

THE CLOISTER AT ST. HENRY

Homeowners Manual

November 2019



Address _____

THE CLOISTER AT ST. HENRY

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105 Emma Neuhoff – Office Hours M-F, 8-4
615-600-4913 / Email: esullivan@cmacommunities.com

Community Management Associates, Inc.
1916 Patterson, Suite 308, Nashville, TN 37203
Nashville Office Phone: 615-469-6797

Association dues to: Cloister OA, c/o CMA, PO Box 65851, Phoenix, AZ 85082-5851

24/7 TRUE CMA Emergency Phone: 404-835-9100

Duplicate copies are available at: www.cloisteratsthenry.com

Utilities

Electrical, water and gas services are contracted directly by the Unit Owner with the appropriate utility company.

- ❖ **Hub.nashville.gov (website)** 411
(connects to all Metro Nashville utilities and services)
- ❖ **Nashville Electric Service**
 - Connection & Billing 615-736-6900
 - Power Outage 615-234-0000
- ❖ **Metro Water Services (Potable water and sanitary sewer)**
 - Connection & Billing 615-862-4600
 - Emergency 615-862-4800
- ❖ **Piedmont Natural Gas** 800-752-7504
- ❖ **Trash or Recycle Issues** 615-862-8750

Comcast/XFINITY Cable TV

1. COA has a community Bulk Contract agreement with Comcast to provide basic cable to all residents.
2. To contact Comcast, use this telephone number: **1-855-510-1609** and state that your account is part of the **St. Henry's Condos Bulk Account #8396510763730630**. Do not call the phone number on your Comcast statement.
3. All Comcast services in excess of your basic cable including internet, telephone, home security, premium channels and pay per view will be billed directly to you.

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SECTION 1 - INTRODUCTION

The Cloister at St. Henry is a self-governing community, planned for independent living for persons age 55 or older. The legal governance is designated by the Horizontal Property Act of the State of Tennessee, the Master Deed(s), Declaration of Restrictions, Covenants and Easements (2010), and the Bylaws, as amended.

ALL Cloister Unit Owners are automatically members of the Cloister Owners Association (COA). The COA Board of Directors is composed of eight Unit Owners who are elected for a two-year term in an annual COA meeting, in accordance with governing documents. A ninth Director represents St. Henry Property Development.

General Rules and Regulations, adopted by the elected Board of Directors, are contained in the Homeowners Manual and are intended to make the Cloister an attractive, secure and efficiently managed community.

Cloister Property Description

The Cloister property consists of **General Common Elements, Limited Common Elements** and **240 individually owned residential Unit Envelopes**.

Some General Common Elements— available to all residents are:

Streets and sidewalks	Street lights and signs
Clubhouse	Heated outdoor pool
Two entrances and parking islands	Overflow parking

Samples of Limited Common Elements—are:

Driveways	Fenced Patio
Stoops (porches)	Deck Area

All areas are subject to some controls and restrictions as established by the governing documents and the Rules & Regulations adopted by the Board of Directors.

Ownership History and Types of Ownership

The Cloister was developed and completed in four phases during the 1980's by St. Henry Property Development, Inc. (SHPD). Originally, only a leasehold interest in the units was for sale by SHPD, and each of the leases had a term of 60 years. Because the property was developed in four phases, there are four separate 60-year leases which expire in four separate years and each phase has its own Master Deed and accompanying Bylaws. The first lease expires in 2042. None of these four original leases will be renewed.

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By 2010 there was insufficient remaining lease term to support a 30-year mortgage on the leased property. Accordingly, SHPD offered to sell the leased land, on an optional basis to Unit Owners, thereby creating a fee simple ownership.

Those residents who own a leasehold interest only will see their interest end when the lease expires. At the time of publication of this Manual, approximately 90% of the units are held in fee simple ownership by the Unit Owner. The others still have only a leasehold interest leased from SHPD.

The fee simple interest in the units that have not yet been purchased is still for sale but is only available for purchase by the current leaseholder. Fee Simple unit ownership is further clarified in the publicly recorded Declaration of Restrictions, Covenants, and Easements for the Cloister at St. Henry, A Condominium, dated December 27, 2010 and available on the Cloister website (www.cloisteratsthenry.com).

Unit Purchase and Resale

The procedures and specified rules to be followed for resale of Cloister units are set forth in the Governing Documents. Unit Owners, their heirs, or consigns are responsible for following those procedures and rules.

The seller or seller's representative is responsible for contacting and meeting with the Property Manager (termed Property Manager in governing documents) for clarification of all procedures and the necessary designated forms for seller and buyer to sign, all of which are included in the Buyer/Seller Documents Packet available on the website www.HomeWiseDocs.com.

The COA volunteer Resales Chairperson is available to assist with sales information. The procedures and rules require signatures of both seller and buyer and make it clear to any new buyer that any transfer of deed in violation of these requirements is voidable at the option of the COA.

General Rules & Regulations

The rules outlined in this manual have been adopted by the COA Board of Directors, and the Board intends that these Rules and Regulations conform to the governing documents. Accordingly, if any provision of these Rules and Regulations conflicts with the Master Deed or Bylaws, the latter two will have precedence. However, a legal Board Resolution was executed in August 2018 to clarify maintenance responsibilities. Governing documents are available from the Property Manager or at www.cloisteratsthenry.com.

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Invalidation of any part or any one or more of these Rules and Regulations by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect, and the terms used in these Rules and Regulations have the same meaning as set forth in the Governing Documents for the Cloister, which are recorded in the Office of the Register of Deeds for Davidson County, Tennessee.

We trust all Unit Owners to observe the rules voluntarily. The Property Manager will notify Unit Owner in writing when not in compliance, providing a stated time Unit Owner must remove or change the non-complying item(s) or the Board will have it done at Unit Owner's expense, including a 10% service charge.

If the non-compliance is not corrected within the allotted time, the following fine policy will be applied:

1. First notification letter = no fine
2. Second notification letter = \$25 fine
3. Third notification letter = \$50 fine
4. Any additional notification letter or communication on the same issue = \$100 fine

If legal action is required, costs are Unit Owner responsibility.

Unit Occupancy

1. No part of the units or Common Elements (collectively the "Property") may be used for purposes other than housing and the related common purposes for which the property was designed and which is allowed by municipal zoning laws.
2. Each unit must be used for residential purposes only. No more than two persons, at least one 55 years of age, may permanently occupy any unit and all permanent occupants must be at least 21 years of age.
3. The Board may grant permission for a third person to occupy a unit if the Board determines that the third person's occupancy is necessary.
4. No unit or any portion of any unit may be rented to a third party.
5. No one may carry on any unlawful, noxious or offensive activities in any unit or elsewhere on the property, nor may anyone do anything which constitutes a nuisance, or in the judgment of the Board, causes unreasonable noise or disturbance to others.
6. No one shall carry on a trade or business of any kind in any unit.
7. A Unit Owner may, however, (a) maintain a personal professional library; (b) keep a personal business or professional records or accounts; (c) handle personal business or professional telephone calls, electronic communications or correspondence.

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8. Each Unit Owner must maintain his/her Unit interior in good condition and in good order and repair.
9. The Unit Owner may not do or allow anything to be done in his/her unit that would diminish its value or increase the cost of or cause the cancellation of insurance on other units or on Common Elements.
10. One flag or banner may be displayed on a unit with the holder attached to trim and/or brick without an **Approved Variance Request**. However, Unit Owner shall not display, hang, store, or use any sign inside or outside the unit, in a hallway or elsewhere, which may be visible from the outside of the unit without an **Approved Variance Request**.
11. No clothing, sheets, blankets, laundry or other articles (other than draperies, curtains, or shades) shall be displayed, hung, stored, or otherwise used inside or outside the unit so as to be visible outside the unit.
12. No Unit Owner may paint, decorate or adorn the outside of his/her unit, or install any canopy or awning, or outside radio antenna, or Citizens Band Radio transmitter or install or store on the outside, other equipment, fixtures or items of any kind, without an **Approved Variance Request**.
13. Unit Owners may, however, place and maintain outdoor furniture and decorative foliage on his/her patio or deck. An **Approved Variance Request** is required for planting(s) of shrubs or trees.
14. No one may damage the Common Elements or unreasonably interfere with their use, maintenance or operation.
15. Except as otherwise provided in the Governing Documents, no alterations of any Common Element or improvements thereto, may be made without an **Approved Variance Request**.

Payment of Monthly Association Fees

1. The Monthly Association Fee is due on the 1st day of each month.
2. Though auto-draft is the preferred method, the following payment methods are available:
 - a. Paper check sent with coupon to Cloister OA, c/o CMA, PO Box 65851, Phoenix, AZ 85082-5851. **CMA account # is required.**
 - b. Auto-draft (ACH) from bank account. Set up through CMA website or complete form (in Clubhouse Office or on Cloister website) and provide with voided check to CMA, 1465 Northside Dr. NW, Suite 128, Atlanta, GA 30318-4220.
 - c. Lump sum or monthly e-check payment through www.cmacommunities.com.

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- d. Some residents choose a payment program through personal on-line banking/ bill pay available at their bank. **CMA account # is required.**
3. COA / CMA Late Payment Policy:
 - a. A \$25 late penalty will be assessed after the 15th of the month with any account balance. A Late Letter is sent to owner instructing owner to contact CMA Property Manager to resolve issues. If a payment plan needs to be worked out, that is possible.
 - b. After the next 15th of the month, if account is still under 60 days past due but owners have not worked with CMA Property Manager to resolve issues, owner will receive another Late Letter, asking again for owner to contact CMA Property Manager and stating account will be turned over to attorney if account goes past 60 days. Another \$25 late fee is applied.
 - c. If owner(s) do not reach out to CMA Property Manager to resolve issues or find missing payments, and there is an outstanding balance after 60 days, account will be sent to the COA attorney for placement of lien against the property and possible lawsuit.

Insurance

1. The COA property coverage insurance contains a \$5,000 deductible clause on the property coverage.
2. The deductible amount will be paid by the COA except when the Unit Owner, a guest or employee caused the damage. Then the Unit Owner shall be responsible for the entire deduction. This applies to any insured loss covered by the Master Policy.
3. Unit Owners are responsible for insuring the inside premises and contents.

Cloister Newsletter

1. The **CLOISTER NEWS** is an in-house volunteer community newsletter, dealing exclusively with information and news for and about Cloister residents, and is committed to promoting the Cloister as an attractive, friendly community of adults.
2. It is the policy to promote only those activities sponsored by the COA to which all residents are invited and to include obituaries and memorials only for Cloister residents.
3. Any resident may submit an article or news item, and it will be printed over the writer's signature if space is available and article is approved by the Communications Committee.

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4. The editor claims the editorial rights to correct grammar, spelling and punctuation, and to rewrite for clarity and emphasis where needed. Substantive changes will be cleared with the writer before printing when possible.
5. Items for the Newsletter should be sent to the editor by email on or before the 25th of the month preceding its publication. It can also be placed in an envelope marked CLOISTER NEWS - and left at the house of the editor.
6. The CLOISTER NEWS is hand delivered to each unit at the beginning of the month by volunteers and also posted at www.cloisteratsthenry.com.

Clubhouse Rules

1. The Clubhouse is provided for the exclusive use and enjoyment of the residents and shall be used for lawful purposes
2. Each Unit Owner in good standing is entitled to a key that opens the Clubhouse and the pool gates. If you have not received your key, contact the Property Manager.
3. Residents are invited to use the well-stocked library.
4. The Clubhouse is to remain locked at all times when not in use.
5. No smoking is allowed in the Clubhouse.
6. Only service animals are allowed in the Clubhouse.
7. COA activities may be scheduled from 9:00 AM to 10:00 PM, and those activities take precedence over “private events” planned by Unit Owners.
8. The Property Manager schedules private Unit Owner events, cleaning of the Clubhouse, and purchase of maintenance supplies.
9. A “Private Event” is limited to guests of the host (must be Unit Owner). The following further defines the rules for a Private Event.
 - a. Parties for teenagers or children are not allowed.
 - b. All children under age 18 must be accompanied by a resident when entering the Clubhouse, and an adult must accompany any child under age 10 to the restroom.
 - c. The pool table is off-limits to children.
10. Everything as they found it, including:
 - a. Cleaning and returning everything to the proper storage areas.
 - b. Cleaning all areas of the kitchen.
 - c. Bagging and placing trash in Metro provided trash bins behind Clubhouse.
 - d. Resetting thermostats to posted settings.

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- e. Turning off all lights and locking door if no one else is using the Clubhouse.
 - f. Leaving television and DVD player as you found them.
11. Anyone wishing to schedule a private event may pick up a form from the Clubhouse office or download it from www.cloisteratsthenry.com. The form explains fee schedules, rules, parking and clean-up.
 12. The Clubhouse is not considered reserved for a private event until the requested time has been cleared with the COA calendar, and the written reservation form and deposit fees (two checks) have been turned in to the Property Manager.
 13. The volunteer Clubhouse Chairperson is the liaison between members and the Property Manager, passing on to him/her questions and suggestions.
 14. Designated Clubhouse Committee member will complete the Clubhouse Post Rental Cleaning Check List and return it to the Property Manager to authorize return of deposit or portion thereof.

Community Swimming Pool

1. No lifeguard is provided. **SWIM AT YOUR OWN RISK.**
2. Pool hours are restricted to daytime hours.
3. The key available to every resident in good standing opens the gates to the pool and the outside restroom doors.
4. The gates to the pool are to be locked at all times, including when the pool is in use. This is **METRO LAW**.
5. After dark, pool gates are padlocked.
6. Rules are posted on the outside of the building, gate entrances and/or inside the fence area.
7. No smoking is allowed in the pool area.
8. During scheduled pool water activities sponsored by the COA, guests or non-participating residents should respect space needed by class.
9. Any guest using the pool must be accompanied at all times by a resident who will assume the responsibility that the guest follows the rules.
10. No running, diving or boisterous play is allowed.
11. A resident may have no more than five guests in the pool area inside the fence at any one time.
12. Residents and guests are required to wear cover-ups (robes, shirts, beach coats, etc.) and footwear while walking to and from the pool.

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13. Persons in wet bathing suits are not permitted in the Clubhouse. They may enter the showers and restrooms by the pool side entrances only.
14. Children under 10 years must be accompanied by an adult while in the restrooms.
15. Anyone needing diapers must wear swim diaper covered by plastic pants in the pool.
16. No food or drink may be taken into the pool area other than water in unbreakable containers.
17. No floats, toys, and balls are allowed if ten or more persons are in the pool.
18. No pets are allowed in the pool area at any time.
19. Please put all umbrellas down when you are the last one to leave.
20. Re-position any furniture you may have moved.
21. Be sure all gates are locked.

SECTION II - COMMITTEES AND THEIR WORK

The Board is authorized in the Bylaws “to appoint committees of the Board and to delegate the Board’s authority to carry out certain duties of the Board.”

No committee has the authority to make or change rules.

A committee planning to spend money in excess of \$100 not specifically allocated to it in the budget should provide written request to the Board with an explanation of the need.

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SECTION III - MAINTENANCE RESPONSIBILITIES

COA Maintenance Responsibility Summary

- ❖ All common area walls
- ❖ Brick
- ❖ Clubhouse
- ❖ Columns
- ❖ Driveways
- ❖ Exterior drainage channels
- ❖ Exterior trim without attachments
- ❖ Foundations
- ❖ Gutter repair and downspout cleaning and repair
- ❖ Interior load bearing walls other than damage caused by Unit Owner's Revisions
- ❖ Lawn mowing and trimming
- ❖ Original 20 linear feet of privacy fence
- ❖ Original 120 square feet of patio and/or deck
- ❖ Painting exterior surfaces
- ❖ Pool
- ❖ Potable water lines in or under slab
- ❖ Roofs
- ❖ Roof leaks, other than caused by Unit Owner revisions or their designee
- ❖ Sidewalks
- ❖ Siding
- ❖ Steps and railings, excluding steps to decks
- ❖ Stoops
- ❖ Stray animals
- ❖ Streetlights
- ❖ Streets
- ❖ Termites
- ❖ Tree trimming and/or removal of old growth trees and trees in excess of 20 feet from units

COA Maintenance Requests Forms

1. When requesting maintenance for elements outside your unit, complete a Maintenance Request Form using the Property Management website www.cmacommunities.com. Where no computer is available, a request can be submitted using a Maintenance Request Form available in the Clubhouse Office or at www.cloisteratsthenry.com. Maintenance requests may be submitted to bring attention to any maintenance item within the Cloister, regardless of location.
2. Completed forms can be dropped off in the Clubhouse office slot, email to Property Manager, or mail to the CMA Office (address on inside cover).
3. Forms submitted via www.cmacommunities.com are reviewed by the Property Manager who will issue a Work Order for any project under \$1,000 or refer projects exceeding \$1,000 to the Board for approval. Other forms of submission require additional time to process.

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Unit Owner Maintenance Responsibility Summary

Interior Maintenance

- ❖ Air conditioner, furnace, water heater
- ❖ All appliances, fireplace
- ❖ Doors and door frames, exterior and interior, including garage door
- ❖ Electrical connections and wiring from exterior meter to interior
- ❖ Interior maintenance
- ❖ Painting, wall treatments, all interior surfaces
- ❖ Revisions interior and exterior, made by current or previous owner
- ❖ Windows, glass, sashes, and screens
- ❖ Interior pest treatment to control ALL insects other than termites, as well as interior termite damage.
- ❖ Any interior revisions by current or previous owner that affects unit structural integrity.

Unit Owner Exterior Maintenance

- ❖ Alarm System including exterior emergency strobe lights, if installed
- ❖ Fence/deck cleaning and staining
- ❖ Gates and steps for decks and/or fences
(**Approved Variance Required**)

- ❖ Grass seeding
- ❖ Tree maintenance less than 20 feet from unit excluding old growth trees. If less than 20 feet from each of two units, it is responsibility of unit closest to tree; if equidistant from both units, Owners share expense
- ❖ Plant and shrub maintenance surrounding the unit
- ❖ Any common area approved by the Board for exclusive Unit Owner use above 20 linear feet of fence and 120 square feet of patio or deck

Unit Owner Utility Maintenance

- ❖ Electrical lines from exterior meter to unit, lines throughout the unit and breaker box
- ❖ Gas lines from meter to under foundation, any gas appliances and hot water heater
- ❖ Sewer lines to street and under slab and/or crawl space
- ❖ Water lines from meter to unit entry under foundation

Variance Request Forms

1. Unit Owners must have an **Approved Variance Request** for any addition or revision, external or internal, that modifies the external appearance of a unit, including windows, all doors, and awnings, both color and configuration. (See Property Manager for approved door colors.)
2. These forms are available at the Clubhouse or online at the COA website www.cloisteratsthenry.com. When completed, Variance Request must be submitted to Property Manager by U.S. mail, email or dropping form in the office slot.

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4. Property Manager or Committee Chairs have Board-delegated authority to approve requests that are in compliance with guidelines. Owner may request Board review if not approved by Property Manager.
5. Variance Requests not in compliance with guidelines are submitted to Board and must include sufficient details for Board evaluation.
6. Variance Requests for the planting of shrubs, trees, etc. must include information about the full growth size/height of the planting material, with pictures furnished, unless selected from the approved tree list on Page 20-21.

Roofs

1. **If there is a problem with a roof, please call the Property Manager immediately.**
2. The COA has a warranty for all Cloister roofs, and to protect that warranty, it restricts access to roofs to approved Installers only.
3. Restoration of any damage resulting from failure to comply with this policy will be the responsibility of the Unit Owner

Interior Renovations, Modifications or Improvements

1. Any Unit Owner may make alterations, or improvements within his/her Unit without prior written approval of the Board provided renovations will not impact any **structural component**. Also, the Unit Owner is responsible for checking with Metro Codes about needed permit(s).
2. Unit Owner(s) wanting to make interior renovations, modifications and/or improvements inside their units which **might impact structural components** must provide a **Variance Request** and the following information:
 - a. Scope of work to be completed including plans, drawings or specifications.
 - b. Name and License Number for Contractor.
 - c. Certificate of Insurance from the Contractor naming the Cloister as an additional insured.
 - d. Copy of Building Permit (if required by Metro Codes).
3. Letter from Engineer, licensed General Contractor or architect confirming that any wall removal/renovations of walls or other modifications have not altered or weakened the home's structural integrity can be requested by the Board and should be sent to Cloister Owners Association, c/o Cloister Property Manager, 105 Emma Neuhoff, Nashville TN 37205.
4. Any alteration(s) that results in damage to the structure of the unit, other units, the Common Elements, the property, or any part thereof, or negatively affects the

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insurance premium or lessens the value of the unit, will be corrected at Unit Owner expense for that damage.

5. Dumpster use for renovations is allowed for 30 days with an **Approved Variance Request**. A new Variance Request is needed if dumpster is needed beyond 30 days.
6. No other structure of any character including tent, shack, barn, or out-building is permitted on the property at any time.
7. No Unit Owner may overload electrical wiring or operate any machines, appliances, accessories, TV's, radios, or other equipment causing unreasonable disturbance to others.

Exterior Renovations, Modifications or Improvements

1. Unit Owner(s) wanting to make exterior modifications and/or improvements outside their units must provide a **Variance Request** and the following information:
 - a. Scope of work to be completed including plans, drawings or specifications.
 - b. Name and License Number for Contractor.
 - c. Certificate of Insurance from the Contractor naming the Cloister as an additional insured.
 - d. Copy of Building Permit (if required by Metro Codes).
2. Any alteration(s) that results in damage to the structure of the unit, other units, the Common Elements, the property, or any part thereof, or negatively affects the insurance premium or lessens the value of the unit, will be corrected at Unit Owner expense for that damage.
3. All requests for exterior modifications will be considered on an individual basis. Projects that need the Board to secure an architect's review and periodic progress inspections by a Board-selected project manager will be at Unit Owner expense.

Work Specifications and Oversight of Common Elements

1. The Property Manager is responsible for selecting a qualified person to draft specifications, when necessary, and oversee work done at the Cloister.
2. The Property Manager has designated authority for projects under \$1,000. Any projects exceeding \$1,000 are submitted to the Board for approval.
3. ONLY the Board has the authority to negotiate or approve a contract for the Cloister community.
4. The designated committee chair(s), Property Manager or Board member may enter privacy fence and/or deck areas for maintenance, surveillance and/or compliance to COA rules and regulations.

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Deck/ Privacy Fence Cleaning

1. Refinishing and sealing of decks or privacy fences are the responsibility of the Unit Owner, on a shared cost basis between Unit Owners, when applicable.
2. Submission of a **Variance Request** is required if a Unit Owner wants to refinish and/or seal deck or privacy fence at Unit Owner's expense, and Unit Owner must comply with the COA specifications for these tasks.
3. No pressure washing on decks or privacy fences except by qualified contractor.
4. The stain and cleaning guidelines are available from the Property Manager or from the COA website www.cloisteratsthenry.com.

Decks and Patios

1. The developer originally furnished either a 10-foot by 12-foot wood deck or a 10-foot by 12-foot aggregate concrete patio, and up to 20 linear feet of fence. These same standards are replaced by the COA today.
2. Any enlargement, current or future, is the Unit Owner's responsibility, and requires a Board **Approved Variance Request**.
3. No climbing plants are allowed on or attached to any portion of deck, fence or building.

Permanent Gas Grills

1. Gas grills are permitted with an **Approved Variance Request**.
2. Equipment must comply with Piedmont Natural Gas safety requirements.

Fire Pits

Because of small patios and rear yards and close proximity of neighbors, **fire pits are NOT allowed.**

Privacy Fences

1. Up to 20 feet of wood shadow box privacy fence is provided by the COA.
2. Any additional fence is the Unit Owner's expense with maintenance of additional fence the responsibility of current and future Unit Owner.
3. Cost of privacy fence maintenance and/or replacement separating the units is shared by both Unit Owners if fence exceeds allotted COA footage.
4. An **Approved Variance Request** is required if a Unit Owner wants to have items #2 or #3 done.

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5. Gates are at Unit Owner expense and selection including current and future Unit Owners. All maintenance and/or replacement are also at Unit Owner expense.
6. If fence gates are present they should be latched but not locked so Unit Owners can exit quickly, emergency personnel may enter if required and contractors may perform maintenance as required. Locks on gates will be cut and removed as necessary when access is needed.
7. Pursuant to the Cloister Bylaws, the Board and/or its designee may have access to ensure compliance to the General Rules and Regulations and maintenance of the unit per this Homeowners Manual.
8. No fencing other than privacy fencing may be erected on the property without an **Approved Variance Request**.

Exterior Doors - Approved Variance Request Required

1. Front and entrance from garage doors - Must be six (raised) panels solid steel clad as original.
 - a. See Property Manager for approved colors.
 - b. Doors are painted at COA expense on a regular five-year painting rotation if painted same color.
 - c. With change of color or out of regular rotation, painting is owner's expense.
2. Front storm door replacement requires an **Approved Variance Request**.
3. Rear entrance door - Must be steel clad, six raised panel, solid or steel clad, with glass as original. A deviation requires an **Approved Variance Request**.
4. Rear storm door replacement requires an **Approved Variance Request**.
5. Overhead garage door - both Single and Double
 - a. Must be vertical tracking door with four sections.
 - b. Color must be white, each section must have equally spaced raised panels, no glass allowed in garage doors.
 - c. Must be installed according to COA Specifications available from Property Manager and on the website.

Remodeling & Installation for Doors – Approved Variance Request Required

1. Brick molding to be composite material.
2. Brick molding to be properly sealed or caulked to brick siding, NOT sealed or caulked to aluminum "J" molding.

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3. Threshold must be an “exterior door” threshold.
4. Doors to be installed plumb and square for static positioning.
5. Threshold to be sealed to slab or floor with mastic, minimally silicone sealant or caulk may be used.
6. Hinge side jamb to be secured to wall stud at hinge position with proper size fasteners, shimmed as required.
7. Latch side jamb to be secured to wall stud between latch plates and near head jamb and threshold with proper size fasteners and shimmed as required.
8. Spaces between jambs, side and top, to be filled with insulation.
9. Storm doors when attached to the outside trim or door frame are the responsibility of the Unit Owner. Replacement of the wood trim or door frame encumbered by the storm door is at Unit Owner expense.

Windows

1. Double hung white vinyl replacement windows are the approved standard for the Cloister.
2. Storm windows, where they exist, must be removed and re-installed at Unit Owner expense when the exterior of the unit is painted.
3. Skylight window maintenance is at owner expense. If roof access is required, it should be coordinated through the Property Manager and approved contractor should provide certificate of insurance naming Cloister as an insured.

Window Air-Conditioners or Window Fans

Window air conditioners and window fans are not allowed at the Cloister.

Foundations

1. Suspected foundation movement should be reported to the Property Manager including observed contributing factors such as:
 - a. Counters and cabinets separating from the walls
 - b. Cracks growing larger in walls, ceilings or floors
 - c. Doors sticking or don't open and close properly
 - d. Gaps around window frames or exterior doors
 - e. Water intrusion

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2. The Property Manager will have an inspection of the unit performed including:
 - a. Are there trees planted close to the foundation?
 - b. Are there pipes leaking into the foundation?
 - c. Is there non-compliant dense vegetation surrounding the unit?
 - d. Other identifiable contributing conditions.
3. The resulting report will be analyzed by the Property Manager and presented to the Board with recommendations for corrective action. The Unit Owner will be notified of the results. Where contributing conditions were caused by the Unit Owner, repair costs will be the responsibility of the Unit Owner. Conditions caused by other factors will be repaired by COA expense.

Screened Porches or Similar Structures –Approved Variance Request Required

1. Detailed specifications and procedures for construction of screened or similar porches should be developed and presented to the Board for approval using a **Variance Request**, prior to any construction.
2. Requests for awnings and pergolas will be approved individually considering design, color, weight, and neighbors' visual enjoyment of property.
3. All municipal building code permits must be procured, contractor insurance must be provided that lists the COA as an additional insured, and all required city inspections must be met.
4. Inspections will be conducted by the COA or its delegated authority at Unit Owner expense to ensure quality construction practices are used. Any defects identified will require correction, and all costs will be at Unit Owner's expense.
5. When it is determined by the Board that the scope of the project warrants the review of an engineer/contractor/architect to ensure the integrity of the property, the cost will be at Unit Owner expense.

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SECTION IV - PLANTINGS BY UNIT OWNERS

1. COA Board appointed committee(s) will assist the Property Manager in the orderly development and maintenance of the grounds.
2. Approval of all planting(s) will depend on area available for each unit and plant characteristics.
3. Any additional planting to the areas at the front, side or back of a unit such as, but not limited to edging, statues or changes in foundation plantings with exception of hanging baskets and annuals requires **Approved Variance Request** before being implemented.
4. Avoid placing potted plants at the front entrance that will interfere with an emergency entry or exit.

Shrubs/Flowering Plants

1. Size and location require an **Approved Variance Request**.
2. Shrubs/bushes located in the front of the unit must be kept no taller than 3 ½ feet in height and 8-12 inches from the structure.
3. Maximum shrub height for shrubs/bushes located at the corner of units are to be maintained below the roof line and 8-12 inches from the structure.
4. Shrubs/bushes located on the side of the units are to be no more than 5 feet in height and 8-12 inches from the structure.
5. Placement of plants in front, side, back and within privacy fence areas can be determined by the designated committee chair or Property Manager to ensure proper drainage, and that utilities, walls, fences, etc. will not be compromised.
6. No ivy or other plants that adhere to unit walls, buildings or fences are allowed.
7. Maximum width of shrub/flower beds (depending on available space) is 5 feet out from building with **Approved Variance Request** needed for larger width.
8. No planting beds should be above the bottom clapboard of the building.
9. When plantings are not maintained in accordance with approved guidelines, violation letters will be issued by the Property Manager. In the event the Unit Owner does not bring the plantings into compliance within allotted time, the Property Manager will have work completed and a 10% service fee will be charged. Remember all unpaid balances are subject to late fees of \$25 per month.

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Trees

1. New or replacement trees require an **Approved Variance Request**.
2. Placement of all trees must be reviewed by Property Manager or Committee to ensure proper drainage and that utilities, walls, fences, foundations, driveways and sidewalks are not adversely affected.
3. Maximum size for front or side yard trees is 15 feet tall X 15 feet wide at full documented growth with non-invasive root system. At full documented growth branches must be no less than 6 feet from building.
4. Maximum size for rear yard trees is 25 feet tall X 20 feet wide with non-invasive root system.

Suggested Trees for Front or Back Yard – these trees are suitable for small yards with underground utilities and unusual water drainage systems. They also have minimally invasive root systems.

- a. Japanese Maple--red leaf trees for full sun and other varieties for part shade.
- b. Redbud—many varieties to choose from: native redbud, Forest Pansy with purple leaves, Rising Sun with lemon/lime leaves, and Red Appalachia.
- c. Dogwood—Cornus Florida, our common variety, will take full sun, but does prefer part shade. Kousa dogwood does well in full sun but blooms a little later and the white bloom is slightly different.
- d. Crabapple—varieties range from dwarf to mid-size in many colors, single or double blooms.
- e. Paperbark Maple—avoid taller varieties. Slow grower but with beautiful peeling bark.
- f. Hawthorn—Winter King is a good variety with beautiful berries in the fall.
- g. Holly Trees—Robin, Savannah, Oakleaf or Nellie R. Stevens are good varieties.
- h. Arborvitae—Emerald Green grows to about 15-20 ft. at maturity.
- i. Dwarf Blue Spruce—full sun and well-drained soil. Silvery-blue color. Must be labeled DWARF.
- j. Crepe Myrtles—use semi-dwarf varieties or other short varieties. Avoid Natchez and other large varieties.
- k. Magnolia—smaller varieties such as Little Gem, Teddybear or Sweet Bay, Star, Saucer. No Southern Magnolias.

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- l. Serviceberry—nice little tree with berries that birds love. Also known as Juneberry. No serious disease problems but is not a beautiful ornamental. Native to our area.
- m. White Fringe—native throughout South Carolina. Slow grower, 6-10 inches per year. Good disease resistance.
- n. Japanese Tree Lilac—white fragrant blooms in spring. Needs moist well-drained soil, moderate drought resistance and can have powdery mildew and leaf spots.
- o. Contorted Hazelnut—“Harry Lauder’s Walking Stick” or Corkscrew Filbert. Technically a shrub but can be viewed as a dwarf tree. Wonderful eye-catching specimen.
- p. Dwarf Hinoki Cypress—full sun and well-drained soil. Slow grower.
- q. Yoshino Cherry

Back Yard Only

- r. Possumhaw—deciduous holly native to the Southeastern US.
- s. American Hornbeam—Native. Does not transplant well. Plant in spring. Inconspicuous flowers but attractive bark.
- t. Washington Hawthorn—good pest and disease resistance. Has some thorns on upper limbs but no problem when limbed up as they grow. Wonderful red berries in fall and winter.
- u. Green or Winter King Hawthorn—leaves turn red, gold, and brown in fall and has big red berries in fall and winter. Good pest and disease resistance.
- v. Southwood—native to our area. Not drought tolerant. Beautiful fall tree with scarlet leaves. No serious disease but must be watered well.
- w. Japanese Snowball—small deciduous tree which grows slowly. Has fragrant white blooms in May. Requires sun to part shade and moderate water once established. Good disease and insect resistance and no root problems.
- x. Leyland Cypress—very fast-growing tree that is used for borders or privacy planting. Requires moist rich well drained soil.

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Tree Treatment, Trimming and Removal

1. Pruning or removal of trees on Limited Common Element grounds is the responsibility of Unit Owner whose unit is within 20 feet to the tree.
2. If the tree is equidistant between two units, the Unit Owners will share the expense.
3. Tree stump must be ground 8 inches to 12 inches below the ground surface. If the stump cannot be removed due to proximity to underground utilities or other inaccessible restrictions, it must be treated to decay.
4. Trees must be trimmed at least 7 vertical feet from overhanging sidewalks, 12 vertical feet from overhanging streets, and at least 6 feet from buildings.
5. Trees must be removed if it is determined by the Board that they present a threat to property by virtue of height, proximity to the unit or deterioration of walls, slabs, drainage systems, fences, driveways, sidewalks or streetlights.
6. Owner must call **TN ONE CALL at 811 (required by law)** when planting trees and shrubs to locate utilities lines/wires/pipes from street to house. Property Manager will determine if drainage elements exist in location.
7. The COA is responsible for the cost of removing and/or maintaining trees that are over 20 feet from a unit, all trees located on Common Ground, and any defined as Old Growth trees.
8. Old Growth Trees are defined as trees that can be identified based on their age preceding or coinciding with original property development. Disputes will be resolved by a qualified arborist evaluation of tree age, if necessary.
9. When trees are not maintained in accordance with approved guidelines, violation letters will be issued by the Property Manager. In the event the Unit Owner does not bring the tree(s) into compliance within allotted time, the Property Manager will have work completed and a 10% service fee will be included in Unit Owner charges. Remember, all unpaid balances are subject to late fees of \$25 per month.

Garden Planting & Maintenance

1. Unit Owners are expected to water and care for their lawns, shrubs, and flower beds.
2. Planting of annual flowering plants up to five feet out from the foundation area is permitted without a variance. Planting in other areas requires an **Approved Variance Request**. These plants must be removed at the end of the season or when they become unattractive.

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3. Planting vegetable gardens is limited to the rear of the house and restricted to five feet from the building unless an **Approved Variance Request** is acquired for location change. In the event walls or terrain are too close, then the side of the unit may be used with an **Approved Variance Request**.
4. Pine straw is the only variety of mulch allowed.
5. Landscape timbers of any kind are not allowed.
6. Use of Lava Rocks or other stone pebble-type products in the area where the maintenance contractor trims grass and weeds with a weed eater requires solid edging to keep stone contained as flying stone can cause injury to the maintenance person or residents and damage to property.
7. The COA supervises the weeding, watering, plantings and general care of the Common areas.
8. Holiday decorations and lights are permitted only from Thanksgiving through January 15th.
9. No edging of any kind in the front, sides, or back is permitted unless it is solid stone, or brick which will require an **Approved Variance Request**. The only fencing allowed is fencing approved by the Board.

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SECTION V - GENERAL TOPICS

General Home Safety Information

1. Every resident should be aware that an emergency such as a fire affects not only those in the unit where the fire started but also those in the connected duplex unit and nearby buildings. **All owners should have fire extinguishers in both the kitchen and the garage.**
2. Only a wall designed to retard the spread of fire separates the duplex. The time it takes for a fire to penetrate this wall is determined by such things as the location of the fire and the intensity of the heat generated.
3. It is important to understand there is no guarantee of total safety. An alarm system that works today may not work tomorrow. Human error may cause a system to fail.
4. Every resident shares the responsibility to respond to any alarm sounding or strobe light flashing and should call 911 to report an emergency.

Alarm System - Original (disconnected in some units)

The following information is for new residents and for long-term residents to review. If alarms are active, post this information in a prominent place on a wall or in your garage.

1. The smoke alarm functions through a detector mounted on the ceiling in a hallway.
2. A battery furnishes power in case your electrical system is not functioning.
3. The battery is located in the alarm system control box in one garage of the unit building.
4. Your smoke alarm is sensitive to smoke and heat and responds with an earsplitting wail.
5. This alarm also activates a horn in the attic on one side of the building. Some units have an additional horn located in the return air duct.
6. The alarm also activates the strobe light at the front, if your unit has one.
7. If the smoke alarm is set off by an actual hazard, the house must be vacated immediately and then dial 911.
8. If the alarm goes off accidentally, it can be shut off by pressing the black cutoff button located in the front center of the control box, an unmarked metal square box in the garage, or if not in the garage, the cutoff button is located in a hall closet or the laundry area, inside the house.

SUGGESTION: Locate and mark your alarm cutoff button with conspicuous marking color or sign

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Maintenance of Alarm System (disconnected in some units)

1. Unit Owners are responsible for the maintenance and repairs of the alarm system if it is still operational.
2. Frequent vacuuming of the smoke alarm can remove dust, cobwebs and other debris that can cause your smoke alarm to malfunction. Small pieces of insulation or drywall dust can get into the smoke alarm through the hole cut in the ceiling for wires to your alarm.
3. Unit Owners on both sides of the building must share the cost of repairs, replacement of the battery, or other maintenance required to the control box, if still operational.
4. Systems are approved for disconnection by Unit Owner if roommate agrees.

IN THE EVENT OF DISCONNECTION, AN ALTERNATE SMOKE ALARM SYSTEM MUST BE INSTALLED.

Emergency Medical Alarm (disconnected in some units)

1. Each house should have two emergency alarm toggle switches installed during original construction.
2. Switch the toggle down to activate attic horn and strobe light. To stop the horn and strobe light, flip the toggle switch up.
3. The Property Manager can provide additional knowledge about the alarm system.

Electrical Circuit Breakers

1. Our homes do not have fuse boxes; we have an electrical circuit breaker box in the garage or basement.
2. If a circuit is overloaded, the circuit breaker will trip and all current on that circuit will be off. Disconnect all utilities on that circuit, find and correct the trouble and reset the breaker.
3. If your razor, hair dryer, etc. doesn't work in either bathroom or outside GFCI (ground fault circuit interrupt) outlets, these outlets may be on a GFCI controlled circuit. The reset button for this controlled circuit is generally located in the garage near the circuit breaker box.
4. Some of the GFCI buttons in Section 1 of the Cloister are located in the front stoop area, while others are located in the circuit breaker box itself or in the wall receptacle.

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Estate & Garage Sales / Open House

1. One Estate Sale of no more than two consecutive days may be held with prior permission of the Board at resident's death or when resident moves. Complete required Estate Sale Request Form available in the Clubhouse or at www.cloisteratsthenry.com. Drop completed form in Clubhouse office slot, return to the Property Manager or mail to 105 Emma Neuhoff, Nashville, TN 37205.
2. No private garage sales are permitted.
3. Estate Sale or Open House signs are permitted from 2 days prior to sale or open house and must be removed immediately after.

Insect Control Policy

1. Termite infestations should be reported to the Property Manager. The area of infestation will be treated, both inside and outside, at COA expense.
2. Conducive conditions creating termite infestations and necessitating repairs will be handled at Owner's expense. Example: termite infestations from leaking windows, exterior plant overgrowth, ground cover, mulching, etc.
3. Termite damage to exterior walls will be repaired at COA expense. Interior damage is Unit Owner's expense.
4. Treatment to control all other insects is the Unit Owner's responsibility.

Keys

1. It is suggested that every resident give a key to a neighbor for emergency use.
2. Unit Owner may wish to place a small notice at front door such as:
***In emergency call: Telephone # of a relative (perhaps without relative's name)
Telephone # of a neighbor***
3. There are no master keys to all Cloister homes.
4. If you have a security storm door, which you lock, advise your neighbor with the house key how to get into your house in an emergency.

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Pets

Only dogs, cats or Certified Service Animals can be kept as pets. The COA Board handles all pet problems. These rules have been devised in consideration of the animals and their owners as well as in consideration of the residents who do not have pets.

Most pet owners are convinced that their dog or cat would not harm anyone. Many residents might not share this feeling and could be frightened or bothered by other's pets. Also some are allergic to cats or dogs.

1. Each pet owner shall fill out the **Pet Registration Form** provided as part of the **Buyer/Seller Documents Packet** and submit to the Property Manager upon signing the purchase and sale agreement, or **upon acquisition of a new pet.**
2. Unit Owners may own a maximum of two total pets: two cats, two dogs or one of each.
3. **The maximum permitted weight of any pet is 40 lbs.** Any deviation from this restriction requires an **Approved Variance Request.**
4. Service animals are allowed with **Approved Variance Request.**
5. The following dogs are not allowed as they have violent tendencies when mixed with other dogs: Rottweiler, Chow, Pit Bull, Doberman Pincher, Alaskan Malamute, Akita, American Staffordshire Terrier, Staffordshire Bull Terrier, German Shepard, Great Dane, Siberian Husky, Bullmastiff, Perro De Presa Canorio, Wolf Hybrids, or any dog that has any one of the previously listed breeds in their lineage. If a dog has a history of violent behavior, it is determined to be a dangerous dog no matter what its pedigree, and it is not allowed on the property.
6. Dogs and cats of Unit Owners or their guests must be on a leash when outside of owner's property.
7. Cats or dogs must not be tied at any time outside the unit or within the privacy patio or deck area.
8. Dogs shall not be allowed to create a nuisance by persistent barking.
9. Dogs shall be exercised on a leash and must be kept off other residents' lawn, shrubs, flowers, beds, or trees to relieve themselves.
10. Pet owners are responsible for removing all their dog's droppings from all areas of the Cloister and taking them home for proper disposal. Non-compliance penalties apply.
11. Animals running loose shall be deemed to be strays and subject to impoundment without advance notice.

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12. Any pet causing a nuisance can be removed from the Cloister after written notice from the COA Board. "Nuisance" shall be defined as, but not limited to, behavior or action of the pet that diminishes the safety, security, beauty, cleanliness or quiet of the community.
13. Pet owners are liable for any damage caused by any activity of their pet.
14. No animals may be bred in any unit or kept for any commercial purpose.
15. Outside feeding of any four-legged animals, pets or other is strictly prohibited.

Violation of Above Rules Regarding Pet Warning and Fining Procedure after Warning Letter

1st Offense - \$25.00

2nd Offense - \$50.00

3rd Offense - \$100.00

A 4th infraction will result with a written notice from the COA Board for the Pet(s) to be removed from the Cloister and not allowed to return.

Bird Feeders

1. In accordance with governing documents, bird feeders are permitted.
2. To control rodent and wildlife infestations, each Unit Owner is restricted to only one seed-type bird feeder.
3. Each Unit Owner is permitted multiple hummingbird feeders.
4. Continued rules violation after a warning letter will result in the following fines:
 - a. 1st Offense = \$25.00
 - b. 2nd Offense = \$50.00
 - c. 3rd Offense = \$100.00

Stray Cats, Skunks, Opossums, Chipmunks, etc.

1. If any wildlife becomes a nuisance, notify Property Manager and submit a Maintenance Request.
2. The use of bird feeders serves as a source of food for these types of animals. It is sometimes beneficial for nature to provide balance in these situations.

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Streets and Parking Rules and Regulations

1. The COA is concerned with the safety and use of streets, parking areas, sidewalks, and lighting. All Cloister streets are private property, not part of the Metro system, and are the responsibility of the COA including maintenance.
2. All Unit Owners, guests and service providers shall observe a 15 mile per hour speed limit.
3. If a unit has one car more than the garage's capacity, the extra car shall be parked in a nearby parking space if one is conveniently available, not overhanging the grass.
4. If no space is conveniently available, the extra car shall be parked in the Unit Owner's driveway clear of the sidewalk.
5. A Unit Owner may park no more than one car beyond his/her garage capacity in the Cloister area.
6. Unit Owners are responsible for informing their guests and contractors of the speed limit and parking rules.
7. Guests may park their cars overnight in their host's driveway or in an available parking space.
8. **No cars shall be parked on Cloister streets overnight.**
9. Street parking **shall not block a driveway or mailbox.**
10. Improperly parked vehicles may be towed at owner's expense. Unit Owners are responsible for their guest's parking.
11. Parking vehicles on sidewalks is prohibited to prevent damage to sidewalks.
12. Parking on Marquette Drive is prohibited on the mailbox side of the street to ensure that Emergency Vehicles will have ready ingress and egress on Marquette Drive.
13. Vehicles other than cars (including but not limited to trailers, boats, boat trailers, motor homes, etc.) may not be parked on any Cloister Street or parking space except for loading or unloading. They may, however, be parked inside the Unit Owner's closed garage. In the event of any question as to whether a vehicle is acceptable for Cloister parking, the decision of the COA Board shall be final and binding.
14. No bicycle riding on sidewalks or grass.
15. No bicycle riding by a non-resident unless accompanied by a resident.
16. No roller skates, skateboards or any other wheeled or motorized toys are allowed to be used any place within the Cloister.

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17. Motorized wheelchairs and mobility scooters are allowed on roads and must follow all automobile rules. They should be stored inside resident's garage or residence.
18. Use of golf carts is prohibited.
19. No parking on any street that will prohibit accessibility by emergency vehicles is allowed. **At least one lane must be kept open and passable at all times.**

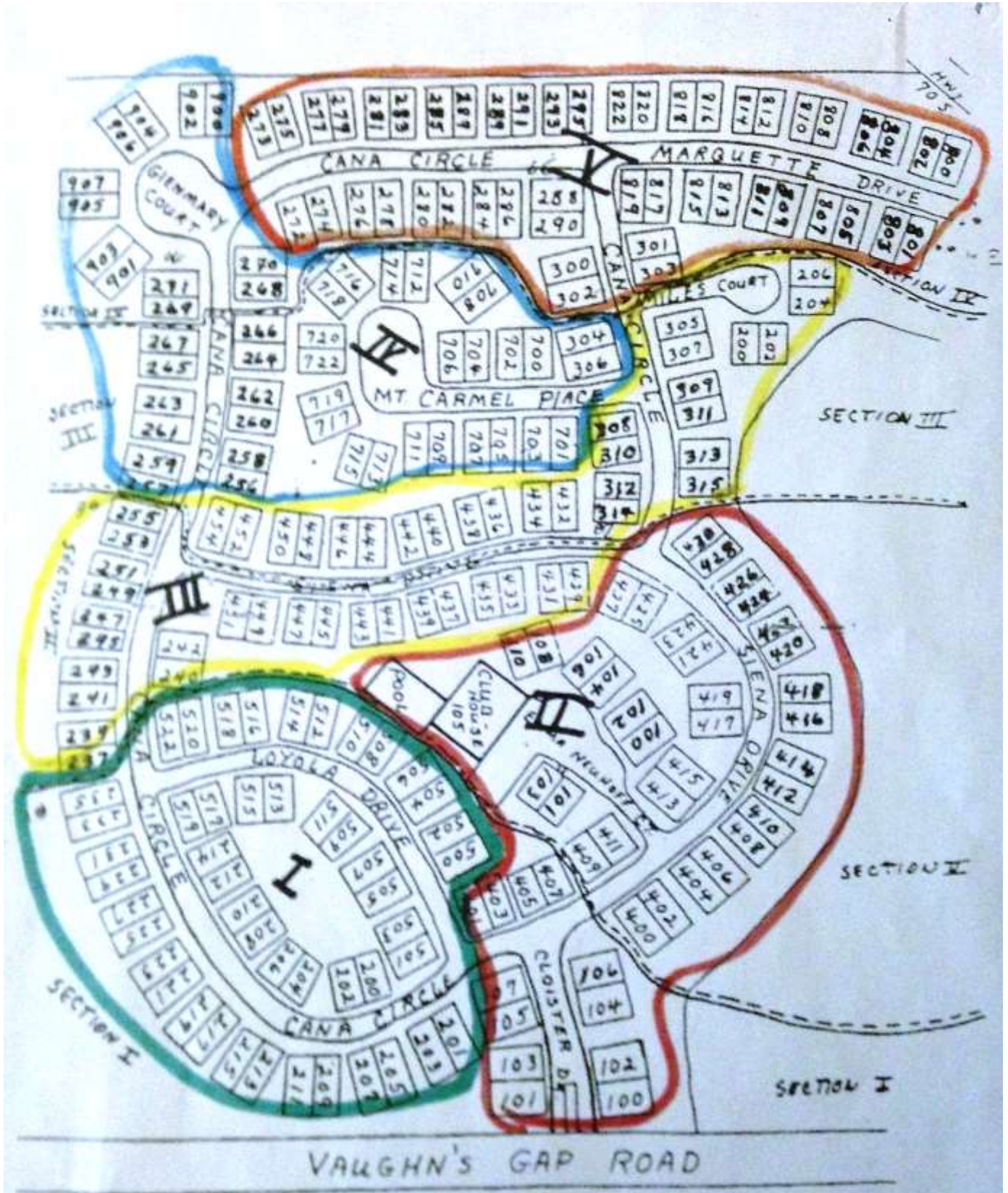
Telephone Check Box

Telephone check box may be either in your garage or on the outside of your house.

Trash & Recycling

Trash can and/or recycling bin should not be set outside in front except on collection day or the prior evening. Bins must be placed out of sight the evening of the pickup. If your can is missed during pickup, call **615-862-8750**.

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Five phases for painting and maintaining the Cloister.