

CLOISTERS HOMEOWNERS ASSOCIATION

RULES AND REGULATIONS HANDBOOK

Welcome to Cloisters! These Rules and Regulations have been prepared as a simplified reference for day to day living in your community. In all situations, Maryland State Laws, Montgomery County Laws and Ordinances, and the rules set forth in the Declaration of Covenants and Bylaws (given to you at settlement) take precedence.

If the home is a rented unit, the owner of record is responsible for compliance of his/her tenants, guests or invitees.

Introduction

Welcome to Towns at the Cloisters! These Rules and Regulations have been prepared by your Homeowners Association to acquaint you with our community and answer some common questions so you may enjoy your Cloisters home to its fullest.

HOMEOWNERS ASSOCIATION

The Cloisters Homeowners Association is charged by the covenants with administering the common elements of the community, providing various common services, and various architectural control responsibilities. The Homeowners Association has a Board of Directors which consists of five homeowners. They are elected by the community at the December annual meeting. The term of office is three years. Each year the Board elects a President, Vice President, Secretary, and Treasurer; generally, these positions are filled by Board members. The Board of Directors and Officers do not run the community, but rather serve to protect the common interests of the community, ensuring that the Cloisters are kept a safe, enjoyable and beautiful place to live.

There are also various committees of homeowners which participate in various aspects of the community. The committees include Architectural Control, Finance and Budget, Communications, and Grounds and Maintenance. The Board encourages participation by homeowners on the various committees. If you are interested in serving on one of the committees, call the Management Company.

ARCHITECTURAL CONTROL COMMITTEE (ACC)

THE ARCHITECTURAL CONTROL COMMITTEE (ACC) is a group of volunteer homeowners who meet to review requests for changes to the exterior of the homes or properties. Their recommendation is forwarded to the Board of Directors. Each request is given an impartial review and a decision is rendered. The homeowner will receive written notification of this decision. ACC requests should be sent to the Management Company.

MANAGEMENT COMPANY

The Homeowners Association has contracted the services of Abaris Realty, Inc., a professional management company, to take care of such matters as: assessment fee billing, collection of delinquent accounts, financial record keeping, etc. They also advise the Board in such areas as contracting for snow removal and landscaping services, as well as provide the homeowners with a telephone number (468-8919) to report problems.

ACC requests and other communications should be sent to:

Cloisters Homeowners Association
c/o Abaris Realty, Inc.

7811 Montrose Road #110 Potomac MD 20854
301-468-8919 • Fax: 301-468-0983

Web Site: www.abarisrealty.com

SERVICES/INFORMATION

Trash Collection: Trash pick-up is on Wednesdays and Saturdays between 7 a.m and noon. If the regular pick-up falls on a holiday, that pick-up will be made on the next day which is not a Sunday or holiday. Trash may be placed at the curb in front of your home no earlier than the evening before scheduled pick-up. All garbage must be placed in animal proof plastic or metal containers which are properly secured. Plastic trash bags are not permitted. Each homeowner is responsible for cleaning up their own trash spillage. See page 4 for additional rules and regulations.

Snow Removal: The Homeowners Association provides for removal of snow on common element -- walks, streets, and common parking slips. Montgomery County has responsibility for most of the streets in the community. Each homeowner is responsible for private property as further described on page 6.

Mail Boxes: Key may be obtained from the Postmaster, U.S. Post Office, Rollins Avenue, Rockville, MD 20852.

Tennis: Tennis courts are provided for the exclusive use of Cloister's residents and their guests. Keys are available from the Management Company at a nominal charge. Please note the tennis rules and regulations on page 5.

Guest Parking: Homeowners/tenants are encouraged to park their vehicles in their garage and driveway. Common parking areas are in short supply and should be kept available for guest parking.

Pets: County ordinances require that pets not run free when outside their owner's fenced-in property. Any pet observed at large is in violation of a Montgomery County Law. Violations of the Leash Law should be reported to the Montgomery County Animal Control/ Humane Treatment at 279-1823.

Criminal Activity: Suspected criminal activity should be reported immediately to the Rockville police (279-8000) and to the management company.

Violations/Complaints: Suspected violations of the Cloisters Homeowners Association Rules and Regulations or complaints should be submitted in writing (see Exhibit B) to the management company.

HELPFUL TELEPHONE NUMBERS

ABARIS REALTY (Management Company available 24 hours per day/ 7 days a week)	468-8919
ANIMAL CONTROL\HUMANE TREATMENT	279-1823
DAVIS LIBRARY	530-4411
EMERGENCY (POLICE, FIRE, RESCUE)	911
MARYLAND NATURAL GAS	750-2500
MISS UTILITY (for underground utility location)	(800) 257-7777
MONTGOMERY COUNTY	
License and permits	251-2700
Police (non- emergency)	279-8000
MONTGOMERY CABLE	217-9399
PEPCO	750-2500
POISON CONTROL (accidental poisoning information)	(800) 492-2414
POST OFFICE (Rollins Avenue)	881-3282
STREET LIGHTS (report problems to Abaris Realty)	468-8919
VOTER REGISTRATION	424-4433
WSSC (water)	
Emergency	699-4555
Meter reading and billing information	699-5600

RULES AND REGULATIONS

These Rules and Regulations are designed to keep Cloisters a clean, safe and attractive community. The Board has assigned sanctions which may be invoked for failure to follow these Rules and Regulations (See Enforcement Below).

1. CLOTHESLINES: All clotheslines shall be prohibited unless obscured from view of adjoining lots and streets by a fence or appropriate screen approved in writing by the ACC. Outdoor drying or airing of any clothing or bedding is restricted to enclosed rear yards between the hours of 8 a.m. and 5 p.m. Monday through Friday, and 8 a.m. and 1 p.m. on Saturday. No outdoor drying is permitted on holidays.

Clothes hanging devices such as lines, reels, poles, frames etc. shall be stored out of sight other than at the above noted times.

MAXIMUM SANCTION: CLASS B

2. FIREWOOD STORAGE: Firewood may be stored on private property only. Woodpiles must be obscured from view of adjoining lots and streets by a fence or appropriate screen approved in writing by the ACC. Firewood must be placed on a platform or in a container, away from the privacy fences and homes to prevent and inhibit infestation from termites, rats, snakes, etc.

MAXIMUM SANCTION: CLASS C

3. AUTOMOTIVE: Maintenance and repairs such as changing oil, overhauling engines or extensive body work are not permitted on streets, parking slips, or in private driveways.

MAXIMUM SANCTION: CLASS C

4. TRASH COLLECTION: Trash shall not be placed out for collection earlier than the evening before a scheduled pick-up. All garbage must be placed in animal proof plastic or metal containers. Each homeowner is responsible for cleaning up their spillage.

No burning of any trash, and no accumulation or storage of litter, lumber, scrap metals, refuse, bulk materials, waste or trash of any kind shall be permitted on any lot.

No garbage or trash containers shall be kept on the front or side of any lot. Containers kept or maintained in the rear yards, under or upon decks, shall be screened from public view at all times.

MAXIMUM SANCTION: CLASS B

5. USE OF COMMON AREAS: Users of the common areas must clean up any trash or refuse after use. This includes removal of toys from sidewalks and playground areas. Additionally, nothing may be installed, planted or maintained upon, or removed from the common areas without Board approval. Under no circumstances may any vehicle, including motor bikes, dirt bikes, and similar items be driven or parked on any common areas.

Use of the common grounds for holiday picnics or private functions requires prior written approval from the Board of Directors.

MAXIMUM SANCTION: CLASS B

6. ENCROACHMENTS ON COMMON AREA: The Board of Directors have adopted a strict policy against encroachment on the common elements. Nothing may be installed, planted or maintained upon, or removed from, the common area. All available legal remedies shall be enlisted to obtain removal of any encroachments. In addition monetary sanctions may be sought.

MAXIMUM SANCTION: CLASS A

7. TENNIS COURT RULES: Courts are for the exclusive use of residents and accompanied guests. Hours of play are from 7:00 am to dark on Monday through Friday, and 8:00 am to dark on Saturday and Sunday. Singles play is limited to 1 hour and doubles play to 1 1/2 hours. Individual members may not use a court when two eligible players are waiting to use the court. All players shall observe tennis etiquette, as stated in the U.S.T.A. code. Appropriate tennis attire and shoes must be worn at all times. Bicycles, skates, skateboards, baby carriages, playpens, pets, and related items are not allowed on the courts. Glass containers of any kind are not permitted on the courts. Children who are not playing tennis are not allowed on the courts.

Keys to the courts may not be given, sold or loaned to nonresidents.

MAXIMUM SANCTION: CLASS C, AND/OR
FORFEITURE OF TENNIS PLAYING PRIVILEGES

8. SWIMMING POOLS: Outdoor pools shall not be placed on common grounds, front yards, unfenced back yards, or unfenced side yards.

MAXIMUM SANCTION: CLASS C

9. EXTERIOR ANTENNAS: No exterior antennas or satellite dishes are allowed.

MAXIMUM SANCTION: CLASS A

10. PETS: Residents are required to remove the excrement of their pets from their private property, their neighbors' property, and all common grounds. Excrement is a major attraction for rats!

Residents are required to comply with Montgomery County Pet licensing, leash laws, inoculation requirements, etc.

MAXIMUM SANCTION: CLASS B

11. DRIVEWAY USAGE: The following must be parked in your garage and may not be left in the driveway or on the street; junk vehicles, trucks (as defined by the Maryland Department of Motor Vehicles or by common usage), unlicensed or inoperable motor vehicles (including those that would not pass state inspection), all types of trailers, boats, or other similar machinery or equipment.

Any car, with a protective cover must be parked in your driveway, and not on the street.

MAXIMUM SANCTION: CLASS B

12. FIREWORKS: Fireworks are prohibited by State and County codes.

MAXIMUM SANCTION: CLASS A

13. BIRD FEEDERS: Bird feeders are not permitted on private or common areas due to the fact they attract rats.

MAXIMUM SANCTION: CLASS A

14. SNOW REMOVAL: To avoid damage to common areas, the use of corrosive chemicals, such as rock salt, is prohibited when homeowners are cleaning ice and snow from their front walks and driveways.

MAXIMUM SANCTION: CLASS B

15. EXTERIOR MAINTENANCE: The intent is to maintain private lots in a manner consistent with the common grounds. Each owner shall keep each lot owned by him, and all improvements therein or thereon, in good order and repair. Lots shall be free of debris and equipment used to maintain the home. To the extent of services not provided by the Homeowners Association, owners/tenants are responsible for, but not limited to:

- a. The seeding, watering, and mowing of lawns.
- b. The pruning and cutting of all trees and shrubbery.
- c. The painting (or other appropriate external care) of all buildings and other improvements all in a manner which is consistent with good property management.
- d. Each homeowner is responsible to keep their yard weed free.

MAXIMUM SANCTION: CLASS C

16. ARCHITECTURAL CONTROL GUIDELINES: Each homeowner is responsible for compliance with Architectural Control Policy and rules set forth on pages 8-12.

MAXIMUM SANCTION FOR FAILURE TO OBTAIN PRIOR APPROVAL: CLASS C
MAXIMUM SANCTION FOR UNAUTHORIZED CHANGES: CLASS A

17. OTHER COVENANTS: Other rules contained in the Cloisters covenants, but not specifically stated herein, must be complied with.

MAXIMUM SANCTION: CLASS C

ARCHITECTURAL POLICY FOR THE CLOISTERS COMMUNITY

In order to create and preserve an attractive, livable community and in order to protect property values, the following criteria are established by the Cloisters Homeowners Association, Inc. ("CHA"). Such criteria will serve as a general guide for residents at the Cloisters desiring to make exterior alterations, additions, or changes to their property.

Article V of the Declaration of Covenants, Conditions and Restrictions (the "Declaration") of the CHA governs architectural control at the Cloisters. The Declaration was recorded among the Land Records of Montgomery County on August 27, 1982. The provisions of the Declaration are applicable to each original homeowner and are automatically passed on to each subsequent owner of each lot; that is, the provisions of the Declaration "run with the land".

Article V states, in part, that "no building, fence, wall or other structure shall be commenced, erected or maintained upon [property within the Cloisters community], nor shall any exterior addition to or change or alteration therein be made (including change in color) until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography and conformity with the design concept for the [property within the Cloisters community] by the ... Architectural Control Committee."

The design objective of the CHA is to maintain the contemporary style of the community. Uniformity and consistency will be emphasized, but some diversity will be permitted. Suggested guidelines for a number of items are included herein. However, please note that these are only guidelines, and that these guidelines should not be deemed to be exhaustive. No additions, alterations or changes to a homeowner's property will be permitted until the following procedures have been complied with.

A homeowner's written request must be submitted for review and approval prior to having any work performed. Approvals by CHA should in no way be construed as passing judgement on the correctness of the location, structural design, suitability of water flow or drainage, location of utilities, or other qualities of the item being reviewed. Work approved by CHA still is subject to applicable construction requirements by law or ordinance established by the appropriate governing authority or agency. CHA assumes no responsibility for obtaining the applicable building permits or performing any inspections.

Exceptions to these guidelines have been approved because of their completion prior to the formation of CHA. These exceptions will remain the only exceptions granted to these guidelines.

Requests for changes must be completed on the Architectural Approval Request Form prepared for the community (sample attached as Exhibit A) which is available from CHA's management agent (Abaris Realty, Inc.) and should be submitted to the CHA Architectural Control Committee for review. Requests for these forms should be sent to:

Cloisters Homeowners Association
Architectural Control Committee
c/o **Abaris Realty, Inc.**
12009 Nebel Street,
Rockville, Maryland 20852

The Architectural Control Committee has the right to charge a reasonable fee for reviewing each application. No such fee will exceed \$50.00. Any exterior addition or change or alteration made without application having first been made and approval obtained is in violation of the Declaration, and the homeowner may be required to restore the property to its original condition at the homeowner's cost and expense.

Decisions of the CHA Architectural Control Committee will be made within sixty (60) days after a request form with attached plan (if appropriate) has been submitted. Decisions of the Committee may be appealed to the CHA Board of Directors.

SPECIFIC ARCHITECTURAL GUIDELINES

1. DECKS

Decks may be constructed of green pressure-treated lumber, reddish-brown pressure treated lumber, or natural redwood. Decks are to be of natural color, i.e., unpainted.

No decks may extend beyond the front or side of the home facing the street -- wrap-around decks are not permitted. Decks are not permitted on units with detached two car garages.

Decks must be within the homeowner's property lines.

It is recommended that decks consist of 2' x 2' picket railings with a 4 1/2" space between pickets.

2. FENCES

Fences may be no higher than 6' 2". Fence posts may not exceed 6' 4" in height.

Fences are to be constructed of natural wood. Chain link or chicken wire fences will not be approved.

Fences are to be of board on board construction.

When considering requests for approval of fence construction, the Architectural Control Committee will include as a factor continuity with other fences in the same block of houses.

Fences must be within the property lines. It is the owner's responsibility to determine the location of the property lines.

Owners are required to contact Miss Utility (800-257-7777) before beginning construction. Someone will come out to mark the location of lines (telephone, water, gas, electricity, TV cable, etc.) near the site.

All fences must have an operating gate to allow access by fire, police, and utility company personnel.

3. STORM DOORS/WINDOWS, AWNINGS, ETC.

Storm doors should be made of metal or wood full view, painted to match the color of the home's trim. A wooden door may, instead, be stained to match the exterior door. Storm doors of manufacturer's white or black finish will not be permitted. Brown finish will be permitted.

Any wood required to custom fit the door must be finished and painted to match the home's trim.

No storm windows are permitted.
No exterior bars or grill work are permitted.

No awnings are permitted.

4. EXTERIOR PAINT

All exterior colors were preplanned by a professional color consultant to provide harmony and attractive individual design. No color changes to siding, trim, shutters, door, etc. will be approved unless the new colors are within the harmonious contemporary spectrum so as to blend with brick and community surroundings.

If you are uncertain about the approved colors, please contact the CHA.

5. LIGHT FIXTURES

Replacement or additional exterior light fixtures must conform to the contemporary design of the community. Acceptable colors are antique or polished brass and black.

6. HOUSE NUMBERS

House numbers should not exceed 6" in height. Acceptable colors are antique or polished brass and black.

7. WINDOW BOXES, PLANTERS

Window boxes, planters or other similar items which are permanently attached to one's residence must blend with the brick and community surroundings.

8. HOT TUBS, STORAGE SHEDS, DOG HOUSES

Hot tubs, storage sheds, dog houses, etc. must be placed in locations where they are enclosed by an approved fence. Any storage shed, dog house or other such structure must be at least one foot lower than the top of an approved fence.

9. LANDSCAPING, SCULPTURES, STATUES, ETC.

Landscaping changes involving live, growing items are not subject to the prior approval requirement of these guidelines. The addition of stones, rocks, gravel, etc. likewise is not subject to that requirement. However, plans to replace grassed or other growing items with stones, rocks, gravel or other non-growing items, including any artificial ground cover, must be submitted for approval.

Sculptures and other artistic objects, statues, etc. are subject to the prior approval requirement of these guidelines.

10. RECREATIONAL ITEMS

Basketball backboards, swimming pools, badminton sets, etc. are subject to the prior approval requirement of these guidelines.

11. PLAYGROUND EQUIPMENT, SWING SETS, ETC.

Playground equipment, swing sets, jungle gyms and similar items are subject to the prior approval requirement of these guidelines. Only playground-type items which are portable and which are put outside and taken inside on a daily basis are not subject to the prior approval requirement of these guidelines. If you have any questions as to which category a particular item falls, please contact the Architectural Control Committee.

All playground equipment, swing sets, jungle gyms, etc. can only be placed on an individual homeowner's lot. In no case can such equipment be placed on common areas.

If the Architectural Control Committee does not approve playground equipment, etc., such items may be enclosed by a fence which has been approved by the Architectural Control Committee. See page 10 for guideline information applicable to fences.

When reviewing requests for approval to place playground equipment on an individual homeowner's lot, the Architectural Control Committee will consider such factors as materials, colors, and dimensions. The intended location of playground equipment, etc., its exposure to streets and the fronts of other homes, and its conformity with nearby approved playground equipment will be considered.

The Architectural Control Committee will be more favorably disposed toward playground equipment made of pressure-treated wood of natural color than other materials. Bright and/or multi-colored equipment, especially of metal construction, may only be approved by the Committee if it is not exposed to streets and home fronts.

Maintaining the contemporary style of the community and an emphasis on uniformity and consistency will be the objectives and goals that the Committee will strive for in these areas.

ENFORCEMENT

Every attempt has been made to make the Rules and Regulations as non-restrictive and pleasant to live with as possible. The intention is to allow maximum personal freedom, and expression, while preserving the beauty and safety of the community. According to the Bylaws, and the Master Deed, the Board of Directors is empowered to develop and enforce the Rules and Regulations. IT IS HOPED THAT THESE ENFORCEMENT PROCEDURES WILL NEVER BE USED.

Each rule, or group of rules, has a class of sanctions, or penalties, associated with it. Breaking the rule may subject the offender to a fine, as indicated below. However, a fine can be assessed only after due process procedures have been followed (see Enforcement Procedures).

Class	<u>Sanction for first violation after</u> written warning	<u>Sanction for each subsequent or</u> continuing violation
A	\$100	\$300
B	\$ 50	\$100
C	\$ 30	\$ 60
D	\$ 10	\$ 20
E	Non-Monetary Sanction	

A fine will be assessed against the owner of the property, regardless of whether the offender is a tenant, guest, or household member. The fine will appear on the first bill immediately following its imposition. If not paid by the bills Due Date, the fine will be considered unpaid, and a higher penalty may be imposed. If the fine is still unpaid, a lien may be placed upon the property. This means that the property cannot be sold with a clear title unless the fine is paid and the lien removed. In addition, the Board of Directors may foreclose on a lien if deemed necessary.

Other penalties for noncompliance may also be considered including, but not limited to, the following:

1. Suing the homeowner for damages.
2. Having the violation (i.e. architectural control violations or damage to common grounds and elements) corrected at the owners expense.
3. Contacting proper authorities to impose civil or criminal penalties for violations which are also infractions of City, County, or State Laws.
4. Ordering any person whose pet is a nuisance to remove such pet from the property.

ENFORCEMENT PROCEDURES

The Board of Directors may not impose a fine, suspend voting privileges, or infringe upon any other rights of a property owner, or occupant, for violations of the rules until the following procedures have been followed.

1. If a violation of the Rules and Regulations is alleged, the Board of Directors will notify the alleged violator, in writing, to cease and desist from, or correct, the alleged violation. This notification shall include:

- a. The nature of the alleged violation
- b. The action required to stop, or correct, the violation
- c. A "grace period" of at least ten days during which
 1. The violation may be stopped, or corrected, without penalty
 2. Further violation of the same policy may result in the imposition of a sanction, after another notice and hearing.

In the event that the alleged violator is not a property owner, both the property owner and the alleged violator shall receive copies of all correspondence, (originals will be sent to the Owner of Record.)

If the alleged violator disagrees with the Board's notice, they may request a hearing in writing within ten (10) days in accordance with Paragraph 3. Within another ten (10) days of the Board's receipt of the alleged violator's hearing request, the Board shall notify them of the time and place of hearing.

2. The initial notice of violation is in effect for twelve months. If the violation is alleged to continue (or be repeated) after the first warning, the alleged violator will be called to a hearing of the Board of Directors to discuss the alleged violation and the applicable fine. Subsequent notices shall contain:

- a. The nature of the alleged violation
- b. The time and place of the hearing (at least ten days after any subsequent written notice has been served)
- c. An invitation to attend the hearing and produce any statement, evidence, and witnesses on his/her behalf
- d. The proposed sanction to be imposed

3. A hearing will be held at which the alleged violator and the complainant have the right to produce evidence and present and cross examine witnesses. The hearing shall be held in an executive, (closed) session of the Board of Directors, and shall afford the alleged violator and the complainant a reasonable opportunity to be heard. The Board of Directors must provide

proof that any invitation to be heard has been served to the alleged violator, and such proof shall be entered into the minutes of the meeting. Such proof shall be satisfied if the alleged violator appears at the meeting.

4. The minutes of the meeting shall contain a written statement of the results of the hearing and the sanction imposed, if any.

5. The decision of the Board of Directors, in such matters, can be appealed to the Maryland Courts.

6. If any owner of record fails to comply with Rules and Regulations or Bylaws, or a decision rendered under the above, the owner may be sued for damages or injunctive relief, or both, by the Board of Directors or any other owner of record. The prevailing party in any such proceeding may be entitled to an award for legal fees, as determined by the court.

7. In cases where the violation is of an architectural nature, the hearing board may be amended to include the Chairman of the Architectural Control Committee at the request of either the Board of Directors, the complainant, or the violator.

SEVERABILITY

The provisions of these Rules and Regulations are severable and if any provision or part thereof is held illegal or inapplicable to any person or circumstance, such illegality or inapplicability shall not effect or impair any part of the remaining provisions or parts of this document.

PROCEDURE FOR AMENDMENT

Procedure for amendment shall be submitted, in writing, to the Secretary of the Board.

Exhibit A
ARCHITECTURAL APPROVAL REQUEST FORM

CLOISTERS

To: Cloisters Homeowners Association
Architectural Control Committee
c/o Abaris Realty, Inc.
12009 Nebel Street, Rockville, MD 20852
301-468-8919 • Fax: 301-468-0983

In accordance with the Declaration of Covenants, Conditions and Restrictions of the Cloisters Homeowners Association, Inc., Article V, I hereby apply for written consent to make the following exterior additions, alterations or changes to the premises:

Owner's Name _____ Telephone Number _____

Property Address _____

Lot no. _____

1. Structural Improvement:

Type of improvement or modification desired: _____

(Attach PLOT PLAN and SKETCH showing design, elevations and dimensions)

Type of materials to be used in improvement or modification and color or finish (please include color sample):

Roof _____
Walls _____
Windows _____
Doors _____
Fences _____
Decks _____

Approximate time for completion after approval: _____

NOTE: Applicant must assume responsibility for acquiring necessary building permits.

2. Fencing:

Plot plan (must attach) showing location of fence and height. Materials to be used: _____

Finish or color: _____

3. Exterior Paint: (For Color Change Only)

Areas to be painted: _____

Please include sketch if necessary. Color(s) to be used and where. Please include color sample - no approval will be made unless one is provided.

4. Deck:

Plot Plan (must attach) showing location, and dimensions. Materials to be used: _____

Finish or color: _____

5. Other:

Description: _____
