

Colthurst Property Owners Association (CPOA)

CPOA Board Resolution: Architectural Review Committee

February 2013

Whereas, on March 23, 1998, through the execution of the assignment by Mary Helen Jessup for JESSCO, Inc., the successor in interest to Niront, Inc. (the Colthurst Farm developer), transferred its duties to enforce the Colthurst Restrictions to the Colthurst Property Owners Association (CPOA); and

Whereas, the CPOA enforces the Colthurst Restrictions through the CPOA Board of Directors, sitting as the Architectural Review Committee (AR Committee); and

Whereas, the AR Committee duties are set forth in the June 1958 Niront Restrictions For Colthurst Farm (Colthurst Restrictions) as recorded in the Clerk's Office of Circuit Court of Albemarle County in Deed Book 340, page 411, as amended by document of record in said Clerk's Office in Deed Book 352, page 388; and

Whereas, for the Colthurst Farm subdivision, the Colthurst Restrictions are recorded in the lot property titles and are legally binding upon all lot owners; and

Whereas, since March 23, 1998, with or without other members and with or without the advice of an architect, the "CPOA President appointed" AR Committee Chair has investigated and approved or disapproved Colthurst property owners' planning requests for authorization to proceed with improvements and/or alterations to the exterior of existing structures, as well as construction of new structures including their placement relative to the lot boundaries.

It Is Now Therefore Resolved that the CPOA Board of Directors (Board) serves as the AR Committee in performing its duties and has updated the AR Committee's Statement of Policy- February 2013 (see attachment). All Colthurst property owner's requests for making a structure change or addition are to be communicated to the CPOA President, who functions as the Chair of the AR Committee. The CPOA President may appoint a Colthurst property owner, as an Architectural Review Adviser (AR Adviser), to assist with the reviewing of such a request and the making of a recommendation to the AR Committee regarding the approval or disapproval of a Colthurst property owner's planning requests for authorization to proceed with an improvement and/or alteration to the exterior of an existing structure(s), as well as with construction of a new structure(s) including its placement relative to the lot boundaries. Also, the CPOA President may ask an AR Adviser to assist with the investigation and making of a recommendation to the Committee regarding the approval or disapproval of enforcement measures to correct a property owner's violation of the Colthurst Restrictions. Such enforcement recommendations may include litigation to the extent permitted under any applicable county, state, or federal laws. An affirmative vote by at least four (4) of the seven CPOA Board Directors is required to take action on the above recommendations to the AR Committee. Any decision by the CPOA Board to take action or to decline to take action in an individual case, involving a property owner's violation of the Colthurst Restrictions, will not affect the CPOA Board's obligation to take enforcement action in other instances.

The above AR Committee resolution was approved unanimously by following CPOA Board Directors: Florence Fitzgerald, Melanie Gillies, Rod McGalliard, Saunders Midyette, Jessica Simons, Blair Williamson, and Jean Yuan in February 2013.