

Pointe Harbor
Environmental and Lake Buffer Guidelines

Table of Definitions

The following list of definitions is for the attached document entitled *Environmental and Lake Buffer Guidelines*.

Community	Pointe Harbor
Developer	Crescent Communities S.C., LLC
Association	Pointe Harbor Owners Association, Inc.
County	Oconee County
The Lake	Lake Keowee
ECC	Environmental Control Committee
The Guidelines	Environmental and Lake Buffer Guidelines
Mature Trees	Trees 4" caliper and larger
Lake Buffer Area	The Waterfront Setback that is fifty (50) feet from the 800' M.S.L. contour or five (5) feet from the 804' M.S.L. contour, whichever is greater.
Septic Maintenance Contractor	Tri-County Wastewater Management P.O. Box 1830 Suite G Indian Trail, NC 28079 704 821 8841 800 448 1298

ENVIRONMENTAL AND LAKE BUFFER GUIDELINES

INTRODUCTION

These Environmental and Lake Buffer Guidelines (the "Guidelines") have been prepared by the ECC for the Community. The Guidelines are contemplated in and are promulgated pursuant to that certain Declaration of Covenants, Conditions and Restrictions for the Community (the "Declaration"). The Guidelines consist of two components: Environmental Guidelines and Lake Buffer Guidelines, as set forth below. All defined terms used in the Guidelines, as indicated by their initial capitalization, shall have the same meanings ascribed to such terms in the Declaration, unless otherwise specifically defined herein.

The Guidelines shall be utilized in conjunction with the Declaration. If there is an express conflict between the terms of the Declaration and the terms of the Guidelines, the terms of the Declaration shall control and prevail; provided, however, the mere fact that the terms of the Guidelines may be more restrictive than the terms of the Declaration, or vice versa, shall not be construed as an express conflict, and in such case the most restrictive provision shall control and prevail. Of course, in the event governmental or quasi-governmental rules, regulations or requirements that are applicable to the Community are more restrictive or more stringent than the terms of the Declaration and/or the terms of the Guidelines, the applicable governmental or quasi-governmental rules, regulations or requirements shall control and prevail.

GUIDELINES AND THE ECC

The Guidelines have been established to provide Lot Owners and their builders with a set of parameters for (i) the preparation of plans, specifications and drawings for Site Improvement ("Site Improvement Plans and Specifications") and (ii) the general application of the "Lake Buffer Guidelines." Each Lot Owner and each Lot Owner's building team should become familiar with the Guidelines and the process set forth herein for the submittal, review and approval of Site Improvement Plans and Specifications. If building in the Community for the first time, Lot Owners and their builders are encouraged to consult the ECC with questions regarding the application of the Guidelines to the Lot Owners' design concepts prior to the initiation of any design work.

The ECC has been created to explain and assist in the review process as well as to review, approve, or disapprove Site Improvement Plans and Specifications. It is the ECC's objective to best control and monitor construction activity as it relates to Erosion Control and to protect the Lake Buffer Area and the Lake itself from silt infiltration.

FUTURE AMENDMENTS

The ECC reserves the right to amend any or all provisions of the Guidelines periodically and at any time, in the sole and absolute discretion of the ECC.

All Site Improvement Plans and Specifications shall be prepared in compliance with the most current version of the Guidelines (and all amendments thereto) that has been promulgated by the ECC at the time such Site Improvement Plans and Specifications are prepared.

ENVIRONMENTAL AND LAKE BUFFER GUIDELINES

1. PROCEDURES AND APPROVALS

1.1. Site Improvement Plans and Specifications Review Process

Prior to the commencement of any construction activity of any type (including any grading work) on any Lot, an Application for Approval (using Schedule A, Schedule B, and/or Schedule C) of such work must be submitted by the Lot Owner or such Owner's designated agent to the ECC. The ECC must receive, review and approve the information and documentation required to be submitted under Section 1.3 entitled "Site Improvement Plans and Specifications Review Procedure" prior to the commencement of any such work. Also, all Construction Escrow Deposits required under these Guidelines must be paid to the ECC prior to the commencement of any such work.

1.2. Pre-Application Procedure

Each Lot Owner or a representative of each Lot Owner should contact representatives of Duke Power Lake Management and any governmental or regulatory agency that has jurisdiction over the property at the beginning of the planning and design process relative to such Owner's Lot to ensure compliance with the rules, regulations and standards of such organizations. Compliance with all governmental and quasi-governmental rules, regulations and standards is the obligation of each Lot Owner and the Lot Owner's builder. It should not be assumed, however, that compliance with the rules, regulations and standards of Duke Power Lake Management and other governmental and quasi-governmental authorities will satisfy all requirements of the ECC.

1.3. Site Improvement Plans and Specifications Review Procedure

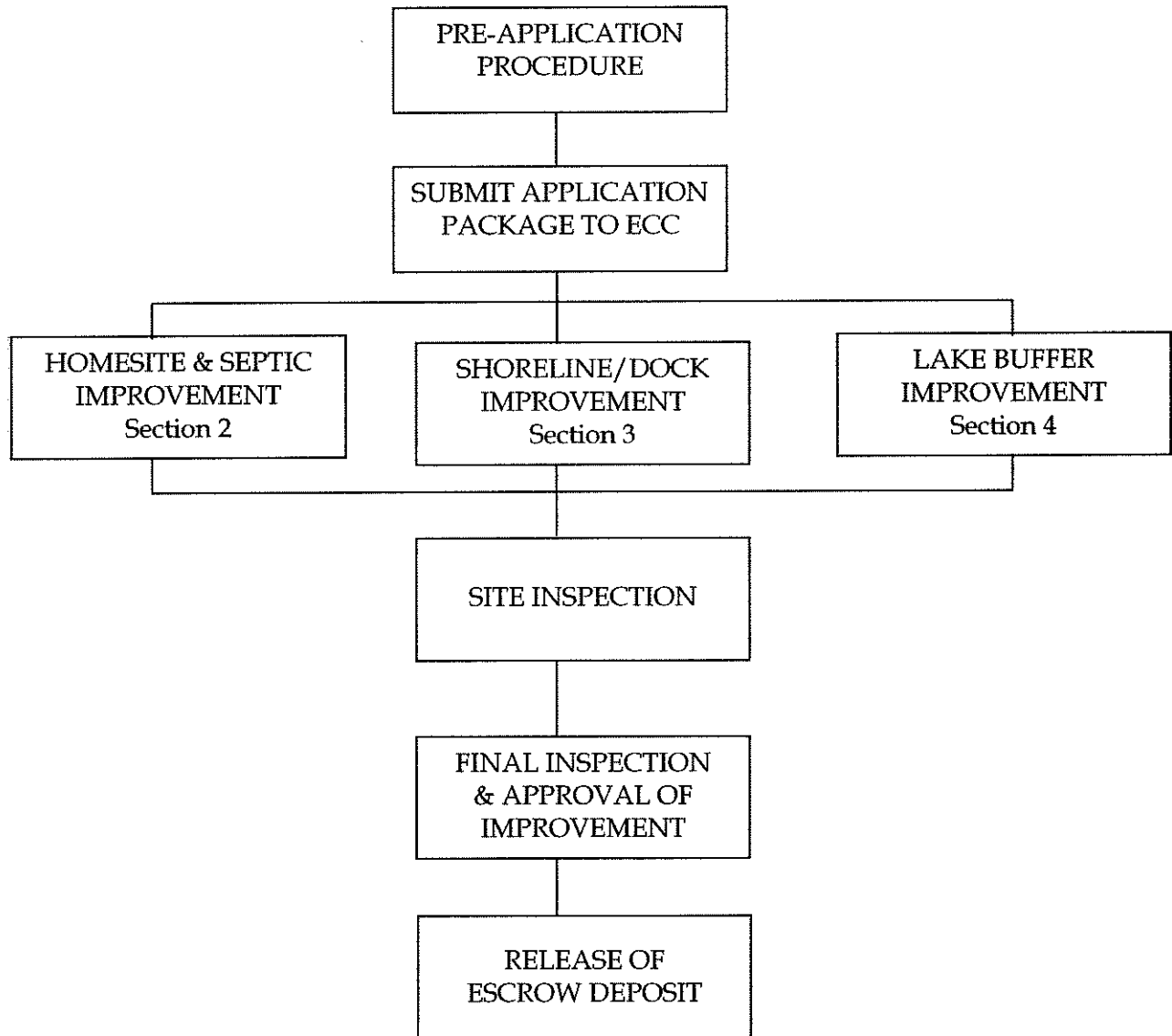
The successful completion of the Site Improvement Plans and Specifications review procedure under the Guidelines will be facilitated by reviewing and complying with the requirements outlined in the Guidelines and by reviewing and following the step-by-step improvement review format described below. The review format has been structured to achieve a smooth and timely review from plan submittal to final site inspection and approval.

Site Improvement Plans and Specifications must be submitted by the Lot Owner or the Lot Owner's representative to the ECC Coordinator at the Coordinator's office by 5:00 p.m. six (6) days prior to the scheduled ECC review meeting. Each submittal of Site Improvement Plans and Specifications must be accompanied by the following:

- Completed Request for Review (Schedule A, Schedule B, and/or Schedule C)
- One (1) Copy of Erosion Control Plans and Specifications
- Check for \$1,000.00 for Construction Escrow Deposit made out to the Association. (Explained further in Section 5.4)

- Check for the initial Septic System Assessment made out to the Association (for house construction only, contact the ECC Coordinator for the current amounts)

The following flow chart represents the necessary procedures in the process of building Improvements in the Community:



The ECC has a review meeting once a week to review the Site Improvement Plans and Specifications that have been submitted since the most recent ECC review meeting.

The initial Septic System Assessment (covering both fees to inspect the initial construction of your system, and the first year’s regular inspections) is due at the time of Homesite & Septic Improvement review. For each year thereafter, the Association will bill each Lot Owner a Septic System Assessment. These fees are subject to change at any point in time.

Current amounts for Septic System Assessment can be obtained by contacting the ECC Coordinator.

All required items listed above, along with any other materials necessary for the ECC to review Site Improvement Plans and Specifications, shall be sent to:

Environmental Control Committee
c/o Crescent Communities S.C., LLC
400 South Tryon Street, Suite 1300
Post Office Box 1003
Charlotte, North Carolina 28201-1003

1.4. Review of Site Improvement Plans and Specifications

The submittal of Site Improvement Plans and Specifications shall incorporate all of the requirements stated in the appropriate Application forms, which are attached as Schedule A, Schedule B, & Schedule C, and other portions of the Guidelines, as well as comments from previous meetings and design reviews.

If found not to be in compliance with the Guidelines or if found to be otherwise unacceptable to the ECC, one (1) copy of the Site Improvement Plans and Specifications shall be returned to the Lot Owner marked "Resubmit" or "Disapproved", accompanied by a written statement of items found not to be in compliance with the Guidelines or to be otherwise unacceptable to the ECC.

When the Site Improvement Plans and Specifications are approved (or conditionally approved) by the ECC, one (1) copy of the approved Site Improvement Plans and Specifications shall be retained by the ECC and the other complete set of the approved Site Improvement Plans and Specifications shall be marked "Approved as Submitted" or "Approved as Noted" and returned to the Lot Owner, along with a written statement with comments. Once the ECC has approved Site Improvement Plans and Specifications for Improvements to be constructed on a particular Lot, the construction of such Improvements must be promptly commenced and diligently pursued to completion; and if such construction is not commenced within one (1) year following the date of approval of the Site Improvement Plans and Specifications by the ECC, the approval of such Site Improvement Plans and Specifications by the ECC shall be deemed rescinded. In the event of any such rescission of the ECC's approval of Site Improvement Plans and Specifications pursuant to the immediately preceding sentence, construction of Improvements on such Lot may be commenced thereafter only after resubmission of Site Improvement Plans and Specifications to the ECC for approval and approval of such final Site Improvement Plans and Specifications by the ECC.

Any modification or change to the "Approved" set of Site Improvement Plans and Specifications must be submitted to the ECC for its review and approval (using the same procedure as set forth herein relative to the submission and approval of the original Site Improvement Plans and Specifications).

1.5. Lot Staking, Site Inspection and Approval to Commence Work

Once Site Improvement Plans and Specifications approval has been granted by the ECC, the Lot Owner or the Lot Owner's representative shall stake the Lot for review and approval by the ECC prior to commencing any construction work thereon (including grading work). The Lot Owner or the Lot Owner's representative must ensure the following is completed prior to the site inspection:

1. Stake the Protected Waterfront Setback and Lake Buffer
2. Stake the location of Improvement (i.e. - stake the four primary home corners, stake dock or pier location, etc.)

After the Lot has been staked in accordance with this Section 1.5 of the Guidelines, the Lot Owner or the Lot Owner's representative shall request the ECC to make a site inspection prior to the commencement of clearing and construction work on the Lot. Provided, however, and notwithstanding any term or provision herein to the contrary, "mature trees" located within the Lake Buffer Area may not be cut down, damaged or otherwise removed without specific written approval of the ECC, unless dead or diseased (see Section 4.1). The term "mature trees" is defined in the attached table of definitions.

The primary purpose of the site inspection by the ECC is to ensure compliance with the approved Site Improvement Plans and Specifications, to prevent any unnecessary damage to mature trees and other unique site features. (Please refer to the Lake Buffer Guidelines regarding requirements and restrictions relating to tree and vegetation protection and removal.) In addition to the foregoing matters, the site inspection shall include a review of the following:

- Lake Buffer Area location (as per stakes);
- Clearing limits;
- Placement of excavation materials;
- Location of construction entrances;
- Erosion control measures (silt fences, hay bales, diversion swales, stone filter dams, etc., as required).

The ECC shall conduct the site inspection within seven (7) business days after the request is received by the ECC. Written authorization by the ECC to proceed with the construction work will be issued to the Lot Owner or to Lot Owner's builder by the ECC promptly after the site inspection is completed or, if problems are detected during the site inspection, written notice of such problems shall be given to the Lot Owner or Lot Owner's builder by the ECC promptly after the site inspection is completed. No clearing or construction activities may be commenced prior to issuance of the site inspection approval by the ECC. The ECC shall have the right to stop any unauthorized clearing and/or construction activities that are commenced on a Lot in violation of the terms and requirements of the Guidelines. The ECC

may delegate its site inspection functions under this section to the Community's development construction manager or Community compliance officer.

1.6. Foundation Survey

Within 30 days of receiving approval from the ECC to proceed with construction activity, a certified foundation survey must be submitted to the ECC for verification of the house location within the setbacks. If the foundation survey is not submitted within this 30-day period, the ECC, may use \$500.00 of the Construction Escrow Deposit to comply with this requirement.

1.7. Failure of the ECC to Act

If the ECC fails to approve or disapprove any Site Improvement Plans and Specifications and other submittals which conform (and which relate to Improvements which will conform) with the requirements of the Guidelines and of the Declaration or to reject them as being inadequate or unacceptable within thirty (30) business days after receipt thereof, and provided such submittal was a full and complete submittal, in accordance with the Guidelines and the Declaration, of all items that were to have been submitted to the ECC, the Lot Owner shall give written notice to the ECC asking it to act on the submittal. If the ECC again fails to approve or disapprove the Site Improvement Plans and Specifications and other submittals within ten (10) business days after receipt of the Lot Owner's written request, the ECC shall be deemed to have approved such conforming Plans and Specifications and other submittals; provided, that the ECC has no right or power, either by action or failure to act, to waive or grant any variances relating to any mandatory requirements specified in the Declaration or any Supplemental Declaration for the Phase in which the Lot is located, and further provided, that the ECC shall not be deemed to have waived any of the requirements set forth in the Declaration or any corresponding provisions in the Guidelines. If final Site Improvement Plans and Specifications or other submittals are not sufficiently complete or are otherwise inadequate, the ECC may reject them as being inadequate or may approve or disapprove part, conditionally or unconditionally, and reject or approve the balance.

2. HOMESITE AND SEPTIC IMPROVEMENTS

ECC Approval is required prior to the commencement of construction of homesite and septic improvements within the Community (see Schedule A).

2.1. Building Setbacks

The building setbacks required by the Developer for the Community may exceed the minimum setbacks required by the County, and will be listed on the recorded plat for the Community.

2.2. Septic Drainfields

The chosen method of residential waste disposal within the Community is individual on-site septic systems. Each site has a planned initial primary system and a designated area for

a repair system. For more details on the Septic Maintenance Program administered by the Association, refer to Section 5.6, Septic System Installation and Maintenance.

3. DOCK AND SHORELINE IMPROVEMENT

3.1. General

The location, dimensions and materials of docks, piers, boatslips, mooring posts, seawalls, and any other structure or Improvement constructed adjacent to or appurtenant to a Waterfront Lot or otherwise within the boundary of the Lake must be approved in advance in writing by the ECC. It is the Owner's sole responsibility to obtain all permits or approvals required from Duke Power Lake Management and/or other applicable agencies.

Generally, any waterfront Improvement should have a low profile and open design to minimize obstruction of neighbors' views. Enclosed docks, multilevel docks, or boathouses are not allowed; provided, however, the ECC will review requests to install two-level docks on a case-by-case basis, based on the slope, grade or topography of the Lot.

Only contractors approved by the ECC shall perform all shoreline stabilization, docks, boatslips, mooring posts, seawalls, and any other type of waterfront structure or Improvement. A list of approved ECC contractors who perform this type of work is available from the ECC.

3.2. Docks, Piers, and Boatslips

ECC Approval is required prior to the installation of any individual dock, pier, or boatslip within the Community (see Schedule B). Docks, piers, and boatslips, must be located within the recorded pier zone and constructed so as to minimize grading and clearing of vegetation at or near waterfront areas. The point of access of a dock, pier or boatslip and any site disturbance or clearing associated with its placement or construction must be submitted to the ECC for approval.

Docks, piers, and boatslips must be constructed of new materials, and should be compatible in style with other Improvements on the Lot.

3.3. Shoreline Stabilization

ECC Approval is required prior to the installation of shoreline stabilization within the Community (see Schedule C). Shoreline stabilization should be located and constructed so as to minimize grading and clearing of vegetation at or near waterfront areas. Methods of stabilization will be limited to riprap, masonry walls, interlocking block walls and/or planting of "emergent" grasses that will grow in fluctuating water levels.

All forms of shoreline stabilization must be constructed of new materials, and should be compatible in style with other Improvements on the Lot.

3.4. Walkways

ECC Approval is required prior to the installation of any walkways through the Lake Buffer Areas within the Community. Walkways should be located and constructed so as to not disturb existing mature trees.

4. LAKE BUFFER IMPROVEMENTS

4.1. Introduction

In order to insure the natural beauty and the recreational benefits of the Lake and to help preserve the quality of water in the Lake, the ECC has prepared the following Lake Buffer Guidelines for the Community:

The Lake Buffer Guidelines provide for a "Lake Buffer" which is a minimum distance setback from the full pond contour elevation along the entire shoreline of the Lake, within the boundaries of the Community as noted on the final plat. The areas within the Lake Buffer compose the "Lake Buffer Areas."

Thus, if your Lot abuts the Lake, there is a "Lake Buffer" established on it. The intent of the buffers is to implement land use restrictions, which preserve the Lake Buffer Areas in a "near-natural" state. The buffers are stated on the recorded plat(s) for the Community. In order to create the Community, some work has occurred in the Lake Buffer Areas such as utility and drainage improvement construction and construction of pathways for water access. However, any disturbances thus far inside the Lake Buffer Areas have been stabilized. Mature trees (as defined in the table of definitions) within the Lake Buffer Areas may not be removed unless dead or diseased. Any construction (or modification of the surrounding environment) by individual Owners near, or in, the Lake Buffer Areas must be reviewed and approved by the ECC in accordance with the Lake Buffer Guidelines before commencing any such activity.

Although the Lots in the Community are situated to create a relatively low-density development, the construction of new streets and homes increases the rate of storm water "run-off" from rainfall. The Developer, through its planning and engineering consultants, has developed and received approval for a two-stage plan of storm water management for the Community (i.e. during construction and after construction). During construction, storm water "run-off" creates the potential for erosion and sedimentation. This potential impact on the streams and the Lake exists during the development of the streets and utility systems and continues until the last home within the Community is completed. Erosion control devices have been installed as part of the Community and will remain present until contributory areas are stabilized (as contained herein). Such erosion control devices include silt ponds that have been installed by the Developer, at the outlets for storm water drainage. These silt ponds may be maintained by the Developer until such time as they are removed. While the silt ponds are in operation, the Developer may remove silt from said ponds as is needed to insure their effective performance. No Owner shall disturb or interfere with the operation of the silt ponds as is needed to ensure their effective performance. No Owner shall disturb or interfere with the operation of the silt ponds or any other erosion control device installed by the Developer.

As construction progresses, the storm water management plan changes. At this time, storm water passes from the street curb inlet system to the underground storm drainage network. At the outlets of this underground drainage system, the concentrated flow leaving the drainage pipe is slowed down through energy dissipation, and dispersed to create a sheet flow. These outlets are located within easements over the Lots and must be protected.

4.2. General Requirements

- 1.) Openings to provide access to the Lake are limited to 6 feet in width for walkways. ECC approval must be obtained prior to establishing each opening.
- 2.) Erosion control devices are to be installed upstream out of the Lake Buffer Areas.
- 3.) Shoreline stabilization is allowed as long as minimal disturbance to the Lake Buffer occurs, and ECC approval has been obtained.
- 4.) The following may be permitted once ECC approval has been granted:
 - Removal of dead or diseased trees
 - Removal of poisonous plants
 - Selective clearing of underbrush
 - Planting of shrubs and groundcover

4.3. Lake Buffer Prohibitions and Restrictions

- 1.) No grass or lawn areas will be permitted within the Lake Buffer Areas.
- 2.) Removal of natural leaf fall from within the Lake Buffer Areas is not encouraged.
- 3.) No mature trees are to be removed, unless dead or diseased.

4.4. Lake Buffer Guideline Vegetation Requirements

- 1.) Tree pruning within the Lake Buffer Areas is allowed by removing only lateral limbs from the lower fifty percent of the tree's height. Topping is not allowed.
- 2.) Planting of additional trees, shrubs, groundcovers and perennials within the Lake Buffer Areas may be allowed if done with minimal disturbance to root systems of existing trees.

4.5. Tree Valuation Schedule and Reimbursement Obligations Relating to Damaged or Destroyed Trees.

With the care given to protecting and preserving existing trees as outlined above and as set forth in the Lake Buffer Guidelines, there should be little or no damage to trees during the course of construction on any Lot. However, accidents and possibly even negligence on the part of contractors and/or subcontractors will likely occur to some limited degree, resulting in

the destruction of existing trees intended to remain on the Lot after the completion of construction of the Improvements thereon. The Tree Valuation Schedule, set forth in Figure 4.5.1 below, will be used to place an appropriate monetary value on any and all such existing trees severely damaged and/or destroyed within the tree preservation areas. Quantifying the value of existing trees will provide each Lot Owner with a method for calculating the proper amount of reimbursement such Lot Owner must pay to the Association upon written request as a result of the irreparable damage to, or destruction of, existing trees caused by a contractor's or subcontractor's construction operations on the Lot. The Association shall use the reimbursement amount to rehabilitate, restore and/or replace, as appropriate, the damaged or destroyed trees to the extent practicable and the reimbursement amount shall constitute a Special Individual Assessment under the Declaration. The Association shall retain any of the reimbursement amount not used for this purpose. For purposes of the Tree Valuation Schedule, the tree's trunk diameter is measured at twelve (12) inches above existing grade level. Trunk diameters that fall between any two sizes presented in the Tree Valuation Schedule shall be assigned a value calculated proportionally.

A qualified arborist and/or landscape architect, at the Lot Owner's expense, shall evaluate the quality of the damaged or destroyed tree(s), as they would have existed prior to their being damaged or destroyed. The Tree Valuation Schedule (Figure 4.5.1) shall be used to determine the replacement value.

Tree Valuation Schedule			
Trunk Diameter Inches (DBH)	Cross Section Square Inches	Deciduous Tree Value	Evergreen Tree Value
2	3	\$102.72	\$89.88
4	13	\$445.12	\$389.48
6	28	\$958.72	\$838.88
8	50	\$1,712.00	\$1,498.00
10	79	\$2,704.96	\$2,366.84
12	113	\$3,869.12	\$3,385.48
15	177	\$6,060.48	\$3,502.92
20	314	\$10,751.36	\$9,407.44
30	707	\$24,207.68	\$21,181.72
48	1,809	\$61,940.16	\$54,197.64

This schedule is calculated using plant appraisal techniques derived from The Guide for Plant Appraisal, 9th Edition, published by *The Council of Tree and Landscape Appraisers* and *The International Society of Arboriculture*, in conjunction with information provided by the Southern Chapter of the International Society of Arboriculture. This schedule may be superseded by the most current, updated, information available from future editions and/or official publications.

Figure 4.5.1

4.6. Replacement of Damaged or Destroyed Trees

The Association, or the ECC as its agent, in its sole discretion, may require the planting of additional trees as a result of disturbance, damage, or destruction of existing trees on

Individual Lots. In this instance, a replanting plan, a separate document from the Landscape Plan, may be requested by the ECC, detailing the size, type, and location of replacement vegetation. All vegetation planted for the purposes of replacement must be guaranteed for one year after installation. Any vegetation that is noted as dying, dead, or otherwise in poor health at the end of its first installation year will be required to be replaced. If such trees are replaced, the newly installed trees will also be subject to an additional one-year guaranteed requirement.

Under circumstances of extreme weather conditions, the ECC may, in its sole discretion, grant a Lot Owner a postponement of the any required replanting provided for herein. The request for such a postponement must be submitted in writing to the ECC. Postponements of such replanting will be considered only for the hotter summer months between mid June and mid September and for prolonged periods of below-freezing weather forecasted during the winter months.

All trees replanted to replace dead, dying, or other vegetation in poor health will be considered "protected" regardless of caliper size.

4.7. Owner Responsibilities

4.7.1. General

The Community, as a unique, wooded, lake front community, gains its intrinsic value from the Lake Buffer Areas. The Lake Buffer Areas are to be preserved by the Owner in accordance with the Lake Buffer Guidelines. This does not mean that these areas cannot be entered or modified, but activities are limited and subject to ECC review and approval.

4.7.2. Permissible and Impermissible Activities

Recreation - The natural habitat preserved in the Lake Buffer Areas is an amenity for the Owner and can be used for walks, nature study, and limited children's play. These areas should be shown considerate respect by limiting children's impact and not allowing play areas to cause erosion or structures (such as play houses) to create impervious cover. Repeated, intense use could lead to denuded areas and subsequent erosion problems.

Disposal - Disposal of spent oil, chemicals (household cleaners, paint thinner, etc.), or other solids or liquids with the potential for damage into the storm drainage system or on the ground near the Lake Buffer Areas is prohibited.

Construction of Boat Piers must be permitted by Duke Power Lake Management, and, any part of the pier or access thereto which is located over the Lake Buffer Areas must be reviewed by the ECC. In addition to the specific regulations, the Owner is encouraged to avoid the excessive use of fertilizers, pesticides or herbicides and to avoid land-disturbing activities immediately adjacent to the Lake Buffer Areas.

5. MISCELLANEOUS MATTERS

5.1. Diligent Construction

Any residence and all ancillary enclosed structures to be constructed on a Lot must be completed within one (1) year following commencement of construction (i.e., commencement of grading) of the first of such Improvements, unless a longer time is approved in writing by the ECC.

All Waterfront Improvements (including Dock & Pier, and Shoreline Stabilization) shall be completed in a time frame approved by the ECC at final approval of Improvement. If construction activity ceases for a period of thirty (30) days, the Lake Buffer Area is to be stabilized to the ECC's satisfaction.

5.2. Erosion and Sediment Controls

The design and development concepts of the Community call for the utilization and enhancement of the existing natural environment. The ECC is particularly conscious of the erosion and sediment disturbances that can occur during any clearing, grading, or construction activity on a Lot. To help minimize erosion and sediment disturbances, an erosion control plan (using erosion control measures such as silt fences, hay bales, diversion swales, stone filter dams, etc., as required) must be designed in accordance with Schedule H. Approval of the erosion control plan must be obtained from the ECC prior to any earth-disturbing operations on any Lot. Particular care must be exercised on Lots fronting the Lake to prevent any negative effect or impact upon the Lake and/or the Lake Buffer Areas. Erosion control measures implemented pursuant to an approved erosion control plan must remain in place until such time as all disturbed areas have been stabilized.

All erosion control plans submitted to the ECC shall be considered individually for each Lot. Recommendations or requirements of the ECC in that regard will be based on individual Lot location, terrain, soil conditions, vegetation, drainage, proposed cuts and fills, and any other conditions the ECC determines impact upon the possible erosion and sediment disturbances for the Lot. At a minimum, however, each Lot Owner shall be responsible for causing the following minimum erosion control practices to be implemented and maintained throughout the course of all earth-disturbing operations until final seeding:

(a) Roadway and Homesite Construction Entrance. Prior to the commencement of any earth-disturbing operation, a stone construction entrance shall be installed on the building site (the "Construction Entrance"). The Construction Entrance shall: (i) if possible, be installed in the same location as the proposed driveway so as to minimize the amount of disturbed area; (ii) extend a minimum distance as approved by the ECC; and (iii) be installed, preserved and replaced, if necessary, in accordance with the standards more particularly set forth on Schedule H. During construction, each Owner shall use diligent efforts to minimize traffic traveling off of the construction entrance onto such Owner's Lot.

(b) Silt Control Devices. Prior to the commencement of any earth-disturbing operation, a diversion ditch and rock check (or stone filter) dam or other similar measures

approved by the ECC shall be constructed and maintained on the building site (collectively, "Silt Control Devices"). The Silt Control Devices shall be located at the boundary of the estimated disturbed areas as set forth more particularly on Schedule H and shall be constructed, preserved, and replaced, if necessary, in accordance with the standards set forth on Schedule H.

In order to ensure the effectiveness of a particular Lot Owner's erosion control measures, the ECC shall have the right to enter any Lot to inspect any and all erosion control measures and to require additional erosion control measures, as necessary.

5.3. Drainage

Drainage considerations for individual Lots play an important part in the ecological balance of the Community. Generally, where feasible, each Lot should be graded such that all water draining from such Lot does not drain onto any adjoining Lots. Water runoff and control is the responsibility of each Lot Owner relative to such Owner's Lot. The water runoff shall be handled in such a manner as not to adversely affect any neighboring Lots or the Lake.

5.4. Purpose and Use of Construction Escrow Deposit

The Construction Escrow Deposit required pursuant to Section 1.3 shall be deposited by the ECC in an escrow account. Any and all interest earned on the Construction Escrow Deposit shall be credited to and retained by the ECC for its sole use and benefit. The Construction Escrow Deposit paid by an Owner may thereafter be used by the ECC for any of the following purposes:

5.4.1. To pay for the cost to repair any damage to the Roadways or Common Areas in the Community caused by the Owner or the Owner's builder or subcontractors and not repaired by the responsible Owner or such Owner's builder or subcontractors.

5.4.2. To pay for the cost of completing any Improvement(s) so that they are in accordance with the approved Site Improvement Plans and Specifications, if and to the extent the Owner fails so to complete such Improvement(s) consistent with the terms of the Guidelines and the Declaration.

5.4.3. To pay for the cost of restoring or replacing any trees, other vegetation, or other natural features improperly removed, altered or destroyed by the Owner, or Owner's builder or subcontractors, in violation of the Guidelines.

5.4.4. To reimburse the Developer for the cost of cleaning up any significant amount of dirt, cement, or debris left by the Owner or by the Owner's builder or subcontractors on any street, if and to the extent such materials and debris is not immediately removed by the Owner or the Owner's builder or subcontractors.

5.4.5. To pay for the cost of enforcing any of the Owner's other obligations under the Guidelines or the Declaration.

5.4.6. To pay for the foundation survey (\$500.00) required under Section 1.6.

5.4.7. To pay any other costs, fines, expenses or Special Individual Assessments that, by the express terms of the Guidelines, may be deducted from the Construction Escrow Deposit. Except for the reimbursements described in Section 5.4, and except for the application of the Construction Escrow Deposit in accordance with the express terms of other provisions in the Guidelines, the ECC shall give an Owner prior notice that the ECC intends to use such Owner's Construction Escrow Deposit for a particular purpose. Such Owner thereafter shall have twenty-four (24) hours from the date of the notice to complete the performance that is required and for which the ECC intended to use such Owner's Construction Escrow Deposit or, if the performance cannot be completed during that time, to begin the performance and to thereafter diligently pursue such performance to completion. Upon the completion of all Improvement and all Landscape Improvement and the performance of all other obligations by an Owner pursuant to the terms of the Guidelines and the Declaration, the ECC shall return to such Owner the unused portion (if any) of such Owner's Construction Escrow Deposit.

In the event the ECC expends sums on the Owner's behalf as provided above in excess of the Owner's Construction Escrow Deposit, the Owner shall pay the excess to the ECC within twenty (20) days of notice thereof. If the Owner fails to do so, the ECC shall request the Association to levy a Special Individual Assessment against the Owner.

5.5. Final Inspection and Construction Escrow Refund

Once all Improvements have been completed, a final inspection must be conducted to ensure compliance with the ECC's approval of Site Improvement Plans and Specifications. A request must be made to the ECC in writing to conduct a final on-site inspection (see Schedule E). The Construction Escrow Deposit will be refunded after this inspection has been conducted and the Lot is deemed to be "in compliance" with the approved Site Improvement Plans and Specifications, provided that some or all the Construction Escrow Deposit has not been utilized during the building process as outlined in Section 5.4.

5.6. Septic System Installation and Maintenance

Builders and landscape contractors shall become familiar with the layout and installation of the septic system components and drainfield envelope requirements prior to performing any work in these designated areas. This information can be found under separate cover as promulgated by and issued to the Lot Owners by the ECC and the Developer. Additional information can be received by contacting the Septic Maintenance Contractor.

Failure by the Owners, their builders or their contractors to comply with the guidelines concerning septic system installation and maintenance resulting in damage to the septic system or its components shall result in their being liable for bearing responsibility for repair costs and/or fines imposed by the Association.

5.7. Notices

Each notice, document or submittal (collectively, "notice") required or permitted to be given under the Guidelines must be given in compliance with the requirements of this Section 5.7.

5.7.1. Each notice shall be in writing.

5.7.2. Any notice to be given to the ECC shall be deemed to have been duly served and to be effective only when a receipt acknowledging such delivery (such as a registered mail, overnight express service or hand delivery receipt) is signed by a member or authorized representative of the ECC. The address of the ECC for delivery of notices shall be as follows:

Environmental Control Committee
c/o Crescent Communities S.C., LLC
400 South Tryon Street, Suite 1300
Post Office Box 1003
Charlotte, North Carolina 28201-1003

5.7.3. Any notice to be given to an Owner shall be deemed to be duly served when picked up by the Owner (or the Owner's builder, as the case may be) at the ECC's office or when delivered to the address of the Owner (or the Owner's builder's, as the case may be) by regular U.S. Mail Service (such delivery being presumed to have occurred on the second (2nd) day following the deposit of such notice by the ECC in the U.S. Mail) or when sent by facsimile transmission to the Owner's or Owner's builder's facsimile number, (such delivery being presumed to have been duly served on the day same is sent by the ECC). The address of an Owner (and facsimile number, if applicable) shall be as set forth in the Owner's submittal of Site Improvement Plans and Specifications, or, if different, then as set forth in the Owner's submittal of Site Improvement Plans and Specifications.

5.7.4. Either the ECC or an Owner may change its address (or facsimile number, as the case may be) for notices hereunder by written notice to the other party designating the new address, such written notice of the changed address (or facsimile number, as the case may be) to be given to the other party in accordance with this Section 5.7.

CONSTRUCTION RULES

1). **Applicability.** These construction rules (collectively, the "Construction Rules") shall apply to all Lot Owners and their builders, and any reference to an Owner shall also apply to the Owner's builder and subcontractors. All Owners shall abide by the Construction Rules and such other rules as the Board and/or the ECC may establish from time to time.

2). **Construction Hours and Noise.** All construction activities must be conducted and all deliveries must be made from 7:00 a.m. until 8:00 p.m. Monday through Saturday; provided, however, no construction activities shall be conducted and no deliveries shall be made on July 4, Labor Day, Thanksgiving Day, Christmas Day or New Year's Day. Additionally, certain

construction activities are permitted on Sundays but such activities shall be performed in a manner as to be considered "low impact" by the ECC in its sole discretion; excessive noise and the use of heavy equipment shall be prohibited on Sundays. No loud radios or distracting noise (other than normal construction noise) will be allowed within the Community during construction. This is distracting to Lot Owners. Normal radio levels are acceptable within the interior of fully enclosed homes. Radio and stereo speakers shall not be mounted on vehicles or outside of homes under construction.

3). Rubbish and Debris. In order to maintain a neat and orderly appearance at all times throughout the Community, the following rubbish and debris rules must be strictly followed:

(a) Exterior Construction Debris. With regard to all construction debris located on a Lot outside the walls of a residence that is under construction, the following rules shall apply:

(1) At the end of each day on which work occurs on the Lot, all lightweight, blowable construction debris, such as roofing paper, insulation bags, foam sheathing, polyethylene, etc., must be placed in a silt fence pen or other approved containment device on the Lot.

(2) At the end of the day on each Friday or Saturday, all non-blowable construction debris, such as wood scraps, shingles, brickbands, drywall, bricks and masonry blocks, must be gathered into neat piles.

(3) During the last three (3) days of every month, all debris must be taken off the Lot and out of the Community, leaving the pens and the Lot free of all debris.

(b) No Burning or Burial. Burning or burial of construction debris or vegetation is prohibited.

4). Street Cleaning. The Developer shall have the right, without notice, to clean up any significant amount of dirt, gravel, cement, etc., left on any street if the same is not immediately removed by the responsible Owner, to charge the cost of such clean up to the responsible Owner and to receive reimbursement for the expense of such clean up from the responsible Owner.

5). Silt Fences. Silt fences and/or other devices for sedimentation control shall be installed where necessary or as directed by the ECC, and as shown on the approved erosion control plan.

6). Material Storage. No construction materials, equipment or debris of any kind may be stored on any street, curb, sidewalk or area between streets and sidewalks, on any adjacent Lots or otherwise than in the locations approved by the ECC.

7). Trailers. No construction office trailers may be placed, erected or allowed to remain on any Lot or in any other area in the Community, except as approved in writing by the ECC.

- 8). Construction Access. During the time a residence or other Improvements are being built, all construction access shall be confined to the approved driveway for the Lot, unless the ECC approves an alternate access way.
- 9). Gravel Drives. Prior to the commencement of construction on a Lot, the Owner of such Lot or such Owner's contractor shall provide at the approved driveway location a gravel drive with a minimum of five (5) inches of #5 crushed stone base from the paved street toward the house under construction.
- 10). Parking. All vehicles must be parked so as not to impede traffic or damage vegetation. No vehicles (trucks, vans, cars, trailers, construction equipment, etc.) may be left parked on any streets within the Community overnight. Construction vehicles may be left on the gravel drive of a Lot overnight only if additional use of the vehicle will be made within the following three (3) days. Subcontractors are to be instructed to park on the street adjacent to the Lot or on the gravel drive, not in common areas or within the right-of-way.
- 11). Miscellaneous Practices. The following practices are prohibited within the Community:
 - (a) Changing oil of any vehicle or equipment;
 - (b) Allowing concrete suppliers and contractors to clean their equipment in areas other than the Lot on which the house is being constructed;
 - (c) Carrying and/or discharging any type of firearms, except by law enforcement officials and security personnel, authorized in writing by the Developer;
 - (d) Careless disposition of cigarettes and other flammable material; and
 - (e) Operators of vehicles are required to use due care to ensure that they do not spill any damaging materials while within the Community. If spillage does occur, it is the responsibility of the operator of the vehicle to properly clean up the spill. Any such clean up operations completed by the Developer's personnel will be charged to the responsible party. Any spills must be reported to the ECC and the Developer in writing as soon as possible.
- 12). Pets. Builder and contractor personnel may not bring pets into the Community.
- 13). Common Areas. Except with the prior written permission of the ECC, builder and contractor personnel are not allowed in the Common Areas, and no construction access will be allowed across the Common Areas.
- 14). Accidents. The Developer and the ECC shall be notified immediately of any accidents, injuries or other emergency occurrences.
- 15). Portable Chemical Toilets. An enclosed and regularly serviced portable chemical toilet must be provided at each residence under construction, and must be located in as inconspicuous a location as possible.

16). Vehicular Traffic and Speed Limits. All vehicles must travel at safe operable speeds for construction traffic through an inhabited neighborhood.

17). Signs. Building permits are the only sign or documentation that may be posted at a residence or on a Lot during construction. Business signs or other forms of advertisement are not permitted. Building permits are to be attached to a post in a manner protected from the elements and in no event may building permits or any other signage or documentation be attached to trees.

18). Property Damage. Any damage to streets and curbs, drainage inlets, water meters or boxes, streetlights, street markers, mailboxes, walls, fences, etc. may be repaired by Developer and the cost of such repairs will be billed to the responsible Owner. If not paid promptly, the repair cost will be assessed as a Special Individual Assessment. If any telephone, cable TV, electrical, water or other utility lines are cut, it is the responsible party's obligation to report such an accident within thirty (30) minutes to the Developer, and any cost incurred in connection with repairing such damage shall be borne by the responsible party.

19). General Builder Responsibilities. Builders are encouraged to maintain strict control over subcontractors to minimize soil and mud build-up in streets. Builders are advised to educate employees and subcontractors as to the location of the Lake Buffer Areas, the restrictions applicable to the Lake Buffer Areas and the ramifications for violation of the Lake Buffer Guidelines (i.e., fines). Planning home construction with the erosion control measures and the Lake Buffer Guidelines specifically in mind will be crucial to the success of each builder in the Community. Where the builder desires to modify the vegetation in the Lake Buffer Area or construct pathways or shoreline stabilization in the Lake Buffer Area, a Lake buffer plan must be first submitted to the ECC for approval prior to construction. In addition to protecting the Lake Buffer Areas and controlling erosion, builders are encouraged to develop Lot plans which preserve natural wooded areas wherever possible and which minimize Lot grading and disturbance. Alignment of utilities and access should be planned to minimize the cutting of mature trees.

SCHEDULE A
HOMESITE & SEPTIC IMPROVEMENTS
REQUEST FOR REVIEW

NAME _____ DATE _____

PHONE NUMBER _____ COMMUNITY NAME: _____ LOT _____

Erosion Control Measure and Devices to be utilized: _____

Additional Comments/Explanation: _____

- Attach Site Plan (Use Recorded Plat or Plot Plan) at 40 Scale (1"=40') showing precise location of homesite, setbacks, septic drainfield locations, proposed locations of erosion control devices and any other pertinent and/or applicable Information.
- Include Check for Construction Escrow Deposit and completed Schedule C as outlined in Section 3.2.
- Mail to: Environmental Control Committee
 c/o Crescent Communities S.C., LLC
 400 S. Tryon Street, Suite 1300
 P.O. Box 1003
 Charlotte, North Carolina 28201-1003

SCHEDULE B
DOCK & PIER
REQUEST FOR REVIEW

Materials and Components List

Decking: _____

Handrails: _____

Roof: _____

Pilings: _____

Additional Comments/Explanations: _____

- Attach Site Plan (Use Recorded Plat or Plot Plan) at 40 Scale (1"=40') showing precise location within the Pier Zone and Dimensions
- Attach Erosion Control Plan detailing Erosion Control Device(s) type and location.
- Include Check for Construction Escrow Deposit and Completed Schedule C as outlined in Section 3.2.
- Mail to: Environmental Control Committee
 c/o Crescent Communities S.C., LLC
 400 S. Tryon Street, Suite 1300
 Charlotte, North Carolina 28201-1003

SCHEDULE C
SHORELINE STABILIZATION
REQUEST FOR REVIEW

NAME _____ DATE _____

PHONE NUMBER _____ COMMUNITY NAME _____ LOT _____

Shoreline Stabilization Type:
(Circle One)

Rip Rap

Rock (include type:): _____

Block

Masonry

Other: _____

Height above High Water Mark: _____

(Note: If height varies, note locations and approximate heights on site plan. Include Elevation if Necessary.)

Additional Comments/Explanations: _____

- Attach Site Plan (Use Recorded Plat or Plot Plan) at 40 Scale (1"=40') showing precise location of the wall(s), limits of clearing, and Vehicular Access Points.
- Attach Erosion Control Plan detailing Erosion Control Device(s) type and location.
- Include Check for Construction Escrow Deposit and Completed Schedule C as outlined in Section 3.2.
- Mail to: Environmental Control Committee
c/o Crescent Communities S.C., LLC
400 S. Tryon Street, Suite 1300
P.O. Box 1003
Charlotte, North Carolina 28201-1003

SCHEDULE D
CONSTRUCTION ESCROW INFORMATION SHEET

Community: _____ Lot Number: _____ Date: _____

Owner's Name: _____

Owner's Address: _____

Owner's Fax: _____

Contractor's Name: _____

Contractor's Address: _____

Contractor's Fax: _____

Notices to be given regarding the use of the Construction Escrow Deposit will be done in conjunction with Section 5.4, Purpose and Use of Construction Escrow Deposit, and Section 5.7. Notices, of the Environmental and Lake Buffer Guidelines.

In accordance with the Declaration of Covenants, Conditions, and Restrictions of the Community, the Declarant shall have the right to enter the above referenced Lot to remedy any violation that remains after the Owner or Owner's agent has been notified as referenced above and in the Environmental and Lake Buffer Guidelines.

Owner's Signature: _____ DATE: _____

If the contact person is to be different than the Owner, then have the responsible party fill out the following:

In place of the Owner, I _____, agree to accept the terms and conditions for notification regarding the use of the Construction Escrow Deposit as outline in this document, the Covenants, Conditions, and Restrictions for the Community, and the Environmental and Lake Buffer Guidelines.

Responsible Party's Signature: _____ DATE: _____

Method of Contact: _____

ECC Use Only:

Construction Escrow Utilized:

	Date	Reason	Amount
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____

SCHEDULE E

REQUEST FOR FINAL INSPECTION/DEPOSIT REFUND

Community: _____ Lot Number: _____ Date: _____

Owner's Name: _____

Contractor's Name: _____

Builder's Address/Phone/Fax: _____

Requested Date of Inspection: _____

I do hereby certify in good faith that the improvements have been installed and maintained on the above referenced Lot, and the disturbed areas have been properly stabilized. The Lot conforms to the Environmental Control Committee requirements and standards as well as the final plans as approved by the Environmental Control Committee. All site work, landscaping, cleaning, removal of temporary utilities and repair of damage to rights of way and common areas has been implemented and completed. This constitutes a request for return of Construction Escrow Deposit.

Owner's Signature: _____ Date: _____

Contractor's Signature: _____ Date: _____

ECC USE:

_____ DEPOSIT RETURNED IN FULL

_____ PARTIAL REFUND

AMOUNT RETURNED: _____

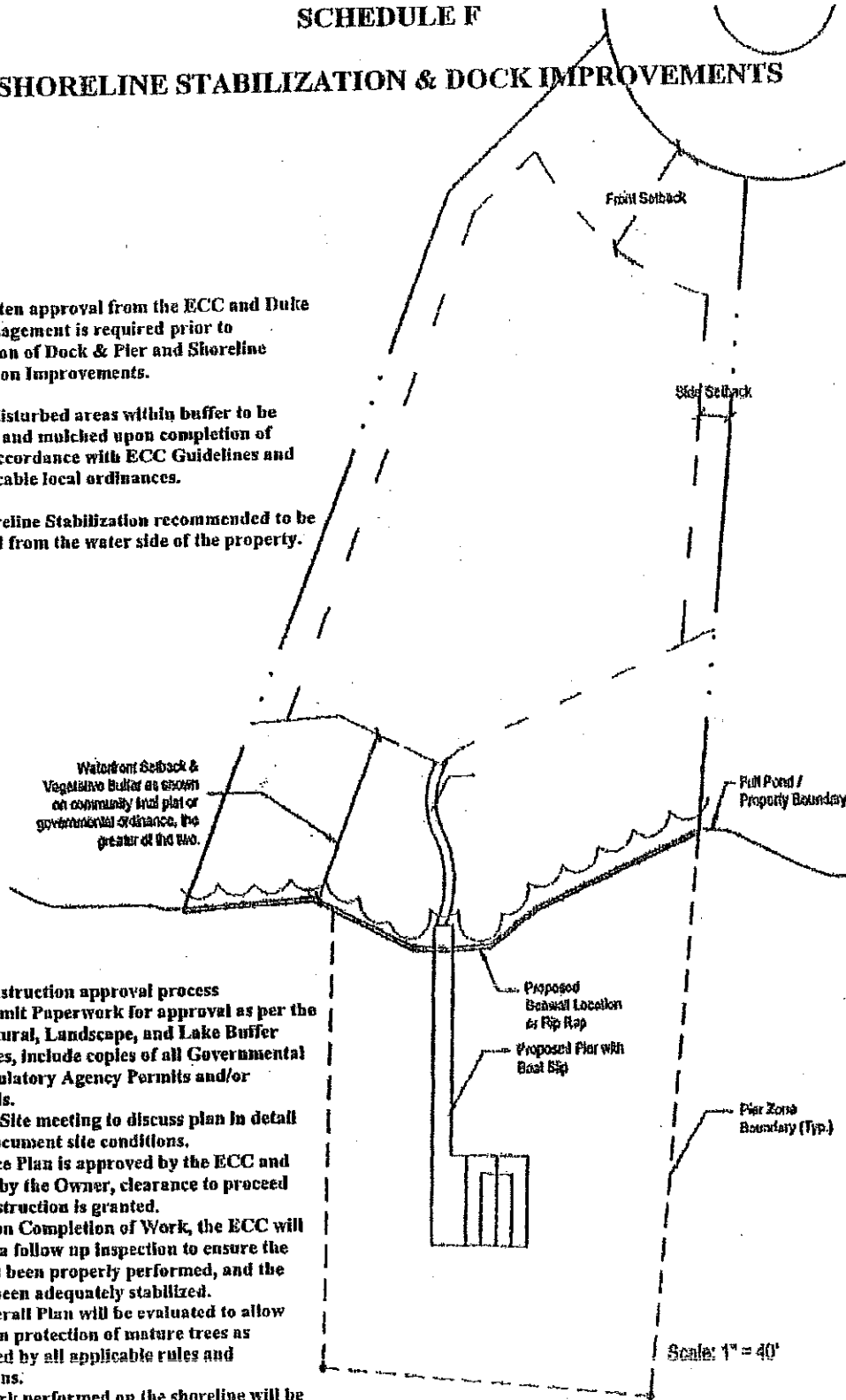
REASON FOR WITHHOLDING:

SCHEDULE F

SHORELINE STABILIZATION & DOCK IMPROVEMENTS

General Notes:

- 1.) Written approval from the ECC and Dulca Lake Management is required prior to construction of Dock & Pier and Shoreline Stabilization Improvements.
- 2.) All disturbed areas within buffer to be replanted and mulched upon completion of work in accordance with ECC Guidelines and any applicable local ordinances.
- 3.) Shoreline Stabilization recommended to be completed from the water side of the property.



- 4.) Construction approval process
 - a. Submit Paperwork for approval as per the Architectural, Landscape, and Lake Buffer Guidelines, include copies of all Governmental And Regulatory Agency Permits and/or Approvals.
 - b. On-Site meeting to discuss plan in detail and to document site conditions.
 - c. Once Plan is approved by the ECC and received by the Owner, clearance to proceed with construction is granted.
 - d. Upon Completion of Work, the ECC will perform a follow up inspection to ensure the work has been properly performed, and the site has been adequately stabilized.
- 5.) Overall Plan will be evaluated to allow maximum protection of mature trees as prescribed by all applicable rules and regulations.
- 6.) Work performed on the shoreline will be held to a minimum.

SCHEDULE G
GLOSSARY OF TERMS

Caliper

A term used in the nursery industry to describe the diameter of a tree to distinguish its relative size. Trees four inches (4") and under in caliper are measured six inches (6") above the ground to determine their caliper size; trees over four inches (4") in caliper at six inches (6") above the ground are measured at twelve inches (12") above the ground to determine their caliper size.

Construction Escrow Deposit

A deposit is required of all lot Owners which is returned in full to the depositor when all construction is completed according to the Guidelines set for by the ECC. All or a portion of the deposit may be forfeited in the event that the Guidelines are not followed, in the sole discretion of the ECC.

Crown or Canopy

These terms are used interchangeably to refer to the top part of a tree where the branching occurs and where the majority of the leaves exist on the tree.

Deciduous (Tree or Shrub)

Numerous plant species which lose or shed their leaves in the autumn, are without leaves for the colder winter months, and send out new leaves in the spring which remain throughout the summer are referred to as deciduous trees or shrubs.

Deep-Root Fertilization

Fertilization of typically large trees or groups of trees, most often those that have recently endured construction activity and exhibit signs of stress, where liquid fertilizer is administered directly to the roots of the

plants by drilling with specialized equipment into the root zone. The fertilizer is therefore readily available to the plant. The goal is a more rapid and complete recovery of the tree as exhibited by improved vigor.

"Drip Line" (Tree)

This refers to the outermost perimeter of any tree or shrub canopy. It would be accurately described by the shadow cast by the sun if it were directly above the tree. This line on the ground surface generally coincides with the outermost root growth of the tree.

Drought

Prolonged periods of time without rainfall. These periods require regular and complete supplemental watering to sustain newly planted or stressed, naturally occurring plant material.

Evergreen (Tree or Shrub, etc.)

Trees, shrubs and ground covers, etc. which retain the majority of their leaves throughout the year.

Groundwater

Water that naturally flows under the surface of the earth, often through the soil's pore spaces or in underground aquifers or streams.

Landscape Architect

A professional educated and trained in the thoughtful design of exterior spaces, whose design incorporates utility, practicality and aesthetics. Licensure is required in the State of South Carolina to refer to oneself as a landscape architect.

Landscape Designer

One who designs, landscapes. This individual may or may not have formal education in his or her field, and licensure is not required.

Lateral Branch (Tree)

A lateral branch of a tree is one that emanates from the main trunk. The main trunk has a vertical orientation relative to the lateral branches, which are more horizontal. The lateral branches comprise the majority of the tree's crown or canopy.

Pine Straw

Pine needles used as a mulching material for plants to retain moisture in the soil otherwise lost to evaporation and to reduce weed growth in planting beds.

GENERAL EROSION CONTROL NOTES

1. EROSION CONTROL MEASURES SHALL BE PROVIDED FOR EACH LOT AS IT IS DEVELOPED.
2. THE OWNER SHALL BE RESPONSIBLE FOR INSTALLING AND MAINTAINING THE EROSION CONTROL MEASURES FOR EACH LOT OWNED BY SUCH OWNER.
3. THE OWNER SHALL INSTALL A #5 WASHED STONE CONSTRUCTION ACCESS TO EACH LOT OWNED BY SUCH OWNER. ACCESS TO EACH LOT SHALL BE VIA THIS DRIVE ONLY. THE OWNER SHALL NOT ENCROACH OR ALLOW ANY ENCROACHMENT INTO THE UNDISTURBED GRASS AREA BETWEEN THE BACK OF CURB AND RIGHT-OF-WAY LINE WITH MATERIALS OR VEHICLES.
4. THE OWNER SHALL PROVIDE A MATERIAL STORAGE AREA ON EACH LOT OWNED BY SUCH OWNER. THIS STORAGE AREA SHALL BE ACCESSED ONLY FROM THE LOT OR THE CONSTRUCTION ACCESS DRIVE.
5. THE TYPICAL LOT EROSION CONTROL MEASURES SHOWN SHALL BE FIELD LOCATED AND ADJUSTED TO REFLECT THE FINAL GRADES AND ACTUAL FIELD CONDITIONS OF EACH LOT.
6. THE OWNER SHALL PROVIDE MAINTENANCE INSPECTIONS OF ALL LOT EROSION CONTROL MEASURES ON A DAILY BASIS AND AFTER RAINFALL. REPAIRS SHALL BE PERFORMED IMMEDIATELY.
7. THE OWNER SHALL AT TIMES REMAIN COGNIZANT OF AND IN OBEYANCE WITH THE RESTRICTION PROHIBITING CLEARING, GRADING OR CONSTRUCTION OF ANY KIND WITHIN THE LIMITS OF THE LAKE BUFFER AREAS.

SCHEDULE H

EROSION CONTROL DETAILS

