

RULES AND REGULATIONS FOR THE RESIDENTS OF  
KINSEY CREEK OWNERS ASSOCIATION, INC.  
GREENVILLE, NORTH CAROLINA

(Revised September 17, 2012)

The property in Kinsey Creek shall be used for residential use only.

**Privileges for Member in Good Standing**

Homeowner's monthly dues and/or assessment payments are due and payable on the first day of each month. Dues and/or assessments not paid by the tenth day of the month will be subjected to a monthly late fee of \$10.00 per month. If a homeowner has an overdue balance greater than \$150.00, a lien will be placed on the property and foreclosure proceedings will begin after 6 months of delinquency. Payments may be made in person or sent to the address below. The convenience of bank draft is available. Contact the management company for information:

Russell Property Management, LLC  
106 Regency Blvd.  
Greenville, North Carolina 27834

Phone: 252-329-7368  
Fax: 252-355-9641  
Email: hoamanager@russellpm.com

Please Note: All concerns must be placed in writing and can be mailed, faxed or emailed as indicated above.

**RENTERS**

Renters are considered equal with resident owners to abide by these rules and regulations. Non-resident owners must be aware that Section 32-3 of the Greenville Zoning Ordinance stipulates that no more than three (3) unrelated persons may occupy a single-family dwelling. The owners of the property in violation of this Ordinance are subject to enforcement action up to and including the issuance of Civil Citations of \$50 per day for each and every day the violation continues. Non-resident owners are required to promptly notify the management company with information regarding their tenants and a copy of the lease.

**ARCHITETURAL CONTROL COMMITTEE**

No storm door, building, fence, wall, satellite dish or other structure shall be commenced, erected or maintained upon the Properties, nor shall any exterior addition to or change or alteration therein be made 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 by the Architectural Committee. Additionally, a copy of the attached request forms, completed in its entirety, must accompany the proposed plans. Proposed changes must be submitted to the committee through the management company.

The committee will approve or disapprove such design and location in writing within thirty (30) days after said completed form, plans and specifications have been submitted.

**Storm Doors and Windows:** Storm doors may be installed on the front entrance of any townhouse, providing it meets the following specifications:

All storm doors must have a white finish and have full view glass. A kick plate no taller than 6” may be installed at the bottom of the storm door.

Storm windows and/or replacement windows must be the color of the surrounding trim and must have white frames on the screens.

**Please Note:** The Board does want to emphasize that installation of any storm door may void the warranty on the entrance door and any cost for repair of these entrance doors will be borne by the homeowner. Storm windows and doors may be installed and maintained on the rear of the townhouses without need for approval of the Architectural Committee. These will be the responsibility of the homeowner for repair and/or maintenance.

**Satellite Dishes:** Satellite dishes may be installed inside a homeowner’s patio. Satellite dishes must be mounted to a pole provided by the homeowner. Satellite dishes can not be installed to the patio fences or building structure.

**Initial costs, repairs and/or maintenance to all approved additions are the responsibility of the homeowner, both current and future. If a unit is sold, the new owners must be made aware that any and all alterations/additions to the structure are going to be theirs, effective on the date of closing.**

The Kinsey Creek Homeowners Association is not responsible for the replacement or repair of windows, storm windows, storm doors and screens or any glass surfaces, including the casings that support the glass.

Both the interior maintenance of the unit and the maintenance of the patio area is the homeowner’s responsibility, including plumbing, HVAC and electrical work.

**Termite Control/Damage:** Termite damage repair, both exterior and interior, is the responsibility of the homeowner. Annual termite inspections are also the responsibility of the homeowner. The termite inspection for termites is free to the homeowner, since it is covered under the Association’s pest control contract. Homeowners are required to give the termite inspection company access to their patio areas when they are notified that such inspections will be occurring. Inspections may begin March 1<sup>st</sup> and **must** be completed by August 31<sup>st</sup> each year; however, a week in July is usually set aside for these inspections. If the assigned week does not suit you, you must call the property management company or the termite company to reschedule an inspection date. Homeowners who fail to have annual inspections may be liable if termite damage spreads to adjoining units. In addition, the Association will impose a \$25 fine on any homeowner who fails to have the outside his/her unit inspected by the August 31<sup>st</sup> deadline each year. The fine will be imposed beginning September 1<sup>st</sup> and an additional fine of \$25 will continue each subsequent month until inspection has been completed.

**Units for Sale:** “For Sale” signs and “Open House” signs may only be placed in the shrubbery bed near the entrance of the unit that is for sale. In no case shall any signs be displayed on the common grounds. All units must be fully insured and minimal utilities must be maintained at all times, **including** periods of vacancy. The real estate agent’s name should be provided to the management company, so that a copy of the bylaws and rules and regulations can be provided to all prospective buyers. When the unit is sold, please contact the management company **immediately** to provide them with the new owners’ names, current address and telephone number(s), as well as the closing date and the closing attorney.

Any homeowner who rents his/her unit must provide the management company with the name(s) and address(s) of the tenants(s) prior to occupancy. Please see the attached form that pertains to units that are being rented. Upon receipt of this form, the management company will provide the tenant with a copy of the latest rules and regulations for Kinsey Creek.

## **GROUNDS MAINTENANCE**

Maintenance of the grounds by Kinsey Creek Homeowners Association includes mowing, edging and fertilizing of the grass; cleaning the common areas; pruning shrubs; distributing pine straw; and replacement of trees, shrubs, etc...

Residents who choose to install plants or shrubs in the borders in front of their units (with proper approval) or in their patios are responsible for the care and maintenance of those plantings. Plantings within the front flower bed and patio areas must be located and /or maintained to prevent possible damage to plumbing, fences, patio fences, patio surfaces and exterior of building, including the siding, brick, gutters and roof. Owners are responsible for damages caused to building, patios, sidewalks or fencing caused by such plantings. If the unit is sold, it must be conveyed to the new owners that they, and **NOT** the Association, are responsible for these plantings.

Under no circumstances are residents to plant any trees, shrubs or flowers in the common areas. Residents may NOT plant winter rye grass in front of their units. This causes mowing issues as well as an inconsistent appearance. The flower beds in the front of each unit shall have pine straw as the bed covering. The HOA will replace pine straw in beds as funds are available. Homeowners are permitted to replace pine straw in front of their units on a more frequent basis at the Homeowner's expense. Effective June 1, 2009, homeowners are not allowed to use any other bed covering than pine straw.

## **GROUNDS AND PARKING LOT APPEARANCE**

There will be no dumping of any foreign material on Kinsey Creek common grounds including, but not limited to: motor oil, solvent, tires, furniture, wood, dead landscaping materials, paints, etc. No car repairs are permitted at Kinsey Creek. This includes discarding such materials behind a unit's patio onto the common grounds.

The homeowner is responsible for cleaning and/or repairing damage to the parking lot caused by his/her vehicle or guests' vehicles leaking oil, antifreeze, pavement indentions or other corrosive substances on the pavement.

Residents are asked to pick up any litter in the parking lots and common areas and to participate in keeping Kinsey Creek an attractive place to live.

Please make sure that painters painting the interiors of the units do not dispose of unused paint products by dumping them on the property surrounding Kinsey Creek. Used paint products and empty paint cans are not to be placed in dumpsters.

Report any violations in writing to the management company.

## TRASH CAN RULES

1. All trash should be placed in the proper trash container (regular or recycle) in closed plastic bags. Both household and pet waste must be in closed plastic bags.
2. Trash containers should be placed at the curb the night prior to trash pickup and returned to its permanent storage location within twenty-four hours of pickup by the City.
3. Trash containers must be stored in the garage or patio of each home. Trash containers cannot be stored in the front yard or area behind the patio.
4. Discarded carpet, construction debris, appliances, water heaters and /or furniture should be removed by the installer or resident. If resident is unable to have these items removed from property, please contact the City of Greenville Public Works department to arrange pickup. These items, if picked up by Public Works, should not be placed by the street until the night before the scheduled pick up. Greenville Public Works phone number is 252-329-4522.
5. Residents must notify Public Works to pick up large items. **DO NOT** place items at the street until you have called for pick up. Large items should be stored in your home or patio until the pick up date.

Please report any violations in writing to the management company.

**1<sup>ST</sup> OFFENSE FOR ANY OF THE RULES OUTLINED ABOVE: WARNING LETTER**

**2<sup>ND</sup> OFFENSE: \$50 FINE**

**ALL SUBSEQUENT OFFENSES WILL INCREASE BY INCREMENTS OF \$50**

## GENERAL REGULATIONS

**Residents are responsible for the conduct of their guests and family members and/or tenants. Payment for any damage to the common areas caused by a tenant or his pet, or any fine imposed upon a tenant for rule violations, will be the responsibility of the homeowner.**

1. Children are not to play on neighbors' lawns, roofs, fences, in or around dumpsters or mail houses. Parents are responsible for any damage caused to the buildings, common area improvements, lawns, trees, dumpsters, etc...by their children, pets and/or guests.
2. Skateboards, roller blades, scooters and bikes are not allowed on the entryways, walkways, sidewalks, tennis courts, mail houses on the common property.
3. It is illegal to discharge any weapon, including air rifles and BB guns, in Kinsey Creek. Use of fire works and laser devices is prohibited.
4. All personal property, including firewood, lawn furniture, empty containers, coolers, grills, trash bags, play toys, fishing rods, items of clothing, garden tools, etc...are to be stored within the patio areas or garage **ONLY**. They are not allowed anywhere outside the patio fences, nor are they permitted at the entrance ways to the units, including the front yards and rear common areas. Holiday decorations must be confined to the unit's shrubbery beds and the area around the front door. Decorations may be displayed four weeks prior to the holiday and must be removed no later than two weeks after the holiday.
5. Use of sidewalk chalk on common areas is not allowed.
6. No propane tanks may be installed at Kinsey Creek to provide gas service for home appliances. Gas grills may be used inside patios. All outside cooking grills should be kept away from the building exterior and fences. Damage to these areas as a result of heat and fire from the grill will be the responsibility of the homeowner.
7. No obnoxious or offensive activity that may become an annoyance or nuisance in the neighborhood is allowed. There is a City of Greenville Ordinance regarding noise levels. All boom boxes, CD players and radios must not exceed noise levels. Residents and/or visitors are not permitted to rev their vehicles' engines while in Kinsey Creek.

8. Profit-making events are not allowed in Kinsey Creek, to include but not limited to garage sales, yard sales, bake sales, etc...UNLESS they are sponsored by the Kinsey Creek Homeowners Association.
9. Window blinds viewable from the parking lot side of the home should be properly maintained by the homeowner. Blinds that are damaged, missing slats, bent, etc. should be replaced or repaired immediately.
10. Homeowners who install plants in the front of their home or in the patio are required to maintain these plantings. Homeowner supplied plants should be maintained so that they are not a nuisance or allowed to grow out of control. Patios should also be kept free of weeds and unwanted vegetation and plants.

**1<sup>ST</sup> OFFENSE FOR ANY OF THE RULES OUTLINED ABOVE: WARNING LETTER**

**2<sup>ND</sup> OFFENSE: \$50 FINE**

**ALL SUBSEQUENT OFFENSES WILL INCREASE BY INCREMENTS OF \$50**

### **PETS**

No animals, livestock or poultry of any kind shall be kept or maintained on any lot or in any dwelling except dogs, cats or other household pets. No animal may be kept or maintained for commercial purposes and must not disturb or annoy other residents.

1. Dogs must be on a leash at all times, City of Greenville Ordinance.
2. No dogs may be staked on the common area. This includes front columns of the unit, as well as patio fences, decks and gates.
3. Owners of all dogs shall be expected to “scoop the poop”.
4. No animal may make noises that disturb other residents. City Ordinance.
5. Do not allow dogs to urinate on the shrubs, as they are easily killed by dog urine.
6. Cat owners are required to restrain their pets and may NOT allow them to roam free. The city has a nuisance law that can be enforced by the Animal Control Officer.
7. Homeowners who allow pets to defecate inside patios need to keep feces cleaned up to avoid flies and odor.
8. Pet waste (including cat litter) must be disposed of in sealed plastic bags and placed in the dumpsters. It is not permitted to be disposed of in the common areas.

**1<sup>ST</sup> OFFENSE FOR ANY OF THE RULES OUTLINED ABOVE: \$50 FINE**

**2<sup>ND</sup> OFFENSE: \$50 FINE**

**ALL SUBSEQUENT OFFENSES WILL INCREASE BY INCREMENTS OF \$50**

Please help up enforce these rules by immediately notifying the management company in writing and/or the Animal Control Office at 329-4387.

### **VEHICLES**

Only passenger cars and/or trucks of ½ ton capacity or less shall be permitted to utilize parking spaces. Boats, trailers, recreational vehicles and large trucks over ½ ton capacity are expressly prohibited. Vehicles are prohibited from being parked in any area that is not a designated parking space, to include along curbs, gutters and cul de sacs. Only two (2) exterior parking spaces per unit are allowed. Extra vehicles owned by the residents MUST be parked on Chandler Drive. Kinsey Creek streets are private streets. Anyone parking in No Parking areas will have their car towed and the car’s owner will be responsible for payment of towing charges. Those spots that are designated for Visitor Parking are for

**VISITORS.** Owners and tenants should **NOT** occupy these spaces. Towing may be enforced, at the owner's expense, for any parking violation.

All allowed vehicles are required to maintain a current DMV registration and current State inspection. All vehicles with current registration and inspection must also maintain the approved vehicles in proper running order including keeping tires inflated. Homeowners are not allowed to store vehicles on Kinsey Creek Drive. Stored vehicles are defined as vehicles that have been parked in the same spot for fourteen consecutive calendar days.

**1<sup>ST</sup> OFFENSE FOR ANY OF THE RULES OUTLINED ABOVE: WARNING LETTER**

**2<sup>ND</sup> OFFENSE: \$50 FINE OR TOWING OF VEHICLE**

**ALL SUBSEQUENT OFFENSES WILL INCREASE BY INCREMENTS OF \$50 FINE OR TOWING OF VEHICLE**

## Kinsey Creek Home Owners Association

Although the information provided below is not meant to cover all aspects of the Kinsey Creek Covenants, we have attempted to provide you with a brief summary of what the dues you pay provide. We encourage you to read the covenants and by-laws thoroughly and become active in the association by participating in annual meetings and serving on boards. If you have any further questions about the covenants, consult your attorney, the property Management Company or DG Board members.

The dues you pay at Kinsey Creek currently offer cover the following expenses:

1. Annual Termite Inspections and Treatment if termites found. Termite damage is not covered by Termite contract or by the HOA.
2. Pest control when requested by homeowner.
3. Exterior lawn maintenance of areas outside patio (e.g. front lawn, sidewalk, parking lots and entrance).
4. Periodic pressure washing of building exteriors to remove mildew and dirt (as funds are available).
5. Periodic refreshing of flower bed mulch and maintenance of existing shrubbery in foundation borders.
6. Maintenance of trees and shrubbery (landscaping) in common areas, including refreshing of pine straw or mulch. Landscaping inside patios are the responsibility of each homeowners.
7. Professional management of the association and property by a property management company.
8. Exterior maintenance of parking lots, sidewalks, exterior porches, siding, shingles, and fences.
9. HOA will repaint exterior entry doors as needed.
10. General liability insurance covering the common areas of Kinsey Creek.

Maintenance is defined as repair needed as a result of normal wear and tear. Damage to any exterior building components as a result of wind, water, vandalism or fire is not covered by the HOA. Your hazard insurance carrier would cover these types of damage. See covenants for specific language. Listed below are specific items that are NOT covered by the HOA Maintenance responsibilities:

1. Maintenance or replacement of windows and doors.
2. Maintenance or replacement of porch lights, patio lights, flood lights, and bulbs.
3. Maintenance or replacement of outside plumbing fixtures attached to each unit.
4. Maintenance or replacement of outside electrical fixtures attached to each unit. Excluded items are lights, electrical wiring, door bell buttons, electrical receptacles, electrical panels, phone wiring, and cable TV wiring.
5. Maintenance or replacement of outside heating and air conditioning equipment.
6. Maintenance or replacement of any personal item of the owner including satellite dishes, storage barns, cooking grills, water hoses, etc.

Kinsey Creek HOA does not carry any hazard insurance on building structures, fences or other items owned by the property owners at Kinsey Creek. It is the homeowner's responsibility to carry hazard insurance for their building structure and attached fences. Homeowners need to have a HO-3 Standard Dwelling policy.