

Heritage Pointe Master Association, Inc.

Membership Guide

Amended and Restated Rules and Regulations

FORWARD

The following Amended and Restated Rules and Regulations have been adopted and will be administered by the Heritage Pointe Master Association Board of Directors and may be changed at any time by the Board. These Rules and Regulations combine and amend the following two sets of Rules and Regulations recorded in Instrument # 2010000216254, Public Records of Lee County, Florida, as amended from time to time - RULES AND REGULATIONS FOR HERITAGE POINTE MASTER ASSOCIATION, INC. and RULES AND REGULATIONS FOR TERRACE AT HERITAGE POINTE CONDOMINIUMS. It is the intent of the officers and directors to limit these Rules and Regulations so that everyone will obtain maximum use and enjoyment of the facilities. Although they place some restrictions on members and guest activities, they are intended to respect the rights of the membership as a whole. Enforcement of the Rules and Regulations will primarily be placed in the hands of carefully selected staff. It is the duty of those using the facilities to know these Rules and Regulations and to cooperate with enforcement.

HOUSE RULES

HOURS OF OPERATION

The Board of Directors set the hours of operation, and these hours may change without notice.

Swimming Pool/Spa	Monday-Sunday	Dawn to Dusk
Fitness Room	Everyday	24 hours through key access
Card Room	Everyday	8am to 10pm through key access
Community Center/Office	Monday-Friday	9:00 a.m.-5:00 p.m.
	Saturday-Sunday	Closed

IMMEDIATE FAMILY, GUESTS, TRANSFEREES, AND TENANTS

Immediate Family: Related (by blood, marriage, or adoption) to the following degree: Parent; grandparent; child; grandchild; sibling; spouse.

Guest: Anyone other than immediate family, staying with owner present. Guests must be accompanied by a resident while using any Community facilities. These guests must be limited to no more than six. Non-overnight guests in the absence of the owner or tenant are not permitted, although units may be inspected by caretakers, friends or relatives. However, such individuals shall not be permitted to use the Community facilities, such as recreational facilities.

Transferee: Guests occupying a unit overnight without the owner present and without the payment of rent shall be considered a transferee and be required to register with the Association and pay a \$100.00 transfer fee.

Tenant: Any person leasing a unit. Requires the payment of a \$100.00 transfer fee.

Owners, their families, guests, transferees, and tenants must register upon arrival at the Clubhouse.

Privileges as a member, immediate family, tenant, guest, or transferee may be suspended immediately for (1) defacing, marring, or otherwise causing destruction of property, (2) violation of laws of the Community or any state and federal law, (3) non-payment of fees. A suspension of member or their immediate family, tenant, guest or transferee privileges could be enacted in regards to a minor or an adult.

TRANSFER OF RIGHT TO USE COMMON AREAS AND FACILITIES

Any owner may transfer his right of enjoyment to the Common Area and facilities. A non-refundable transfer fee of \$100.00 will be paid and the transfer will be in accordance with the documents and the policies set by the Board of Directors. The owner's privileges are rescinded during the period specified on the transfer form.

An owner MUST transfer his right to use the Common area and facilities to anyone (excluding immediate family) who is staying overnight in the unit without the owner present.

The transfer and lease approval by the management company must be received by the HP clubhouse office prior to the arrival of all lessees. The \$100.00 transfer fee must accompany these form(s). Without the proper form(s) and transfer fee no parking permits will be issued and use of the facilities will not be allowed.

COMMUNITY CENTER

Owners, their families, guests, transferees, and tenants are to be respectful of club employees.

Owners, their families, guests, transferees, and tenants shall conduct themselves in an orderly fashion as ladies and gentlemen.

Children under the age of 12 are to be accompanied by and actively supervised by an adult at all times. Parents are responsible for the conduct of their children.

Proper attire is to be worn at all times in accordance with acceptable practice for the particular area of the club facilities. The wearing of wet bathing suits is not allowed in the Community Center. Anyone not conforming to the dress code will be asked to comply with the dress code before they will be allowed to use the facilities.

The hours of operation of the various Community facilities shall be determined by the Office Administrator or the Board of Directors, and may be adjusted seasonally as usage dictates.

The Office Administrator is responsible for the facility room usage.

Residents using any area of the Community Center are responsible for leaving it clean after its use.

No unauthorized person shall tamper with or adjust heating, air conditioning, or stereos.

No radios, tape decks, or TV's are allowed in the Community Center unless the Office Administrator authorizes such use during a supervised activity.

Subscriptions, petitions, or notices, that do not concern the Community Center's affairs, shall not be distributed or posted on Community Center property, without prior approval of the Office Administrator or the Board of Directors.

The cost of replacing any Community Center property that is broken damaged or removed by a member, transferee or guest or any member of their families, shall be charged to the member of transferee concerned.

All decorations for private parties, other than table center pieces must have the approval of the Office Administrator.

Animals are not allowed in the Community Center or the pool area.

Personal Property should not be left unattended on Community property. Heritage Pointe is not responsible for lost or stolen personal property.

SWIMMING POOL/SPA

Owners, their families, guests, transferees, and tenants are entitled to the use of the pool/spa from dawn to dusk, unless otherwise posted. **There is no lifeguard on duty, so swim at your own risk. Guests must be limited to no more than 6.**

Replace furniture to its original position and lower umbrellas when leaving.

AGE RESTRICTION: Children under the age of 12 must be accompanied by and directly supervised by an adult at the pool at all times.

Spa-No one under the age of 12 is allowed in the Spa at any time as this is a health hazard.

Use of suntan oils is not allowed.

A shower must be taken prior to entering the pool and Spa.

Chairs may not be reserved without the person being in the pool area.

Proper bathing suits must be worn. No jeans or cut-offs.

No glass of any kind is allowed in the pool area.

No food or drink should be consumed while in the pool or Spa.

No pool furniture of any kind shall be removed from the pool area.

No running, diving, pushing, or boisterous play in the pool or on the pool deck.

All radios, tape decks, I-Pods or other electrical devices must have headphones when listening to audio programming.

No animals are allowed on the pool deck.

Persons with open sores, cuts, or communicable disease may NOT enter the pool or Spa.

Diaper-age children MUST have on swim diapers. Any damages resulting from improper discharges will be paid by the member or their guest.

The Office Administrator may block off times during which the pool will be reserved for water aerobics and other special functions.

FITNESS CENTER

Owners, their families, guests, transferees, and tenants must sign a **Waiver and Release of Liability Form** before participating in fitness activities or any other activities or events held on the premises.

Owners, their families, guests, transferees, and tenants use the fitness room at their own risk. It is recommended that you consult your physician prior to beginning any exercise program.

AGE REQUIREMENT: Children under the age of 14 are **NOT PERMITTED** in the fitness room under any circumstance. Those ages 14-16 **MUST** be accompanied by an adult 21 or over.

Please bring a towel to the weight room so that you can wipe the equipment dry after use, as a consideration for the next person to use it. Please use cleaning solution and paper towels provided.

There will be no excessive dropping, banging, or throwing of weights.

No radios or tape decks allowed, unless the Activity Director authorizes such for a supervised activity.

No open containers or food allowed in the fitness center. Plastic spill-proof water bottles are allowed.

Fitness shoes must be worn at all times. No sandals, dress shoes, or open toe shoes are allowed.

Wet bathing suits are not permitted.

Appropriate work out clothing must be worn. Under no circumstances will men be allowed in the fitness center without a shirt on.

PRIVATE PARTIES

The multi-purpose room may be reserved by residents for private parties upon approval of the Office Administrator. Complete the application form and submit for approval. There is a fee and a refundable damage deposit required. There will be certain days around holidays that the room will be unavailable for private parties. The swimming pool can never be rented or used by anyone reserving the multi-purpose room.

LAKE

The lake is designed for visual enjoyment.

No boats of any kind shall be allowed on the lake except for routine lake maintenance.

There will be no feeding of alligators when present in the lake. This is a violation of state law.

Fishing from shore is allowed. Catch and release only.

No refuse of any kind is to be deposited in the lake.

No swimming in the lake.

PARKING

Covered and uncovered parking spaces have been provided for the parking of private passenger automobiles of owners and their guests. Parking spaces are not intended for the storage of boats, campers, trucks, and commercial vehicles, non-operational or invalidly licensed automobiles.

Parking is only allowed in designated and marked parking spaces with a valid parking permit. Only one vehicle per parking space is allowed.

No repairs or maintenance of vehicles may be performed, except emergency repairs.

No disabled, inoperative or unlicensed motor vehicle of any kind may be parked or kept in the Condominium – this includes raising vehicles on blocks.

No washing of vehicles in the clubhouse parking lots. Cars are permitted to be washed in Condominium parking spaces but only bio-degradable soap may be used.

Because there are limited parking spaces, each owner is specifically cautioned that the Board of Directors may prohibit owners from keeping more than two motor vehicles on the premises on a permanent basis. Any vehicles parked in violation of the parking restrictions are subject to towing, with the owner of the vehicle responsible for all cost of towing.

PETS AND ANIMALS

Only owners are allowed to have pets. Not more than two (2) commonly accepted household pets such as a dog or cat may be kept by owners in a Living Unit, subject to other reasonable regulation by the Master Association. In addition, the owner may keep tropical fish in a tank no larger than 50 gallons and no more than two (2) caged birds. All animals shall be leashed (if outdoors), or kept within the Living

Unit and shall not be permitted to roam free. The Board of Directors may impose reasonable restrictions upon how and where pets may be permitted upon the common elements. All owners are to clean up after their pets. Dispose of waste properly in dumpsters. The ability to keep a pet is a privilege, not a right. If in the opinion of the Board, any pet becomes the source of unreasonable annoyance to others, or the owner of the pet fails or refuses to comply with these restrictions, the owner, upon written notice, may be required to remove the pet from the Condominium.

BUILDING APPEARANCE AND MAINTENANCE

The streets, sidewalks, walkways, entrances and stairs must not be obstructed or encumbered or used for any purpose other than ingress and egress to and from the units, nor shall any carriages, bicycles, wagons, shopping carts, chairs, benches, tables, or any other object of a similar type and nature be left therein or thereon.

Personal property of unit owners shall not be stored outside in a common area.

No garbage bags or cans, supplies, containers, or other articles shall be placed in or on the walkways or hallways. No linens, cloths, clothing, curtains, rugs, mops or laundry of any kind may be hung or shaken from any window, door or walkway. Screened in entryways must be kept clean and clear of unsightly items. Cleaning of screened in entryways is the residents responsibly.

Unit owners may display one portable, removable United States flag in a respectful way on appropriate holidays. Flag should not exceed 4 ½ by 6 feet. Flags of the branches of the Armed Forces may also be displayed.

No one shall allow anything whatsoever to fall from windows, walkways, entry ways, or doors of the premises, nor sweep or throw any dirt, waste or other substances out of the unit onto the common elements of the building.

Refuse and garbage must be bagged and placed in the provided dumpster and recycle bins.

No exterior radio or television antennas installation, or other wiring shall be made without the prior written consent of the Board of Directors, except as otherwise provided by law.

No signs, banners, billboards or advertisements of any kind, including without limitation, those of realtors, politicians, contractors or subcontractors, shall be erected or displayed anywhere within the Community, including on or in windows and on or in motor vehicles without written permission of the Board of Directors. All notices posted on bulletin boards must be approved by the Office Administrator. Notices should not be posted on bulletin board glass or on elevators.

No sign, advertisement, notice or other similar material shall be exhibited, displayed, inscribed, painted or affixed, in or upon any part of the units, limited common elements or common elements by any unit owner or occupant without written permission of the Board of Directors.

No inflammable, combustible or explosive liquid, or gasoline cans or propane tanks shall be kept in any unit or storage area, except those necessary and suited for normal household use.

No one shall at any time or for any reason whatsoever enter upon or attempt to enter upon the roof of any building.

Any window coverings facing the outside of the unit must meet ARC guidelines.

No refrigerators or freezers are allowed in the storage units.

ALTERATION OF CONDOMINIUM

Unit owners are specifically cautioned that their right to make any addition, change, alteration, or decoration to the exterior appearance of any portion of their condominium is subject to the provisions of the Declaration of Condominium and is also subject to prior approval of the ARC. All requests for permission to make changes must be submitted in writing to the ARC for approval, accompanied by written plans when requested or drawings or specifications. (Application forms are on the HP website). Examples needing approval: screen doors, windows, shades for lanai, tile flooring for lanai and window film. Air conditioners must meet size requirements. The Board of Directors shall approve such requests only if the Association is protected against or indemnified as to construction liens and/or claims arising from such work.

EMERGENCIES IN OWNERS ABSENCE:

In order that proper steps and procedures may be taken in a minimum amount of time during an emergency situation, or for the required annual fire inspection of units, the Association shall retain a key to all units. The locks of each unit are not to be changed or altered without providing the Association with a duplicate key. Keys will be kept in a locked box, inside a locked cabinet in the Community Center office. The Office Administrator is in charge of the keys.

Any unit owner who plans to be absent from his unit for an extended period of time must prepare his unit prior to the departure in the following manner.

- Remove all furniture, plants, wall decorations and other objects from the outside of the unit including the lanai.
- Designate a responsible caretaker to care for his unit should the unit suffer any damage caused by storms, hurricanes, winds or other violent acts of nature. The Office Administrator should be notified of the name and contact information of the caretaker.
- **Turn off main water supply.**

QUIET TIME

No unit owner, or tenant shall make or permit any disturbing noises by himself, his family, guests, transferees, or employees from 10:00 p.m. to 8:00 a.m. Remember that sounds carry, keep radios, TV's, etc. down. No wind chimes are allowed.

MISCELLANEOUS

No person shall commit any activity on the common elements which is a fire, health or safety hazard.

There shall be no solicitation by any person anywhere in the Community Center or common elements, for any cause whatsoever, unless specifically authorized by the Office Administrator.

Storage and use of personal barbeque or other grills, including electric, gas and charcoal, on the lanais and in the Common Elements is prohibited.

Speed limit within the community is 20 MPH.

No person shall engage in smoking on lanais or within fifteen (15) feet of any building, swimming pool, pool deck, and spa. Smoking shall mean inhaling, exhaling, burning, carrying or possessing any lighted substance, including cigarettes, cigars or pipes. The use of "electronic" or "vapor" cigarettes, cigars, pipes, or similar apparatus, are likewise defined as smoking and likewise prohibited in the aforementioned areas.

DISCIPLINARY ACTIONS

Because there may be a few individuals who will not always observe these rules, the following infractions will be brought to the attention of the Board of Directors for disciplinary action:

- Repeated violation of club rules or knowingly violating a club rule.
- Display of temper or other discourteous conduct resulting in damage to community property or physical damage.
- Disrespect shown to Community Association employees or fellow members or guests.

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