

BOOK 938 PAGE 417

EXHIBIT "B" TO DECLARATION OF  
COVENANTS, CONDITIONS AND  
RESTRICTIONS FOR FOX HILL FARM



938 417 53/76

COMMUNITY-WIDE STANDARDS

FOR

FOX HILL FARM

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 FOR  
 FOX HILL FARM

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COMMUNITY-WIDE STANDARDS  
FOR  
FOX HILL FARM

INTRODUCTION

The Board of Directors of Fox Hill Farm Master Homeowner Association, Inc., has appointed a Design Review Committee (hereinafter sometimes referred to as "DRC") consisting of three persons for the purpose of establishing Community-Wide Standards for the construction, alteration or improvement of property located within the Fox Hill Farm Community. In order to implement these Community-Wide Standards, the DRC has established the following Design Review Guidelines. These Design Review Guidelines (hereinafter sometimes referred to as the "Guidelines") are intended to establish Fox Hill Farm as an attractive residential community with ample, landscaped open areas, attractive structures and vegetation and to maintain the highest possible aesthetic standards for the community as a whole. In addition, the Guidelines are intended to protect homeowners and tenants in Fox-Hill Farm against undesirable land uses within the community as well as haphazard development. Because these Guidelines are intended to address a broad range of new construction, alterations, arboreal, vegetative and general aesthetic requirements, it is impossible to address in advance every conceivable situation which the Guidelines are intended to encompass. The DRC, in reaching its decisions, will review each application for construction, alteration or improvement to property located within the Fox Hill

B-1



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Farm Community and will also make reference to any restrictive covenants affecting the said property as well as these Guidelines. The DRC shall have the absolute and exclusive right to approve or disapprove any application submitted to it if the same is not in accordance with these Guidelines. The Fox Hill Farm Community shall mean and refer to those lots and property referred to in the Declaration of Covenants, Conditions and Restrictions to which these Design Review Guidelines are attached as Exhibit "B", as amended, from time to time (and to such additional lots and real property as may be added to the Fox Hill Farm Community, from time to time).

ARTICLE ONE

APPROVALS REQUIRED



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SECTION 1.1 DESIGN REVIEW COMMITTEE

The Design Review Committee shall be appointed by the Board of Directors of Fox Hill Farm Master Homeowner Association, Inc., and shall serve at the pleasure of the said Board. A member of the DRC may be removed by the Board of Directors at any time, with or without cause. No construction, alteration or improvement to property in the Fox Hill Farm Community shall take place except in strict compliance with these Design Review Guidelines and until the written approval of the DRC has been obtained as provided herein.

SECTION 1.2 APPROVAL OF GOVERNMENTAL AGENCIES

In addition to obtaining the prior written approval of the Design Review Committee, it is the homeowner's responsibility to obtain all necessary approvals and permits from any city, county or state governmental agency having jurisdiction over the subject matter prior to beginning any construction, alteration or improvement to property within the Fox Hill Farm Community. The appropriate governmental officials should be contacted prior to beginning any work in order to ascertain what permits will be required. Approval of a governmental agency for any construction, alteration or improvement to property does not preclude the need for Design Review Committee approval and vice versa.

ARTICLE TWO

DESIGN REVIEW PROCEDURES



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SECTION 2.1 DESIGN REVIEW PROCEDURES

No construction, alteration or improvement to real property subject to the Declaration of Covenants, Conditions and Restrictions for Fox Hill Farm, from time to time, including changes to the arboreal or vegetative conditions, shall be undertaken without the prior written approval of the DRC. A complete application for such approval must be submitted to the DRC, contain the documentation required in Section 3.1, herein, and provide the information described in Section 3.2, herein. Incomplete applications will not be considered. The applicant



shall also furnish the DRC any other information or documentation which the DRC deems necessary or desirable in reaching its decision. An application may be "Approved", "Approved Subject to Conditions" or "Disapproved". The decisions of the DRC shall be effective as of the date indicated on Form DRC 91-2. Actions taken by the DRC shall be final and not subject to appeal or review. However, plans and specifications revised in accordance with the DRC's recommendations may be resubmitted for consideration by the DRC. If the applicant desires a variance from the requirements of these Guidelines, he should specifically set forth in his application the variance requested and the reasons therefor.

SECTION 2.2 DESIGN REVIEW STANDARDS

Generally, the DRC will use the following standards in reviewing an applicant's compliance with these Guidelines:

- (A) The submission of a complete application as provided in Sections 3.1 and 3.2, as well as any other information required by the DRC;
- (B) Conformity with any restrictive covenants or other land use restrictions affecting the property;
- (C) Applicable zoning requirements;
- (D) The impact of the proposed changes on the Fox Hill Farm open space areas, both present and projected. This would include, but not be limited to, a consideration of the effect of the removal of trees or vegetation, use of fencing, building height and changes to the topography;



- (E) Compatibility of the proposed improvement with the neighborhood setting. Compatibility is defined as similarity in quality of workmanship, use of materials and construction details;
- (F) How proposed landscaping and vegetation will enhance the value of existing or proposed structures;
- (G) How the proposed improvement will affect the access, view, sunlight and drainage of the surrounding properties;
- (H) The impact, if any, on the adjacent properties; and
- (I) Any other factors deemed relevant by the DRC.

ARTICLE THREE

APPLICATION REQUIREMENTS

SECTION 3.1 DOCUMENTS TO BE SUBMITTED

An applicant must submit to the DRC a complete set of the documents described below as may be appropriate for the type of construction, alteration or improvement contemplated. A complete application must contain the documentation required herein and the information set forth in Section 3.2. Incomplete applications will not be reviewed by the DRC and are deemed to be automatically disapproved.

(A) Dwelling Units

- (1) Application Form DRC 91-1
- (2) site plan
- (3) plan view of all floors
- (4) all elevations





- (5) landscape plan
- (6) number of square feet of heated, finished space on each floor
- (7) number of square feet of unheated space on each floor
- (8) number of square feet of each porch, deck or patio area
- (9) schedule of exterior colors and finishes
- (10) location of house number

(B) Fences



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- (1) Application Form DRC 91-1
- (2) site plan
- (3) elevations showing height and materials
- (4) construction details
- (5) schedule of exterior colors and finishes

(C) Decks

- (1) Application Form DRC 91-1
- (2) site plan
- (3) plan view
- (4) all elevations showing height and materials
- (5) number of square feet
- (6) schedule of exterior colors and finishes

(D) Barns, Outbuildings and Storage Sheds

- (1) Application Form DRC 91-1
- (2) site plan
- (3) plan view
- (4) all elevations and materials
- (5) number of square feet
- (6) schedule of exterior colors and finishes

(E) Patios

- (1) Application Form DRC 91-1
- (2) site plan
- (3) plan view
- (4) number of square feet
- (5) schedule of materials
- (6) schedule of exterior colors and finishes

(F) Outside Hot Tubs and Whirlpools

- (1) Application Form DRC 91-1
- (2) site plan
- (3) plan view
- (4) all elevations
- (5) schedule of exterior colors and finishes



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(G) Sun Control Devices

- (1) Application Form DRC 91-1
- (2) site plan (if device is not attached to dwelling)
- (3) plan view
- (4) all elevations
- (5) schedule of materials
- (6) schedule of exterior colors and finishes

(H) Swimming Pools and Filter Enclosures

- (1) Application Form DRC 91-1
- (2) site plan
- (3) plan view
- (4) all elevations
- (5) section details through pool
- (6) schematic of piping system
- (7) fence enclosure [see Section 3.1(B)]
- (8) landscape plan

(I) Garages and Carports

- (1) Application Form DRC 91-1
- (2) site plan
- (3) plan view
- (4) all elevations
- (5) number of square feet
- (6) schedule of exterior colors and finishes

(J) Driveways and Walkways

- (1) Application Form DRC 91-1
- (2) site plan
- (3) plan view
- (4) schedule of materials
- (5) schedule of exterior colors and finishes

(K) Porches

- (1) Application Form DRC 91-1
- (2) site plan
- (3) plan view
- (4) all elevations
- (5) schedule of materials
- (6) schedule of exterior colors and finishes

(L) Greenhouses

- (1) Application Form DRC 91-1
- (2) site plan
- (3) plan view
- (4) all elevations
- (5) schematic diagram of heat source
- (6) schedule of materials
- (7) schedule of exterior colors and finishes

(M) Outside Heating or Cooling Devices

- (1) Application Form DRC 91-1
- (2) site plan
- (3) landscape plan



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(N) Antennas, Dish Antennas or Other Structures Having any Device for the Reception or Emission of Electronic Signals

- (1) Application Form DRC 91-1
- (2) site plan
- (3) construction details
- (4) schedule of materials
- (5) landscape plan
- (6) schedule of exterior colors and finishes

(O) Clotheslines

- (1) Application Form DRC 91-1
- (2) site plan
- (3) schedule of materials

(P) Pet Housing

- (1) Application Form DRC 91-1
- (2) site plan
- (3) plan view
- (4) all elevations

- (5) fencing [see Section 3.1(B)]
- (6) number of square feet of enclosed area
- (7) schedule of materials
- (8) schedule of exterior colors and finishes

(Q) Exterior Lighting

- (1) Application Form DRC 91-1
- (2) site plan
- (3) manufacturer's technical data
- (4) schedule of materials

(R) Changes to Exterior Colors or Finishes

- (1) Application Form DRC 91-1
- (2) all elevations
- (3) schedule of materials
- (4) schedule of colors and finishes

(S) Mailboxes

- (1) Application Form DRC 91-1
- (2) site plan
- (3) all elevations
- (4) construction details
- (5) schedule of materials
- (6) schedule of exterior colors and finishes



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(T) Permanent Barbecues

- (1) Application Form DRC 91-1
- (2) site plan
- (3) all elevations
- (4) construction details
- (5) schedule of materials
- (6) schedule of exterior colors and finishes

(U) Removal of 4" Diameter or Larger Trees (measured 6" above the ground)

- (1) Application Form DRC 91-1
- (2) site plan showing location of tree or trees to be removed
- (3) schedule stating:
  - (A) type of tree(s)
  - (B) approximate spread of each affected tree
  - (C) whether tree(s) is (are) dead or alive

(V) Landscaping

- (1) Application Form DRC 91-1
- (2) landscape plan

(W) Retaining Walls

- (1) Application Form DRC 91-1
- (2) site plan
- (3) all elevations
- (4) construction details
- (5) schedule of materials
- (6) schedule of exterior colors and finishes

(X) Garbage, Trash Receptacles and Refuse Storage Areas

- (1) Application Form DRC 91-1
- (2) site plan
- (3) plan view
- (4) all elevations
- (5) number of square feet
- (6) schedule of materials
- (7) schedule of exterior colors and finishes

(Y) Irrigation Systems

- (1) Application Form DRC 91-1
- (2) landscape plan
- (3) schematic of piping system

(Z) Vegetable Gardens

- (1) Application Form DRC 91-1
- (2) landscape plan

(AA) Solar Equipment

- (1) Application Form DRC 91-1
- (2) site plan
- (3) construction details



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SECTION 3.2 DOCUMENT REQUIREMENTS

The site plan, plan views, elevations, landscape plan and schedule of exterior colors and finishes required by Section 3.1

to be submitted to the DRC as part of an application for construction, alteration or improvement to property in Fox Hill Farm shall contain the following information and conform to the following standards:

(A) Site Plan

- (1) may be either on an 18" by 24" sheet or a 24" by 36" sheet
- (2) shall show the lot number as well as the lot number of the contiguous lots
- (3) shall be drawn to a scale of not less than 1" = 20 feet
- (4) shall show a North arrow
- (5) shall set forth the calls and distances of all property lines
- (6) shall show all front, rear and side setbacks from the property lines in a continuous dashed line with the setbacks dimensioned from the property lines
- (7) shall show existing and proposed contours
- (8) shall depict Fox Hill Farm Planting Easement on property, if any
- (9) shall show the actual outline footprint of all structures, existing and proposed, including dwelling and outbuildings
- (10) shall show the actual size and location of all existing and proposed patios, decks, porches, driveways, walkways, steps, fences, etc., with driveways and fences dimensioned from the property lines
- (11) shall show the location of all storm drainage lines and locations of inlets and outlets
- (12) shall show the name, address and telephone number of person preparing site plan
- (13) shall show the name, address and telephone number of owner

(B) Plan Views

- (1) may be either on an 18" by 24" sheet or a 24" by 36" sheet
- (2) shall show the lot number
- (3) shall be drawn to a scale of either 1/8" = 1 foot or 1/4" = 1 foot
- (4) shall show the overall dimensions of the structure with all changes in wall directions dimensioned
- (5) shall show all rooms and areas titled as to use (e.g., bedroom, kitchen, etc.)



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- (6) floor plans shall match plan as shown on site plan and have the same orientation
- (7) shall show the name, address and telephone number of person preparing plan view
- (8) shall show the name, address and telephone number of owner

(C) Elevations

- (1) may be either on an 18" by 24" sheet or a 24" by 36" sheet
- (2) shall show the lot number
- (3) shall be drawn to a scale of either 1/8" = 1 foot or 1/4" = 1 foot and shall match the scale used on the plan view
- (4) the elevations required shall include all four primary elevations such as front, rear and both sides plus any other elevations required to totally depict the structure or improvement
- (5) shall depict the materials used (e.g., brick, siding, trim, windows, roofs, etc.)
- (6) shall show the name, address and telephone number of person preparing plan view
- (7) shall show the name, address and telephone number of owner

(D) Landscape Plan

- (1) may be either on an 18" by 24" sheet or a 24" by 36" sheet
- (2) shall show the lot number
- (3) shall be drawn to a scale of not less than 1" = 20 feet
- (4) shall provide a site plan survey showing all calls and distances and a North arrow
- (5) shall show all front, rear and side setbacks from property lines in a continuous dashed line
- (6) shall show existing and proposed contours
- (7) shall show location of Fox Hill Farm Planting Easements on property, if any
- (8) shall show the actual outline footprint of all structures on the property
- (9) shall show the location and dimensions of all existing and proposed patios, decks, driveways, walkways, steps, fences, etc.
- (10) shall show the location of existing tree line and landscape features
- (11) shall show the location of new landscape plantings and provide name, quantity and size of proposed plant materials



- (12) shall show the schematic diagram of the lawn irrigation system, if any
- (13) shall show the name, address and telephone number of person preparing landscape plan
- (14) shall show the name, address and telephone number of owner

(E) Exterior Color and Material Schedule



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- (1) shall show the lot number
- (2) shall provide a schedule of colors and materials including, but not limited to, stain and paint colors for trim, siding, doors, shutters, stucco, etc.
- (3) shall provide color sample chips
- (4) shall describe roof color and brick or masonry color
- (5) if new construction, the colors may be set forth on the elevation plans submitted
- (6) shall supply samples of exterior materials and colors
- (7) shall show the name, address and telephone number of person preparing the exterior color and material schedule
- (8) shall show the name, address and telephone number of owner

ARTICLE FOUR

ENFORCEMENT

SECTION 4.1 ENFORCEMENT OF DESIGN REVIEW GUIDELINES

The Fox Hill Farm Master Homeowner Association, Inc., its successors and assigns, and the owners of property in the Fox Hill Farm Community and their heirs, successors and assigns may enforce any of the Design Review Guidelines by proceeding at law or in equity against any person or entity violating or attempting to violate any of the said Guidelines or the decisions of the Design Review Committee, either to restrain violation thereof or to recover damages therefor.

## ARTICLE FIVE

AMENDMENTSECTION 5.1 AMENDMENT OF DESIGN REVIEW GUIDELINES

The Design Review Guidelines may be amended, from time to time, by the Design Review Committee. No such amendment shall be deemed to be an amendment to any other document, deed, restrictive covenant or Declaration to which they may be an exhibit, attachment or schedule. The Guidelines are separately amendable in accordance with the provisions of this Section 5.1. Any amendment adopted by the Design Review Committee shall be effective on the date of adoption unless another date is specified by the said Committee. Amendments to the Design Review Guidelines may, but are not required to, be recorded in the Office of the Register of Deeds of Orange County, North Carolina. The failure to record any amendment shall not, in any respect, invalidate or limit its efficacy.

SECTION 5.2 AVAILABILITY OF GUIDELINES

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The Design Review Guidelines shall be made available by the Design Review Committee to property owners, builders and developers who seek to engage in the development, construction, alteration or improvement of property in the Fox Hill Farm Community. The Fox Hill Farm Master Homeowner Association, Inc., may charge a fee for copies of the Design Review Guidelines.

ARTICLE SIX

MISCELLANEOUS

SECTION 6.1 WAIVER

No requirement of the Design Review Committee or of the Design Review Guidelines shall be deemed to have been waived by reason of any failure to enforce same, irrespective of the number of violations or breaches which may occur.

SECTION 6.2 INVALIDITY

Invalidation of any of the provisions of this document by judgment, court order, statute or ordinance shall in no way affect any of the remaining provisions hereof and the same shall continue in full force and effect.



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SECTION 6.3 CAPTIONS

The captions herein are inserted only as a matter of convenience and for reference, and in no way define, limit or describe the scope of this document nor the intent of any provision hereof.

SECTION 6.4 FEES

The Fox Hill Farm Master Homeowner Association, Inc., may authorize the Design Review Committee to charge a fee for its services in an amount fixed by the Board of Directors of said Association, from time to time.

SECTION 6.5 NO LIABILITY

Neither the Fox Hill Farm Master Homeowner Association, Inc., nor the members of the Design Review Committee, or any agent thereof, shall be responsible for defects, errors or omissions in any plans, specifications or other materials submitted to it nor for any structural or other defects in the construction thereof. No act or failure to act by the DRC, with respect to the enforcement or performance of any of the DRC's powers and duties, including, without limitation, improper approval of an application, shall create any liability on the part of the Fox Hill Farm Master Homeowner Association, Inc., the DRC, its members or agents.

SECTION 6.6 INSPECTION RIGHTS

The members of the DRC or their agents shall have the right, but not the obligation, to inspect all construction, alterations or improvements to property in the Fox Hill Farm Community.

SECTION 6.7 NO LIEN

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The requirements of the Design Review Guidelines shall not constitute a lien or encumbrance on any lot and any subsequent purchaser for value and without notice thereof shall in no way be affected by the failure of his predecessors in title to comply with the terms hereof.



SECTION 6.8 GENDER

The use of the masculine gender in this document shall be deemed to refer to the feminine or neuter gender and the use of the singular shall be deemed to refer to the plural, and vice versa, whenever the context so requires.

IN WITNESS WHEREOF, the Design Review Committee has adopted these Design Review Guidelines this the 2ND day of OCTOBER, 1991.

FOX HILL FARM DESIGN REVIEW COMMITTEE

BY: [Signature] (SEAL)  
One of Three Members

BY: Catherine C. McGehee (SEAL)  
One of Three Members

BY: [Signature] (SEAL)  
One of Three Members



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STATE OF NORTH CAROLINA

COUNTY OF Durham

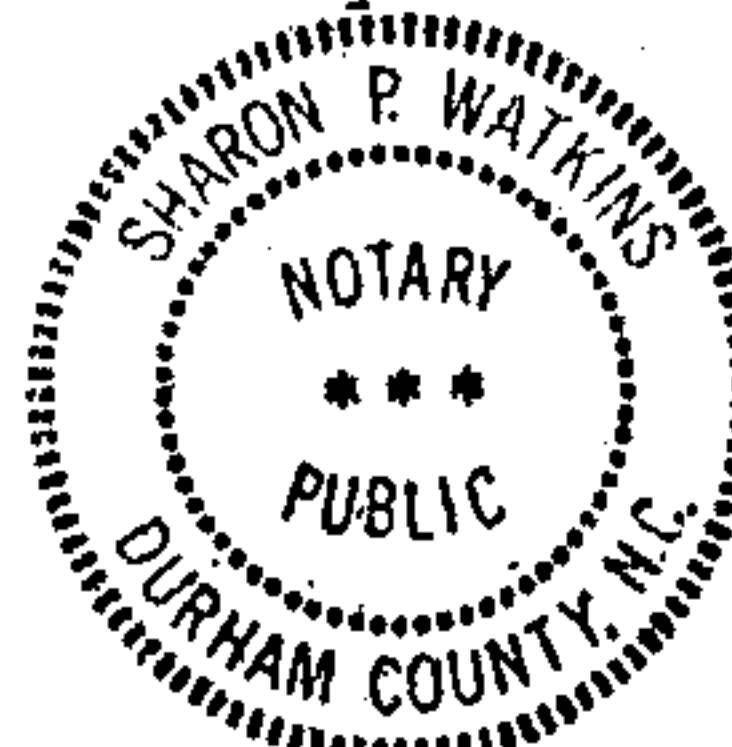
I, Sharon P. Watkins, a Notary Public in and for the above named County and State, do hereby certify that the due execution of the foregoing instrument was this day acknowledged before me by Timothy C. Hoke for the purposes therein expressed.

Witness my hand and notarial seal or stamp this 2nd day of October, 1991.

Sharon P. Watkins  
Notary Public

My Commissions Expires:

March 4, 1996



STATE OF NORTH CAROLINA

COUNTY OF Durham

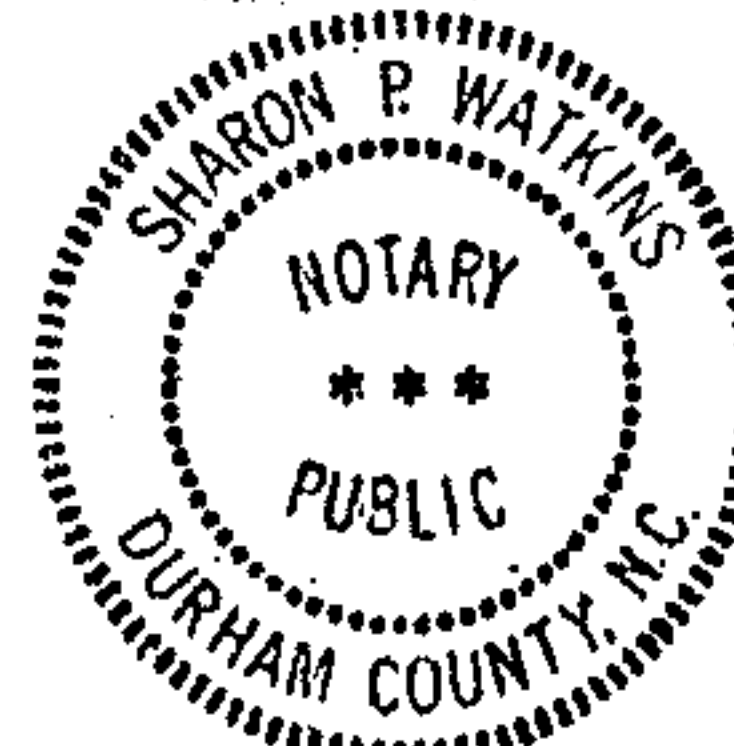
I, Sharon P. Watkins, a Notary Public in and for the above named County and State, do hereby certify that the due execution of the foregoing instrument was this day acknowledged before me by Catherine C. McGhee for the purposes therein expressed.

Witness my hand and notarial seal or stamp this 2nd day of October, 1991.

Sharon P. Watkins  
Notary Public

My Commissions Expires:

March 4, 1996



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STATE OF NORTH CAROLINA

COUNTY OF Durham

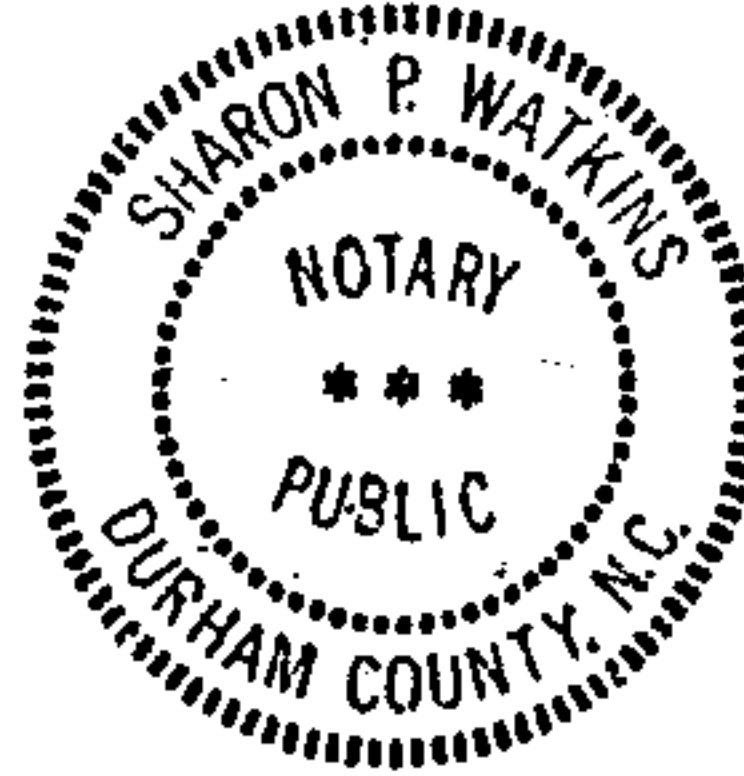
I, Sharon P. Watkins, a Notary Public in and for the above named County and State, do hereby certify that the due execution of the foregoing instrument was this day acknowledged before me by Randolph D. Fox for the purposes therein expressed.

Witness my hand and notarial seal or stamp this 2nd day of October, 1991.

Sharon P. Watkins  
Notary Public

My Commissions Expires:

March 4, 1996



APPLICATION FOR  
CONSTRUCTION, ALTERATION OR IMPROVEMENT  
TO PROPERTY IN FOX HILL FARM

The undersigned hereby makes application to the Fox Hill Farm Design Review Committee for approval of the construction, alteration or improvement of property in the Fox Hill Farm Community as set forth in the attached documents.

LOT NO. \_\_\_\_\_

Name of Applicant: \_\_\_\_\_  
(Please Print)

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone Nos.: Home( ) \_\_\_\_\_ Business( ) \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Applicant

Please also complete the section below if the name of the person preparing the application differs from name of applicant.

Name of Person  
Preparing Application: \_\_\_\_\_  
(Please Print)

Company Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone Nos.: Home( ) \_\_\_\_\_ Business( ) \_\_\_\_\_

DATE APPLICATION RECEIVED BY DRC:

\_\_\_\_\_  
(To be filled in by DRC)

FORM DRC 91-1

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DESIGN REVIEW COMMITTEE  
APPROVAL FORM

TO: \_\_\_\_\_

Your application for the construction, alteration or improvement to  
LOT NO. \_\_\_\_ in the Fox Hill Farm Community has been reviewed by  
the Design Review Committee and the following decisions have been  
made with regard thereto.

\_\_\_\_\_ Your application is APPROVED as submitted.

\_\_\_\_\_ Your application is DISAPPROVED.

\_\_\_\_\_ Your application is APPROVED SUBJECT TO THE  
ATTACHED CONDITIONS.

This action is effective this \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_.

DESIGN REVIEW COMMITTEE

BY: \_\_\_\_\_  
MEMBER



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FORM DRC 91-2