

ARTICLE X
COWAN CREEK ARCHITECTURAL REVIEW COMMITTEE

Section 10.01. Establishment of Cowan Creek Architectural Review Committee.

There is hereby established an Architectural Review Committee, to be known as Cowan Creek Architectural Review Committee (referred to herein as "Architectural Review Committee"). The Architectural Review Committee shall be appointed by the Declarant as long as Declarant owns of record any Lot or any of the Property and shall have the number of members designated by the Declarant. Thereafter, the Architectural Review Committee shall be appointed by the Board of Directors, and shall have the number of members designated by the Board of Directors. The Declarant may, at its sole discretion, assign to the Board of Directors the right to appoint additional members of the Architectural Review Committee. Any members so appointed by the Board of Directors shall serve at the pleasure of the Board of Directors and may or may not be Members in the Association. The Declarant at anytime may assign to the Board of Directors of Cowan Creek its rights to appoint the Architectural Review Committee as described hereinabove.

Section 10.02. Vote and Actions by Architectural Review Committee.

The affirmative vote of a majority of the members of the Architectural Review Committee shall be required to make any finding, determination, ruling or order or to issue any permit, consent, approval or disapproval hereunder. Notwithstanding any approval by the Architectural Review Committee, if during construction, the Architectural Review Committee determines that any action an Owner or Builder is or would be contrary to or in violation of the rules of the Architectural Review Committee or the Review Process, the Architectural Review Committee shall have the authority to order the Owner or Builder to cease, modify or correct such action so as to comply with the rules of the Architectural Review Committee or the Review Process even if such action requires the Owner or Builder to remove or tear down structures that have been built. The Architectural Review Committee may take any action by vote via electronic mail, conference call or other means to express their vote on the matter.

Section 10.03. General Requirements.

Except for the purposes of proper maintenance and repair, no improvement, including, but not limited to, buildings, fences, walls or other structures, and no exterior addition, change or alteration to any improvement, including any change or alteration of color, shall be commenced, erected, constructed, placed, altered, moved, maintained or permitted to remain on any portion of the Property, including any Lot, until after compliance with the review process established by the Architectural Review Committee, and approval of the Plans by the Architectural Review Committee ("Review Process"). Lot Owners shall submit to the Declarant, in PDF format, a complete set of blueprints, site plans, elevation plans, drainage plans, and exterior material and color schedules in addition to any other requirements set forth in the review process and/or rules and guidelines established by the Architectural Review Committee. Any Builder, including any Owner of a Lot, who remodels or alters existing improvements on any Lot shall be required to submit to the Review Process. No construction or alteration shall be commenced without a properly issued building permit from the

proper governmental agency and prior written approval from the Declarant or Architectural Review Committee.

Section 10.04. Review Process. The Architectural Review Committee shall, from time to time, establish rules and guidelines for the Review Process. Such rules and guidelines may include, but not be limited to, requirements concerning:

- (a) the number, type, style, size, location and form of buildings, drainage areas, site plans, landscape plans, setbacks, and other plans;
- (b) sidewalks, driveways, parking, storage areas, utility lines, signs, topography, vegetation and tree removal;
- (c) representations with respect to compliance with laws, regulations, this Declaration, and any Supplementary Declaration;
- (d) construction timetables and schedules;
- (e) changes, amendments, or revisions to such information previously submitted;
- (f) time periods for review by the Architectural Review Committee;
- (g) procedures for approval or disapproval by the Architectural Review Committee, and any appeals or resubmissions based thereon; and,
- (h) all other matters which are pertinent, desirable, reasonable, or necessary to the operation of the Architectural Review Committee, which are not specifically set forth herein and which are not inconsistent with this Declaration.

Section 10.05. Decisions and Appeal. The decisions of the Architectural Review Committee shall be final except that any decision may be appealed to the Board of Directors by any Member who is aggrieved by any action or forbearance from action by the Architectural Review Committee or by any policy, standard, or guideline established by the Architectural Review Committee. Upon written request, such Member shall be entitled to a hearing before the Board of Directors within a reasonable time not to exceed thirty (30) days.

Section 10.06. Expenses. Any person or entity submitting Plans shall be responsible for the payment of reasonable charges established by the Architectural Review Committee for review of the Plans or amendments, modifications or changes to Plans, but no charges shall be imposed on any governmental authority using any portion of the Property.

Section 10.07. Disclaimer. The Board of Directors, the Architectural Review Committee, each director and each officer of the Association, each member of the Architectural

Review Committee and the Association, and, if applicable, the Declarant, shall not be liable to any Owner, Builder, or any other Person on account of any claim, liability or expense suffered, incurred or paid by or threatened against such Owner, Builder, or other Person arising or resulting from or in anyway relating to the subject matter of the Review Process, any reviews, acceptances, inspections, permissions, consents or required approvals which must be obtained from the Architectural Review Committee or public authorities, whether given, granted or withheld. No approval of Plans and no publication of architectural standards or bulletins shall be construed either to represent, guarantee or imply that such Plans or architectural standards will result in a properly designed Dwelling or other improvement, or to represent, guarantee or imply that any Dwelling or other structure or improvement will be built or constructed in a good, workmanlike manner. Approval of any particular Plans shall not be construed as a waiver of the right of the Architectural Review Committee to disapprove all or any portion of the Plans if such Plans are subsequently submitted for use in any other instance.

Section 10.08. Rules and Regulations. The Architectural Review Committee may publish and/or file for record such statements of policy, standards, and guidelines, and may establish such criteria relating to architectural styles or details, colors, size, set-backs, materials or other matters relating to architectural control, protection of the environment, including the use and application of fertilizers, pesticides and other chemicals, and the preservation of such aesthetic values, characteristics and amenities, as may be considered necessary and appropriate. No such rules, regulations, statements or criteria shall be construed as a waiver of any of these provisions, or any other provision or requirement of this Declaration.

Section 10.09. Limitations. Construction in accordance with approved Plans shall be commenced within six (6) months after approval, whether by affirmative action or by forbearance from action, and shall be substantially completed either within six (6) months after construction commences, or within such other period as the Architectural Review Committee shall specify in the approval of the Plans. If construction is not commenced or is not completed as required, approval of the Plans shall be conclusively deemed to have lapsed and compliance with these provisions shall be required again.

Section 10.10. Government Rules, Regulations, Codes and Ordinances. All plans and construction shall comply with all rules, regulations, codes and ordinances of Rankin County, Mississippi, and any other governmental entity, department, agency or body politic having jurisdiction over the Property.

ARTICLE XI **EASEMENTS**

Section 11.01. Utility and Drainage Easements. The Declarant, the Association, and each utility providing service to the Property shall have and is granted or reserved non-exclusive easements and rights-of-way in, through, across, on, over and under the portions of the Property which are not improved with Dwellings, buildings or other structures, including full rights of