration.

"Member": A Person holding a membership in the Association.

"Mortgage": A mortgage, a deed of trust, a deed to secure debt, or any other form of

security instrument affecting title to any Unit. A "Mortgagee" is the beneficiary or holder of a Mortgage.

"Owner": One or more Persons who hold the record title to any Unit, other than a Mortgagee or other Person holding title merely as security for the performance of an obligation. If a Unit is sold under a recorded contract of sale and the contract specifically so provides, the purchaser (rather than the fee owner) will be considered the Owner.

"Person": A human being, a corporation, a partnership, a trust, or any other entity recognized by law.

"Public Records": The place designated as the official location for recording of deeds and similar documents affecting title to real estate in Emanuel County, Georgia.

"Rules and Regulations": Board-adopted Rules and Regulations which establish administrative procedures for internal Association governance and operating procedures for use of the Common Area, any recreational facilities, and property included within the Area of Common Responsibility.

"Special Assessment": Assessments to cover unanticipated Common Expenses or Common Expenses in excess of those budgeted.

"Specific Assessment": An Assessment against a particular Unit or Units for expenses which the Association incurs or expects to incur for any purpose described in Section 8.2(c).

"Supplemental Declaration": An instrument filed in the Public Records pursuant to Article XII which expands the Community by submitting additional property to this Declaration, imposes additional restrictions and obligations on the land described in such instrument, or both.

"Unit": A portion of the property comprising the Community, whether improved or unimproved, which may be independently owned and conveyed and which is intended for development, use, and occupancy as a residence for a single family. The term shall include each numbered lot shown on the recorded subdivision plat of any portion of the Community, together with the structures and improvements, if any, constructed on each such lot. The term shall not include Common Areas or property dedicated to the public.

"Use Restrictions": The restrictions relating to uses, activities and conduct within the Community set forth on Exhibit "B," as they may be modified, expanded, and repealed pursuant to the procedures described in Article V.

PART TWO: CREATION AND MAINTENANCE OF COMMUNITY STANDARDS

The standards for maintenance, architecture, use and conduct within the Community are what distinguish The Woodlands from other subdivisions and make it a place that people want to call "home." Yet those standards should be more than just a long list of prohibitions. This Declaration establishes guidelines and procedures to establish and maintain community