

ARCHITECTURAL GUIDELINES FOR SUTTON'S COVE SUBDIVISION

The following are architectural guidelines (the "Architectural Guidelines") which govern the design, construction and landscaping of all homes in Sutton's Cove Subdivision (the "Subdivision"). The Architectural Review Board (the "ARB"), which as of the date hereof consists of Deborah Sweat and others at Pathway Communities designated by her, will administer these guidelines and the Declaration of Covenants and Restrictions for Sutton's Cove Subdivision (the "Declaration") which is supplemental to these guidelines and is incorporated herein by this reference. The approvals required herein shall be granted or withheld by the ARB solely on the basis of the determination of the ARB as to whether a request for approval complies with these guidelines and the Declaration. In order to facilitate and expedite the approval process, any party (a "Builder") planning the construction of a home or landscaping or performing any other work on any Lot (a "Lot") in the Subdivision should review these guidelines in conjunction with such planning and consult with the ARB with regard to the provisions of the guidelines and/or the Declaration prior to the commencement of construction. Upon the completion of construction and the sale of the property to a resident homeowner (the "Homeowner") these guidelines shall continue to be applicable to any changes or modification made by the Homeowner to the improvement and the landscaping on the Lot. The intended purpose of these guidelines is to assure that all dwellings, other buildings and landscaping constructed, erected, placed or installed in the Subdivision shall be substantially the same in terms of quality of workmanship, materials and appearance.

*Special Note: The builder's attention is also drawn to the Peachtree City Erosion Control Ordinance governing, among other things, the use and protection of buffer areas, as well as the requirements for Lots adjacent to streams, ponds, lakes, etc.

I.

RESIDENTIAL DWELLINGS

1. Square Footage. The main residential structure for a ranch or two-story on any Lot in the Subdivision shall not have less than 2,000 square feet of finished, enclosed, or heated area. This heated, enclosed living area is exclusive, except where otherwise permitted, of garages, porches, unfinished "bonus" areas, and basements at the time of the sale of such Lot by the Builder to a Homeowner.
2. Height. The main residential structure on any Lot shall not exceed three stories in height above grade as viewed from street level.
3. Residence Orientation; Corner Lots. The main residential dwelling will face the front of the Lot. Where corner Lots allow for the orientation of the main residential dwellings to be corner oriented, such orientation shall be allowed with ARB approval.

II.

GARAGES AND DRIVEWAYS

1. Height. Garages shall not exceed 25 feet in height as measured from the paved parking pad to the apex of the roof.
2. Size. No garages shall be constructed on any Lot of a size less than is necessary for the housing of two standard size (7' x 20') automobiles or for more than three standard size automobiles. Exception: Allowance is provided for golf cart storage within garage.
3. Garage Orientation. Garages shall open to the side unless an exception is approved by the ARB for a Lot for reasons related to topography, trees or building lines. Such exception must be requested when plans and specifications for any garage are submitted to the ARB for approval.
4. Garage Doors. All garage doors (except pedestrian doors) shall be equipped with electric actuators. Garage doors shall be specially detailed as approved by the ARB, and materials and colors for such doors shall be specified on the plans and specifications submitted to the ARB for approval.

5. Driveways. Driveways shall be constructed to take best advantage of existing trees, topography, and landscape planning. Where possible, driveways should be curvilinear.

6. Corner Lot Driveways. All driveways on corner Lots shall be located away from the corner.

7. Materials. Driveways must be paved with concrete, exposed concrete aggregate, stamped concrete, or brick.

8. Finishing. All concrete driveways shall have a light broom finish unless a similar texture is provided by stamped or exposed aggregate concrete, and joints shall be provided to control surface cracking.

9. Width. Driveways shall be a minimum of 10 feet and maximum of 16 feet in width measured at the street right-of-way.

III.

SITE PLANNING AND LANDSCAPING

Whenever possible, the landscape setting in this residential development shall retain existing natural features and native plant materials. Where changes to the existing terrain or removal of existing vegetation is necessary, the site will be regraded to blend with adjoining slopes and replanted with species indigenous to the area.

In an effort to minimize erosion and drainage problems in this residential development, site grading and landscape plans must be submitted to the ARB for review and approval.

1. Site Planning and Design. All structures with related improvements, paved and open areas, shall be located on each Lot to:

- (a) Minimize changes in existing topography
- (b) Preserve existing trees and vegetation to the maximum extent possible
- (c) Control drainage and prevent erosion
- (d) Create prime views and conceal unsightly areas

2. Landscape Plan. Prior to the installation of any landscaping or removal of existing vegetation, except as provided in Section IV of these guidelines, a landscape plan shall be submitted to the ARB for approval. Such plan shall be drawn to scale and shall, as a minimum, contain the following information:

- (a) The names of the Subdivision, Builder or Homeowner, the landscape architect or person preparing the plan and the Lot number
- (b) Location of tree save areas and sodded areas
- (c) Location of areas to be landscaped and indication of the type, number, and size of trees and shrubs to be used
- (d) Location of driveways, walks, retaining walls, and all other improvements.

3. Landscape Guidelines. Natural wooded areas shall be supplemented with additional landscaping materials to cover areas that are bare and/or to control areas in which erosion may occur. Additionally, foundation planting shall be implemented on the dwelling front as a minimum, and also one side for those dwellings on corner Lots. Shrubs shall be set at a proper spacing so as to give a full and mature appearance after two growing seasons.

4. Trenched Areas. All trenched areas shall be filled and compacted so as to remain level with land adjacent to such areas.

5. Tree Removal. No pine trees having a diameter of six (6) inches or greater (measured four (4) feet above ground level) and no hardwood trees greater than six feet in height may be removed without prior written approval or as provided herein. Tree removal shall be selective, replacing less desirable or valuable trees with more desirable specimens.

6. Front Yard Trees. At the time of final landscaping, each lot shall receive a minimum of one (1) 2 1/2" caliper deciduous tree to be located on site. Corner lots shall receive a minimum of one (1) such tree along each street frontage.

7. Sodding. That portion of the front and side yards, as a minimum, of any Lot

not landscaped with planting beds or left in a natural wooded setting shall be 100% sodded with Bermuda, Emerald Green Zoysia, or Centipede sod. All right of way areas shall be sodded.

8. Islands. Mulched islands around existing trees are desirable and recommended, however, overuse of mulched islands can detract from the overall landscape effect. There shall be special limitations and requirements for the size of newly created islands and the types of planting within. Gravel or stone is not an acceptable ground cover.

9. Undeveloped Lots. Each builder shall be responsible for the maintenance of undeveloped Lots in the community, including, but not limited to, the periodic removal of windblown or damaged trees, trash pick-up, and construction debris, as needed or required by the ARB.

IV.

BUILDING PAD, CLEARING AND STAKING

1. In no event shall the Builder or Homeowner allow any grading or cutting of trees on the Lot prior to approval of the proposed location by the ARB.

2. There shall be no clearing in excess of twelve (12) feet beyond the building pad or three (3) feet beyond the driveway without the prior written approval of the ARB.

3. Notwithstanding the foregoing, the clearing of the rear portion of any Lot up to a maximum of thirty (30) feet from the main plane of the largest portion of the rear of the primary residential structure is allowed. Clearing beyond the thirty (30) foot limit requires prior written approval of the ARB based on submittal by builder and approval of ARB of clearing plan. The Builder's attention is also drawn to the Peachtree City Erosion Control Ordinance governing, among other things, the use and protection of buffer areas, as well as the requirements for Lots adjacent to streams, ponds, lakes, etc.

4. For conditions relative to the removal of trees, see Section III.

5. During approved construction, all vehicles in any way connected with such construction shall enter the Lot or Lots under construction only by the driveway as approved in the plans and specifications by the ARB. In no event shall any driveways

other than those approved by the ARB be constructed or used for temporary access to any Lot. All vehicles shall be parked at Lot so as to avoid damage to trees, paving, curbs, gutters and any other improvements on the Lot.

6. Construction debris shall be removed as often as necessary to keep the Lot and any Structure thereon attractive. Construction debris shall not be dumped in any area of the Development or on any undeveloped Lot unless approved in writing by the ARB.

7. Lots shall be graded in such a manner so as not to block any natural or manmade swales, ditches or drainage structures. Earth and hay berms shall be installed on Lots by the Builder or Homeowner thereof when, in the opinion of the ARB, such Lot may erode due to topography. Whenever possible, Lots shall drain independently rather than to adjoining Lots. Builder or Homeowner shall be held responsible for any damage caused to streams, ponds, lakes, or adjoining Lot(s) by erosion.

V.

BUILDING LOCATION

1. Set Back Lines. The main residential structure on any Lot in the Subdivision shall be located no nearer than fifteen (15) feet to the front Lot line (20 feet for garages), nor nearer than twenty (20) feet to the rear Lot line except those Lots with special setback requirements. Side setbacks shall be no less than ten (10) feet between dwellings with a twenty (20) foot separation, minimum, for every ten units.

With the exception of allowances for fences, no accessory building or other improvements (pools, decks, outbuildings, etc.) shall be located on any Lot in the Subdivision nearer than fifteen (15) feet to the side or rear property lines, except those Lots with special setback requirements.

2. Retaining Walls: Estimated heights, locations and finish materials of all retaining walls must be noted on the site or landscape plan and are subject to ARB approval. Finish materials may include masonry and treated wood, and must complement and be compatible with the main structure. The section of any concrete or concrete masonry unit retaining wall that may be exposed to view must be heavily textured or stuccoed to match exterior house color down to grade.

VI.

SIGNS & BILLBOARDS

1. Signs (Generally). No signs shall be permitted on any Lot in the subdivision except as provided herein.

2. Sign Design. On individual single family Lots as to which permits have been issued by the City of Peachtree City and Pathway Communities, one sign measuring 28 inches x 42 inches of the design specified by Pathway Communities may be placed on each Lot. Builder and Realtor signs are to be attached to this sign in the appropriate places and the permits from both the City of Peachtree City and Pathway Communities shall be inserted into the plastic sleeves as indicated.

3. Pre-Sold or Contract Houses. With regard to contract or pre-sold houses, the Builder may display on the sign referred to in Item 2 above an indication that any such house has been "pre-sold" or is "under contract".

4. Model Houses. With regard to model houses that have been approved by the ARB, the Builder may display a sign on a Lot upon which a completely constructed and landscaped model house has been erected indicating such house represents that Builder's model product for the Subdivision. Such sign shall not exceed twenty (20) square feet in area and shall be professionally fabricated and installed. Prior to installation of said signage, the proposed design, size and format, materials and colors shall be submitted to the ARB for approval. The approved sign may be installed but shall replace any signage provided for in VI-2 of these guidelines.

5. Garage Sales, etc. Signs pertaining to garage sales, legal proceedings, political campaigns, "for sale" or "for rent" signs and other such signs, which do not exceed a four (4) square feet area, are allowed and are not subject to approval; provided however, no more than three (3) signs shall be permitted on any one Lot.

6. Number. No more than one sign shall be placed on any Lot, except as provided herein.

7. Removal. Pathway Communities, the ARB or their agents shall have the right

to enter upon any Lot to remove any sign not complying with the foregoing.

VII.

ELEVATION

1. Multi-fronted Lots. The side and rear elevations of the improvements constructed on all multiple fronted Lots in the Subdivision (corner Lots and greenbelt Lots) shall receive as much attention to design and detail as the front elevation of such improvements, and may have additional requirements.

VIII.

EXTERIOR COLORS AND MATERIALS

1. Approval. Any request for the approval of exterior colors or materials must be presented in such a manner that the ARB can determine how the color or material will appear on the substrate or structure to which it is to be applied.

2. Exterior Colors and Materials. All exterior colors and materials of all Structures shall be specified in the plans and specifications submitted to the ARB for approval and shall be subject to the color and material guidelines contained in these Architectural Guidelines.

3. Change of Color and Materials. No Homeowner or Builder shall change the exterior colors or materials of any residence or garage without the prior written approval of the ARB. Changes in color to the interior of screened porches, patios and similar portions of any dwelling visible from outside the structures shall be subject to ARB approval.

4. Materials and Colors Guidelines.

A. Materials.

- (1) A minimum number of exterior materials shall be used on Structures to avoid a cluttered appearance. Where two materials are used (in addition to glass), one shall be dominant.
- (2) Secondary materials, when used, shall complement the dominant material in texture and color.

- (3) Recommended materials include:
- (a) Wood, hardboard or vinyl siding, trim work, and detailing
 - (b) Brick, stone, stucco
 - (c) Natural cedar shakes or shingles
 - (d) Fiberglass/asphalt shingles
 - (e) Wood, metal, or vinyl garage doors of simple design

(4) Unacceptable materials include:

- (a) Artificial brick
 - (b) Color coatings which simulate natural materials
 - (c) Unnatural tones of brick and stone
 - (d) Visible mill (silver) finish and aluminum flashing
 - (e) Unfinished standard concrete masonry units (blocks)
- (5) The exterior materials of all Structures on all Lots shall be harmonious and complementary.

B. Colors.

- (1) The exterior colors of the walls and roof of a single-family residential Structure shall be compatible and harmonious with the colors of nearby residential structures. Highly reflective and neon colors shall be avoided.
- (2) A minimum number of exterior colors shall be used. When more than one color is used, one shall be clearly dominant.
- (3) Secondary colors shall be compatible with the dominant colors and limited to architectural details such as fascia frames and other building trim.
- (4) High contrast colors shall be limited to architectural elements such as entry doors and shutters.
- (5) The colors of walls of adjacent single-family residential Structures

shall not be the same.

- (6) The natural color of brick and stone shall not be altered with paint or stain.

IX.

ROOFS

1. Roof Pitches. The minimum allowable roof pitch shall be 8/12 on the primary roof and front facing gables or as herein provided. The minimum allowable roof pitch for other roof configurations shall be 6/12 unless otherwise approved by the ARB.
2. Shed Type Roof. Shed type roofs having an area in excess of sixty (60) square feet of roof area are prohibited, unless in the opinion of the ARB, this roof type represents a significant architectural element in the house design.
3. Roofing Material. Roof materials may be standing or batten seam metal, copper, metal shingles, clay tile, slate, concrete tile, fiberglass/asphalt shingles or similar roofing material.
4. Roof Surfaces. Large expanses of roof shall be broken up with dormers or other elements significant to the house design as required by the ARB.
5. Colors. Roof material colors shall be of dark brown, black, charcoal, and similar hues. Metal roof materials shall be also limited to these colors, natural tones, or copper tones. Mill or "silver/aluminum" type finishes are unacceptable.

X.

ROOF ACCESSORIES

1. Stack Vents; etc. All stack vents, attic ventilators, and similar roof penetrations shall be located on the rear slope of the roof such that they cannot be viewed from the street on which the main residential dwelling fronts.
2. Roof Accessories. All exposed roof accessories including, without limitation, stack vents, roof flashings, attic ventilators, metal chimney caps, skylight curbs and solar collector frames shall match the color of the roofing material or shall be of a compatible color.

XI.

VENEER MATERIAL USAGE

1. Foundation Materials. All foundations must be of masonry or masonry veneer construction.
2. Foundation Exposure. The section of concrete or concrete masonry unit that may be exposed to view must be heavily textured or stuccoed to match exterior house color down to grade.
3. Wall Coverage. A material covering 60% or more of the front elevation shall be considered to be the dominant wall material. If masonry is used as the dominant material on the front, it shall cover the front and two sides as a minimum.

Secondary wall materials, when used on the front, shall wrap the corner a minimum of 24" or as determined by the design. If the corner plane is five (5) feet deep or less, this secondary material shall wrap all the way back to the next perpendicular plane.
4. Limitations. To promote better variety in the street scape the dominant exterior veneer materials shall not be repeated more than three times in a row.
5. Masonry Defined. Masonry, as used herein, shall include brick, brick veneer, stone, stone veneer, glass block, stucco or other masonry type construction or a combination thereof.

XII.

CHIMNEYS

1. Materials. All fireplace chimneys on the front and side elevations shall be of masonry except as approved by the ARB for homes with siding four sides. Interior chimneys above the roofline or those on the rear of the house may be of masonry or siding as determined by the overall house design.
2. Suspended Chimneys. All fireplace chimneys shall be continuous in structural form from elevation grade to chimney cap.

XIII.

ANTENNAE

No radio or TV receiving or transmission antennae or dish antennae shall be permitted without ARB approval. No aerial type TV antennae shall be permitted. In the event any antenna or dish is approved, the maximum height thereof shall be 35 feet above the elevation grade line, it must be at least 35 feet from the nearest property line and shall not be visible from any street.

XIV.

WINDOWS, DOORS AND SCREENS

1. Material & Type. Windows and doors shall be of vinyl, wood or clad wood construction. Metal windows with a brick mould of not less than 2" may be approved by the ARB upon submission of a sample to the ARB for consideration. Exterior doors shall be of metal, fiberglass, or wood and are subject to approval.

2. Tinted Glass. Tinted window glazing is permitted, however, reflecting glazing is not.

3. "Mill Finish" Aluminum. Windows, screens, sliding glass doors and aluminum frames for fixed glass (such as storm windows) with a silver "mill" finish appearance are prohibited.

4. Exception. Solarium window units may be bronzed anodized or white aluminum if not visible from the street. Leaded, beveled, or similar type glass in wood frame is acceptable.

5. Window Treatments. All window treatments must be of a neutral or white color on the side exposed to view from the exterior of the house.

XV.

DISBURSEMENT OF HOUSING STYLES

Residences having same or similar floor plans and elevations shall have six (6) Lots between them, minimum. Residences having same or similar floor plans but differing elevations shall have three (3) Lots between them, minimum.

XVI.

TEMPORARY STRUCTURES

1. Temporary Structures, Construction, or Use. With ARB approval, a Builder who is constructing a residential dwelling on a Lot may during the period of construction of such dwelling erect, place or maintain on a Lot facilities which may include model houses, signs, portable toilet facilities and construction refuse dumpsters.
2. Construction Office. Construction offices and storage areas shall not be permitted without the prior written approval of the ARB.

XVII.

ACCESSORY BUILDINGS

No accessory building structures may be placed, erected, moved or maintained on any Lot in the Subdivision except with the prior written approval of the ARB. Such structures must be architecturally consistent with the main residential structure in terms of the design, materials and color and are designed, located and constructed to minimize its visual impact within the Subdivision. Additional landscape screening may be required by the ARB based on the visibility of the structure. Prefabricated metal buildings shall not be permitted.

XVIII.

FENCE CRITERIA

1. Approval Required. No fence shall be constructed, installed or maintained in the Subdivision without the prior written approval of ARB.
2. Fence Styles and Materials. Any request for a fence shall comply with one or more of the following:
 - (a) Fences shall be limited to a maximum height of six (6) feet (except as provided herein); fence posts, columns, or decorative elements may be up to twelve (12) inches higher than the maximum fence height. The only fences allowed between the front of the house and the street and in front yard setbacks are four (4) foot maximum height of open decorative type such as wood rail, open picket, or wrought iron without any wire backing.

(b) Privacy structures and courtyard enclosures shall be limited to a maximum height of ten (10) feet and must be constructed, installed and maintained in such a manner that they are architecturally compatible in terms of design, materials and color with the main residential structure on the Lot and comply with all front, side and rear building set back lines.

(c) With respect to Lots which have a rear line or side line fronting on a street, or a greenbelt adjacent to a street, the fencing with respect to that portion of the rear yard and/or side yard adjacent to the street (or greenbelt) may be a decorative wood fence or other material of solid or open design to provide for privacy. In the event existing vegetation does not, in the sole opinion of the ARB, adequately screen the fence from street view, additional planting shall be required.

(d) Notwithstanding the foregoing, in no event shall such privacy structures, courtyard enclosures or fences restrict the view of significant vistas such as a pond or lake from adjacent dwellings.

(e) At the sole discretion of ARB, additional planting may be required as a condition to the installation of fences with respect to Lot lines adjacent to greenbelts with cart paths.

(f) There are no setbacks for fences and they may be installed on the property line.

3. Types and Styles Prohibited. No chain link fence (except in conjunction with a tennis court) or wire fence (except in conjunction with a wooden rail fence) is permitted. When used in conjunction with a wooden rail fence, wire backing of galvanized or mill-finished aluminum or any other such material is prohibited.

4. Tennis Court Fencing. The use of chain link fencing surrounding a tennis court is permissible provided the fencing is vinyl coated so as to subdue its galvanized appearance and visibly blend with the natural surroundings. The maximum height of fencing surrounding a tennis court shall be ten (10) feet above grade.

5. Lot Front Orientation. That portion of the fence facing the front Lot line or any street shall be constructed in such a manner that it is architecturally compatible with

the main residential structure in terms of design, color and materials.

XIX.

ENERGY CONSERVATION EQUIPMENT

No solar energy panels, attendant hardware or other energy conservation equipment shall be constructed or installed on the main residential dwelling, the garage or any out building without the prior written approval of the ARB. Among the considerations given by the ARB to the approval of energy conservation equipment will be its determination, in its sole opinion, as to whether the same are an integral and harmonious part of the architectural design of the structure to which such equipment is to be attached.

XX.

LIGHTING

All exterior lighting shall be consistent with the character of the subdivision and be limited to the minimum necessary for safety, identification, and decoration. The source of lighting shall not be visible from streets and other common areas and no color lens or lamps are permitted. No lighting of tennis courts is permitted and seasonal decorative lighting shall be removed no later than two weeks following the actual holiday.

XXI.

MAILBOXES

All mailboxes must be a black standard U.S. Postal Office mailbox, size 1 1/2, and must be mounted on the standard post as approved by the ARB. No variances from this standard will be approved by the ARB.

XXII.

SWIMMING POOLS

1. No above-ground swimming pools shall be permitted.
2. Construction of in-ground swimming pools, including decks or paved areas surrounding any such pool, shall require ARB approval and shall comply with all safety requirements promulgated by any governmental authority, state or municipal, having jurisdiction over such matters.

3. No swimming pool or the amenities associated therewith shall be located nearer than fifteen (15) feet to a rear or side property line, except those Lots with special setback requirements.

XXIII.

RECREATIONAL VEHICLES AND TRAILERS

No trailer, trailer house, camper, boat or recreational vehicle shall be parked on any Lot, except within a garage or enclosure erected in accordance with plans and specifications submitted to and approved by the ARB as required by these Architectural Guidelines. In addition, no automobile, truck, or other motorized vehicle may be kept outside a garage unless such vehicle is operable and has an up-to-date registration. Vehicles may be parked on the street temporarily and for a limited amount of time. The parking of vehicles on any portion of the lawn is prohibited.

XXIV.

APPURTENANT DECORATIONS

Unless approved by the ARB, no decorative or recreational appurtenances including, without limitation, decorative embellishments, trampolines and skateboard ramps, tree houses, deer stands, play houses, swing sets, etc. shall be placed on front lawns or on any area that is visible from main street.

XXV.

AIR CONDITIONING UNITS

Except as may be specifically approved by the ARB, no window air conditioning units may be installed.

XXVI.

SUBMISSION AND APPROVAL

1. No clearing, grading, or other construction shall commence on any Lot nor shall any existing Structure upon any Lot be altered in any way which materially changes the exterior appearance of the Structure or Lot, unless plans and specifications therefor shall have been submitted to and approved in writing by the ARB. Two sets of plans and specifications shall be submitted and shall contain such information as may be reasonably

required by the ARB in the Architectural Guidelines, including, without being limited to:

- (a) A site plan showing the location of all proposed and existing structures on the Lot
- (b) A clearing plan, if proposed clearing exceeds that allowed by Section IV of these Guidelines
- (c) A foundation plan with the correct basement, slab, or crawlspace indicated
- (d) All completed floor plans with heated square footage indicated
- (e) Exterior elevations of all proposed Structures and alterations to existing Structures, as such Structures will appear after all backfilling and landscaping are completed
- (f) Specifications of materials, color scheme, lighting scheme and other details affecting the exterior appearance of all proposed Structures and alterations to existing Structures
- (g) Plans for landscaping and grading, showing tree save locations and plant materials for foundation landscaping

2. Items (f) and (g) of paragraph 1, this section, may be submitted separately but prior to implementation of the construction or improvements covered by said item.

3. Plans and specifications shall be either approved or disapproved by the ARB. If the plans and specifications are approved, one set of the plans and specifications will be returned to the Builder on which the approval of the ARB has been noted. Upon ARB approval, the Development Permit will be issued. If the plans are disapproved, one set of the plans and specifications will be returned to the Builder with a note from the ARB specifying the basis upon which the disapproval is based and, to the extent possible, advising the Builder of the changes to the plans and specifications or requesting additional information from the Builder, which is required before the plans and specifications can be approved.

4. All plans and specifications required to be submitted to the ARB shall be delivered to the following address:

Architectural Review Board
Pathway Communities
200 Westpark Drive/Suite 300
Peachtree City, GA 30269

XXVII.

ENFORCEMENT

The guidelines and the Declaration are an important part of the consideration of Pathway Communities in connection with the sale of any Lot or Lots to a Builder and the ARB, or Pathway Communities, shall have the right to enforce these guidelines and the Declaration by withholding or revoking permits, or assessing monetary fines against any Builder or Homeowner in violation of these guidelines or the Declaration or by bringing injunctive or other legal action in any court of competent jurisdiction. Such enforcement rights shall be cumulative in nature and Pathway Communities shall have the aforesaid rights notwithstanding the fact that it may no longer own any Lot or Lots in the Subdivision. Any fines so imposed and collected shall be retained by the ARB to defray the cost incurred in the enforcement of these guidelines and the Declaration.