



Apple Valley

Property Owners Association



Architectural Control

This section was developed to gather all the components of the governing documents as well as rules and regulations into one place for ease of use when it pertains to building in Apple Valley.

A FORM 100 **must be filled out and submitted for approval.**
CERTIFICATES OF APPROVAL are required to do any work to the outside of your home.

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These Rules and Regulations are for the purpose of supplementing the Association's Restrictive Covenants and Bylaws. Plan approval is obtained by submitting Association Form 100 properly completed, along with other required documents and submitted to the office of the Association. These completed documents received **72 hours prior to the scheduled Architectural Control Committee** meeting will be considered at that meeting. In compliance with the Restrictive Covenants, allow thirty **(30) days for processing.**

Architectural Control Committee

Mission: The Architectural Control Committee is charged with enforcing the Restrictive Covenants, Bylaws, and Architectural Rules and Regulations controlling constructions by property owners.

Purpose: As a standing committee, the Architectural Control Committee is established by the Board of Directors to fulfill the requirements outlined in Article VI of the Restrictive Covenants. Its purpose is to review all construction plans (homes, garages, boat houses, docks, fences, etc.), and approve those that are in compliance with the Covenants, Bylaws, Rules and Regulations.

Those plans that are not in compliance, and the property owner refuses to make changes in order to comply, shall be referred to the Board of Directors with recommendations from the Committee. (The Committee does not have the authority to decline or make a variance of the plans that do not comply with governing documents.) For more precise detail, refer to Article VI of the Restrictive Covenants.

Membership to this committee shall be granted only upon the invitation of the President. (Bylaw Article 11.3)

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Building Materials and Samples

Building materials are constantly changing and unfamiliar materials may be available from the builders that have never been approved for a project in this area. Should you wish to utilize such materials, the ACC may request that samples be provided along with any descriptive literature for their review and approval will. We ask for your cooperation in such cases.

Rules and Regulations

I. General Rules

Dwellings/Garages/Boathouses/Sheds (Utility Buildings)

- A. A projection of a portion of living area out beyond the foundation is not permissible. Bay windows and/or chimneys, for purposes of this item, are not defined as "living area."
- B. Modular constructed homes are permitted only when they comply with the requirements of a permanently sited manufactured home and all other Apple Valley regulations.
- C. Current owner of the lot must have a certified, accurate survey with accompanying document showing legal description performed by a licensed surveyor. Front and sidelines must be strung along with the proposed project and all property boundaries must have visible survey pins.
- D. When an owner wishes to build across property lines the owner must have recorded a deed joining the lots together permanently. For building purposes only, the joined lots are considered as one lot. (See page Sec 3-4)
- E. The owner is responsible to minimize the effect of construction run-off and keep the roadway free of debris. The Association has the authority to determine if adequate measures have been taken. All Knox County regulations must be complied with. :
 - 1. a minimum 4-inch gravel base driveway using size #1 - #4 gravel prior to any other site construction or excavation and extending a minimum distance equal to that of the setback.
 - 2. run-off barriers such as bales of straw placed end-to-end or commercially available plastic barriers installed as described by the manufacturer to retain run-off sediment

from excavated areas. Barriers must remain in place until ground cover has been established.

- F. The property owner is responsible for elimination of the accumulation of construction debris and any unsightly conditions during construction. Violations will result in a stop work order until compliance.
- G. Sanitary facilities are to be on site prior to the final footer inspection.
- H. Any type of pole barn construction or cast resin sheds (i.e. Rubbermaid) are not permitted. Refer to Article VII, Section 2 of the Restrictive Covenants and Article 15.9 of the Bylaws for acceptable materials.
- I. Projects shall be earth tones and be consistent with the colors approved by the association and available at the office for review.
- J. Using/submitting duplicate (similar) house plans will only be permitted in different neighborhoods. For the purpose of this item, a neighborhood is defined as ten (10) lots in all directions from the proposed building lot.
- K. All utilities must be buried.

Roofs

- A. The Architectural Control Committee reserves the right to refuse any roof design submitted.
- B. A color and material samples must be submitted.
- C. Must either be shingle appearance or standing seam.
- D. Metal roofs must have a minimum of 29 gauge or thicker galvanized steel, with a baked on finish of an approved color.

Alternative Energy

Plans for Alternative Energy Sources must be submitted for consideration and approved by the Architectural Committee prior to installation.

Siding

- A. The exterior finish of buildings shall comply with Article VII of the

restrictive covenants.

- B. Siding material other than wood may be approved when the design emulates the style of wood siding. Examples include ship lap, board & batten, and shake siding.

Docks/Decks/Shoreline Protection/Hardscape

- A. Postholes must be a minimum of 36" to the bottom of the hole.
- B. Hardscape between the water's edge and the property line must be approved by the Architectural Committee.

Fences

- A. Fences not permitted: Privacy style, above ground electric fences, chain link, plastic fabric netting, wire livestock fencing, fences which utilize T-bar posts and /or temporary posts.
- B. The ACC may consult with neighbors within a 500' radius of the proposed fence construction to ascertain their views regarding a fence.
- C. Fence design and color shall be submitted and approved prior to the start of construction. For accepted fence designs contact the Administrative Office or view our website at www.avpoa.com.
- D. Preferred fence design shall be picket, ornamental wrought iron look or post & rail. Pickets on a picket fence design shall be a maximum of 3 ½ inches wide and be separated by spaces 2 to 4 inches. Post & rail fencing may include two or three horizontal rails between upright posts. Rail width must be 3 ½ inches to 5 ½ inches wide. Post & rail fences may have supplemental 5 gauge, or heavier painted or coated wire fencing attached to the interior of the fence with an opening size up to 2 to 4 inches in a square or rectangle horizontal grid. Samples of the fencing material may be requested prior to approval/disapproval. Height for any fence shall comply with the requirements of Bylaw 15.7.

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- E. The finish must be natural wood or a color harmonious with the dwellings and surrounding area. Material shall be wood, metal or vinyl. The finished side of the fence must face outward.
- F. The fence must be located in the backyard and will not be permitted within any setbacks or easements. Special circumstances shall be considered for egress purposes for a fence to extend up to a maximum of 100 sq. ft. from the side door on a dwelling, to the back yard, if required setbacks can be maintained. Fences will not be permitted on any original lot that does not contain a portion of a dwelling unless the lots are married together.
- G. If the fence is not maintained properly, it must be removed.
- D. **Occupancy:** When the electric panel, water, and inside sanitary toilet with sewer hookup has been installed and operational, apply for a Certificate of Occupancy. No building shall be occupied until such time as the owner receives a written Certificate of Occupancy.
- E. **Final:** When the exterior of the building is complete, final grading and ground cover are established, and all downspouts are tiled to a ditch or natural waterway, request a final inspection.

Fees

To obtain a Certificate of Approval on a submitted project, payment of fees established by the Association is required in accordance with the following:

Gazebos and Pergolas

- A. A gazebo/ pergola is defined as a structure with open sides, not to exceed fourteen (14) feet in height at the tallest point and not larger than sixteen (16) feet across at any point.
- B. All gazebos must comply with property line setbacks or easements.

Private Pools

All pools with a structural depth greater than 24" must be approved by the ACC prior to installation, be located in the backyard and will not be permitted within any setbacks or easements.

Propane Tanks

Tanks are not permitted within the front property line set back. Tanks should either be buried, enclosed, hidden by shrubs or camouflaged in some manner. Special requests should be submitted to the ACC for any fencing to hide the tanks.

Satellite Dishes

- A. Post-mounted dishes shall have service cable buried.
- B. Maximum allowed dish size is 36"

Inspections

- A. **Pre-Approval:** When the survey and proposed layout is staked and strung, request an initial inspection.
- B. **Footer:** When the site is ready to be built upon, i.e. 4" gravel base is in place and the footer excavation is complete.
- C. **Height:** When the structure is framed and ready for roofing.

- A. Payment of applicable fee and refundable deposit must be paid upon approval.
- B. Construction fee and refundable deposit will be adjusted periodically at the discretion of the Board of Directors.
- C. Applicable construction permit fees will be available in the Association Office.
- D. Deposit will not be returned until all of the above inspections have been completed.
- E. A compliance bond is required instead of a deposit for construction of dwelling.

AVPOA Architectural Control Building Fees

New House \$1.00/sq ft. of above grade living space.
Plus a \$5,000 value compliance bond

Garage and/or Home Additions \$1.00/sq ft.
built after original house construction.
Plus \$5,000 value compliance bond

Amenities \$100.00 permit fee including, but not limited to, an addition, fence, boathouse (shed), gazebo, dock, deck, seawall, in-ground pool, retaining wall (taller than 2 ft.), pet enclosure, etc.
+ \$100.00 deposit fee

Certificates of Approval for the following must also be obtained but have no fee:

Repair & Replace

For minor repairs to the exterior of existing structures with no change in dimensions to original - Form 100 must be completed

Landscaping/Decorative Fence (taller than 2') or Garden Enclosures

Tree Cutting

Trees desired for cutting must be marked for approval.

Bylaw Article 17.4. To minimize adverse environmental impacts and maintain the natural appearance of the area, cutting or clearing of trees on lots for commercial sale or other purposes is prohibited without the prior written approval of the Architectural Control Committee. Removal of trees shall be limited solely to that necessary for approved construction projects and elimination of safety hazards. The association may require an inspection report from a certified arborist prior to any approval.



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Requirements of a permanently sited manufactured home

A manufactured home must comply with the following requirements as well as meet the all other criteria:

- (a) The structure is affixed to a permanent foundation and is connected to appropriate facilities;
- (b) The structure, excluding any addition, has a width of at least 22 feet at one point, a length of at least 22 feet at one point, and a total living area, excluding garages, porches, or attachments, of at least 900 square feet;
- (c) The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a 6 inches minimum eave overhang, including appropriate guttering;
- (d) The structure was manufactured after January 1, 1995;

Point System

In order to receive a Certificate of Approval for a new home, you must meet the 60-point requirement. Following is an explanation of how to obtain these points:

Note:

Minimum square footage in Howard Township is 1,200 square feet.
Minimum square footage in Brown Township is 1,200 square feet.

- Concrete or paved driveway extending from the road to the structure. **10 points**
- Covered Front Porch (Minimum size of 6'x 6') .. **10 points**
- Attached garage **15 points**
- 6" x 12" (or steeper) roof pitch **5 points**
- Masonry brick or stone (*greater than 50% of the viewable frontage excluding windows and doors, surfaced with brick or stone*) **15 points**
- Main Roof Metal **10 points**
- Log home (Not to include T-111 or similar 4'x8' panels)..... **15 points**
- Ground floor – 100 square feet or greater above township minimum square footage or 400 square feet over township minimum for all living space..... **15 points**
- Full basement (Minimum 7 ft. in height and shall not have door opening wider than 6 ft.).. **15 points**

Amended May 20, 2014; August 11, 2016; June 22, 2019

Sign Restrictions

Bylaw 16.3. No advertisement or commercial signs are permitted. The only exception shall be limited to one (1) "builder/contractor" sign, which may be displayed during approved construction/repair project and must be removed upon completion of construction/repair.

Builder/Contractor — May only be a maximum size of 3'x3', and used to identify the company contracted for the construction or repair of a residence.

Policy on Open Burning and Dumping

Ohio Revised Code: 3734.03 Open burning or open dumping.

No person shall dispose of solid wastes by open burning or open dumping, except as authorized by the director of environmental protection in rules adopted in accordance with division (V) of section 3734.01, section 3734.02, or sections 3734.70 to 3734.73 of the Revised Code and except for burying or burning the body of a dead animal as authorized by section 941.14 of the Revised Code. No person shall dispose of treated or untreated infectious wastes by open burning or open dumping.

Ohio EPA: According to Ohio EPA Open Burning Regulations states fires must be more than 1000 feet from neighbors inhabiting building. Simply put, the lots are so close together in Apple Valley, no open burning of agricultural or residential waste should take place in Apple Valley.

Restrictive Covenants

Article VI - Architectural Control Committee

Section 1. Review by Committee.

No building, fence, wall, 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 Board of Directors of the Association, or by architectural committee composed of three (3) or more representatives appointed by the Board. In the event said Board or its designated committee fail to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it, or in any event, if no suit to enjoin the addition, alteration, or change has been commenced prior to the completion thereof, approval will not be required and this Article will be deemed to have been fully complied with.

Article VII - Building and Use Limitations

Section 1.

All lots not otherwise specifically designated upon a recorded plat or recorded Declaration by Developer shall be used for residential purposes only, and no business, commercial, or manufacturing enterprise shall be conducted on said premises. No building shall be erected, altered, placed, or permitted to remain on any lot other than one single family dwelling not exceeding two and one-half stories in height, and one private garage or boathouse, or combination garage and boathouse for family automobiles and boats, in keeping with the dwelling so erected.

Section 2.

No trailer or similar type structure, basement, tent, shack, garage, barn, or other outbuilding shall at any time

be used as a residence, temporarily or permanently, nor shall any structure of a temporary character or any building in the process of construction, be used as a residence.

No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats, or other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purposes.

No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage, or other waste shall not be kept except in a sanitary container. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

No "For Sale" sign or advertising device of any kind shall be erected on any lot except on a new residence previously unoccupied which is offered by the developer or builder. Entrance upon any lot for removal of such violation shall not be regarded as trespass.

The outside finishing of all buildings must be completed within one (1) year after construction has started, and no asphalt shingles, imitation brick, building paper, insulation board or sheathing, or similar non-exterior materials shall be used for the exterior finish of any such building; exterior finish shall be wood, asbestos shingles, siding, logs, brick, stone, or concrete.

Every dwelling house shall have not less than the enclosed gross ground floor living space, exclusive of porches, breezeways, carports, patios, pool areas, garages, and other accessory uses, as identified for Existing Property (SEE Sec 2-1).

Section 3. Building Location.

No building shall be located on any property nearer than 25 feet to the front property line or nearer than 20 feet on any side street line. No building shall be located nearer than 10 percent of the width of the property on which such building is to be placed to any sideline, except that a three foot minimum side yard shall be permitted for a garage or other permitted accessory building which is located toward the rear of the property. For the purposes of this Covenant, eaves, steps, and open porches shall not be considered as a part of the

building provided, however, that this shall not be construed to permit any portion of the building to encroach upon adjoining property.

Section 4.

Easements are reserved along and within eight feet of the rear line and sidelines of all original lots in the subdivision for the construction and perpetual maintenance of conduits, poles, wires and fixtures for electric lights, tele-phones and other public and quasi-public utilities and drainage and to trim any trees which at any time may interfere or threaten to interfere with the maintenance of such lines with right of ingress to and egress from and across said premises to employees of said utilities. Said easement to also extend along any owner's side and rear property lines in cases of fractional lots. The person owning more than one lot may build on any such lot line and the easement shall be inoperative as to said line provided that such building shall be placed thereon prior to the instigation of use of this easement for one of the foregoing purposes.

It shall not be considered a violation of the provision of easement if wires or cables carried by such pole lines pass over some portion of said properties not within the five foot wide easement as long as such lines do not hinder the construction of buildings on the property.

Each residence shall be provided with and maintain only inside sanitary toilets with sewer hookup or septic tanks and drain fields or dry well installations meeting the requirements of the Ohio State Board of Health.

Any owner of real property in said plat of (SEE Sec 2-1) shall have the right to prosecute any proceedings at law or in equity against any person or persons violating or attempting to violate any covenant contained herein, either to prevent him or them from doing so or to recover damages or other dues for such violations. Invalidation of any one of these covenants by judgment or court order shall in no way affect any other provisions, which shall remain in full force and effect.

The foregoing Building and Use Limitations shall not apply to the Common Properties.

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Bylaw

Article 15 - Building and Construction Requirements

To conserve and protect property values, all building plans or construction activities of any kind (hereinafter in this Article known as the Project) upon any "Lot" must have prior approval of the Association Architectural Control Committee (hereinafter in this Article known as the Committee), which is appointed by the Board. Plan approval is obtained by submitting Association Form No. 100 (Application for Construction) properly completed, along with other required documents and submitted to the office of the Association. These applications will be reviewed by the Committee on a weekly basis, except in the case of holidays. Meeting time and place may be obtained by contacting the Association office.

Note: Also see Architectural Control Rules and Regulations, I. (General Rules), in this section

15.1. Scale drawings showing specifications, measurements, design, location on the lot, elevations of footers, and foundation walls or piers, as they relate to the contours of the lot. Exterior illustrations of the proposed building.

15.1.1. All property line clearances and easements must be observed as specified in Article VII, Section 3 and 4 of the Restrictive Covenants. Include into all projects under inspection or approval.

15.2. Disapproval of the Project. The Committee may refuse to grant permission to place, construct, or make requested improvements when:

15.2.1. The plans, specifications, drawings, or other materials submitted are inadequate, incomplete, or show the proposed Project to be in violation of the Restrictive Covenants, Bylaws, or Rules and Regulations.

15.2.2. The design or color scheme of a proposed project is not in harmony with the general surroundings of the Lot or

with adjacent buildings or structures.

15.2.3. The proposed Project or any part thereof is contrary to the intent and purpose of these bylaws.

15.2.4. The Members or Property is not in good standing with the Association.

15.3. Duty to Inspect. The Association and/or the committee shall have the authority to inspect Projects to assure compliance with its authorizations, the Restrictive Covenants, the Bylaws, and the ACC Rules and Regulations. They shall have the basic right to enter property to inspect approved projects under construction. Neither the Association, the Board or the Committee or any member thereof, or their respective heirs, representatives, successors or assigns shall be liable to any person or entity by reason of mistakes in judgment, negligence, malfeasance or nonfeasance arising out of or in connection with the approval, disapproval, or failure to approve any plans or any other exercise or non-exercise of the provisions of the building and construction requirements.

15.4. Services, Employment, and Compensation: The Association may hire various persons to assist the Committee in discharges of duties, and may retain the service of professional persons as need requires. (Also see 15.12.4)

15.5. Right of Appeal to the Board: Any action by the Committee may be appealed to the Board for review. Action by the Committee shall be presumed to be correct and in the best interest of the property owners and shall be modified only for clear and convincing reasons.

15.6. Dwellings

Dwellings: The minimum square footage of enclosed living space is specified in the Restrictive Covenants. *Refer to specific subdivision for square footage requirements. (*Consult applicable restrictions for Howard or Brown Townships.)

15.6.1. Dwellings are restricted to two and one-half stories. A basement is considered one story unless it is more than fifty percent underground. Maximum height of 35 feet from lowest point of the finished floor or crawl space.

15.6.2. Continuous concrete footer

and block or concrete foundation is required on all dwellings, garages, and bathhouses exceeding 180 square feet. All exterior walls shall be supported on a footer extending at least 34 inches below finish grade and in addition, a minimum of 24 inches below natural grade on solid, stable undisturbed natural soil.

15.6.3. Exterior of buildings must be completed within one year from start of construction, including cleanup and grading.

15.7. Fences

Fences are discouraged in Apple Valley, but may be constructed by meeting the approval of the Committee.

Maximum fence height is Fifty-two inches (52") measured at any point from grade level to it's highest point including the post and any decorative accessories.

15.8. Walls

Walls: Walls are permitted for retaining and/or landscaping, but not permitted to be constructed above grade or to obstruct the view of adjoining properties.

15.9. Boathouses/Sheds

Boathouses/Shed: A Boathouse is defined as a structure used for the storage of watercraft and other personal property and is restricted to a minimum size of 120 square feet and a maximum of 8' sidewalls. The maximum height cannot exceed 12 feet at its highest point.

15.10. Playhouses

Playhouses: Playhouse is defined as a structure and is limited in size to a maximum of 32 square feet and the maximum height cannot exceed 9 feet at its highest point.

15.11. Docks/Seawalls:

15.11.1. Plans require specifications as to length, width, shape, materials, and location.

15.11.2. Approval must be obtained from the Knox County Water & Waste-water Department before submitting to

the Association for approval.

15.11.3. Responsibility for docks on Apple Valley Lake rests solely on the property owner. The Association shall be held harmless by Property Owners in regards to their docks.

15.11.4. Special Limitations Concerning Docks and Seawalls: The construction or placement of a dock or other water-placed structure from or adjacent to a lot within Apple Valley shall constitute a mere license from the Association and may be terminated or restricted on reasonable notice.

15.11.5. All docks shall be located between the extended lot lines, and shall be no closer than ten feet (10') inside those extended Lot lines.

15.11.6. No dock shall,

- A. project more than thirty feet (30') into the lake from the shoreline as determined by the association.
- B. Extend more than eight feet (8') onto the land from the shoreline.

15.11.7. Roofs, upper level decks, and/or a combination thereof on any lot shall

- A. Not exceed thirty-four feet (34') long from the shore line into the lake;
- B. Not exceed seventeen feet (17') above normal pool water level, measured from the highest point affixed to the structure including but not limited to the peak of the roof, top of the railing, cupolas, decorations, flag poles, awnings or other device. The normal pool water level is determined by the highest elevation at which water would not flow over the spillway. The spillway is the overflow channel south of the main dam.

15.11.8. Docks in a cove shall extend into the lake, no more than fifteen percent (15%)** of the width of the cove, measured in a line perpendicular to the center of the applicant's lot. ** The distance may be less than fifteen percent (15%) as determined by location and the Committee.

15.11.9. Channel-front lots in the Harbor View Subdivision must excavate back into the lot in order to construct any type of dock, so as not to decrease the width of the channel. Only in the Harbor View Subdivision may a dwelling be built with a boat garage. All channel, road, and sideline setback requirements must be

satisfied. All other Apple Valley building and construction restrictions must be met, as well as township requirements, state regulations, and other applicable laws.

15.11.10. All boat docks must be maintained in good repair.

15.11.11. No floating moorings may be placed in the lake, and all docks and free standing lifts shall require approval by the association.

15.11.12. Docks may have limited storage facilities for boating and fishing equipment. Storage facilities on docks with roofs are limited to one cabinet, 32 square feet, situated entirely under the roof line. Storage facilities on docks with no roof are limited to one cabinet, 32 square feet 3' high.

15.11.13. No portion of a dock may be used for overnight sleeping or living quarters.

15.11.14. Absolutely no sanitary facilities, including sinks, showers or toilets shall be permitted on docks. Electrical refrigerating devices must be enclosed inside a lockable dock storage area.

15.11.15. Shoreline protection will be required by members who have, build, and/or maintain a dock. All shoreline protection shall be constructed from non-polluting materials. Shoreline protection may not be constructed into the lake beyond the normal shoreline and back-filled with earth so as to effectively extend the land into the lake. Drawings must specify location and size relative to the lot pin location and water line. The height of shoreline protection shall be greater than normal pool as determined by the association.

15.12. General. Construction must commence **within 180 days from the date of construction approval** by the Committee or Board. Failure to start construction within 180 days from date of approval will require re-submission for Committee reapproval. Once construction has started, all exterior work, including clean-up and grading, **must be completed within one year.**

15.12.1. During construction lot owners shall prevent the entry of all debris and foreign material from their lots into the lake and/or adjacent properties. Lot owners shall remove all such trees,

vegetation, foreign material, and debris which have originated from their lot.

15.12.2. Neither the Committee nor any agent thereof, nor the Association, shall be responsible in any way for any defects in any plans, specifications or other materials submitted to it, nor for any defects in any work.

Stop Work Order

15.12.3. If the ACC and/or the Board, in their sole discretion, determine after an inspection that certain work fails to comply with the provisions of the building and construction requirements, they may issue an order stopping all or part of the work until such time as the provisions of the code are fully complied with.

This stop work order shall be served by hand-delivery upon the builder and/or owner or posted conspicuously on the premises at the construction project site.

Upon service of the order, the work designated shall stop immediately until such time as the remedial work is performed to the satisfaction of the ACC and/or the Board.

Any failure to strictly comply with the stop work order shall result in a fine per day against the lot owner, in accordance with section 3.9 of these bylaws.

15.12.4. The Board may hire various persons to assist the ACC in the discharge of its duties, and may retain the services of professional persons as need requires. When the Board deems it necessary for the accomplishment of duties and responsibilities of the Committee, they may require payment of a reasonable fee, established from time to time by the Board, for considering the application of any person under this section. Fees shall be charged uniformly to all applicants similarly situated, and all funds collected shall be paid to the Association, or to its order. Any action by the Committee whether or not specified as subject to review, may be appealed to the Board for review. The Board shall establish and maintain a procedure for handling all written appeals submitted. Action by the Committee shall be presumed to be correct and in the best interest of the Association

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APPLE VALLEY POA POLICY FOR THE MARRIAGE AND DIVORCING OF LOTS and Deeming a lot non-buildable and reverting a lot to buildable

DEFINITION FOR MARRYING LOTS:

Original lots that are combined by deed, which has specific language in the deed which states, ***“This conveyance is subject to the restrictions that all original lots herin conveyed shall in the future be conveyed together and shall not be seperated and transferred to different owners in any manner whatsoever without written permission of the Apple Valley Property Owners Association Board of Directors.”*** The deed must include grantee’s name, grantor’s name, parcel description and the date the deed was executed.

DEFINITION FOR A NON-BUILDABLE LOT:

Original lots which a deed has conveyed development rights to the Association. Specific language to be included in the deed that grant Apple Valley Property Owners Association development rights, stating, ***“Grantor hereby conveys any development rights associated with the original lot(s) being transferred.”*** The deed must include grantee’s name, grantor’s name, parcel description and the date the deed was executed.

THE PROCESS FOR MARRYING LOTS OR DEEMING A LOT NON-BUILDABLE:

The property owner must contact the Apple Valley Administrative Office and obtain a Lot Management document request (to be implemented). The request must be submitted to the Administrative Office and include the property’s owner name, address, lot number(s), parcel number(s) and the specific reason for the request. All property pins for each lot(s) must be identified for inspection by the Association management to determine easements, pending building permits, and existing buildings, setbacks, violations and verify that the member is in good standing. The Association will then issue an approval based on the members request and findings of the inspection. Upon approval of the member’s request, the property owner can then obtain a deed which states the grantee, grantor, parcel description and the date the deed was executed. The deed must also contain

the language as indicated above for the specific request as indicated on the Lot Management Document. The deed must then be filed with the Knox County Recorder’s Office after it has been approved. *** ANY FEES INCURRED DURING THIS PROCESS ARE AT THE EXPENSE OF THE PROPERTY OWNER***

THE PROCESS FOR DIVORCING LOTS AND REVERTING A LOT FROM NON-BUILDABLE:

The property owner must contact the Apple Valley Administrative Office and obtain a Lot Management document request (*to be implemented*). The request must be submitted to the Administrative Office and include the property’s owner name, address, lot number(s), parcel number(s) and the specific reason for the request. All property pins for each lot must be identified for inspection by the Association management to determine easements, pending building permits, and existing buildings, setbacks, violations and verification that the member is in good standing.

Association management will provide the findings in writing to the Board of Directors for review at the next regularly scheduled Work Session, after all research is complete. The Board of Directors will review the request and findings and has broad discretion to determine if a divorce or reverse shall be allowed. The Board of Directors’ decision shall be considered final. Association management will notify the owner of the Board of Directors decision in writing.

The divorce/separation of lots and /or reverting a non-buildable lot to buildable, may only be approved for extenuating circumstances by the Apple Valley Property Owners Association Board of Directors. Upon approval from the Apple Valley Board of Directors, a fee (which includes, but is not limited to, lost fees, interest, costs and inconvenience) must be paid to the Association for the conversion of the property back to its original state.

Approved March 15, 2017