

ARTICLE IX

ARCHITECTURAL CONTROL COMMITTEE

Section 1. Approval Necessary. No building, outbuilding, garage, fence, wall, retaining wall, pool, spa, porch, or other structure or improvement of any kind shall be erected, constructed, placed or maintained on the Properties, nor after construction of a dwelling or other exterior improvements upon said Unit, shall any landscaping, dwelling or other improvements on each Unit or color scheme thereof, be altered, changed, repaired or modified unless the same shall be approved in writing by the Architectural Control Committee. Repairs and replacement of items with products of identical specification to the original do not require approval of the Architectural Control Committee. No decorative or other objects such as sculpture, birdbaths, fountains, and the like shall be placed or installed on the street side of any Unit without the approval of the Architectural Control Committee. The Architectural Control Committee hereby adopts the SUMMARY OF PROCEDURE AND DESIGN REQUIREMENTS FOR ST. JAMES GOLF CLUB which is available at the Association's offices. The foregoing prior approval is intended to specifically apply to the painting of the exterior of a dwelling, the installation of a pool or spa, or any other maintenance or repair which changes the exterior appearance of a dwelling or other improvement on a Unit.

Section 2. Membership to Committee. The Architectural Control Committee shall consist of three (3) members. Initially, the Architectural Control Committee shall be appointed by Declarant; and until such time as the Declarant has sold its last Unit in the Properties, in the event of the resignation, failure, refusal or inability of any member of the Architectural Control Committee to act, Declarant shall have the right to appoint a person to fill such vacancy; however, in the event Declarant fails to fill such vacancy within thirty (30) days of such occurrence, or upon Declarant's sale of its last Unit in the Properties, the Board of Directors shall select and fill any such vacancy by appointment for a term as determined by the Board.

Section 3. Endorsement of Plans. Approval of plans, specifications and location of improvements by the Architectural Control Committee shall be as set forth in said SUMMARY OF PROCEDURE AND DESIGN REQUIREMENTS. The approval of the Architectural Control Committee of plans or specifications submitted for approval, as herein specified, shall not be deemed to be a waiver by the Architectural Control Committee of the right to object to any of the features or elements embodied in such plans or specifications if and when the same features and elements are embodied in any subsequent plans and specifications submitted for approval for use on other Units.

Section 4. Construction to be in Conformance with Plans. After such plans and specifications and other data submitted have been approved by the Architectural Control Committee, no building, outbuilding, garage fence, wall, retaining wall, or other improvements or structures of any kind shall be erected, constructed, placed, or altered upon the Properties unless the same shall be erected, constructed, placed, or altered in conformity with the plans and

specifications and plot plans therefore approved by the Architectural Control Committee. Approved construction shall be diligently pursued to completion.

Section 5. Deemed Approval.

(a) After the expiration of one year from the date the Homeowners Association becomes aware of the construction of any non-approved structure or alteration, such structure or alteration shall be deemed to comply with all of the provisions of this ARTICLE IX unless notice to the contrary shall have been served upon unit owner, or legal proceedings shall have been instituted to enforce such compliance.

(b) In the event that the Architectural Control Committee shall fail, for a period of thirty (30) days after the next regularly scheduled meeting of the Architectural Control Committee after the application has been submitted to approve or disapprove any plans, specifications, or plot plans, submitted to it for approval, the same shall be deemed to have been approved.

Section 6. Right of Entry. Any agent or member of the Architectural Control Committee may at any reasonable time enter and inspect any building or property subject to the jurisdiction of the Architectural Control Committee under construction or on or in which the agent or member may believe that a violation of the covenants, restrictions, reservations, servitudes or easements is occurring or has occurred.

Section 7. Declarant Exempt. The Declarant, Units owned by Declarant and improvements made by Declarant shall be exempt from the application of this ARTICLE IX and Declarant therefore is not obligated to comply with the provisions hereof.