



Heritage Pines Community Association, Inc.

Rules and Regulations

Revised December 2011



HERITAGE PINES COMMUNITY ASSOCIATION
RULES AND REGULATIONS

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USE OF THE HERITAGE PINES FACILITIES

GENERAL

1. Within this document, the term "Resident" shall refer to "Resident," "Owner," "Homeowner," and/or "tenant."
2. Individuals, who are leasing a home in the Heritage Pines Community and have the appropriate documents filed in the Clubhouse office, may use the facilities the same as a Resident homeowner, provided that the property owner has waived his/her use of the facilities.
3. The Heritage Pines facilities are provided for the enjoyment of all the Residents and their guests.
4. Resident's guests must be accompanied by the Resident when utilizing any Heritage Pines facility.
5. Smoking is not permitted in the Clubhouse, pool area, or on the Recreational Complex.
6. Security: The Association Board will do its best to keep Heritage Pines a safe and enjoyable community. Please assist by doing the following:
 - a. Call the Police (911) if anything of a suspicious nature is observed.
 - b. Obey the posted speed limits.
 - c. Exercise caution when entering or exiting the community.
 - d. Keep post lights in front yards operational during dusk-to-dawn hours for safety, security, and appearance purposes.
7. Residents may make individual use of the arts, crafts, and electronic equipment provided they are proficient in the use of said equipment. Residents are asked to report any damage or malfunction to the HPCA office ASAP.
8. Proper attire is required at all times. Shoes and shirts are required when on the Clubhouse property, with the exception of the pool area.
9. No gambling (betting money on the outcome of a game or contest) may take place in the Clubhouse or on community grounds. Gambling is illegal in the state of North Carolina.
10. Clubhouse Hours are 5:30 am – 11:30 pm. The police will be alerted and will respond to any violation.

11. No one under the age of 18 is permitted to use the pool table or any Heritage Pines electronic equipment (except the Wii under the supervision of an adult).

CLUBHOUSE (OPEN EVENTS)

1. Participation in regularly scheduled social events is restricted to Residents and their guests. These events may be open to guests *as space allows*. Resident attendance at a social event takes priority over guest attendance.
2. Consumption of alcoholic beverages on Clubhouse property is limited to certain events that are sponsored by the Association Board.
3. Clubhouse events (other than private parties) are subject to the following rules:
 - a. Open events must be approved and scheduled by the Social Committee. Residents are encouraged to sponsor an event.
 - b. All events (except Ladies Luncheons and Men's Breakfasts) must be open to all Residents and advertised in the newsletter.
 - c. Any event that has a profit-making business must benefit the Residents and has to be approved by the Association Board.
 - d. All attendees for an event must pay full price for that event. No meal sharing will be permitted. Special diet requests will be accommodated, if possible, before the event deadline.
 - e. Any unusual setup or cleaning will be charged to the sponsoring group.
 - f. No religious, political or exclusionary organizations (Elks, Kiwanis, etc.) will be allowed.

CLUBHOUSE (PRIVATE EVENTS)

1. Any Resident may request the use of the Heritage Pines Clubhouse for a private function or social event. Residents desiring the use of the facility for a private function must submit a written application that is available at the Clubhouse office. The Resident and or immediate family member must be present at the function for which the clubhouse is being reserved. **NO EXCEPTIONS.** The occupancy limit is 85.
2. Private functions are those events such as showers, birthdays, and anniversaries given by or for the Resident and members of their immediate family. Approval for private usage is given by the Clubhouse manager. It is granted subject to the type of function, time and space availability. Private events are limited to Saturday and Sunday only.

3. The Clubhouse facility is intended primarily for community use and functions. Community functions take priority over private usage. Reservations can be made up to 6 months prior to the requested date. A non-refundable fee of \$150.00 is required for the rental which includes the set up and take down of chairs and tables plus general cleaning after the function. A separate check for \$ 250.00 will be required for a security deposit. Any problems resulting from the private use of the Clubhouse may result in the withholding of some or all of the security deposit. If damage exceeds the security deposit, the remainder will be billed by HPCA to the Resident who reserved the Clubhouse. Both checks payable to the HPCA, Inc. are required at the time of the application.
4. A copy of the Resident's Homeowner's Insurance policy must accompany the application. *The policy must have at least \$250,000 in general liability insurance.* This is necessary to cover the Association Board against any claims which might arise as a result of the private use of the facility. Additional fees may be charged depending upon the type of function to be held.
5. Private parties are limited to the use of the multi-purpose room, the arts and crafts room, kitchen, and restrooms. The use of the TV and other media equipment must be cleared through the office. The use of the billiards/card room, the exercise room, the library (including all equipment), and the swimming pool and pool deck are strictly off-limits. The lobby is used for entering and exiting only. The Resident renting the space is responsible for the behavior of all their guests. They should make sure their guests know that they cannot roam around the facility. Smoking inside of the Clubhouse is prohibited. Pets are not allowed in the Clubhouse.
6. Residents are not permitted to move the furniture in the media center. The Resident will need to submit a diagram for the placement of tables and chairs for the function, and they will be placed and removed by the cleaning crew. The Resident will need to do a basic pick up after the function, and the cleaning crew will make a final clean after the function.
7. Private parties are limited to the hours of 12 Noon to 10 PM. The areas must be returned to their original condition and vacated by 11 PM.



HERITAGE PINES POOL RULES & REGULATIONS

Pool Hours: Dawn to Dusk

Children Under 18 Swim Time: 2:00 pm to 5:00 pm

Aquatic Exercise: As scheduled; see calendar for dates & times

No Lifeguard on duty
Swim at Own Risk
Please notify someone if
you choose to swim alone

1. All Residents and guests must sign in and have pool passes in plain view.
2. Guests must be accompanied by Resident when using pool and/or spa.
3. Posted rules for pool and spa must be followed at all times.
4. North Carolina law **prohibits**:
 - a. Use of alcoholic beverages in spa
 - b. Entering pool or spa while intoxicated
 - c. Using pool or spa with an open wound or infectious disease
 - d. Swimming after dark due to lack of sufficient lighting
 - e. Use of pool or spa in case of thunder; the pool and spa must remain empty for 30 minutes after last thunder.
5. North Carolina law suggests use of a shower prior to using pool and/or spa; showers are available in clubhouse.
6. Safety regulations **prohibit**:
 - a. Diving or jumping—pool depth is only 4-5 ft.
 - b. Running or horseplay in pool area
 - c. Glass containers in pool area
 - d. Smoking in pool area
 - e. Pets in pool area
 - f. Use of spa by children under 18
 - g. Babies/toddlers in disposable diapers: only swim diapers are allowed.
7. Food and beverages are allowed, but no glass containers.
8. Large floats and toys are not permitted; swim aides are allowed.
9. Radios and all other musical listening devices are permitted when used with headphones.
10. Always dry off and wear a cover and shoes when entering clubhouse.
11. To prevent undue wear and tear on umbrellas once they are raised during the day, do not lower until end of day (after 5 pm).

- Rules are not negotiable and will be enforced.
- Patrons and guests who are diving, jumping, running, or engaging in horseplay will be asked to leave the pool.
- Avoid using suntan oil. Use sunscreen and let it absorb completely after application before entering pool or spa.
- Familiarize yourself with the location of safety equipment and the emergency phone in the pool area. Any questions or concerns, please contact the office.

RECREATIONAL COMPLEX RULES & REGULATIONS

1. The Recreational Complex (comprised of the tennis court, bocce court, and shuffleboard) and the horseshoe pit is for the use of Residents and guests only.
2. Guests must be accompanied by the Resident when using the Recreational Complex.
3. The key to the Recreational Complex court locks is in the Clubhouse behind the lobby kitchen door.
4. All gates must remain locked when not in use.
5. Hours are from sunup to sundown.
6. Athletic shoes must be worn at all times on the tennis court.
7. No pets are allowed within the fenced area at anytime.
8. No game(s) may be played other than the designated activity or sport.
9. No glass within the fenced area.
10. No smoking.
11. Rollerblades, skateboards, bicycles, scooters (e.g., "razors") are prohibited in the Recreational Complex.

FITNESS ROOM RULES & REGULATIONS

1. This exercise room is for the exclusive use of Heritage Pines Residents and their guests. A Resident must accompany guests.
2. Exercisers use this equipment at their own risk. Heritage Pines Community Association, Inc. is not responsible for injuries relating to equipment use. Anyone using the fitness equipment does so at their own risk and assumes full and complete responsibility for any injury or loss that might be suffered as a result of such use.
3. It is recommended that all exercisers consult their physician before beginning any exercise program.
4. No one under the age of 18 is allowed in this room.
5. No eating, smoking, alcohol, or horseplay is permitted in this room. Drinks must be in closed, plastic containers. No pets or glass containers are allowed in this room.
6. Proper exercise attire and footwear must be worn at all times. No swimsuits, wet clothing, sandals, or bare feet are allowed. Please remove personal items when you leave.
7. This room is unsupervised. It is recommended that Residents exercise with someone.
8. Use the equipment only as directed by the manufacturer. Improper use may result in bodily injury or equipment damage.
9. Do not over exercise. At the first signs of discomfort or stress, discontinue exercising.
10. Please wipe down equipment after each use. Also, please reset or turn off any electronic exercise equipment after completing your workout.
11. Please report any misuse or damage of equipment to the Heritage Pines Community Association office immediately.

ARCHITECTURAL REVIEW COMMITTEE PROCEDURES

INTRODUCTION

1. In accordance with the Heritage Pines Declaration of Covenants and Restrictions, the Architectural Review Committee (ARC) has been established by the Association Board of Directors. As such, the Association Board is responsible for monitoring and regulating the external appearance and use of private property and the enforcement of the provisions as designated in the Covenants, Conditions, and Restrictions (CCRs) of Heritage Pines Community Association, Inc.
2. As part of its responsibility, the Association Board monitors design changes including modifications, improvements, and landscaping at each residence. The ARC, with the consent or approval of the Association Board of Directors, serves to protect the interests of the community by establishing and maintaining the standards and criteria set forth.
3. Disregard for or violation of ARC Rules and Regulations will result in a violation letter sent by the Management Company.
4. The first letter will state the problem and the number of days the Resident has to correct it. If it is necessary to send a second letter and the problem is still not resolved, the Resident will receive a third letter asking the Resident to appear before the Association Board of Directors for a Due Process hearing. The Resident may appeal the violation and give a reason for the continuance of the violation. The Association Board will make a ruling, and, if the appeal is denied, a per diem fine will be levied until the problem is corrected.
5. No Resident, occupant, or group thereof, may build, plant, or maintain any matter or thing including, without limitation, any addition, alteration, or improvement to any home upon, over, or under the property (including common ground) without the written approval of ARC and the Association Board, except as later provided herein.

APPLICATION PROCESS

1. Any Resident desiring to make any change to the exterior of his/her home or landscape must file an Architectural Request Form (available in a rack on the wall outside of the library or at www.heritagepinesnc.com). The ARC generally meets every two weeks to review applications (2nd and 4th Wednesdays). The ARC requests that applications be turned in to the office at least seven (7) days before its meetings. After the ARC reviews the application, it is forwarded to the Association Board of Directors, at which time it is

either approved, sent back for additional information, or denied because it does not comply with the rules and regulations.

2. A Resident **MUST NOT** proceed with changes before receiving written approval. Any unapproved changes that violate these rules and restrictions may have to be removed at the expense of the Resident.
3. It is the responsibility of all Residents to familiarize themselves with the Covenants and the Rules and Regulations before considering any external changes.
4. All projects must be completed within one (1) year of the approval date. If not completed within one (1) year, a new application must be submitted.
5. Approval of ARC for any changes, additions, or alterations does not preclude the need for Residents to apply for a required building permit, etc., from the Town of Cary. A copy of any such required permit must be provided to ARC prior to any work being done.
6. A copy of the applicant's plot plan must accompany all applications for structural and/or landscape changes. The plot plan must show the changes to be made with all necessary dimensions noted.
7. The burden rests with the applicant to demonstrate the acceptability of the proposed change. All pertinent information which supports the proposed changes must be included with the application.
8. The Resident is responsible, and may be held liable, for any damage caused to utility or cable lines resulting from landscaping or exterior modifications. Please call CENTRAL LOCATING at 1-800-632-4949 before beginning any work in the yard. Central Locating will send a representative to mark the utility lines free of charge.
9. ARC reserves the right to disapprove any change/alteration that is not provided for in these Rules and Regulations.
10. Any change or modification requires written approval even if the identical change or modification has been approved and/or installed somewhere else in the community. Each application is considered independent of another.

GRADING/DRAINAGE ISSUES

1. Wetland/conservation areas may not be disturbed in any way.
2. Each Resident is advised that any addition/alteration, including landscaping, which affects the grading and drainage pattern of the home site, will void the warranties, if any, relative to grading and drainage. Such changes are prohibited.
3. Any requested grading changes must not adversely affect the neighboring properties.

ARCHITECTURAL CHANGES

1. All architectural changes require prior ARC approval unless specifically noted otherwise herein.
2. Room extensions or additions, decks, and patios:
 - a. Rear yard set-back requirements for room extensions or additions, decks, and patios must meet Town of Cary zoning codes. In no event may a room addition, extension, deck, or patio encroach within fifteen (15) feet of the rear property line.
 - b. The width of room extensions, additions, patios, or decks may not extend beyond the width of the house.
 - c. Flat and/or shed type roofs are not allowed on any structure of any kind.
 - d. Impairment of easements is prohibited.
 - e. Decks that are elevated above the ground must be composed of wood or other material as approved by ARC and must have a wood or vinyl railing that is in compliance with the Town of Cary building codes. A full description of the railing must be submitted to ARC.
 - f. Patios at ground level must be constructed of natural-colored concrete, brick, or stone. Concrete may be painted or stained. A sample of color and/or design must be provided with the application for approval by ARC.

3. Roofing, siding, gutters, fascia, etc.: Any addition to roofing, siding, gutters, fascia, etc., must match the color, texture, and material of the house. If the same colors, texture, and material are not available, substitutions must be approved.
4. Room air conditioner or heating unit: The installation of a room air conditioner or heating unit in any window or wall of the house is prohibited.
5. Outdoor carpeting previously installed may be removed without ARC approval, but replacement or new outdoor carpeting may be installed only with ARC approval.
6. Awnings must be retractable and attached to the rear of the house or deck and not free standing. Awning covering material must be fabric only and must blend with the basic color of the house. Upon deterioration, the awnings must be repaired, replaced, or removed.
7. Solar tubes and roof-mounted attic fans may be placed on the dwelling roof as long as they do not extend above the ridgeline of the roof.
8. Pergolas, arbors, and trellises will require individual review.
9. A satellite dish may be installed provided that:
 - a. The disc or dish is not more than 24 inches in diameter, exceptions may be approved by ARC in special cases.
 - b. The disc or dish is preferably roof mounted.
 - c. The disc or dish is located or screened in such a way that limits its view from nearby streets within the subdivision.
 - d. The disc or dish is in accordance with FCC regulations.
10. Lightning rod systems: Professionally engineered lightning rod systems may be allowed on homes if they are installed and maintained by an experienced qualified contractor specialist, who follows all nationally recognized safety standards of the National Fire Protection Association Board (NFPA), the Lightning Protection Institute (LPI), and Underwriters Laboratories (UL). Only UL-listed materials may be used. Particular care must be taken when installing the minimum if two required ground rods, as they must be buried at least ten (10) feet deep into the earth. Rooftop rods, including the height of the house, must meet the Town of Cary's height requirement of no more than thirty-five (35) feet. An ARC application must be submitted along with a copy of the contract and maintenance agreement. Proof of professional, renewed maintenance must be kept in the Heritage Pines Association office.

LANDSCAPE CHANGES

1. All landscape changes require prior ARC approval unless specifically noted otherwise herein.
2. Pruning, removal or addition of trees or plants in the common ground is strictly prohibited. Trees may not be removed from any Resident's property without the prior written approval of ARC, and, if required, by the Town of Cary. Exception: Replacing dead or damaged trees in rear yards with the same species and in the same location requires no application or approval. Replacing trees in front and side yards require approval.
3. Proposed plantings:
 - a. Applicants must indicate the location of any proposed plantings on the plot plan, applying the scale to the plot plan. The width and height of each area (bed) must be included.
 - b. When applying to plant trees or bushes, include the name/variety as well as the expected mature height and width of the proposed trees/bushes.
4. Landscape islands will be permitted provided that they do not interfere with mowing or block drainage patterns.
5. Fences are not permitted. Electric fences and underground and/or invisible fences are not allowed.
6. Hedge Rows: Only hedge rows installed by the builder are permitted. Hedge rows must be maintained at a height of less than ten (10) feet.
7. Fruit bearing trees and shrubs are prohibited.
8. Vegetable garden plants may be planted in rear yards in a mulched bed within four (4) feet of the foundation of the house. Side vegetable gardens may extend only ten (10) feet up the side of the house from the rear (10' x 4' limit). No vegetable garden plants are allowed in the side yard abutting a neighbor's home that has a side-entry front door. Vegetable garden plants must not exceed forty-eight (48) inches in height (for example: no corn).
9. Plants or flowers may be placed in hanging containers on porches, lamp posts, decks or on the mailbox post.



10. Invasive and/or parasitic plants and/or grasses planted in a yard by the Resident must be contained within the property. If the Resident fails to maintain and/or contain invasive and/or parasitic plants and/or grasses within his/her property, the Association Board has the right to control them at the expense of the Resident.

11. Grasses other than fescue, e.g. Bermuda, Zoysia, etc., must be maintained by the individual Residents. Contracted yard services include mowing, edging, application of pre- and post-emergents, fertilization, lawn aeration, and seeding for all yards. However, special services for lawns other than fescue are the responsibility of the individual Resident. In addition, it is the Resident's responsibility to notify the office to not perform certain services, e.g. aeration, seeding, etc., which might harm grasses other than fescue. If the Resident fails to maintain and/or contain grasses other than fescue within his/her property, the Association Board has the right to control them at the expense of the Resident.

EXCEPTIONS

No application or approval is required for the following unless otherwise noted:

1. Planting annuals and perennials in existing mulched beds.
2. Trimming, planting or replacing bushes, perennials, ground cover, and annuals in mulched beds up to four (4) feet from the foundation of the house.
3. Mulching beds with pine straw or bark mulch. Villas cannot use pine straw within ten (10) feet of the dwelling. (Stone requires approval.)
4. Repainting house, house trim, deck or anything on the outside with the same colors.
5. Painting current outside light fixtures black.
6. Installing a newspaper box on the mailbox post.
7. Earth-tone stepping stones may be placed in the lawn area or mulched bed if they are at or below grade level and do not interfere with lawn mowing.
8. Front and back storm doors must be white or match the door color. Front storm doors must be a single-pane, full-view glass or a single-view, self-storing type (not mid-view). Approval is required for all storm doors.
9. Mailboxes are allowed as follows:
 - a. No decorative design may be placed on the mailbox or post except temporary holiday decorations. Growing plants are permitted on the mailbox or post unless prohibited by the US Postal Service. Plants must be maintained at a height no higher than the bottom of the mailbox.
 - b. No modifications may be made to the mailbox or post. New mailboxes or posts must be identical to those which are currently installed or can be replaced with the Association Board-approved post and mailbox.
 - c. Names may not be placed on the mailboxes unless required by the US Postal Service.

MISCELLANEOUS GUIDELINES AND RESTRICTIONS

(The following items do not require ARC approval unless otherwise noted.)

SIGNS

1. Signs are not permitted except as are allowed under Article XI, Section 10 (Signs) of the Heritage Pines Declaration of Covenants, Conditions and Restrictions, as well as the Town of Cary Ordinance.
2. A uniform sign standard for "decorative signs" has been created to allow a maximum of one (1) small decorative sign of no more than one square foot (144 square inches) and located in a mulched bed adjacent to the foundation of the house.
3. No construction signs or other signs advertising work being done in a Resident's house or on a Resident's property may be displayed.
4. No stickers, decals, or signs on the exterior or in the windows of any dwelling may be displayed, e.g., college/sports decals, pictures, for sale signs.

Exceptions:

- a. One American flag, no larger than 10 inches by 15 inches.
- b. Stickers from a security company hired by the Resident are acceptable.
- c. Etched plastic film (no colors) or stained glass on side lights and transoms (windows surrounding front doors) is acceptable if approved by ARC.
- d. A maximum of two security company signs may be placed in a mulched bed area in the yard or on the mailbox post. Faded or worn signs should be replaced.

FLAGS/FLAGPOLES

1. One flagpole, not to exceed six (6) feet in length and supported by a bracket is permitted when attached to the dwelling. The flagpole must be removed when a flag is not displayed. Only the American or North Carolina State flag may be displayed. Free-standing and ground-supported flagpoles are not permitted.
2. One (1) small flag, approximately one square foot (144 square inches) in area, in good taste and in good condition and no more than twenty-four (24) inches in height, may be placed in a mulched bed, on the lamp post, or immediately adjacent to the mailbox.

WINDOW COVERINGS

Cardboard or aluminum foil is not permitted in or on any windows of any dwelling.

IRRIGATION SYSTEMS

Backflow valves shall be placed in a mulched bed; in a landscaped, mulched bed; or under a "fake rock." If unprotected backflow valves installed in grassy areas are damaged by lawnmowers, the Resident will assume all repairs. Requires prior approval by ARC.

OUTDOOR STORAGE

1. Garbage pails, recycling bins, trash barrels, gardening equipment and supplies, lumber, firewood, and other miscellaneous items shall not be stored or left outdoors. Such items must be kept within the house or garage. Garbage pails, recycling bins, and/or trash barrels shall be placed at the curb on the evening before scheduled collection and removed within the same day after collection.
2. Portable outdoor grills shall be stored behind the house, not visible from the front yard.
3. Commercial rain barrels are allowed in the rear of the house, not visible from the front yard, on the patio, in a mulched bed or on a stone, brick, or concrete slab the size of the perimeter of the barrel. Requires prior approval by ARC.

ORNAMENTS

1. Lawn ornaments are allowed as follows:
 - a. Rear/side yard: There may be a maximum of three (3) lawn ornaments, sculptures, planters with live plants, or statues, or combination thereof, of not more than twenty-four (24) inches in height, and located in a mulched bed in the rear or side yard.
 - b. Front yard: A total of three (3) planters with live plants of not more than twenty-four (24) inches in height may be placed on the front porch/stoop or on the edge of the driveway close to the dwelling.
 - c. Front yard: There may be a maximum of one lawn ornament or sculpture of not more than twelve (12) inches in height in a black, gray, white or earth-tone color placed in a mulched bed or planter.

- d. Artificial silk or similar fabric plants or flowers are permitted. The artificial plants or flowers may not be plastic, and they must be seasonally appropriate and naturally colored. Discolored or faded artificial plants/flowers must be removed or replaced.
2. Lawn furniture is permitted as follows:
 - a. Front yard: Decorative chairs, tables, and benches, or combination thereof, may be placed on front porches/stoops. Any other location in the front of the residence must be approved by ARC on an individual basis.
 - b. No furniture of any type may be placed in the grass.
 - c. Rear yard: Decorative chairs, tables, benches, and lawn-type furniture may be placed in the rear yard on patios or decks or in mulched beds.
 - d. Side yard: Lawn furniture is not permitted in side yards.
 3. Holiday decorations are permitted during the appropriate holiday season upon the exterior and/or in a mulched bed of any house on a temporary basis. Temporary shall mean that such decorations may be installed no earlier than thirty (30) days prior to any given holiday and removed no later than fourteen (14) days following such holiday.
 4. Mobiles, pinwheels, windsocks, and rotating weather vanes may be in the rear yard only in a mulched bed or on the patio or deck. Wind chimes or other noise-making devices are not allowed.
 5. The following may be located only on the rear patio, deck, mulched beds, or tree in the rear yard:
 - One (1) birdhouse
 - One (1) freestanding birdbath
 - Two (2) birdfeeders
 6. Fountains no taller than thirty (30) inches and water gardens may be in the rear yard only in a mulched bed or on the patio or deck. Requires prior approval by ARC.
 7. Yard accent lighting must not exceed eighteen (18) inches in height and must be installed in mulched beds. Reflectors are not allowed. Requires prior approval by ARC.



The restrictions above are not intended to replace any restrictions which appear in Article VIII (Architectural review) or Article XI (Use restrictions) of the Heritage Pines Declaration of Covenants, Conditions, and Restrictions. *In the event there is a conflict with the above Rules and the Declarations, the Declarations shall rule.*

The above procedures, rules, and regulations may be subject to change by the Association Board of Directors at any time.