

**Community Rules, Regulations & Architectural Guidelines**  
**For Eagle Homes on Olive**  
**For Residents Fifty Five (55) Years of Age & Older**  
**1014 W. Olive St. Rogers, AR**

WHEREAS D & C HOLDINGS, LLC, an Arkansas corporation (hereinafter called "Owner"), is the owner of the real property located in the City of Rogers, Benton County, Arkansas (hereinafter called the "Property") more particularly described as follows: Lots 1-28, Eagle Homes on Olive, formerly recorded as Idle Wheel Mobile Home Court, to the City of Rogers, Arkansas.

WHEREAS, Owner plans to lease the Single Family Sites to persons who will place thereon a single family manufactured home, RV, or Park Model and desires to impose on the Single Family Sites mutually beneficial restrictions under a general plan of improvements for the benefit of all Single Family Sites and future Lessees of the Property.

NOW, THEREFORE, Owner hereby declares and agrees that community rules, regulations and architectural guidelines hereinafter set forth which are to run with the Single Family Sites for the purpose of enhancing and protecting their value and desirability and shall benefit and be binding upon all parties and all persons leasing Single Family Sites, and their heirs, personal representatives, successors and assigns. Any and all contracts, purchase agreements, or leases affecting any Single Family Sites shall be deemed to have these Community Rules, Regulations and Architectural Guidelines incorporated therein by reference, and any and all such contracts, purchase agreements, or deeds affecting any Single Family Sites shall be conclusively held to have been executed, delivered, and accepted with full knowledge of these Community Rules, Regulations and Architectural Guidelines contained herein ("CRR&AG"). Furthermore, it is expressly declared and agreed that these community rules, regulations and architectural guidelines also benefit the Owner and future owner of the Property because of the interest of the Owner and such future owner in having the entire Property maintained in an attractive manner for the benefit of the Owner and all tenants leasing Single Family Sites.

**INTRODUCTION**

To ensure pleasant and enjoyable surroundings, every effort will be made by the Eagle Homes on Olive Management to make certain that the CRR&AG are reasonable and that the safety and comfort of all homeowners, occupants and guests is not jeopardized. Reasonable, fair and uniform application of these CRR&AG is the committed responsibility of the Eagle Homes on Olive Management.

## **DEFINITIONS**

“D&C Holdings, LLC” refers to the owner of the Community. “Community” means the Eagle Homes on Olive in which your home is located and to which these Rules and Regulations apply. “Management” refers to the person(s) retained or contracted by D&C Holdings, LLC to act as the director and on-site manager of the Community. Management is authorized to enforce these Rules and Regulations on behalf of the Community and D&C Holdings, LLC. “Rules and Regulations” refer to the guidelines, conditions and obligations described in this document, as amended from time to time, which all Residents, family members and their guests must observe. “Homeowners” means any person or persons that enter into a lease agreement with D&C Holdings, LLC and their heirs, successors and assigns.

## **RULES AND REGULATIONS:**

### **Advertising and Soliciting**

Advertising, soliciting or delivering handbills by homeowners or unauthorized individuals is prohibited. A commercial enterprise or business that violates local, county or state zoning ordinances is prohibited to conduct business in the Community.

### **Amenities**

Amenities in the Community are maintained as a service to all homeowners and shall be treated with respect. Your cooperation in keeping the facilities clean and serviceable is essential and appreciated. Irregularities in the operation of these amenities should be immediately reported to Management.

Homeowners and their guests using the Community facilities or amenities do so at their own risk. The Community will not be responsible for loss of any kind, injury or accident connected with such use.

### **Clotheslines**

Clotheslines or lines of any kind are prohibited. Towels, rugs, wearing apparel or other forms of laundry of any description are prohibited to be hung outside the home.

### **Community Entrance and Streets**

Skateboards or roller skates are prohibited to be ridden in the Community.

### **Complaints**

All complaints regarding the Community, neighbors, staff, etc. shall be made in written form. The Community recommends that homeowners first attempt to resolve any problems or misunderstanding directly by civil and courteous discussion with fellow homeowners and/or Management. If that attempt fails, then residents may submit a written complaint to Management. A response and proposed resolution to the problem will be issued within fifteen (15) days of Management's receipt of your complaint.

### **Delinquent Lease Fee and/or Additional Service Fee, and Legal Notices**

Lease fees, service charges and legal notices shall be in accordance with the then current Lease.

### **Exterior Home Cleaning**

Entire home exterior, including carports, storage buildings, windows, awnings, shutters and siding must be kept free of dirt, mildew or any other unsightliness.

### **Firearms**

The discharge of any firearm, bow and arrow, slingshot, air gun or any type of weapon that shoots any type of projectile with force is prohibited within the Community.

### **Firewood**

Homeowners with fireplaces may store a quantity of firewood not to exceed one (1) face cord. Firewood shall be stored in a neat and orderly manner at least one (1) foot off the ground, outside the home or on a stand constructed of metal or treated lumber. The storage area shall be placed away from public view.

### **Fireworks and Open Fires**

Fireworks, sparklers and open fires are prohibited within the Community.

### **Flag Display**

Only appropriate display of the American flag, the State of Arkansas flag, or U.S. Military Service flags will be permitted.

### **Garbage and Refuse Pickup**

Residents are required to keep their home sites free from health and fire hazards. Community dumpsters are for household bagged garbage only. All trash receptacles, papers and garbage bags shall be stored in the shed or garage, away from public view. Disposable diapers, tampons and sanitary napkins shall be placed in refuse containers (not toilets). Homeowners shall arrange for the removal of large bulky items at their own expense.

### **Home Address Sign**

Home address numbers shall be placed on each permanent home that will comply with 911 standards. Numbers will be furnished and installed by management.

### **Home Improvements**

All structures, including garages, carports, storage buildings, porches, decks and concrete work must be approved by the Community Management. Homeowners shall not make alterations to the home site without Management's written consent. Management shall be provided a drawing of any proposed home improvements, i.e. awning, shutters, railings, planters, etc.

### **Home Site**

When a home site is leased for the first time (i.e. no home has ever been on the home site), the Community will provide each home site with the following: Underground utility lines to the site for water, electrical, and sewer hookups. Homeowners incur the cost of connecting their homes to the provided utility hookups. Additional concrete work requested by the homeowner will be paid for by the homeowner. Each homeowner shall keep the home site neat and free of litter. Storage under the home or on the site of boxes, cans, bottles, trash, garbage, equipment or objects which constitute a fire or health hazard or an unsightly appearance is prohibited. Outside storage is prohibited around the home site except for permanent type lawn furniture such as wooden picnic tables and chairs, or wrought iron chairs, which must be kept on wood or concrete patio surfaces. Outside furniture shall be kept in good repair and painted. All tools, bikes, etc. shall be kept out of sight when not in use. Newspaper boxes shall not be affixed to the home. Garden hoses shall be kept on reels or hangers and shall be attached to the house or shed, or stored inside. Garden hoses shall be shut off and stored inside for the winter.

### **Home Sales and Set-up**

Only new or like new homes qualify for placement and set-up on home site. All homes must meet the architectural standards set forth under the Community Rules and Regulations. Prospective homeowners are also responsible for contacting all utilities to arrange for gas, electric, telephone, Wi-Fi, and cable TV.

### **Homeowner Application for Leasing Home Site**

All prospective homeowners shall pickup and return a signed application form prior to final purchase of their home. A copy of the homeowner's title shall be provided to the Community Management office within 30 days after the purchase of home. New homeowners shall sign all move-in documentation at the time of home settlement for home site. The Community reserves the right to refuse any home that does not meet the standards of the Architectural Guidelines.

### **Landscaping**

Landscaping will be maintained by Management. Exceptions for individual flower bed planting, boxes or hanging plants must be approved by Management prior to installation. NOTE: Of necessity, home sites contain extensive underground power cables and buried utilities. Any digging without knowledge and permission of the Community Management could be dangerous. Homeowners will be held liable for any damage. When requesting Community Management approval, homeowners MUST provide the Community Management with a sketch and description of the location and depth for which excavation is planned.

### **Lawns**

All lawn care is provided by Management. However, homeowners will maintain and care for all approved planting beds. As a courtesy to other homeowners in the Community, others must not trespass on another homeowner's lawn or home site. Any damage caused to homeowner's lawn or the lawn of another homeowner, due to the negligence of homeowner or homeowner's guests, will be the homeowner's responsibility to repair and /or replace. No more than two (2) lawn ornaments, i.e. bird feeder, birdbath or landscape decoration are permitted. All such lawn ornaments/decorations must be approved by Community Management. No objects such as trampolines, dog houses, swing sets or like objects are permitted.

### **Liability and Home Insurance**

It is recommended that each homeowner procure a home comprehensive insurance policy, insuring their home against loss or damage. It is also recommended that each homeowner include liability coverage for personal injuries which may occur around the home site or within the home.

### **Local Ordinance Enforcement**

The City of Rogers, AR, through its officials, has the authority to investigate and/or enforce the *Code of Ordinances*, of the City of Rogers, AR, as amended.

**Mailbox**

Only Community mail receptacles will be permitted in accordance with U.S. Postal requirements.

**Motorcycles, Go-Carts and All-Terrain Vehicles**

Motorcycles can be ridden in the Community but only to go to and from a home site by the occupant of that home and/or their guest. Go-carts and all-terrain vehicles are prohibited to be operated within the Community. Vehicles of this type may be kept in the Community as long as they are stored out of sight.

**Noise Control**

It is requested that all homeowners respect the rights of others to enjoy the quiet and peaceful use of the Community. The use of excessively loud talking or shouting, abusive language, radios, televisions, stereos or other disturbing noises is prohibited at all times. Interference with the quiet enjoyment of other homeowners in the Community is just cause for termination of tenancy.

**Office Hours**

Access to Community Management via phone, text, or email will be 9:00AM – 5:00PM (M-F), except during designated holidays and special occasions

**Parking**

All streets in the Community are fire lanes and must be kept clear for fire, ambulance and emergency vehicles. Parking on the street is prohibited unless otherwise designated. In some cases, additional parking may be installed at the homeowner's sole expense provided that the homeowner has obtained Management approval and the proposal is not in violation of local regulations.

**Personal Health and Fire Safety**

We request that all homeowners and their guests comply with the following guidelines:

- All homeowners are advised to exercise proper care and safety to help prevent accidents.
- Homeowners are always responsible for the actions of their guests.
- Please take extra care when around any water (drainage areas, etc.) within the Community.
- All homes are to be kept free from fire hazards. For safety, do not store combustible materials under or adjacent to the home or deck.
- Paints, thinners, solvents, industrial and photographic chemicals and oils should not be disposed of by pouring down the drain. Please dispose of these items according to State Law.
- It is each Homeowner's responsibility to monitor radio and/or television for severe weather warnings. There are no storm shelters within the Community. It is recommended that you have a

pre-arranged shelter, such as a friend's or relative's home which has a basement, in case of an emergency.

- Adherence to "Stop", "5 MPH" and other signs of this nature is required.
- The selling, possession or use of illegal drugs and the driving of vehicles under the influence of drugs or alcohol within the Community is prohibited.
- Residents shall provide the Community with the name, address and telephone number of a person to be notified in case of an emergency.
- Maintenance areas are for Community Management staff only and are off limits to homeowners.
- All homeowners are required to obey all Federal, State, & Local Public Safety & Health regulations.
- Parking is permitted only in designated on-site and community parking areas.
- The homeowner will keep the house number plainly visible from the street.
- Actions which interfere with the health, safety or welfare of the Community, its employees or homeowners are just cause for termination of tenancy under Arkansas law.

### **Pest Control**

Each resident is responsible for effective extermination measures on their home site to guard against the spread of infestation of insects, mice or other vermin. There is no feeding of stray or feral animals.

### **Pet Standards**

Although we consider our park a pet-friendly park, we consider having pets a serious responsibility. Each lot is allowed to have a total of two small pets 35 lbs. and under, as long as the pet rules are followed. In addition, certified service dogs and therapy dogs will be permitted. Therapy dogs require a written medical Doctors approval and certification.

- For safety and insurance reasons, no dogs of a breed traditionally known for their tendency toward aggressive behavior shall be approved, including without limitation to Pit Bulls, Doberman Pinchers, Chows, and Rottweiler's.
- Pets must have current rabies shots and licenses required by law.
- Pets must not disturb the neighbors or other residences and must sleep in the house at night as to not disturb the neighbors.
- Pets are not to be bred and no pet offspring is allowed.
- Any time pets are outside in The Community, they must be restrained on a leash no longer than 8 feet long and must be accompanied by a Resident at all times
- Pets are not to be left outdoors unattended

- Pet owner is responsible for all clean up and removal of feces from their pet inside The Community.

### **Placement of Home and Appurtenances on Home Site**

Community Management will be responsible for staking the location of home and appurtenances on the home site.

### **Recreational Equipment**

Boats, campers, truck toppers that are not mounted, or trailers of any kind are prohibited. These items shall be kept or stored outside the Community. Tents are prohibited to be erected on home sites for more than a 24-hour period. When tents are erected, please place them away from public view. When bringing a trailer, motor home, or boat into the Community for loading, unloading or cleaning, please notify the Community Management office. Parking of such vehicles at the home site is limited to a 12-hour time period.

### **Resale or Transfer of Home**

See the applicable home site lease agreement.

### **Resident/Guest Occupancy and Requirements**

1. This is a restricted community of permanent homeowners and monthly RV renters. All residents must be fifty-five (55) years of age and older. This provision is not intended to exclude a younger spouse where another spouse is fifty-five (55) years or older. The Community Management shall have the right to approve or disprove of any additional permanent occupants in any residential unit other than the owner resident occupant. NOTE: This community follows the Federal guidelines as set forth under the "Housing for Older Persons Act 1995."
2. Residents are not allowed to have others live in or use their home in their absence, without first obtaining Community Management approval in writing.
3. No home may be occupied by more than two (2) persons. Community Management should be informed if guest is to stay more than seven (7) days in one calendar month. Frequency of such visits may be limited by Management.
4. Homeowners are required to acquaint all guests with these Community Rules and Regulations. Homeowners are personally responsible for all actions and conduct of their guests and are liable for any property damage caused or contributed to by their guests. Guests who will not abide by the Community Rules and Regulations may be ejected by Community Management.
5. Guests using the community amenities must be accompanied at all times by the host resident. Recreation facilities are used at the sole risk of the user.

### **Right of Entry onto Home Site**



The Community Management reserves an easement to enter upon the home site hereby leased at any time for the purpose of installing, inspecting, maintaining or replacing pipes, drainage systems, sewage systems, fences, electric lines, telephone lines, television cables or any other facility, or for the purpose of inspecting any part of the premises in order to determine if the CRR&AG are being observed.

### **Seasonal Exterior Decorations**

All seasonal decorations must be removed from the home site within 15 days following any holiday including all hardware and attachments associated with the decorations. Decorations attached to the home must be installed in such a manner not to damage, mar or penetrate the siding, soffit, fascia or roofing material with nails, staples, hardware, etc.

### **Signage**

To preserve the aesthetic nature of the Community, any signage posted on or about the premises is strictly prohibited. Such prohibited signs shall include, but is not limited to, political signs, advertisements and notices. Homeowners selling their home are permitted to display one (1) "For Sale" sign in the window of the home not exceeding 18" x 24" in size. Signs that are not in compliance with this section shall be removed from the home site. The resident is ultimately responsible for any and all signage on or about their premises regardless of who initially posted such signage.

### **Snow Removal**

The Community Management will only be responsible for snow removal from Community streets only, but if snow and ice are present, you are responsible for your own safety, do not drive or traverse ground that is snow or ice covered. Removal of snow and ice on driveways, sidewalks, steps and patios of the individual home sites is the responsibility of the resident.

### **Spring Cleanup**

Participation of City sanctioned spring or fall cleanup is encouraged. However, common pick up sites will be designated by Community Management. Piling of refuse or debris of any kind is not permitted on home sites.

### **Sublease and / or Termination of Lease**

See the applicable home site lease agreement.

### **Traffic and Vehicle Regulations**

All traffic regulations shall be observed and obeyed throughout the Community. A 5 mile per hour (MPH) speed limit will be enforced. All other City of Rogers, Benton County and Arkansas State

traffic regulations will be enforced in the Community. Homeowners shall be held responsible for actions of their guests. Adherence to all signs such as “Stop”, “5 MPH” and other signs of this nature shall be enforced. On-street parking or parking on grass is prohibited.

### **Utilities - Repairs and Maintenance**

The Community shall be responsible for the proper maintenance and repair of all sewer and water service lines below ground level. Homeowners shall be responsible for any damage and repairs above ground. Utility companies such as telephone, TV cable, gas and electric are responsible for their individual underground lines leading to all home sites. Damage to any below ground improvements caused by homeowner due to malfunctioning tapes, plumbing work or digging, will be repaired by the Community Management or its contractor, and the expense for such repair shall be charged to the homeowner. In addition, the cost of repairs becomes that of the homeowner for blockage of a sewer line resulting from items discarded into the sewer by homeowner. If the home site is damaged it must be returned to original condition at homeowner’s expense.

### **Vehicles**

Each home site will be allowed a maximum of two (2) vehicles. Vehicles kept on the home site in the Community parking areas shall have current license plates, shall be operable and not leaking fluid.

Large trucks, such as stake, semi, cement, step-vans, etc. shall not be parked on the home sites or in the Community parking areas. Unattended vehicles, which are “For Sale”, are prohibited to be stored in the Community parking areas. As permitted by law, Management reserves the right to remove parked vehicles in violation of these Rules and Regulations and further reserves the right to remove inoperable vehicles or vehicles without current license plates or tags. All costs for such removal shall be paid for by the homeowner.

### **Vehicle Washing and Repairing**

Vehicles may be washed on home site driveways. Loud exhausts and flat tires shall be repaired within 7 days. Minor repairing of vehicles, such as changing tires, spark plugs, fan belts, battery charging, etc. is permitted. Vehicles must not be put on ramps or blocks. Repairs such as oil changes, replacing mufflers, brakes, transmissions, engines, body refinishing, etc. are prohibited. Vehicles dripping oil or other fluids shall be repaired within 7 days. The unsightly deposits shall be completely removed at the homeowner’s expense within 48 hours. If not completed within 48 hours, management will have it professionally cleaned at the homeowner’s expense.

### **Water Service**

Water service is provided and monitored by the Community Management. Excessive water use will be paid for by the homeowner.

### **Window Treatments**

Only curtains, blinds or shades may be used as window treatments. The use of sheets, blankets, newspapers, foil or other like materials in windows is prohibited. Broken windows shall be immediately repaired or replaced within ten (10) days of occurrence.

### **Winterizing the Home**

Temporary, exterior attachments of any nature are prohibited. Homes left vacant for extended periods during the winter months should be winterized by a licensed and insured service company. A water supply protection device such as heat tape may be installed by the homeowner. Damage caused to water lines due to negligence shall be repaired at homeowner's expense.

### **Yard Sales**

Lone individual homeowner yard sales are prohibited. Collective homeowner Community-wide yard sales will be allowed at designated times during the spring, summer and fall periods. Such dates will be appointed by the Community Management.

## **ARCHITECTURAL GUIDELINES FOR PERMANENT HOMES**

In order to preserve the quality and consistency of the homes in Eagle Homes on Olive, a list of architectural controls have been established for any home which is to be placed in the Community. The final decision as to a home's acceptability for placement in the Community rests solely with the Management. The architectural controls include the following:

**Home Size** - Only single wide homes are permitted. Minimum width for single section homes will be 10 feet and the minimum single section length will be 27 feet (Including Porch).

**Roof Pitch and Materials** - Homes must have a minimum nominal 3/12 roof pitch. The roofing material shall be composite shingles or metal. The color of the shingles must be approved by Community Management.

**Home Set** - Homes may have the lowest possible set as determined by the requirements of the manufacturer.

**Siding Materials and Colors** - All homes shall have horizontal lap vinyl siding or J. Hardi Plank siding or equal. Exterior siding and shutter colors must be approved by Community Management.

**Foundation Fascia** - All homes must be skirted/enclosed with metal or manufactured material. Skirting material must be approved by Community Management.

**Patios, Porches and Decks** - Patios, porches and decks are encouraged. All plans must be submitted to Community Management for written approval prior to installation. Steps must have handrails and conform to local building codes.

**Storage Buildings** - Only one (1) storage building shall be permitted for each home site. This building must be integrally incorporated within the carport or garage. It shall be kept in good repair and in a neat and orderly condition at all times. All storage buildings will have a maintenance free exterior. Storage buildings must have a concrete or gravel floor. All storage buildings must be approved by Community Management prior to installation.

**Carports and Patio Covers** - Only uniform carport and patio cover designs approved by Community Management will be permitted.

**Home Site Orientation and Installation** - To assure compliance with the Community requirements, no home shall be brought on a home site or set up without prior written Community Management approval.

Required approvals:

- a) Site plan drawn to scale including:
  - i) Home site dimensions
  - ii) Size, dimensions and location of home, accessory structures, walks and drives
- b) Home plan and elevation views
- c) Footing and foundation layout

**Transportation Systems** - Hitches, tongues and wheels must be removed.

**Windows and Exterior Doors** - Windows shall have self-storing screens. Front entry doors shall be multi-paneled steel insulated doors with or without windows.

**Fireplaces** - Gas and wood fireplaces are permitted provided they have a glass enclosure. All fireplaces and chimneys must meet code and be approved by Community Management.

**Utility Connections** - Utility connections for electrical, water, sewer and gas within the home are the sole responsibility of the homeowner. They are to be maintained in a good, safe and leak proof condition at all times. Approved piping shall be used for any gas and water line. Any tampering or altering of these connections is strictly forbidden. The outside main electrical line to the home must meet local code. All sewer connections from the home to the sewer riser must be, at a minimum, schedule 40 PVC. Water service to the home shall be connected by semi-ridged tubing, such as copper tubing or approved PVC piping. Any service work done on the utilities must be done by the utility company or a licensed service company. Water lines may be wrapped with electric heat tape at homeowner's discretion. Damage caused to water meter or Community water lines due to homeowner's negligence shall be repaired at the expense of the homeowner.

**Fire Safety** - Homes must have working fire extinguishers and smoke detectors.

**Antennas and Satellite Dishes** - Digital satellite systems are allowed under the following conditions: The satellite dishes must be less than 20 inches in diameter, the dish must be placed on the home in an unobtrusive place which must be approved by Community Management. TV, CB or HAM radio antennas or towers are NOT permitted.

**Cable Television Hook-ups** - Installation of television cable is the responsibility of the homeowner. The local cable company will advise you of the services available and costs.

**Wheelchair Ramps** - All plans must be submitted to Community Management for written approval prior to installation.

**Steps** - Steps must meet code. Steps must be constructed as follows: treated wood, engineered wood, painted steel, or concrete.

#### **COMMUNITY MANAGEMENT NOTIFICATIONS AND RESPONSE**

Community Management will respond within 15 days of Homeowner's request.

#### **AMENDMENT OR MODIFICATION**

The restrictions contained herein may at any time be altered, amended or modified by the owner.

#### **IN CONCLUSION**

The Community is not responsible for accidents or injuries to homeowners, their family members or guests, which may occur within the Community, except for Management's failure to perform any duty or negligent performance of a duty imposed by law. Furthermore, damaged or lost property resulting from fire, theft, wind, floods or any other act of God, which is beyond the

control of the Community, is also specifically disclaimed except for the Community's failure to perform a duty or negligent performance of a duty as imposed by law. We thank you for selecting the Eagle Homes on Olive for your residence and hope that it will be an enjoyable and rewarding lifestyle.

Executed as of this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**D&C Holdings, LLC**

By: \_\_\_\_\_