



MYRTLE TRACE HOMEOWNERS ASSOCIATION

COMMON PROPERTIES  
GUIDELINES AND RESTRICTIONS  
FOR HOMEOWNERS

ISSUED AND APPROVED  
BY THE  
MYRTLE TRACE  
HOMEOWNERS BOARD OF DIRECTORS  
JANUARY 2012

**MYRTLE TRACE HOMEOWNERS ASSOCIATION  
COMMON PROPERTIES GUIDELINES AND RESTRICTIONS  
January 2012**

**MISSION STATEMENT FOR MYRTLE TRACE HOMEOWNERS ASSOCIATION (MTHOA)  
PROPERTY COMMITTEE**

To assist the MTHOA in fulfillment of its obligations under the Master Declaration of Covenants, Conditions, Reservations and Restrictions, Articles of Incorporation and Bylaws (Covenants) to provide for maintenance and preservation of the Common Properties and to promote the health, safety and welfare of residents within the Myrtle Trace community.

**RESPONSIBILITIES**

- 1). The Committee is authorized to take actions, employ any materials and recommend such changes to the Common Properties as are permitted to our member owners for maintenance and preservation of their residential properties in our community.
- 2). The Committee will recognize the need and recommend actions to the Board of Directors (Board) for those Repairs and Replacements which have been identified for funding.
- 3). The Committee Chairperson is authorized to approve and undertake repairs to existing Association property, the cost of which will not exceed five hundred dollars (\$500.00). Any repairs over \$500.00 require Board approval.

**PROPERTY COMMITTEE ORGANIZATION**

The Phase Representative is the **FIRST** person to contact if residents have problems or questions about Common Properties and will respond to them. The Phase Representative will contact and coordinate with the proper parties to solve or answer requests if unable to do so personally. Designated Coordinators are responsible for Common Area of Roads, Lakes, Clubhouse, Pool, and Trees. The Coordinators will work with our vendors to make sure everything runs smoothly and specific problems are addressed. The Committee activities are coordinated by the Committee Chairperson. A complete list of the Phase Representatives is available on the back page of the MTHOA directory.

**SCOPE OF COMMON PROPERTIES**

In addition to the roadways and road frontage areas there are approximately 42 acres of other Common Properties within Myrtle Trace. This includes, but is not limited to, the clubhouse, pool and maintenance shed and surrounding areas, all fifteen lakes, all road surfaces, the grass areas within 25 feet of paved street centerlines along all but Myrtle Trace Drive where the distance is 33 feet. Most of the land abutting lakes and 13 access/walkways 15 feet wide between private properties is open to access for all the residents of Myrtle Trace; however, individuals are cautioned to be certain they do not trespass on private property.

**PRESERVATION OF TREES AND VEGETATION ON COMMON PROPERTIES**

The Property Committee coordinates the maintenance and preservation of Common Properties. The Covenants state no area of the properties shall be cleared or thinned of trees or vegetation\* nor shall any changes be made to the landscaping without the approval of the Board. For the most part, Common Properties with trees and vegetation are along the perimeter of Myrtle Trace acting as a buffer to the adjacent back yards of homeowner's properties.

\*NOTE: Subject to City, County or State Regulations.

## **Trees & Vegetation**

On Common Properties, dead limbs and fallen trees are routinely removed. Trees\* threatening property or any tree attracting infestation should be reported by a resident and considered for removal by the Property Committee. Other dead trees not threatening property may be recommended to the Board for removal.

Trees\* on Common Properties adjacent to Public Roads and/or internal MTHOA roads may be removed by the Property Committee based on size and proximity to property and traffic. Approval for tree removals will be granted for the following reasons:

1. Diseased or wind damaged.
2. Tree\* thinning where clustered trees have grown too close.
3. Tree\* roots are causing damage to sidewalks, driveways, etc.
4. Trees\* where roots have undermined the house foundation.
5. Trees\* which have become overgrown with branches laying on roofs or gutters.

\*NOTE: Subject to City, County or State Regulations.

## **ITEMS ALLOWED ON COMMON PROPERTIES**

Nothing may be placed on Common Properties without the specific approval of the Board. Everything, including mailboxes and posts, placed or existing on Common Properties regardless of who placed it there, is the property of the MTHOA. The Board may do with any and all of these items, as they deem appropriate.

All mailboxes and posts shall be 4x4 wood posts with 4X4 braced cross brackets to hold the mailboxes stained dark brown (burnt umber). (As a reminder, mail posts are painted periodically by the MTHOA.) The mailbox and the newspaper receptacle shall be black. Attached to the top of the mail box shall be an aluminum lettered name plate mounted on a dark brown (burnt umber) wood backing strip and topped with a house number, which shall be similarly constructed as the name plate. Replacement posts, mailboxes, and name/number items shall be obtained through the Property Committee. Newspaper receptacles must be ordered from the newspaper company, not the Property Committee. Costs for the replacement of posts, mailboxes and nameplates are the responsibility of the owner of the property adjacent to these items. Reflectors on posts and nameplates must not be obscured.

One flag, no larger than 12 inches x 18 inches, attached to a dowel no longer than 30 inches, may be placed on the top of mail post. Individual property owners may place temporary seasonal decorations on the mailboxes or other Common Properties, which must be removed after the event is concluded.

## **EASEMENTS FOR THE MAINTENANCE OF THE LAKES AND OTHER WATER BODIES**

The Association has a non-exclusive 5 feet easement over the sides of those lots which border any water located in Myrtle Trace and an additional 10 feet easement on said lots over that portion of the lots which actually borders on the water for maintenance.

## **COMMON PROPERTIES SOD REPLACEMENT**

Periodically, the Association may replace sod on the Common Properties. Notice of the time for sod replacement requests will be published in the "News and Views" at least one month prior to the cut-off request date. Sod requests must be in writing addressed to the Chairman of the Property Committee.

Two members of the Property Committee and the maintenance contractor will visit all sites where sod has been requested and make a determination if sod will be replaced. In the event the decision is made not to replace sod, the individual requesting the sod

will be informed. Basic requirements for sod replacement are: the area must have a working sprinkler system, and sod has not been replaced in the same area less than two years previously. Once sod has been replaced the requesting property owner shall keep the newly sodded area thoroughly watered for at least ten days, after which normal watering shall be resumed.

### **IRRIGATION GUIDELINES**

The owner(s) of each residential property in the MTHOA community is required to provide, at owner's expense, irrigation of all areas extending from the foundation of the residence to the following boundaries:

1. The edges of the neighboring property.
2. The edge of an adjoining road surface at the front or side of the owner's property and extension of the owner's rear property line to the roadway at the side.
3. The shoreline edge of an adjoining lake at the rear or side of the owner's property between extensions at the rear of the property of the lines established in the first description above and extension of the owner's rear property line to the lakeshore at the side.

The MTHOA is responsible for irrigation of property within the MTHOA community, which is not covered by the foregoing descriptions. To the extent certain of these areas can most economically be served by expansion of neighboring residential systems, the MTHOA may, at its expense, arrange to install and maintain the necessary equipment and materials and reimburse the cooperating owner(s) for the water drawn through their meters. Water consumption reimbursements will be based on the number, type and rate of flow of the irrigation heads installed under this arrangement.

### **CLUBHOUSE GUIDELINES**

Generally use of the Clubhouse, except as otherwise provided in the RULES & REGULATIONS, is limited to Myrtle Trace residents, their relatives and house guests. For non-regularly scheduled events, contact the Calendar Person at the earliest possible date, before the 15th of the preceding month to be included in the News & Views. Complete Guidelines and contracts for private functions are available on the Website or from the Calendar Person. This includes instructions for cleanup and maintenance of the Clubhouse and the use of donation containers.

### **POOL GUIDELINES & USE RULES**

The pool is for the use of residents, their family and/or house guests only. All users are to comply with the posted Pool Rules and Department of Health Environmental Control (DHEC) regulations posted on the cabana wall and on the Website.

### **COMMON PROPERTY MAINTENANCE AGREEMENT**

The MTHOA is responsible for the maintenance and preservation of the Common Properties in the Myrtle Trace community. The individual homeowners are responsible for the maintenance and preservation of their deeded residential properties. The Board has announced its willingness to allow individual homeowners to apply for a Maintenance Agreement during a designated period to assume responsibility in the care of **all** common areas immediately adjoining their respective residences.

These are the same areas for which the homeowner is responsible for irrigation. Strict guidelines are spelled out in the Agreement as to the maintenance of Common Property. The Agreement is subject to Board approval **and** the Board may withhold, cancel, or disapprove said Maintenance Agreement. Please contact your Phase Representative during the month of March, if you are interested in applying for a Maintenance Agreement.

### **MAINTENANCE CONTRACTOR**

The maintenance contractor works for the MTHOA maintaining the Common Properties. He does not do any work on private property during normal work hours. He takes his directions only from the Property Committee; he shall take no direction from any private property owner.

### **DEBRIS**

After a storm event all Common Property debris will be removed by the MTHOA. After a major storm event (i.e. hurricane) property owners may place debris from their property on the Common Properties adjacent to the street for its removal, provided it is placed there no later than four days after the storm.

All other normal clean up debris from private property shall be the homeowner's responsibility for disposal. No debris shall be placed on any Common Properties. Individual property owners shall be held responsible for any debris left or placed on Common Properties by them or their individual property maintenance contractors.

### **PARKING**

To avoid damage to irrigation and other utility systems, no parking is permitted on the grass of Common Properties. Individual property owners should, if at all possible, provide parking for their contractors in their driveways. At no time should any vehicles be parked any nearer than 30 feet from any intersection. Parking for any event shall not in any way impede the entrance or egress of the community's residents.

### **GATE PASS DECALS**

Gate pass decals are available to all residents whose cars are registered at their Myrtle Trace residence. Part time residents may also apply for the decals. Contact the Chairman of the Property Committee for all requirements and the individual to contact for the decal.

### **FISHING**

Residents and house guests are permitted recreational fishing in all the common area lakes. Any fish caught must be released back into the lake. All fishing must be from Common Property only. Trespass on private property is not permitted.

### **LAKESHORE STABILIZATION ON COMMON PROPERTIES**

The MTHOA may stabilize lakeshore Common Properties by the construction of retaining walls, or by any other means the Board deems appropriate; wherein at its sole discretion such stabilization is necessary. The construction of a retaining wall, if used, shall be in accordance with Guidelines for Retaining Walls adopted November 2007.